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The Struggle for Recognition and Redistribution: On Violent Resistance by Ethnic Minorities in Burma

MSc Political Science - Nationalism, Ethnic Conflict and Development
Thesis

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Abstract

By studying the ethnic conflict in Burma, I will examine Charles Taylor (1994) and the accommodationists' claim that recognition and redistribution of ethnic rights lead to peace in ethnically diverse countries, while the absence of either recognition and/or redistribution inflicts harm on individual or group, and motivate capable ethnic groups to resist. The Burmese constitutions have formally recognised the existence of ethnic groups, and to some extent ensured redistribution of political, cultural and socio-economic rights to ethnic groups. Despite this, however, the country has not yet completely ended the wars of self-determination. By examining ethnic armed groups in two states – Kachin and Shan states – I will show that the Burmese government has misrecognised ethnic groups and not adequately implemented the redistribution stipulated in the constitution. Furthermore, the minorities still witness the majority's endeavors for cultural assimilation which has given enough motivation to capable ethnic armed groups to resist.

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Introduction

Continuing Ethnic Conflicts Despite Recognition and Redistribution

Despite the liberal idea that conflicts are struggles for positional advantages, not driven by cultural differences (Barry, 1998), the importance of recognition for managing ethnic conflict in deeply divided societies is universally acknowledged (Taylor, 1994: 36, Kymlicka, 2005: 22). Recognition is understood as “the formal identification of ethnic groups by name in constitutions or political settlements” (King and Samii, 2018: 290). Recognition alone can hardly end violent ethnic conflict. The accommodationist literature contends that recognition *and* redistribution of ethnic rights together lead to peace in ethnically diverse countries (Gurr, 2000a and 2000b; Horowitz, 2000; Kymlicka, 1995; Lijphart, 1977; Weller and Wolff, 2005).

Gurr (2000a: 59) elucidates the link between recognition with redistribution and peace that by granting status and ethnic rights, central governments can avoid excessive material and social costs of prolonged violent conflict while preventing to lose parts of their territory. By receiving institutional remedies, ethnic groups can protect and promote their shared cultural, political and material interests without pursuing complete independence while preventing themselves from being subjugated or assimilated (Gurr, 2000b: 151-152). In other words, the principle of compromise is likely to settle ethnic conflict by accommodating ethnic groups within a state.

Map 1: Map of Burma/Myanmar¹



¹ Source: International Crisis Group (2018)

In Burma, the eight major ethnic groups with 135 tribes have been formally recognised by the constitutions since independence, which were drawn in 1947, 1974 and 2008, and by the 1982 Burma Citizenship Law. All constitutions and the law clearly acknowledged the minority groups as citizens of the country. However, the 1974 constitution under the military regime did not redistribute ethnic rights, but rather banned all political activity (Taylor, 1987: 303). After intense and prolonged resistance from ethnic groups and demand for democratic governance from the majority Burman group², the government eventually began to move towards democracy such as holding general elections, many ethnic armed groups signed bilateral ceasefire agreements from 1989 to 2009 (Institute for Security and Development Policy (ISDP), 2018: 85-93). Compared to the 1974 constitution, the current constitution drawn in 2008 was a step towards participatory democracy by permitting activities of opposition parties and stipulating some degrees of political, socio-economic and cultural rights for the minority groups (Ytzen, 2014).

However, Burma is still labelled as a country with “the world’s longest civil war” (Watson, 2015; Richards, 2018). After the ceasefire period, ethnic groups started to return to conflicts in 2009. Notably, in 2011, the Kachin Independence Army (KIA), the second biggest ethnic armed group in the country, resumed fighting against the Burmese Army after the 17-year bilateral ceasefire agreement. As the KIA is a leading armed group in the Frontier Areas³, its allies in Kachin and Shan States have also become highly active (International Crisis Group, 2017: 5).⁴ According to the Armed Conflict Location & Event Data Project (ACLED), the number of ethnic

² The majority group ‘Burman’ is also called ‘Bamar.’

³ The “Frontier Areas” is a geographical term that indicates Chin, Kachin, Shan and Karen States. The term will be further discussed in Chapter 2.

⁴ Arakan Army in Kachin State; Ta’ang National Liberation Army and Myanmar National Democratic Alliance Army in Shan State.

conflicts between the Burmese Army (*Tatmadaw*) and the ethnic armed groups has continuously increased especially in the Northern areas after 2011. In 2017, the number of conflicts reached 110, which was around five times higher than in 2012. The most intense clashes took place in Kachin and Shan States. Moreover, many ethnic groups including the Northern Alliance even refuse to accept the legitimacy of the 2008 constitution and lost their faith in the NLD-led government (Weng, 2018). It seems that recognition and redistribution by the constitution and law has not produced a war deterrent effect in Burma. This thesis seeks to answer why the ethnic armed groups in Burma have rebelled despite constitutional recognition and redistribution of ethnic rights. As the 2008 constitution stipulated some degrees of redistribution that the previous constitution omitted and armed conflicts have been intensified after 2009, I will focus on the period after the latest constitution was drawn in 2008.

Cederman *et al.* (2010) indicates that ethnic groups generally go through two steps when they decide to rebel: motivation and an assessment of organisational capacity. In order to discover why ethnic groups rebel, this process hints that it is important to consider what motivated capable groups to resist. The accommodationist literature (particularly Gurr, 2000b: 151-152) argues that the lack of recognition and/or redistribution of ethnic rights is likely to motivate ethnic groups. Therefore, I will inquire if the Burmese central government has properly recognised ethnic groups and implemented redistribution of ethnic rights, and how the ethnic groups have responded to the government's behaviours.

Research Design

I will conduct a multiple case study by considering armed and political ethnic groups in Kachin and Shan States. These states are selected because the ACLED

(2018) identified that there were six active armed political ethnic groups since 2015⁵, five of which were in the two states (see Table 1).⁶ Most ethnic conflicts in the country have taken place in Kachin and Shan states by the five active combatant groups (ACLED, 2018).⁷

In order to answer the question, I will firstly assess how the ethnic groups have been recognised in reality, and how redistribution of ethnic rights has been implemented in Kachin and Shan states. As the 2008 constitution focuses on political, cultural and socio-economic rights, I will consider the minority groups' participation in government affairs, the use of ethnic languages in education, the existence of active socio-economic discrimination based on ethnic background. This will be done by considering data gathered through journal articles, academic books on ethnic conflict in Burma, and reports from international organisations. Secondly, once I discover the lack of redistribution on the ground, I will inquire whether the lack of recognition/redistribution has motivated the ethnic groups in both states to rebel. It will be done by identifying ethnic groups' demands and reasons for their grievances, which are likely to be presented on their official statements, their interviews with media, reportage articles.

⁵ After 2008, there have been 21 sizable armed groups in the country, but 15 of them became no longer active. 8 of the 15 groups signed the Nationwide Ceasefire Agreement (NCA) on 15 October 2015 (Lidauer, 2016). 5 groups signed bilateral ceasefire agreement with the Burmese Army (ISDP, 2018), and the other 2 groups lacked capacity to continue fighting (International Crisis Group, 2017).

⁶ The other group is Arakan National Council (ANC) in Mon State. The intensity of armed conflict between the ANC and the Burmese Army has been so much weaker than in Kachin and Shan States (ACLED, 2018).

⁷ Kachin and Shan states are in the Frontier Areas along with Chin and Karen states. However, the Chin and Karen are not selected because the armed groups in both states also signed the ceasefire agreement in 2015 and no longer active (International Crisis Group, 2018).

Table 1: List of Active Ethnic Armed Groups (*Stratfor Worldview*, 2016; ACLED, 2018)

No.	Name of Armed Group*	Areas of Operations	Number of Troops**
1	Arakan Army (AA)	Kachin State	Unknown
2	Kachin Independence Organisation/Army (KIO/A)	Kachin State, (Northern) Shan State	Approx. 10,000 and 10,000 reservists
3	Myanmar National Democratic Alliance Army (MNDAA)	Shan State	2,000+
4	Ta'ang National Liberation Army (TNLA)	Shan State	4,500+
5	United Wa State Party/Army (UWSP/A)	Shan State	Approx. 30,000 and 10,000 reservists
6	Arakan National Council (ANC)	Mon State	Unknown

* All groups were active as of 5 April 2018 (ACLED, 2018).

** Data were gathered by Stratfor Worldview in 2016.

Chapter Synopsis

Chapter 1 will develop a theoretical framework based on Charles Taylor's (1994) *The Politics of Recognition* for a moral account and the accommodationist approach, mainly Ted R. Gurr (2000a; 2000b). It will then draw the following hypothesis: misrecognition of ethnic groups and/or the lack of redistribution of ethnic rights is likely to motivate formally recognised minority groups to mobilise. Chapter 2 will give historical explanations about why recognition and redistribution have been central issues to the decades-old conflicts in the country. I will also diagnose how ethnic rights are redistributed today. Chapter 3 will address how misrecognition and/or the lack of redistribution, which was generally accompanied by cultural assimilation, has motivated the ethnic armed groups to rebel, and show if the hypothesis is true.

Chapter 1

Theoretical Framework: *The Politics of Recognition* and the Accommodationist Approach

This chapter develops a theoretical framework by combining the concept of recognition discussed by Taylor (1994), in his essay *The Politics of Recognition*, and the accommodationist approach, primarily by Gurr (2000a; 2000b). The accommodationist approach gives ‘political/economic’ explanations for why recognition and redistribution lead to peace. By adding a moral perspective, Taylor’s conception of recognition strengthens the model of the accommodationist approach. The approach focuses heavily on ‘group’ recognition which intrinsically posits differentiated redistribution of ‘individual’ rights based on their sense of belonging to a particular group. Taylor gives a moral justification to focus on groups-based recognition in a diverse society by emphasizing the importance of preservation of group distinctness and prevention of assimilation (1994: 38). Furthermore, he provides the concept of ‘misrecognition’, while the approach only considers recognition and non-recognition. By combining Taylor and the accommodationist literature, the link between recognition with redistribution of group rights and conflict settlement is backed by both moral and political/economic arguments.

The Politics of Recognition

Beyond recognition of 'individuals' based on equal dignity, Taylor (1994) argues that what should be recognised is the unique identity of 'groups', their distinctness from everyone else. The absence of respect for difference, which leads to policies of assimilation into a majority identity, is "the cardinal sin against the ideal of authenticity" (1994: 38). The politics of difference requires equal respect for distinct cultures. Thus, it demands granting acknowledgement and status to uniqueness that is not universally shared, but rather peculiar to others. Furthermore, each culture's uniqueness needs to be accurately acknowledged and cultures should avoid 'misrecognising' others that can brand one's identity in a false or distorted way and thereby reducing mode of being (1994: 25).

Recognition of individuals and recognition of groups, both focus on the principle of equal treatment, seem to come into conflict. The former requires equality of individuals in a "difference-blind" fashion (1994: 40), whereas the latter commands the respect for distinctness, and encourages building particularity. The politics of equal dignity (individual-based recognition) reproaches the politics of difference (group-based recognition) for disrespecting the principle of equality. By contrast, the latter reproaches the former for "[negating] identity by forcing people into a homogeneous mold that is untrue to them" (1994: 43). It means that without respect for difference, the difference-blind principles of liberalism can be in fact "a reflection of one hegemonic culture ... or particular cultures" in a diverse country (1994: 44).

It is not to say that Taylor devalues the importance of the politics of equal dignity, but that these two aspects of recognition are dependent. Attempts to accommodate minority groups can only be justified on the basis of dignity. In a nutshell, equal worth of unique cultures with "full of denunciation of discrimination

and refusals of second-class citizenship” is a premise in interactions between equal cultures (1994: 39).

The Accommodationist Approach

Accommodation essentially demands recognition of more than one ethnic division and preservation of the coexistence of different ethnic groups within a state through redistribution of ethnic rights. Accommodationists insist, “in certain contexts, national, ethnic, religious and linguistic divisions and identities are resilient, durable, and hard” (McGarry *et al.*, 2008: 52-53). It means that segmental divisions are real and any actions that attempt to distort them are likely to fail to manage ethnic conflict because it usually means a political choice that favors the majority group.

Gurr (2000a: 55; see also Cederman *et al.*, 2014) noted that the frequency of ethnic conflict had peaked and declined over the 1990s. He discovered that the wars of self-determination were mostly settled by peace agreements and changes in government behaviour. The changes were a notably increasing attention to the protection of ethnic rights through a reduction of active discrimination based on ethnic lines, and to greater accommodation through “institutional remedies”. By institutional remedies, he meant redistribution of ethnic rights, which ethnic groups could use in order to “protect and promote their collective cultural and political interests” within the state (2000a: 55).

Gurr (2000a: 57) argued that central governments that have faced ethnic conflict were likely to be motivated to implement accommodative policies because of their realization that wars of self-determination were particularly destructive and costly; accommodation through recognising and redistributing funds and ethnic rights were cheaper than the costs of prolonged insurgencies. For the same reason, ethnic

nationalist leaders, who had gone for wars with demands for total independence, were willing to settle for negotiated ethnic rights or cultural autonomy within the state.

Both governing elites and ethnic leaders acknowledge that the material and social costs of endless conflict are excessive (2000a: 59), and that accommodating methods are strategically and politically more beneficial: state can prevent from losing some parts of its territory and population, and ethnic groups can protect and promote their distinct identities and pursue political interests whilst preventing themselves from being subjugated by, or assimilated into, the majority (2000a: 57).

Gurr (2000b: 152) also warns that failure to find a middle ground between the central government and ethnic groups is likely to motivate ethnic groups to fight for “nonnegotiable issues.” Such issues include demand for hegemonic autonomy or complete independence in a national people’s own state so that they can preserve their cultures. According to the approach, in other words, the issues of recognition and redistribution are inseparable for a successful conflict management.

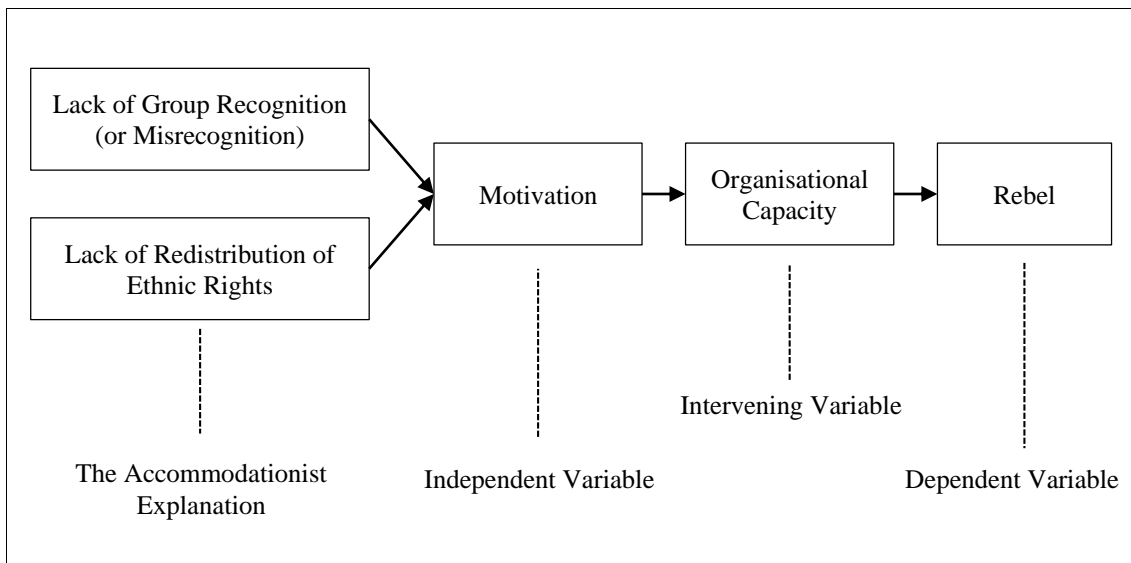
From the Lack of Recognition or Redistribution to Ethnic Conflict

Motivation and Organisational capacity are required to rebel (Cederman *et al.*, 2010: 94-98). Motivation is necessary, but not a sufficient variable to lead to ethnic conflict. Organisational capacity functions as an intervening variable. Such capacity is generally obtained through the demographic size (the number of fighters), resources availability, easiness of mobilisation for leaders, or formation of alliances with ethnic kin (Gurr, 2000b: 66-79). This mechanism indicates that what has motivated capable armed groups is a starting point to inquire causes of ethnic conflict.

Based on Taylor and the accommodationist literature, I hypothesize that misrecognition of ethnic groups and/or the lack of redistribution of ethnic rights has

motivated capable ethnic groups to resist (see figure 1). By ‘the lack of redistribution of ethnic rights’, I mean ethnic groups’ failure in protecting or promoting their cultural values or political interests because of the existence of discrimination along ethnic lines and suppression of cultures.

Figure 1: A Model of An Ethnic Group’s Rebellion



Chapter 2

Recognition and Redistribution of Ethnic Rights in Burma: Past and Present

Since independence in 1948, the Burmese constitutions, first of which was drafted in 1947, and later the 1982 Burma Citizenship Law have recognised seven non-Burman ethnic national groups who are identified with states of the Union within which they make up the majority (Smith, 2005: 262).⁸ In order to discuss the issues of recognition and redistribution in Burma, some historical background is required. This chapter gives a historical explanation for why recognition and redistribution are important for understanding ethnic conflict in Burma. I will then diagnose how the central government has implemented the redistribution of political, cultural and socio-economic rights that are stipulated in the constitution.

Independence and the 1947 Panglong Agreement

In 1947, General Aung San, who was the leader of the Anti-Fascist People's League (AFPFL), the party leading the Burmese nationalist movement, reached an agreement with the British Prime Minister Atlee that two distinct areas where the

⁸ I am aware that classifying people into eight national groups oversimplifies the reality of Burmese diversity. I have also left out the existence of immigrant groups who are predominantly Indians and Chinese. However, understanding Myanmar as a country with the majority Burman group and the seven major minority groups is “ubiquitous in public debates” because of a high level of consensus regarding the necessity of ethnic recognition on a territorial basis of the eight major ethnic groups (Smith, 2005: 262-263).

British had administered – Ministerial Burma and the Frontier Areas – were to be united after independence. However, there was a condition that the people of the Frontier Areas, the land of the Chin, Kachin, Karen and Shan, should agree to be a part of independent Burma (South, 2008: 24-25). From the British perspective, the agreement from the people of the Frontier Areas was crucial because these people had *never* been subjugated by the Burman rules, and thus the areas were initially not to be handed over to the independent Burmese country (Gravers, 1999: 25; Mang, 2012, 170).

Scott (2009: 13-21) also indicates that people in these areas had distinct cultures, languages, and religions from Ministerial Burma. They historically resisted “the projects of nation-building and state-making” by the Burman rules (Van Schendel, 2002: 12), and such resistance was not simply a political, but also cultural refusal (Scott: 2009: 21-22). For this, the British government could not give independence of the Frontier Areas in a way that the new Burmese government had control over these people and their lands without any consent from them.

In February 1947, Aung San and the leaders of the Chin, Kachin and Shan reached an agreement in Panglong where they promised that “full autonomy in internal administration for the Frontier Areas is accepted in principle” (South, 2008: 25).⁹ The Panglong agreement stipulated not only full autonomy of the three ethnic groups, but also their rights to participate in the Union-level politics and rights to preserve their cultures by pursuing a secular country with plurality (Gravers, 1999:

⁹ The Panglong Agreement did not include the other national minorities in Burma. For the Karen, the leaders were divided on the view whether they had to join with Ministerial Burma, but most Karen leaders refused the idea and pursued complete independence. One week before the finalisation of the agreement, they established the Karen National Union (KNU) and went for fightings for 60 years for an independent Karen state (Smith, 2005). The other national minorities were not invited mainly because they were considered unprepared for their self-rules and already as peoples of the land of Ministerial Burma (South, 2008).

41). The agreement was based on “the principle of equality for all nationalities” and “the right of self-determination of all ethnic groups within a democratic federal system (Mang, 2012: 170). The leaders of the three minority groups thus voluntarily agreed to bring their peoples and lands into the Union and decided to commit to the new Burmese country so as also to prevent themselves from being subjugated by the relatively stronger Burman groups (Walton, 2008).

This agreement resulted in drafting the quasi-federal 1947 constitution. The constitution ostensibly ensured some degrees of redistribution of ethnic rights. It stipulated political rights of full autonomy and the rights of succession that ethnic groups could exercise after staying in the union for 10 years (Chapter X, Article 201/202). The constitution clearly had federal elements such as division of powers between the union and the state, but it was not entirely federal. The Ministerial Burma did not have its federal state, but the union was to directly control the area. In other words, the constitution was for an “asymmetrical union [of Ministerial Burma] with a series of satellite states” while providing the satellite states with ‘conditional’ rights of secession (Smith, 2005: 268).

Three months after Aung San won the general election, however, he was assassinated by U Saw, the former Prime Minister of British Burma until 1942 who was left out of the independence process.¹⁰ The subsequent emergence of a nationalist leadership under U Nu, who was a Buddhist nationalist leader of the AFPFL, broke the promise of redistribution of ethnic rights. Under his government, Robert H. Taylor

¹⁰ U Saw often disagreed with Aung San on how to treat the ethnic groups in the Frontier Areas and he boycotted the election. However, the reason for the assassination is still unclear. U Saw was executed in 1948 for ordering the assassination. See Basu (2017) for the disagreement between the two until the assassination.

(1987: 227) indicated that the 1947 constitution only “delineated the federal state, but in reality, provided for a centralized governmental system.”

Suppression of Ethnic Rights

U Nu strongly opposed Aung San’s idea expressed in the Panglong agreement. He considered that recognising ethnic groups and granting certain rights was a threat to national unity (Collin and Martin, 2012: 283). He instead pursued theocracy, trying to make Burma a Buddhist country (Mang, 2012: 171, see also Williams and Sakhong, 2005). By passing the State Religion Promotion Act in 1961, Buddhism officially became the state religion of Burma. According to Myint-U (2001: 247), he was obsessed with theocracy because the Buddhist history had an emphasis on “elite control of manpower as well as on the role of the monarch as patron of Buddhism.” Mang (2012: 172) argues that this philosophy of “state as patron of religion” has been deeply embedded in mind of the successive Burman leaders. For the minorities, this was the first major breach of the Panglong Agreement. It was perceived as not only a religious problem but also a constitutional problem that stopped redistribution of ethnic rights (Sakhong, 2003: 164).

The Kachin responded bitterly to the promulgation of Buddhism as the state religion by starting violent resistance. The Kachin formed the Kachin Independence Organisation and its military wing Kachin Independence Army in 1961. According to Gravers (1999: 57), the formation of Kachin’s ethnic armed group was mainly driven by the fact that they regarded the proposal for Buddhism as evidence of Burmanisation of the country. Burmanisation is a process of “cultural corporatism ... [in which an] imagined Burma has one singular cultural essence, which is embodied

in all individual citizens”, suppressing diverse cultures, languages, religions and social identities (Gravers, 1996: 240). Redistribution of ethnic rights cannot be pursued under a Burmanising regime because Burmanisation is a process for cultural assimilation and making a mono-cultural unitary state. Therefore, the more the government aims to Burmanise the country, the more lack of redistribution of ethnic rights is expected to be observed.

The efforts for Burmanisation became more apparent after General Ne Win seized power in 1962. The military government believed that it was the military’s job to protect “the unitary country” from disintegration (South, 2008: 28). Since then, the successive Burmese governments aimed to Burmanise. The military governments forcefully suppressed all individuals and groups’ political rights, religious freedom, and the use of ethnic languages in the public affairs (Smith, 2005). The 1974 constitution under the military regime strictly prohibited all political activity (Taylor, 1987: 303-309).¹¹ As a result, civil society was “murdered” by the Burmese government (Steinberg, 1999: 8), and “the state has constructed a ‘traditional’ public life that places Burman culture at the core and links other cultures together around the periphery” (Cheesman, 2002: 217).

The identity of Burman-ness was also explored by the Burmese historian Tun Aung Chein (2004: 19-20) indicating that “the creation of Burma nationhood was ... projected back into the historical past ... It conceived of the Burman centre from the Bagan dynasty ... as the one centre of Myanmar nationhood without taking into account other *equally* valid political and cultural centres [emphasis added].” To be a Burman was to have a first-class citizenship; to be a minority group was to have a

¹¹ Chapter I Article 11 of the 1974 constitution: “The State shall adopt a single-party system. The Burma Socialist Programme Party (BSPP) is the sole political party and it shall lead the state.”

second-class citizenship. In short, ethnic groups in Burma have been historically denied their rights of self-determination immediately after the independence of the country.

Misrecognition and the Lack of Redistribution of Ethnic Rights Today

As noted in introduction, the latest 2008 constitution was drafted based on more democratic principles, clearly acknowledging the existence of ethnic groups and stipulating some degrees of redistribution of ethnic rights. Despite this, I have found that the minority groups were still misrecognised. Furthermore, I have also discovered that the misrecognition of ethnic groups generally went along with the lack of redistribution of socio-economic, cultural and political rights. In more serious situations, the lack of redistribution was also accompanied by assimilation into the majority Burman culture – Burmanisation.

In 1989, the military government announced that it was willing to recognise the existence of distinct minority groups within the Union by changing the name of the country from Burma to ‘Myanmar’ by passing the Adaptation of Expressions Law. The junta claimed the change of the country name was proposed to call the country with the name that it had had before the British rule, which better represented all peoples and groups in the country. However, the terms ‘Burma’ and ‘Myanmar’ are in fact interchangeably used. Cockett (2015: 82) indicates, “Myanmar and its derivatives [are] totally alien words which [are] redolent only of the language of the dominant ethnic group.” In other words, the name of the country itself does not fully represent or recognise the existence of distinct ethnic groups within the country. All ethnic groups were excluded from the decision-making process, and most ethnic

groups have refused to call the country 'Myanmar' because the use of this name would mean the acceptance of the legitimacy of the successive junta (Dittmer, 2010).

The country name shows non-recognition of the minority groups. Furthermore, the minority groups in the Frontier Areas are misrecognised. By exploring official textbooks used in schools, Cockett (2015: 84) noticed that students were taught in a way that the majority Burman group and the other minorities, especially the ones in the Frontier Areas, were not equal. The books introduced the Chin as "backward and uncivilized people", the Kachin as "barbarians in the mountainous areas", the Karen as "separatists" or "disloyal people", and the Shan as "drug people." Their identities, Christianity, the major religion for the Kachin, Karen and Chin, was described as an "alien creed" or as an inferior foreign religion, while Buddhism was portrayed as a heroic Burman kings' religion (2015: 85).

The fact that non-Burman people have negative connotations produce disadvantages to the minority people in pursuing their well-being because their misrecognised images are, in public, considered as a handicap that they have to overcome to become a part of the nation (Walton, 2008). Cockett (2015: 85) also discovered through interviews that even majority Burman people felt that they were "brainwashed", and most people "remained brainwashed". He further suggested that education, which was strictly under the government control, was deliberately designed to foster students' "Burman-ness" (2015: 78-79). The control of education was firstly done by the forceful closure of all Christian schools and the expulsion of foreign-born teachers in the early 1960s. Since then, students can only attend government-run schools where the use of ethnic languages is strictly forbidden (Steinburg, 2001). It shows again that the minority people are systematically handicapped in pursuing their prosperity as they have a second-class citizenship. Such

status reflects the lack of redistribution of socio-economic ethnic rights, which is stipulated in the 2008 constitution as follow:

The Union shall assist to promote socio-economic development including education, health, economy, transport and communication, so forth, of less-developed National races (Chapter 1 article 22c).

Regarding redistribution of cultural rights, the constitution stipulates:

The Union shall assist (a) to develop language, literature, fine arts and culture of the National races; (b) to promote solidarity, mutual amity and respect and mutual assistance among the National races. (Chapter I Article 22a/b)

The Union recognises Christianity, Islam, Hinduism and Animism as the religions existing in the Union. The Union may assist and protect the religions it recognises to its utmost. The abuse of religion for political purposes is forbidden. (Chapter VIII Article 362/363/364)¹²

In order to overcome disadvantages, the minority people most commonly changed their names from ethnic languages to a Burmese one and/or converted their religion to Buddhism. (Cockett, 2015: 84). This process is particularly destructive for sustaining the country's ethnic diversity, diminishing the principle of respect for difference. Cockett (2015) concluded that it was *impossible* for the minority peoples to join any levels of the government bureaucracy because the Burman-dominant government saw the non-Burman people disloyal to the Union, and the Burmese government was highly Burmanised.

¹² Article 361 gives special recognition to Buddhism as “the faith professed by the great majority of the citizens.”

The dominance of the Burman in the government enabled the majority Burman to more effectively exploit natural resources in the Frontier Areas, especially in Kachin State which possess one of the most abundant gemstones in the world (Dean, 2003). Stokke *et al.* (2018: 46-47) discovered that ceasefire between the Tatmadaw and the Kachin Independence Army always brought intensified extraction of natural resources in Kachin State with an unfair distribution of revenues. Sadan (2016) also indicated that a large amount of natural resource extraction was followed by large-scale revenue grabbing by the military and their cronies. The Kachin could not compete with mega-companies from not only the Burman but also from China. This means that the Kachin have not only lost control over natural resources but also have become workers for the non-Kachin (Wilson, 2007: 278-281). Mang (2012: 178) describes the Kachin's circumstance as "new slaves in the homeland of their ancestors."

Considering the ground conditions that I have outlined, it is hard to say that redistribution of cultural and socio-economic ethnic rights is implemented. Systematic discrimination against the groups in the Frontier Areas made people to face the spear of forced assimilation. The sense of second-class citizenship forced the minority people to give up their identities or genuine beings to survive within the nation. Socio-economic development in minority states including education and economy seem incompatible with the interests of the Burman as these factors have been used as major tools to Burmanise the country.

Regarding redistribution of political rights, the 2008 constitution seems to be a more federal-minded draft by building a multi-tier administrative structure, making 14 administrative sub-national divisions (seven Regions and seven States) and each has a

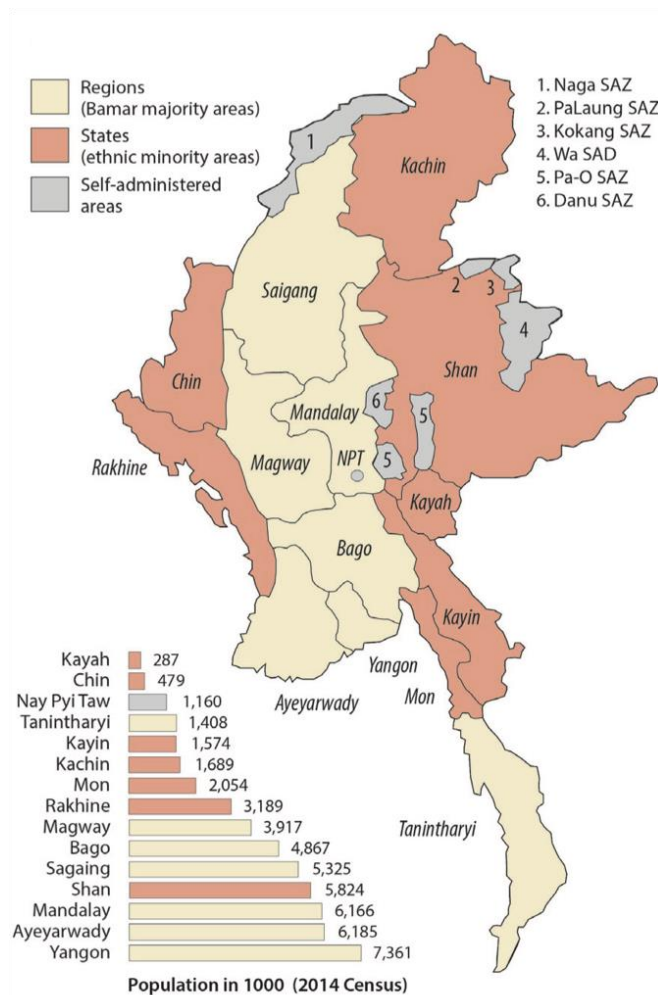
Region or State assembly.¹³ The constitution also established Self-Administered Areas for “national races with a suitable population” and they are governed by a Leading Council, in which the military is also integrated (see Map 2) (Lidauer, 2014: 78-81).¹⁴ Ethnic representatives are constitutionally entitled to participate in legislature of Regions/States and Self-Administered Areas concerned in order mainly to undertake their national race affairs (Chapter I, Article 15 and 17c).

Map 2: Sub-national Administrative Map of Burma¹⁵

¹³ Regions and States have no institutional differences. The Region/State division is made based on the supposition that the populations of Regions are predominantly the Burman, and States are predominantly minority groups (Lidauer, 2014: 79).

¹⁴ Self-Administered Areas comprise one division (Wa) and five zones. Wa is called division because of the relatively bigger size with six townships while zones have 2-3 townships (Lidauer, 2014: 79).

¹⁵ Source: Stokke et al. (2018: 3).



However, the minorities signaled that they were still unhappy with the political rights they had particularly because of the excessive power that the constitution reserved for the Tatmadaw. The constitution includes military personnel, nominated by the Commander-in-Chief, in the executive of all levels of the government (Chapter I, Article 17), and it guarantees 25% of the seats for the military in the House of National Legislature and the House of Regional and State Legislature (Chapter I, Article 14 and Chapter IV, Article 141b). This gives a veto power to military because the constitution also requires approval of the minimum of 75% of the Union Parliament for any constitutional amendment (Chapter XII, Article 436a). It means that ‘unelected’ actors from the majority Burman can always participate in all

levels of politics and influence on ethnic-related policies (O'Hara, 2015). The Kachin Independence Organisation considers this nature of the Burman domination undemocratic and makes peace dialogues more difficult to be successful, as one of the officials said, "Democratic governments talk, they don't fight with the people" (Transnational Institute, 2011: 6).

Chapter 3

From the Lack of Recognition and Redistribution to Ethnic Conflict: Rebellion in Kachin and Shan States

Recognition is incomplete in Burma. The Kachin and the Shan are still misrecognised and the minority peoples still suffer from the lack of redistribution of ethnic rights. As discussed earlier, ethnic groups decide to rebel through the process of motivation and capacity assessment (Cederman *et al.*, 2010). In this chapter, I inquire if misrecognition and the lack of redistribution outlined in Chapter 2 provided enough motivation to the ethnic armed groups in the two states.

Ethnic Armed Groups' Organisational Capacity

The ethnic armed groups in Kachin and Shan States already have a large number of troops.¹⁶ Furthermore, Arakan Army, Kachin Independence Army, Myanmar National Democratic Alliance Army and Ta'ang National Liberation Army have formed the "Northern Alliance" on 20 November 2016 to fight against the Tatmadaw. They have around 30,000 troops including reservists. United Wa State Army in Shan State alone have around 40,000 troops including reservists, and they have also worked closely with the Northern Alliance. Although the ethnic groups often condemned for disproportionate attack by the Tatmadaw, they have been

¹⁶ See table 1 (p.6)

capable to conduct defensive operations in the states (Laoutides and Ware, 2016: 59-61).

Regarding the easiness of mobilisation, the 2015 Asian Barometer Survey (ABS) tells us that the vast majority of the people of the minority groups in Burma felt that they have experienced institutionalised discrimination, and they were not optimistic about having peace negotiations between the central government and minority leaders. The results show that 73% of respondents from the minority backgrounds answered that peace negotiations would not bring genuine protection of minority rights. It means that the people in minority states generally regard the peaceful method as less effective than violence, and ethnic leaders expect a higher number of potential recruits and easier mobilisation (Welsh and Huang, 2016: 268).

Ethnic Conflict in Kachin State

A spokesperson of the Kachin Independence Army's statement clearly expresses their demands and reasons for resistance.

We continue to emphasize Panglong because that was where we signed a formal agreement with the Burmans ... when they breached the Panglong agreement, they tried to occupy our land and dominate and control us. We are still asking for Panglong to be honoured, but if they do not recognise Panglong, the land should revert to pre-Panglong terms, which did not put the land automatically into the Union. (quoted in Laoutides and War, 2016: 55)

In 2018, the new chair of the Kachin Independence Organisation also said:

Oppression, inequality, and the broken promises of the 1947 Panglong agreement were reasons for the Kachin rebellion ... A durable peace is possible only when all the ethnic groups are included in the negotiations

and achieve the right of self-determination, self-autonomy and self-defense for their respective states. (quoted in Lawn, 2018)

According to the statement and the new chair's speech, the return to the Panglong seems to be the main demand from the Kachin. Since the spirit of the Panglong agreement was the voluntary federal agreement between equals, the Kachin demand to ensure regional autonomy that they can protect and promote their political and material interests as well as cultural values.

In 2013, the Kachin Independence Army also said:

The Burman elite adopted the role of big brother, taking on the responsibility and burdens of the minorities in a patron-client sort of relationship to help them develop. The Burmans invited the minorities to come under their umbrella, and they are meant to be pleased with this — but the ethnic minority leaders want to be patrons in their own right! The Kachin elite's grievance about inequality is not so much regarding inequalities in citizenship or development, as in position and roles in governance (quoted in Laoutides and Ware, 2016: 55).

This statement suggests that the Kachin has been treated as a sub-ethnic group of the Burman. The first-class citizenship always means to be a Burman. The statement particularly mentions about the lack of redistribution of political rights by indicating that the Kachin has experienced political discrimination. This implies that the Kachin feel they have not enough political autonomy or power to protect and promote their interests and cultural values.

There is another evidence that the Kachin Independence Organisation's rebellion is to fight for redistribution of political rights. In 2013, a representative from the technical assistance team office of the armed group said:

The President, whenever he visits other countries, mentions the peace process. Sometimes he says that the armed struggle is due to extreme nationalists who have economic interests ... [and] he thinks if foreign direct investment increases, the armed groups will be satisfied and that they would be inclined to give peace a chance. His speech does not reflect the real situation. Armed struggle is not about money, it's not because we don't have any food to eat, it's about political struggle, and to retain our rights and to get others their rights. (quoted in Jaquet, 2014: 22)

This statement directly says that political rights are not redistributed to the Kachin, the political rights promised in the Panglong agreement. It also supports Gurr's (2000a) argument that the decline of the frequency of ethnic conflict was not driven by other positive trends such as national economic growth, but primarily by the change of government behaviours towards a more accommodative stance. This statement can be interpreted in a way that the armed group is motivated to resist until the government changes its attitude to a more accommodative way by redistributing political rights to ethnic groups thereby establishing a federal union that the ethnic groups are accommodated, not assimilated. The sentence, saying that they do not fight for food, also implies that the group has enough capacity in material terms to resist.

Gun Maw, General in the Kachin Independence Army also said:

[The 2008 constitution] is the main thing ... the Tatmadaw [is] not willing to amend [the constitution] ... there are many individual rights, but no collective rights and no equality ... that is why we want to amend [and] include equality for all people and their collective rights as ethnic groups ... What the KIO has been striving for is to lead with equality under a federal-based system ... If the military changes its behaviour, we will change our policy right away. (quoted in Tickner, 2017)

His comment is in line with Taylor's emphasis on group recognition. In an ethnically diverse country, focusing solely on individuals in a difference-blind fashion is only a reflection of a particular culture (1994: 44). He seems to believe that a federal-based system is a way to promote group rights, and it is possible by amending the constitution and remove unelected military's political participation. As mentioned, the military has been involved in all levels of politics and restrict regional autonomy, for example by putting ethnic armed groups directly under the military's (the Burman's) control. Given the characteristics of the constitution that it reserves military's political power, Lidauer (2014: 83-84) also discovers that amending article 436 that requires approvals from 75% in parliament for constitutional amendment is a priority from the ethnic parties' view point.

A statement by the Kachin Independence Organisation in 2017 once again stated:

We, Kachin communities, call upon ... the NLD government to replace the 2008 constitution and fully commit to the creation of a genuine Federal Union, enshrined in the 1947 Panglong agreement. (quoted in *Progressive Voice*, 2017)

The Chief of Arakan Army also said:

The army always justifies its actions by using the 2008 Constitution as a shield. It would always say its actions are in line with existing law. The army has proposed branding us as a terrorist organization in the Parliament. And it continues using that term though the Parliament didn't approve it. It is unlawful to do something that is not approved the Parliament, but the army does it anyway ... There is little cooperation between the government and the army. (quoted in Pwint, 2017)

The return to the 1947 Panglong agreement was repeatedly used in statements and interviews. It implies that the Kachin are willing to fight to remove the Burman rules that suppresses their political and cultural rights and prevent from being assimilated. Arakan Army's comment further indicates that they are misrecognised as 'terrorists' by the military and the parliament has not tackled the use of the term. It shows that the Kachin has little hope for the civilian government to tackle military's undemocratic power as even the constitution functions as military's tool. The Kachin's struggle is for recognition as the Kachin, and for redistribution of ethnic rights to promote "Kachin-ness." Overall, Laoutides and Ware (2016: 60) concluded, "recruitment and community mobilization ... appear to be primarily driven by the desire not to be governed by the Burmese state, or subject to its chauvinistic control and cultural assimilation."

Ethnic Conflict in Shan State

Ta'ang National Liberation Army (TNLA) is one of the most active non-state armed groups in Shan State, and they take actions with a large support from the Kachin Independence Army. According to the Palaung State Liberation Front (PSLF), the political wing of the TNLA, the objectives of rebel force are as follow:

- (a) To obtain freedom for all Ta'ang nationals¹⁷ from oppression;
- (b) to form Ta'ang full autonomy that has a guarantee for democracy and human rights;
- (c) to oppose and fight against dictatorship and any form of racial discrimination;
- (d) to attain national equality and self-determination and;
- (e) to establish a genuine federal union that guarantees autonomy. (quoted in Keenan, 2015: 1).

¹⁷ The Ta'ang people are a minority ethnic tribe found in Shan State.

Similar to the Kachin Independence Organisation, this statement is also suggestive that the TNLA demands for full autonomy in order to protect themselves from ‘racial discrimination’ and to promote equality and self-determination. This demand can be rephrased in the accommodationist terms that the armed group desired to have institutional remedies to protect and promote their political interests (discrimination and national equality) as well as cultural values (self-determination).

A letter from the PSLF/TNLA to the central government in 2016 said:

[The TNLA] shall never lay down arms or renounce arms, at any time or under any circumstance. For political security, regional security, economic security, cultural security, developmental security etc., [the TNLA] shall firmly stand up and defend, at all. (quoted in PSLF, 2016)

The letter implies that the group would fight for political, socio-economic and cultural security (rights) at all costs. It further clarifies what it means by such rights:

The 1947 Panglong agreement had achieved the unity of the States and Proper Part of the country and had given birth to the Union of Myanmar. However, as the promises and pledges of Panglong were broken, the country cannot struggle out of the more than half-a-century long civil war ... The writing of a federal constitution [should] be based [on] Sovereign Power; Equality; Self-determination; Federal Principles; Minority Rights; Democratic Rights, Basic Human Rights and Gender Equality; Secular State; and Multi-party Democratic System ... The self-determination rights of the states are to be recognized and it is necessary for them to be able to exercise power, in practice. Every state should get fully the rights to maintain, protect and manage its own land, natural resources, nationality, culture and traditional practices. (quoted in PSLF, 2016)

The letter clearly emphasises the demand for a federal constitution, the return to the 1947 Panglong agreement. By demanding self-determination, federal principle, democratic rights and multi-party system, it seems that the PSLF/TNLA wants to remove military' influence on politics and set up a political relationship between the center and the state in a federal structure with active ethnic parties that are not restricted by the Tatmadaw. By demanding for a secular state, the letter addresses the lack of respect for religious difference, giving a special recognition to Buddhism. As outlined earlier, discrimination along cultural lines has been generally accompanied by cultural assimilation into the Burman group in order for people to overcome disadvantageous status. The letter clearly says that such discrimination functions as a motive for resistance. Furthermore, it also addresses their economic rights by claiming the control over their lands and natural resources. It means that the constitution should not give ultimate ownership of resources to the central government (Chapter I, Article 37).

The Commander of TNLA said to the CNN:

We felt we were slowly being weeded out and in danger of seeing our ethnicity disappear ... The only way to protect [our] community is to have [our] own army. (quoted in Watson, 2015)

For the Commander, inaction to the discrimination and oppression from the Tatmadaw was considered as a way for ethnic disappearance. It shows that they believe that physical resistance is a way to keep their identity and the only way to demand their rights.

A Statement in 2015 by the Myanmar National Democratic Alliance Army (MNDAA) that has never been invited to a peace talk from the central government also says:

The attempt is a duty to be carried out by every oppressed nationality not to let their ethnicity vanish and to achieve their birthrights. This kind of crises cannot be avoided in any country that is founded with ethnic nationalities as long as their affairs are not properly resolved ... [we] urge that the government recognise the MNDA as it does the other ethnic armed organizations and immediately end the armed crisis and that a political solution be prioritized using the nationwide ceasefire negotiations. (quoted in Ethnic Nationalities Affairs Center, 2015)

The MNDA expressed that they were not recognised. It shows that they are eager to be recognised as a distinct group and to negotiate issues related to redistribution of ethnic rights. Based on the problem of nonrecognition, the MNDA issued a joint statement with the Kachin Independence Organisation and the TNLA stating:

The [Tatmadaw] has been assaulting to destroy all political and military struggles of the ethnic peoples because they have no will to solve Myanmar's political problem by politically peaceful negotiation methods ... We will respond accordingly if the [Tatmadaw] tries to give us more military pressure ... All this happens because the government had left out some of the armed groups in the peace process. (quoted in *Radio Free Asia*, 2016)

The statement clearly shows that the MNDA along with the Northern Alliance resist in accordance with the behaviour of the Tatmadaw. As the accommodationist literature argues that the changes of the central government's behaviour towards an accommodative stance are likely to lead to peace, the ethnic groups also demand for the changes of the majority Burman group, especially the Tatmadaw. The statement indicates that the groups resist because of the government's

unwillingness to negotiate with ethnic groups regarding recognition and redistribution of rights.

In summary, the ethnic groups in Kachin and Shan States commonly claimed that they still witness misrecognition or nonrecognition and the lack of redistribution of ethnic rights. They particularly emphasised the lack of political rights such as restricted power by the undemocratic actor, the Tatmadaw. Therefore, the return to the 1947 Panglong agreement was the major demand from the ethnic groups so that can enjoy self-determination and regional autonomy. From the accommodationist view (Gurr, 2000b: 151-152) that ethnic groups need institutional remedies in order for them to protect and promote their unique identities and interests, the return to the 1947 Panglong agreement seems to be a legitimate demand as it is a way to be peacefully accommodated within the union. The ethnic groups repeatedly said that would fight against the Tatmadaw until they obtain redistribution of rights stipulated in the 1947 Panglong agreement, and it is safe to say that the lack of recognition/redistribution motivated the capable armed groups in both states.

Conclusion

Utilising the theoretical framework based on Taylor's (1994) conception of recognition and the accommodationist approach, I have shown that the link between recognition with redistribution of ethnic rights and peace is strongly valid concerning the ethnic conflicts in Burma. Both Taylor and the accommodationist literature contend that the lack of recognition or misrecognition and/or the lack of redistribution of ethnic rights result in damaging individual or groups. From the accommodationist views, the absence of redistribution of ethnic rights, or failure to find a middle ground would motivate capable ethnic groups to violently resist. This view was also valid in the case of Burma. It was primarily because the lack of redistribution (sometimes with misrecognition) was typically accompanied by cultural assimilation, damaging the existence of culture and the country's ethnic diversity. I have found that the minority leaders in the Frontier Areas have had strong interests in preserving their culture, religion, language and rights over their natural resources through ensuring their self-determination and regional autonomy because they had never been under the Burmese rules before the colonisation. The return to the 1947 Panglong agreement was the major issue for which the ethnic groups demand. In short, Taylor's conception of recognition and the accommodationist account give a useful theoretical tool to understand the causes of ethnic conflict in Burma.

As for the limitations of this study, I shall admit that I have focused solely on the causes of conflict at the current stage, meaning that I overlooked the anticipated

implications of recognition and redistribution. As Horowitz (2000) suggests that formal recognition may entrench ethnicity as a political cleavage, and inequality may run along such cleavages (Gurr, 2002). Therefore, the argument that misrecognition and/or the lack of redistribution of ethnic rights trigger ethnic conflict does not necessarily mean that recognition and redistribution – shortly accommodation – always leads to lasting peace in divided societies. The purpose of this thesis is to explicitly disclose the recognition that the minority groups in Burma desire, and to suggest an underlying cause of the conflict today in reference to *The Politics of Recognition* and the accommodationist literature.

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