

# THE RISE OF PRIVATE INDIRECT GOVERNMENT IN BURMA

**Ken MacLean**

The concept of human security, commonly defined as both “freedom from fear” and “freedom from want,” emerged in the early 1990s, largely in response to the challenges globalization posed for traditional understandings of sovereignty in the post-Cold War era.<sup>1</sup> Proponents of the new paradigm argued that state-centric approaches to security, while not unimportant, were insufficient in an era characterized by a dramatic and often destabilizing increase in flows of people, goods, and services—many of them illicit—across national boundaries.<sup>2</sup> Instead, they advocated for a more flexible, proactive approach, which placed the basic needs of ordinary people rather than those of states at its core. While this paradigm has become quite popular, especially among those who support an integrated, rights-based approach to human development, it has also proved to be very difficult to implement, especially in cases where the primary cause of “want” and “fear” is the state itself.

This has long been true in the case of Burma, where the military has ruled the country in one form or another since 1962. Indeed, many experts are concerned that the country as a whole is on the verge of humanitarian collapse after nearly five decades of inept, kleptocratic, and frequently brutal authoritarian rule.<sup>3</sup> The most extreme forms of this rule can be found in the country’s border regions, where successive campaigns against different armed groups, many of them opposed to centralized rule by the ethnic majority, have militarized many, though not all, of these

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**Ken MacLean** is an assistant professor of international development and social change at Clark University. He is the author of “Sovereignty after the Entrepreneurial Turn: Mosaics of Control, Commodified Spaces, and Regulated Violence in Contemporary Burma,” in *Taking Southeast Asia to Market: Commodities, Nature, and People in a Neoliberal Age* (Cornell University Press, 2008).

formerly “non-state” spaces.<sup>4</sup> These campaigns, which have been widely documented by human rights organizations, have displaced hundreds of thousands of people and contributed to the flight of as many as two million more to Thailand alone. In fact, conditions in these still contested regions are now so dire that the United Nations Special Rapporteur on Human Rights recommended in March 2010 that the body create a commission of inquiry to investigate whether the military regime, currently known as the State Peace and Development Council (SPDC), is guilty of war crimes and crimes against humanity.<sup>5</sup>

Despite this record, the “international community” remains sharply divided over what should be done. Indeed, the terms of the debate have hardly changed since the military regime’s violent crackdown on unarmed demonstrators in 1988, which claimed several thousand lives and its subsequent decision to disallow the results of the 1990 elections. (The National League of Democracy, nominally headed by Aung San Suu Kyi, won 392 of the 492 seats.) These events prompted some governments to impose significant sanctions on the regime, many of which remain in place today. Others, by contrast, opted to maintain ties with the regime in the hopes that continued engagement would bring about constructive change. Since the terms used in these debates are rarely commensurate—they reflect dramatically different ethical positions as well as assumptions about the relationship of economic growth to political liberalization—each side tends to dismiss the claims of the other as being either naïve or amoral.<sup>6</sup> In the meantime, ordinary Burmese have continued to suffer.<sup>7</sup>

Of course, this impasse is not entirely reducible to the debate over the possibilities and limits of constructive engagement. Nonetheless, the continued preoccupation with these concerns has badly constrained our ability to imagine other possible solutions to the crisis that, although unfolding inside Burma, has long posed a threat to the entire region’s stability due to the regime’s documented involvement in human trafficking, weapons smuggling, opium cultivation, methamphetamine production, and money laundering, among other illicit activities.<sup>8</sup> To move beyond this impasse, it is therefore necessary to recognize that both approaches have failed to achieve their intended goals. Sanctions have not fully isolated Burma from the outside world. Nor has constructive engagement resulted in greater respect for human rights norms or the rule of law by the regime’s military or civilian personnel. Instead, each approach had undermined the overall

effectiveness of the other since they were implemented concurrently and with little coordination. The significance of this is two-fold. First, it has meant that efforts by different segments of the “international community” to positively shape events inside Burma have inadvertently contributed to greater rather than less “fear” and “want” throughout the country. Second, this trend has not affected everyone in Burma; indeed, a range of actors—some part of the regime, others not—have benefited greatly from the opportunities that the contradictory mix of sanctions and investment offered for those in a position to take advantage of them. The remainder of this essay outlines why this has been the case.

## THE ENTREPRENEURIAL TURN

Since 1989, the military regime has brokered more than two dozen cease-fire agreements with armed opposition groups across the country, most of which were organized along ethnic lines. While the ceasefire agreements did little to resolve the political disagreements animating different armed struggles, they nonetheless served a tactical purpose. Armed groups that “returned to the legal fold” (i.e. publicly acknowledged the legitimacy of the regime) were able to retain some administrative control over large and frequently discontinuous pieces of territory as well as the populations and resources within. In exchange, the ceasefire agreements made it possible for the regime’s armed forces (*tatmadaw*) to concentrate its counterinsurgency operations in a steadily decreasing number of areas around the country where large-scale armed opposition still existed. Together, these related processes have dramatically enlarged the amount of territory the SPDC could realistically claim to exercise permanent authority.<sup>9</sup>

By the mid-1990s, the regime’s efforts to further consolidate its control over these former conflict zones shifted from a wholly militarized approach to one that placed greater emphasis on “economic development.” While state-sponsored initiatives in the country’s remote border regions formed a crucial component of this new security strategy, the regime increasingly relied upon joint venture agreements to help revitalize the country’s economy, which had badly stagnated during three decades of centralized state control known as the “Burmese Way to Socialism” (1962–1988). However, the move toward a more market-oriented economy did not signal an official

endorsement of the values and practices associated with neo-liberalism, which were then being adopted across much of Southeast Asia.<sup>10</sup> The flirtation with the marketplace was instead prompted by a series of trade and investment sanctions some western governments and international financial institutions have employed since 1988 to punish the regime for its failure to respect the rule of law and basic human rights norms. Unfortunately, attempts to isolate Burma economically and thus, create conditions for “regime change” have failed to produce their desired effect. Instead, the sanctions have ironically strengthened the military regime by forcing its personnel to diversify their existing business interests and to develop new ones more quickly than might have occurred otherwise.

One consequence of the entrepreneurial turn, which affected all levels of the regime, was the rapid conversion of previously contested spaces into commodified ones where large-scale resource extraction could openly take place. While the precise details of the ceasefire agreements the regime separately negotiated with different armed groups have never been public, a growing body of data suggests that the number of joint ventures extracting gems, precious metals, minerals, tropical hardwoods, and other valuable resources dramatically increased in each of the former conflict zones immediately after a ceasefire was declared. Significantly, most of these joint ventures were not formally registered companies; rather, they were ad hoc entities that opportunistically linked military and commercial interests together in a particular place, though rarely on equal terms. Typically, these entities partnered members of different *tatmadaw* field battalions, different ceasefire groups, state-owned enterprises, and local entrepreneurs, especially those with access to foreign capital via transnational personal networks. Such strategic alliances, while not unique to Burma, nonetheless assumed a specific form in this context due to the pressures the regime faced at the time. Moreover, the very conditions that contributed to the proliferation of joint ventures in the ceasefire areas made it impossible for any one entity to monopolize the resources in a given enclave.

Three processes, all of which reinforce one another, account for this state of affairs. First, due to budgetary and ideological reasons, the regime requires all of its field battalions to be as economically self-sufficient as possible. This policy, introduced in the early 1990s, has encouraged the battalions to engage in a diverse array of activities to fund their operating expenses, which minimally include food, ammunition, and pay packets for

the soldiers under their command. Of these activities, joint ventures are among the most lucrative since they allow the battalions to collect various rents (such as extra-legal taxes and protection fees) in addition to a percentage of the commodities extracted. Second, decades of counterinsurgency operations have resulted in the extensive militarization of Burma's border regions. There are, for example, more than 200 infantry battalions presently deployed on or near the country's eastern border.<sup>11</sup> Due to the density of these deployments, battalions frequently find themselves seeking to exploit the same limited number of economic opportunities in order to finance themselves. Third, most of the extractive enclaves in the ceasefire areas contain several different kinds of resources, so concessions devoted to one commodity often overlap spatially with others, which results in shifting forms of competition and collusion between the ad hoc joint ventures.

Over time, these practices have produced a curious paradox that complicates conventional understandings of sovereignty, which still privilege a state's monopoly over the legitimate use of force within a territory. On the one hand, the resource concessions have helped the regime to expand its military, administrative, and economic reach into areas of the country where it previously had little or none. On the other hand, the resource concessions have simultaneously undermined the regime's ability to exercise *centralized* control over these same areas since the joint ventures are able to divert a considerable portion of the resources they extract (rents as well as primary commodities) to members of their respective patron-client networks, group, or locality. Both processes have not only intensified efforts by the joint ventures to claim what remains of Burma's natural "capital" before someone else does, but accelerated the devolution of sovereignty into competing networks of authority and accumulation, which cross-cut the regime's civil and military bureaucracy at some moments and bypass them entirely at others.

## THE EMERGENCE OF PRIVATE, INDIRECT GOVERNMENT

These outcomes are, of course, not unique to Burma. Achille Mbembe, in his work on the banality of power in contemporary Africa, observed that many sub-Saharan states underwent rapid and often violent de-linking

from the formal global economy during the 1980s and 1990s as a consequence of government policies, structural adjustment programs, and/or armed conflict—often related to and sustained by primary commodities, such as tropical hardwoods, gold, diamonds, oil, and coltan.<sup>12</sup> New links formed in their place, reconnecting some parts of these states to the informal global economy, but not others—an uneven and spatially discontinuous process that further fragmented state authority. The result, he explains, was the emergence of competing forms of “private indirect government,” which both required and perpetuated the need to use violence in the place of the law to control resources, extract rents, and appropriate other sources of economic value from others.<sup>13</sup> These broad similarities suggest that much could be gained from comparative studies, which explore the extent to which these patterns are shaped, at least in part by the legacies of (British) colonial rule across different post-colonial settings. But for that to be possible, further micro-level research is needed to document what actually occurred in particular times and places.

Toward this end, my discussion below summarizes some of the key findings from a series of clandestine fact-finding missions that researchers from EarthRights International (ERI) and the Karen Environmental and Social Action Network (KESAN) carried out between 2001 and 2005 in Nyaunglebin District, in the eastern part of the Pegu Division.<sup>14</sup> Further research is planned to document changes since then, especially in light of the military offensives conducted in the study area from 2006 onwards; however, the intent at the time was to assess if and how the emergence of “private indirect government” in Burma was connected to what I have termed the “entrepreneurial turn” more generally.

With this in mind, researchers conducted rapid rural appraisals in Nyaunglebin District, particularly Shwegyin Township, to gather details on the dynamics of the conflict, which involved several different armed groups and its effects in terms of the number and location of villages destroyed, relocated, or abandoned since the 1970s. These details were analyzed in conjunction with current information compiled by other respected organizations (e.g., the Thai Burma Border Consortium, the Karen Human Rights Group, and the Free Burma Rangers) to identify historical patterns of forced migration in the district. Researchers also carried out semi-structured interviews with a wide range of Burmese from different ethnic backgrounds that resided and/or worked in the extractive enclaves,

including: local businessmen, soldiers, and migrant laborers involved in mining and logging activities as well as horticulturalists, rattan harvesters, charcoal producers, and petty traders. Where possible, internally displaced persons (IDPs) who fled these areas for more remote ones in the rugged mountains to the east, toward the western boundary of Karen State, were also interviewed.

Taken together, these patterns reveal that counterinsurgency campaigns were not antithetical to the pursuit of profit; quite the contrary, as resource exploitation did not stop during three previous waves of large-scale, regime-sponsored violence against civilian populations in Nyaunglebin District during 1975–1982, 1988–1990, and 1997–1999. Rather, resource exploitation continued and, in each case, expanded in both size and scale immediately after the forced relocations ceased. More strikingly, the forced relocations also tended to occur in areas where valuable natural resources were located. This suggests that economic interests helped shape tactical concerns, a conclusion I provide further evidence to support below.

Interestingly, the developments in Nyaunglebin District were originally made possible by events elsewhere. A series of ceasefire agreements reached in Shan State between 1994 and 1996 enabled some local entrepreneurs, many of them linked to different armed groups, to import hydraulic mining equipment from the People's Republic of China, purportedly using capital borrowed from investors in Singapore. The new technology, coupled with armed backing, helped a relatively small number of ad hoc joint ventures to consolidate gemstone mining (primarily rubies and sapphires) in and around Mogok in Mandalay Division in north-central Burma. Shortly afterwards, thousands of small-scale miners suddenly found themselves transformed into day laborers after these joint ventures seized their claims, most often by extralegal means. As one former miner explained, "The people may own the land in Mogok, but we don't get any benefits. It's like the deer that has many fawns, but the tiger will always get them. Here, the tiger is the military. Mogok people don't want to stay anymore because of the conditions." Beginning in 1995, a number of these miners, who are largely of Shan or Chinese descent, migrated to Shwegyin in Nyaunglebin District, approximately 700 kilometers to the southeast, where they have since gained control of the gold mining operations there with the help of local businessmen, *tatmadaw* field battalions, and one of its key proxies, the Democratic Karen Buddhist Army. In the process, the

miners have helped reproduce the very conditions that forced their initial departure, but this time upon the Sgaw Karen, who form the ethnic majority in this latter region.

These events, which I have described in great detail elsewhere, evince similar patterns of enclosure and displacement despite significant differences in the commodities extracted, the history of armed conflict in both locales, and the ethnic populations within. While many of the similarities can be attributed to the underlying logic of “primitive accumulation,” which organizes extraction in the mining concessions in common ways, the field data also reveals how the forms of regulated (i.e. non-lethal) violence the ad hoc joint ventures utilize in both enclaves generate different outcomes for the populations subjected to them. In some cases, these practices reinforce existing ethno-racial hierarchies, which privilege ethnic Burmans over others while in others, they blur them.<sup>15</sup>

But in no case do these practices reflect regime-led efforts to reorganize national spaces or to “graduate” the rights afforded to those who work within different zones, as has occurred in other parts of Southeast Asia where states selectively link some of their territory and populations to global circuits of capital.<sup>16</sup> Although a number of such extra-territorial zones exist in Burma, they are few in number and, with the notable exception of the Yadana Natural Gas Pipeline, not essential to the regime’s economic survival. Instead, the practices at work in the vast majority of the country’s extractive enclaves produce complicit subjects who participate in economic practices that destroy the very ecosystems they depend upon for their cultural as well as economic survival. Several examples follow to more fully illustrate the varied forms of “private indirect government” found in the extractive enclaves located in and around the Shwegyin river and its tributaries: the Matama, Oo Pu, Tinpa, Kyopak, Maezi, Meala Pu, and Boekahta.

The primary driver of the “resource fatalism” found in these enclaves is, of course, militarization. Between 1999 and 2005, four separate *tatmadaw* battalions established 17 new army camps and 25 relocation sites to control displaced populations forced to reside nearby. (At the time the study was completed in 2005, the relocation sites held approximately 7,900 people, while another 13,400 were estimated to be in hiding in mountainous areas.) These camps permit the *tatmadaw*, which maintains a Strategic Operations Command outside the town of Shwegyin, to carry out tactical operations



in the surrounding mountains. When not on patrol, companies and platoons drawn from these battalions provide security for the Kyauk Naga Dam, being built on the Shwegyin River, and the mining and logging concessions found nearby.

### **Rents and Non-Lethal Violence**

Since the SPDC requires the *tatmadaw* to be as economically self-sufficient as possible, an elaborate system of rent collection has emerged in and around these concessions, which different state-owned enterprises, ad hoc joint ventures, and other armed groups unofficially lease from them (see Table 1). These rents include a wide range of extra-legal taxes on commodities, passage through the area, and all income generated in the concessions. As one local resident explained, “I had to pay so many taxes that I had to start logging to survive.”<sup>17</sup> Security fees are also levied as are a number of different permit requirements to extract resources, to employ laborers, and to provide them with food and other services. These revenue streams have produced a number of interesting effects on the forms of government found in the concessions.

First, “private indirect government” has helped regulate the violence used in them. This is not to suggest human rights abuses no longer occur; they do; however, abuses tend to be non-lethal in nature and designed to enforce particular forms of labor discipline among the workers. Second, the incidence of forced labor, still commonplace outside the concessions, has largely been replaced by wage labor within them, as this generates another revenue stream. Third, since the members of each platoon are able to keep whatever rents they can extract after meeting their monthly payments to their commanders who, in turn, are expected to contribute a portion of these funds further up the chain of command, there is a strong incentive to extract as much as is possible before rotating out of the concessions. This practice, since it promotes competition among different units within the same battalion as well as between the different battalions stationed in Shwegyin over a finite amount of money, food, and labor, has further eroded the human security of those who work in the concessions or still reside nearby. As one Karen farmer whose livelihood was under constant threat due to these demands puts it, “We live in their hands. If they kill us, we will die. If they keep us alive, we will live.”<sup>18</sup>

Table 1: Selected Rents Extracted in the Mining Concessions, Shwegyin Township (2004–2005)

Collected By	Type	Amount (Kyat)
<i>Tatmadaw</i> units	Security fee for mining companies	1,000–20,000/month
<i>Tatmadaw</i> units	Tax for small business operators (tea, video, karaoke, and casino/brothel)	400/night
<i>Tatmadaw</i> units	Security fee for small business operators	1,500–3,000/shop/month
<i>Tatmadaw</i> units	Residence tax for miners and dependents	700/person/month
<i>Tatmadaw</i> units	Travel fee to enter and to exit concessions	500 per person (valid one week to one month)
<i>Tatmadaw</i> units	Security fee for landowners near mining sites	1,000–2,000 per owner a month
<i>Tatmadaw</i> units	Permit fees for firewood collection	3,000/person/month
Mining company	Scavenging fee	2,000–3,000 per person a day to search tailings for gold
High-ranking military officials and businessmen	Lease fee for mining on private property	Landowner retains 60 percent of all gold extracted
<i>Tatmadaw</i> Battalions	Tax on miners employed by company	1,000/miner/month
Division 77 Headquarters	Concession fee (separate from amount paid to the Department of Mines)	100,000/month
Division 77 Headquarters	Rental fee for hydraulic equipment (goes to the “Division Fund”)	100,000–500,000/machine/month (Varies by productivity of site)
Southern Command	Permission fee paid by battalions to collect the above	500,000 per month

These patterns described above are significant on a number of levels. Most obviously, they indicate that even small enclaves can generate substantial streams of revenue for mid-level military officials, local businessmen, and other persons involved in different extractive industries. Less obviously, but more importantly, these same patron-client relations reveal the extent to which “private indirect government” has simultaneously extended and fragmented centralized rule. Militarization of the area has increased and intensified mining, logging, and the extraction of other commercially valuable forest products; however, it has not resulted in improved access to health care, education, or other services related to the overall security of those in the region. Quite the contrary, the extractive practices described here have consumed not only the physical and economic well-being of those who live in the study areas, but the very ecosystems they depend upon for their long-term survival. As another Karen farmer turned logger put it, “When the next generation is asked where their parents lived, they will not be able to say anything because the land will have been destroyed and there won’t be anything left to show them.”

## CONCLUSION

The case study outlined here raises a number of important issues—among them, the possibility that the binaries that have long informed popular understandings of the ongoing violence in Burma no longer hold, indeed if they ever really did. This is not to suggest that the political aspiration of different ethnic “nationalities” have disappeared or that state-sponsored forms of forced assimilation (commonly known as “Myanma-ification”) have declined; rather, it is to note that access to and control over different kinds of natural resources—some licit, others not—have *always* played a crucial role in the forms of “private indirect government” found in Burma’s border regions, many of which long predate the entrepreneurial turn. The most important of these involves the use of regulated violence to extract primary commodities and to discipline the ethnically diverse populations found in the concessions. Over time, these practices have fostered the growth of multiple networks of regulatory authority and wealth accumulation based on the continued redistribution of primary commodities, rents, and other assets across political, economic, and cultural boundaries.

Consequently, the military regime's ability to exert centralized control over the concessions and the sub- and transnational networks they sustain has paradoxically grown both stronger and weaker.

Greater attention to these actually existing forms of government thus offers one way to critically rethink the history of insurgency and counterinsurgency in post-colonial Burma which, although it must include ethnicity, is nonetheless not reducible to identity politics.<sup>19</sup> Recognizing this point is particularly urgent in light of the upcoming elections scheduled for later this year. While no one expects them to be free or fair, the process will inevitably result in some changes, including unanticipated opportunities to enhance the human security of those in Burma. But for this to be a possibility, state and non-state actors genuinely concerned with the country's future need to rethink their existing policies on sanctions and engagement, as these have contributed to the very problems outlined here. Indeed, the long-standing preoccupation with "regime change" by one means or another has led us to neglect the extent to which the contradictory mix of sanctions and engagement have already changed the regime, albeit in ways few of us anticipated or desired. Clearly the time has come to move beyond either/or positions on this debate to pursue flexible, yet principled approaches that strategically address the urgent humanitarian needs of the ordinary Burmese as well as provide alternatives to the unregulated destruction of the country's ecosystems.

## NOTES

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13. Mbembe, *On the Postcolony*, 78–79.
14. See EarthRights International, *Capitalizing on Conflict: Logging and Mining in Burma's Cease-Fire Zones*. (Washington D.C.: ERI and Karen Environmental and Social Action Network, 2003); EarthRights International, *Turning Treasure into Tears: Mining, Dams, and Deforestation in Shwegyin Township, Pegu Division, Burma* (Washington D.C.: ERI, 2007), <http://www.earthrights.org/publications>.
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