

Ethnic Armed Conflict and Territorial Administration in Myanmar

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The Asia Foundation



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Kim Jolliffe is an independent researcher, specializing in security, development, and humanitarian affairs in Myanmar. The author would like to thank everyone who contributed to this study, including the many members of armed organizations and political parties who took time to provide so much valuable information. He is particularly grateful for the input from a wide range civil society, literature and culture, and religious organizations, who will remain anonymous but are doing so much great work in conflict-affected rural areas of Myanmar. This report has benefited significantly from the generous feedback given by numerous international specialists, including Martin Smith and Tom Parks, and The Asia Foundation's Kim Ninh and Matthew Arnold.

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Preface

Power to administer territory lies at the crux of Myanmar's multiple protracted ethnic armed conflicts. Conflicts have been long fought over roles in governance at the local level and have been driven by long running disputes surrounding relevant constitutional arrangements. Not surprisingly, these issues are also at the heart of the ongoing negotiations over a national ceasefire agreement and political dialogue.

In light of this situation, The Asia Foundation commissioned this research to examine the administration systems of ethnic armed actors and how they relate to those of government, in order to contribute to a more informed analysis and discussion of the political geography in contested areas. What this initial research highlights is the complex layers and exceptional diversity of local public administration in Myanmar's contested areas which have evolved over decades. Much more analytical work is needed on a range of challenging issues that will have to be accounted for if Myanmar's peace process is to progress. In particular, there is a need to deepen understandings of how communities in contested areas engage with various institutions of government and administration systems, and the ramifications that this will have for the peace process. We hope that the Foundation's research agenda, of which this paper is a part, will make a useful contribution.

This research paper is authored by Mr. Kim Jolliffe, an independent researcher who specializes in security, development, and humanitarian affairs in Myanmar. This report was generously funded by the United Kingdom's Department for International Development (DFID). The opinions expressed in this report are solely those of the author and do not necessarily reflect those of DFID or The Asia Foundation.

Dr. Kim N. B. Ninh
Country Representative, Myanmar
The Asia Foundation

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Glossary of Terms

Term	Definition
<i>Border Guard Force (BGF)</i>	A special unit of the Tatmadaw (Myanmar Armed Forces) that is led by a Tatmadaw commander and made up primarily of troops from a former ethnic armed group. There are 23 Border Guard Force units, each with a different number from 1001-1023.
<i>Ceasefire territory</i>	A general term referring to different types of territory held by armed groups as a result of ceasefires. Between 1995 and 2007, a number of ceasefires were signed through which armed groups were given autonomous or semi-autonomous territories, similar to Special Regions, but not named as such.
<i>Ethnic Armed Actor</i>	A broad term referring to all armed actors explicitly associated with ethnic nationalities, including: state-backed militia, border guard forces, opposition groups that maintain ceasefires, and those that are actively fighting with government forces.
<i>Ethnic Armed Group</i>	Specifically referring to ethnic national opposition groups which maintain ceasefires, or are actively fighting with government forces.
<i>Ka Kwe Ye (KKY)</i>	A term given to state-backed militia that were established between 1962 and 1973.
<i>People's Militia</i>	A generic term for various types of state-backed militia established from 1973 onwards, ranging from village-level groups with only a few dozen troops to those with more than one thousand troops, and control over large territories. These units, which in Burmese are called <i>Pyithu Sit</i> (ပြည်သူ့စစ်), include some groups that were established by the state from scratch, and others that were formerly ethnic armed groups or factions of ethnic armed groups.
<i>People's Militia Forces (PMFs)</i>	A contemporary term for a specific type of People's Militia that since 2010 has had a more formal status, under the authority of the Tatmadaw. In the Burmese language, they are known officially as <i>Htar-nay Pyithu Sit</i> (ဌာနပြည်သူ့စစ်), which translates roughly to "regional" or "local" people's militia. However, for reasons unknown to the author, "People's Militia Force" has become the most common English term, and thus is used here.
<i>Self-Administered Area</i>	An administrative unit that under the 2008 Constitution has been designated for specific "national races" (meaning officially recognized ethnic groups). This is the generic umbrella term from the 2008 Constitution for both Self-Administered Zones and Self-Administered Divisions.
<i>Self-Administered Division</i>	The larger of two types of Self-Administered Area. The only current example, the Wa Self-Administered Division, consists of six townships.
<i>Self-Administered Zone</i>	The smaller of two types of Self-Administered Area. All current examples comprise between two and three townships.
<i>Special Region</i>	A loosely defined territory designated to a specific armed group as part of a ceasefire deal between 1989 and 1994. The level of autonomy practiced in such regions varies.
<i>"Hostile" claim to territory</i>	A term invented specifically for this study referring to instances where military force is used by an armed group to seize or maintain access to territory and to administer local populations.
<i>"Tolerated" Claim to territory</i>	A term invented specifically for this study referring to instances where ceasefire conditions have led the Myanmar security forces to informally permit an armed group access to territory, allowing it to administer local populations.
<i>"Accommodated" Claim to territory</i>	A term invented specifically for this study that refers to instances when armed actors openly cooperate with the state in return for access to territory and permission to administer local populations.

Acronyms

AA	Arakan Army
ALP	Arakan Liberation Party
BGF	Border Guard Force
CNF	Chin National Front
CPB	Communist Party of Burma
DDR	Disarmament, demobilisation and reintegration
DGA	Department of General Administration (of the Kachin Independence Organization)
DKBA	Democratic Karen Buddhist Army until 2012. Presently, the Democratic Karen Benevolent Army
DNDP	Danu National Democracy Party
GAD	General Administration Department (Of Myanmar Ministry of Home Affairs)
IDP	Internally displaced person
KAD	Karen Agriculture Department
KDA	Kachin Defense Army
KED	Karen Education Department
KIO	Kachin Independence Organization
KKY	<i>Ka Kwe Ye</i> (state-backed militia units in the 1960s and 1970s)
KMT	Kuomintang (Chinese nationalist movement)
KNDA	Karenni National Defense Army
KNG	Kayan National Guard
KNLP	Kayan New Land Party
KNPDP	Karenni National Peace and Development Party
KNPLF	Karenni Nationalities People's Liberation Front
KNPP	Karenni National Progressive Party
KNPP	Karenni National Progressive Party (Hoya)
KNSO	Karenni National Solidarity Organization
KNU	Karen National Union
KPC	Karen Peace Council
LNDP	Lahu National Development Party
LORC	Law and Order Reconciliation Council
MNDAA	Myanmar National Democratic Alliance Army
MP	Member of Parliament
NCA	Nationwide Ceasefire Agreement
NCCT	Nationwide Ceasefire Coordination Team
NDA-K	New Democratic Army (Kachin)
NDA	National Democratic Alliance Army – also known as <i>"Mongla"</i>
NMSP	New Mon State Party
NNC	Naga National Council
NSCN-IM	National Socialist Council of Nagaland – Isak Muivah
NSCN-K	National Socialist Council of Nagaland - Khaplang
PMF	People's Militia Force
PNA	Pa-O National Army
PNLO	Pa-O National Liberation Organization
PNO	Pa-O National Organization
PSLF	Palaung State Liberation Front
PSLO	Palaung State Liberation Organization (renamed to Palaung State Liberation Party in 1986)
PSLP	Palaung State Liberation Party (PSLP) (previously called the Palaung State Liberation Organization (PSLO) 1976-1986 and the Palaung National Front 1963-1976)
RC	Revolutionary Council (of the post-1962 military government)
RCSS	Restoration Council of Shan State
SAA	Self-Administered Area
SAD	Self-Administered Division
SAZ	Self-Administered Zone

SLORC	State Law and Order Restoration Council
SSA	Shan State Army
SSNA	Shan State National Army
SSNPLO	Shan State Nationalities People's Liberation Organization
SSPP	Shan State Progressive Party
SSR	Security sector reform
TNP	Ta'ang National Party
UNLD	United Nationalities League for Democracy
USDP	Union Solidarity and Development Party
UWSP	United Wa State Party
WDP	Wa Democratic Party

Note on terminology used:

The contemporary names for states, regions, townships, rivers and other geographical markers used in this report are all taken from the Myanmar Information Management Unit, as these are the most familiar to international actors. These terms are often based on official government designations, but as the government itself varies in its Romanisation of some place names, there is no absolute standard, particularly for the names of townships.

The names used for organisations (as above) are those found to be the most commonly used in the English language but the author was unable to verify the official translation of all with the organisations themselves.

Executive Summary

Rural and mountainous areas across many of Myanmar's non-Bamar regions are contested by multiple governance actors with overlapping claims to territory, including: the Myanmar government and armed forces, countless state-backed ethnic militia, and dozens of opposition ethnic armed groups. Many of the varied ethnic armed actors have much deeper relations with local communities than the state does,¹ and in numerous cases, have been the only administrative authorities of these regions in the country's history. Very few of their territories have clearly agreed borders, and none are sanctioned officially by law or in the constitution.

While, out of necessity, successive governments have continued to tolerate or even accommodate the role of ethnic armed actors in subnational administration, they have persisted in attempts to design the state around their particular ideal vision of "the Union", rather than in coordination and compromise with subnational actors. This has resulted in an ongoing failure to establish constitutional arrangements that truly reflect power relations and political realities on the ground. One of the key challenges that must be addressed in the current peace process, therefore, is the nature of subnational administration in these contest areas.

Given this challenging environment, The Asia Foundation carried out research in 2015 to examine and compare *de jure* and *de facto* administration systems in Myanmar's conflict-affected areas, and how they relate to longstanding disputes over constitutional arrangements for subnational governance. This report seeks to provide a better understanding of the complex political geography in contested areas, and highlights how challenging it will be to achieve a political solution to conflict. This is of particular importance to international actors, given the heightened interest in supporting the peace process and increasing levels of humanitarian and development assistance to conflict-affected areas.

A short history of administration, demarcation and conflict

Myanmar was envisioned by its principal founders as a "Union" of multiple nation-states that had not been fully unified in history. While the conception of Myanmar's ethno-linguistic groupings as "ethnic nationalities" was largely a product of colonialism, their foundations are rooted in a much longer history of distinct cultural and linguistic groups having separate forms of political organization. As a result, multilateral disputes have persisted since before independence about which ethnic groups get their own "state", how those states should be demarcated, what level of autonomy they should have, and to which other institutions they should be answerable.

Following the example of the defeated Myanmar kings, the British colonial administration made a sharp distinction between more manageable and profitable lowland areas, and the less tractable mountainous areas in the periphery. In the latter—where political organization ranged from the tribal, mostly village-level, societies of the hill-based Karen to the large and relatively advanced governance systems of the Shan—local leaders were allowed to maintain near total autonomy in return for tax payment and professed loyalty to the British Empire. Meanwhile, administration in mostly lowland 'Ministerial Burma' was systematically centralized, limiting the authority of local power-holders.

At the same time, the British began to formulate more rigid categories of ethnic groupings, leading to the emergence of terms such as Karen, Kachin, and Karenni to represent collections of closely related, but previously uncategorized, ethnic and linguistic lineages. The British also began endowing ethnic

¹ Ethnic armed actors is used throughout this research brief to refer to both state-backed ethnic militia and opposition ethnic armed groups collectively.

groups such as the Karen, whose members previously had little or no authority under the former Myanmar king, with positions of administrative and military power.

After the Second World War, discussions began on the formation of an independent “Union” that would integrate the distinct—but not altogether separate—colonies of Burma,² which by then were linked to Rangoon in a variety of muddled ways. The priority for most non-Bamar leaders was to gain independence whilst retaining “self-determination” through the right to secede if they so chose, and the autonomy to administer their territories without undue “Union” interference. From then on, debates around the structure of the Union centered on the recognition of eight main ethnic groups—the Bamar, Shan, Mon, Karen, Kayah (Karenni),³ Kachin, Rakhine (Arakanese), and Chin—despite the existence of countless other ethnic nationalities, some of which had larger populations than these eight.

Grievances related to the first constitution saw the country descend into war in 1948, its first year of independence. In the 1960s, the non-violent “Federal Movement” began, initiated by the Shan State government and former Shan princes, and later including leading politicians from most non-Bamar nationalities. In the midst of the negotiations between these leaders and the central government, the military seized power in 1962, later pronouncing that ‘the most important reason’ for the coup was to avoid the ‘chaos’ of potential federalism.⁴ The 1960s and 1970s then saw the emergence of powerful Shan and Kachin armed movements, while the Communist Party of Burma was able to take firm control and implement the first-ever centralized administration system across large swathes of northern Myanmar. Despite not amounting to secessionist demands,⁵ attempts by ethnic armed groups to claim autonomy through military resistance were, in turn, repeatedly met with further centralization of the state, creating a cyclical security dilemma.

Throughout 49 years of military rule, armed conflict continued in Myanmar’s non-Bamar regions, as successive regimes further centralized all functions of government, and ethnic armed actors established autonomous enclaves in their areas. Given the inability of the state to defeat these groups entirely, over time, it began to tolerate and even accommodate some of their territories, largely to subdue their efforts to transform official government structures. From the 1960s onwards, the government did this by providing autonomy and economic benefits to a number of armed groups willing to become officially subordinate militias. From the late 1980s, ceasefires were signed that allowed dozens of groups to maintain arms while gaining territories of varying autonomy, despite their continued political opposition to the state.⁶ Meanwhile, particularly in the southeast, a smaller number of ethnic armed groups continued to fight and were able to maintain administration systems in their strongholds, as well as less consolidated “guerrilla” areas. The result was an acute disconnect between subnational administration on paper and in practice in these areas.

² By this time these included “Ministerial Burma”; the Federated Shan States; the nominally independent Karenni States; and the Kachin, Chin, Salween, and various other, “hills districts” which were divided into Part I, and more integrated Part II “Excluded Areas”.

³ While the varying terms used for all of these groupings merit further discussion, it should be noted that the government uses the term “Kayah” for the umbrella group of multiple nationalities, whereas nationalists from the group itself emphasise that “Karenni” is the umbrella term, and that the Kayah are just one of the major sub-groups.

⁴ Smith (1999), p. 196. It has also been argued that this was largely a guise for General Ne Win to seize power—see Smith (1999), pp. 196-197.

⁵ Particularly between 1945 and 1962, a key demand of ethnic movements was to reserve the *right to secession* of their territories to ensure their self-determination (as was provided for Shan and Kayah States in the 1947 Constitution), but none of these groups actually made outright attempts to secede. The exception has been Naga leaders who have consistently argued that they are not part of Myanmar or India at all, but because of that, they are also not a secessionist movement.

⁶ There were actually more than 30 ceasefire agreements signed during this period, though many saw the groups transform into various forms of militia, rather than remain in opposition.

Since a new Union government was established in 2011, Myanmar has seen its most intense armed conflicts in decades, as longstanding ceasefires have broken down on its northern border with China, despite a handful of new ceasefires being signed in the southeast and west. In the same period, under the 2008 Constitution, subnational administration in government-controlled areas has undergone a degree of decentralization. Thus far, however, these changes have failed to appease demands for local autonomy by the country's myriad ethnic armed actors. The result has been a highly complex political geography in which official government structures represent just one of many forms of governance in non-Bamar areas. The new and reignited conflicts in the north demonstrate the extreme fragility of the present territorial arrangements.

The official system: subnational governance under the 2008 Constitution

The 2008 Constitution re-introduced state/region governments across the country, which are led by centrally appointed chief ministers and a small cabinet of line ministers. However, these ministers do not have ministries, but instead more loosely supervise and coordinate the activities of certain departments of Union-level ministries. The departments they can influence cover just a few governance areas, which are outlined in Schedule Two of the constitution. Meanwhile, affairs such as security, education, and natural resource management continue to be handled by Union-level ministries, with no significant local oversight.

Furthermore, all government departments at state/region level 'have been almost entirely dependent on the support of the General Administration Department [GAD], a branch of the military-led Ministry of Home Affairs.'⁷ At the same time, a number of committees established by the present government—but not mandated by the constitution—have provided space for a degree of community representation in subnational governance. However, the extent to which these are made inclusive is largely at the discretion of local GAD offices.

The 2008 Constitution also provides for six self-administered areas (SAAs) for specific ethnic groups, all of which are considered minorities within their state/region but a majority within specific townships.⁸ The SAAs are nominally under the authority of "Leading Bodies", which are made up of elected MPs,⁹ military appointees,¹⁰ and representatives of other minorities within the SAA. The SAAs are particularly significant because the leading bodies include a majority of locally elected officials, and because they provide a basis for addressing the issue of minorities within states assigned to other groups.

The political dynamics affecting each of the SAAs vary greatly and have had very different impacts on local conflicts. In 2010, the Pa-O, Palaung and Kokang SAAs all saw former armed rebels whose groups have formed state-backed militia elected to positions in their leading bodies. While the Pa-O SAA has seen increased stability and development, the other two have been riven by fresh conflicts between the Tatmadaw (Myanmar Armed Forces) and other ethnic armed actors that remain in staunch opposition. Meanwhile the largest SAA, that for the Wa, is barely functioning, because it continues to be ruled by the powerful United Wa State Party (UWSP). The UWSP maintains authority over the area through residual provisions of its 1989 ceasefire agreement.

Even where the SAAs have been successfully established, members of the leading bodies have reported that their level of influence is extremely limited, particularly due to the dominant role played

⁷ Nixon et al. (2013), p. 69.

⁸ Five of these are called self-administered zones (SAZs), consisting of two or three townships and one is a self-administered division (SAD), consisting of six townships (see all the SAAs listed in Table 5 of the full report). See also Constitution of the Republic of the Union of Myanmar (2008), Article 56.

⁹ This includes all the MPs elected to the state/region assemblies in those constituencies (two per township).

¹⁰ Military representatives must constitute one fourth of the body's total.

by the GAD. However, for some local leaders, autonomy is not their key aim, and they view the system positively as it gives local actors an official platform through which to cooperate with the government on certain issues and has improved local development.

Beyond the official system: armed actors' claims to territorial control and administrative access

This research has established three main categories of claims through which Myanmar's ethnic armed actors have gained and maintained control or influence over territories: 1) "hostile claims", where military force is used to seize or maintain access; 2) "tolerated claims", where ceasefire conditions have led the Myanmar security forces to informally permit access; and 3) "accommodated claims" where armed actors openly cooperate with the state in return for access.

"Hostile" claims are primarily achieved through defensive guerrilla tactics, such as the use of landmines and ambushes. This allows active armed groups to secure stable strongholds in some mountainous border areas, and to gain an upper hand throughout much wider rural regions, while the Tatmadaw is confined to roads, towns and key economic sites.

"Tolerated" claims include ceasefire territories that were formally agreed in the 1980s and 1990s but not enshrined in written agreements. This category also includes post-2011 ceasefire territories that have emerged as a result of looser agreements about areas where ethnic forces are allowed to carry weapons.

"Accommodated" claims have been achieved by ethnic armed actors willing to form state-backed militia and cooperate with government administration. The larger of these groups tend to maintain parallel—often complementary—administration structures of their own, and in some cases have formed or joined official political parties. The militia themselves have taken numerous forms over the years. In 2015, the most prominent are 23 "Border Guard Forces" and a fewer number of "People's Militia Forces", of which many used to be rebels. There are much greater numbers of smaller "People's Militia", which are often established at the village or village tract level by the Tatmadaw, and consist of just a few dozen troops.

These dynamics demonstrate that while no ethnic armed actors have fully mandated, official duties in subnational administration, their governance of populations is not simply a product of armed conquests either. At the same time, very few of their territories have clearly established borders, meaning that in most cases they influence—even to the point of fully governing—populations in areas they do not fully control militarily.

The lack of stable and clearly mandated territorial arrangements in contested areas places a great burden on communities, leaves ceasefire areas highly vulnerable to renewed conflict and provides no basis for comprehensive governance, economic, rule of law or other reforms. This also means that international aid agencies are unable to maintain stable access and relations or to commit to supporting long term programs in a given region. There is an associated risk that such international support will push ahead in contested areas but only with the backing of the government, and may inadvertently intensify tensions.

Ethnic armed actors and subnational administration in 2015

Most ethnic armed actors have their own detailed constitutions and administer their areas with systems akin to those of one-party states. They establish their own demarcation and mapping systems, often with little or no resemblance to those of government. Most have multi-tiered hierarchies with administrators and associated committees for each administrative territory (e.g. district, township,

village tract etc.) and at the central level. In some groups, leaders are elected from below, from within the organization or by communities. In other cases, leaders are appointed from above by the central command. These administration systems also typically have line departments, structured like government ministries for key areas of governance such as revenue or education. These departments may only exist at the central level, working through general administration committees for each area, while in other instances, they are assigned to all levels. Although the systems of election vary greatly, this basic form of governance, where a central ‘administrative’ authority for each area coordinates all other governance departments, is notably similar to that of government’s GAD.

Southeast Myanmar

Following 67 years of ethnic armed conflict, new ceasefires in Karen areas of southeast Myanmar remain extremely fragile, as do the resulting territorial arrangements. Meanwhile, rapid development is taking place and the government is expanding its administration into newly accessible ceasefire areas.

The Karen National Union (KNU) governs populations across many mountainous parts of Kayin, Bago (East), Tanintharyi and Mon. It signed a ceasefire in 2012 but has no officially mandated territory through these agreements. Its areas of influence include both military strongholds and much wider rural areas where its army has just a guerrilla presence. In the latter, the KNU has often maintained closer relations with communities than the state has, by providing social services and a degree of centralized authority. In recent years, the KNU has begun formally reinstating its governance system in areas controlled by the Democratic Karen Benevolent Army (DKBA) as a result of improved relations between the two groups. In numerous areas, the KNU and DKBA’s access to territory overlaps considerably with that of the Tatmadaw and 13 Karen Border Guard Forces (BGFs).

At the crux of the KNU’s governance system are administrative committees for each of seven locally defined districts, 28 townships therein, and every village tract and village. These committees are each led by a chairperson, and are elected through congresses of representatives from the level below. As such, communities select village chairpersons,¹¹ who then select representatives for village tract congresses. Village tract congresses then elect village tract chairpersons, who select representatives for township congresses and so on, up the hierarchy. These upwardly elected committees are thus instrumental in electing the organization’s leadership, and are also the primary administrative bodies, holding considerable executive power. The KNU’s armed wing, the Karen National Liberation Army, has automatic representation at each level too, but is subordinate to elected officials.

The KNU and DKBA’s influence over rural territories has come under increasing pressure since ceasefires were signed due to the expansion of government administration, largely through development. In particular, nine government-designated “sub-townships” (now officially called “towns”) in heavily contested parts of Kayin State have been earmarked for development, and have attracted a dominant share of the state’s international aid. In other areas, large numbers of displaced persons are returning to KNU- and government-controlled areas near the frontiers of conflict, but have had their rehabilitation hindered by a lack of clear authority in some areas.

Further south, the New Mon State Party (NMSP) has controlled Mon State’s small border with Thailand and another patch of territory on the Mon-Kayin border with near total autonomy since its 1995 ceasefire with the government. Its administration system is similar to that of the KNU, except its

¹¹ It is uncommon for the KNU or DKBA to interfere greatly in the selection of village heads. While some villages have election systems, it is not uncommon for a single person to put himself or herself forward without contestation, dependent only on the approval of elders and educated persons.

party—thus the body that elects its leadership—is separate from the administration system.¹² In Kayah State and neighboring Pekon Township in Shan State, the major ceasefire groups are the Karenni National Progressive Party and the smaller Kayan New Land Party, while other territories are controlled or influenced by around half a dozen state-backed militia, including two BGFs.

All across the southeast, communities remain subject to multiple authorities, with parallel systems of governance that have varying degrees of formality. Without a coherent unitary system of governance for these territories or clear demarcations to separate them, local communities remain burdened with multiple tax regimes, and the difficulty of managing relations with rival armed actors. This environment is fraught with complications for international actors too, given the continuing lack of stability in the region, and uncertainty over which authorities are the right ones to recognize and engage with in different areas.

Shan (South) and Shan (East)

The administration systems of ethnic armed actors in Shan (South) and Shan (East) vary widely. The Pa-O National Organization (PNO) enjoys a high level of cooperation with the state, which has been augmented repeatedly since it signed a ceasefire in 1991. Its winning of all seats in the Pa-O SAZ as a formally registered political party has provided a new platform for working in an official government capacity. However, the extent of its ongoing influence remains largely dependent on its armed wing, the Pa-O National Army, which has formed a “People’s Militia Force” and maintains a robust parallel administration system of its own.

In contrast, the administration system of the Restoration Council of Shan State (RCSS) is completely removed from that of the government. It was established through insurgency in rural Shan communities throughout the state, and has been only marginally tolerated by the Tatmadaw since a ceasefire was signed in 2011. The RCSS divides its area into five regions which it administers through around 20 “administrative battalions”. These administrative battalions are made up of soldiers with specialist training for administration and work alongside regular military “operations battalions”. These units have a degree of autonomy from the center, while the organization’s twelve other departments—for affairs such as revenue, education, and resource management—are based only at the central level and have to work with the local battalions in each area. The organization is currently undergoing a transition from a “wartime constitution” to a “ceasefire-time constitution”, the latter of which provides for greater participation of civilians.

The United Wa State Party (UWSP) has maintained a patchy presence along the Thai border since the state permitted it to attack Shan rebels in the late 1990s, and to oversee a mass migration of Wa civilians to the area. The relatively new Pa-O National Liberation Organization also has a small ceasefire territory in which it administers around 40–50 small mountain villages. In addition, the UWSP ally, the National Democratic Alliance Army, known as the “Mongla Group”, has almost total autonomy along a significant portion of Shan East’s border with Laos and China. The political geography is further complicated by dozens of state-backed militia, including three BGFs, which have varied roles in governance.

Kachin State and Shan State (North)

Kachin State and Shan State (North) have undergone a dramatic transformation since 2009. One conflict after another has erupted in areas where ceasefires—and associated arrangements for local autonomy—had maintained a level of stability since the early 1990s. In 2015, the Kachin

¹² Communities select their local village heads, but only approved members of the NMSP, who are in the thousands and embedded in many communities, are able to participate in elections of the NMSP leadership for township, district and central levels. The elected bodies at each level then oversee military and administrative affairs for their areas.

Independence Organization (KIO) and the Palaung State Liberation Front (PSLF) have remained in regular armed conflict with the Tatmadaw, as they have since 2011, while maintaining administration systems down to the village level. Both of these systems have centralized governing councils, and administration committees at each level that work alongside line departments for specific areas of governance. Meanwhile, in the northwesterly Kokang region, the Myanmar National Democratic Alliance Army (MNDAA)—a former ceasefire group that controlled the region autonomously from 1989-2009—is attempting to regain control.

The KIO is the second largest ethnic armed group in the country and its *de facto* capital, Laiza, remains one of the most developed towns in northern Myanmar. The group currently houses more than 70,000 IDPs in that area, and maintains governance structures across rural parts of Kachin State and Shan State (North), despite some recent heavy defeats. The organization and its private companies have also been responsible for infrastructure development in areas outside its control. There are multiple Kachin state-backed militia in both states too, some of which control large patches of territory but allow the government administration to operate.

The military campaigns of both the PSLF and the MNDAA have taken place largely in the SAAs nominally dedicated to their ethnic nationalities. In 2010, both areas were free of armed opposition following the military ousting of the MNDAA in 2009 and the coerced disbandment of the Palaung State Liberation Party in 2005. However, these events led to splintering of the groups, and while some factions became subordinate to the Tatmadaw, other elements were able to regroup and reinstate their presence by force. In both cases, former comrades of the rebel groups now have official positions in the SAA leading bodies and in state-backed militia.¹³ The PSLF formed its armed wing in 2009 and has only been active in Shan State (North) since 2011. However, since then, it has established a deep administrative presence in Ta'ang communities, at a speed that is indicative of the weakness of state governance in these areas.

The UWSP's main ceasefire territory lies to the East of the Thanlwin River in Shan (North) and is entirely autonomous, with a robust administration system that is based largely on that established by the Communist Party of Burma in the 1970s. The UWSP is the most powerful armed group in the country, and has largely achieved the long-held Wa desire for total autonomy, barring elections and taking little-to-no interest in government plans to establish an SAA in its area. A move from the organization to participate in the official political process would inevitably give local leaders greatly reduced influence. Benefiting from trade relations with China, the region's towns are highly developed, with 24-hour electricity, robust social services, and modern urban infrastructure.

Another key group, the Shan State Progressive Party, splintered in 2010 with one faction forming a state-backed militia and the other maintaining territories largely through armed defense, despite a new ceasefire since 2011. Its political wing has officially delegated its political strategy to the popular political party, the Shan Nationalities League for Democracy, but its armed wing, the Shan State Army, continues to administer the territory it controls through a few designated departments.

Western Myanmar

Numerous Naga armed groups remain dominant in remote mountainous regions along Sagaing Region's border with India, and administer the areas in accordance with traditional tribal systems that link communities to their own clan-like lineage through various hierarchical committees. Meanwhile, small enclaves of rural territory are governed by the Chin National Front in Chin State and the Arakan Liberation Party in Rakhine State, as a result of ceasefires they agreed since 2011 and 2012

¹³ In Kokang, a former faction of the MNDAA has formed BGF 1006 and has members in the ruling Union Solidarity and Development Party (USDP), while a faction of the PSLP has formed a People's Militia called the Manton Militia and has members in the Ta'ang National Party.

respectively. Another armed group, the Arakan Army, has recently established a presence in northern Rakhine State, leading to the arrests of dozens of citizens accused of having relations with the rebels.

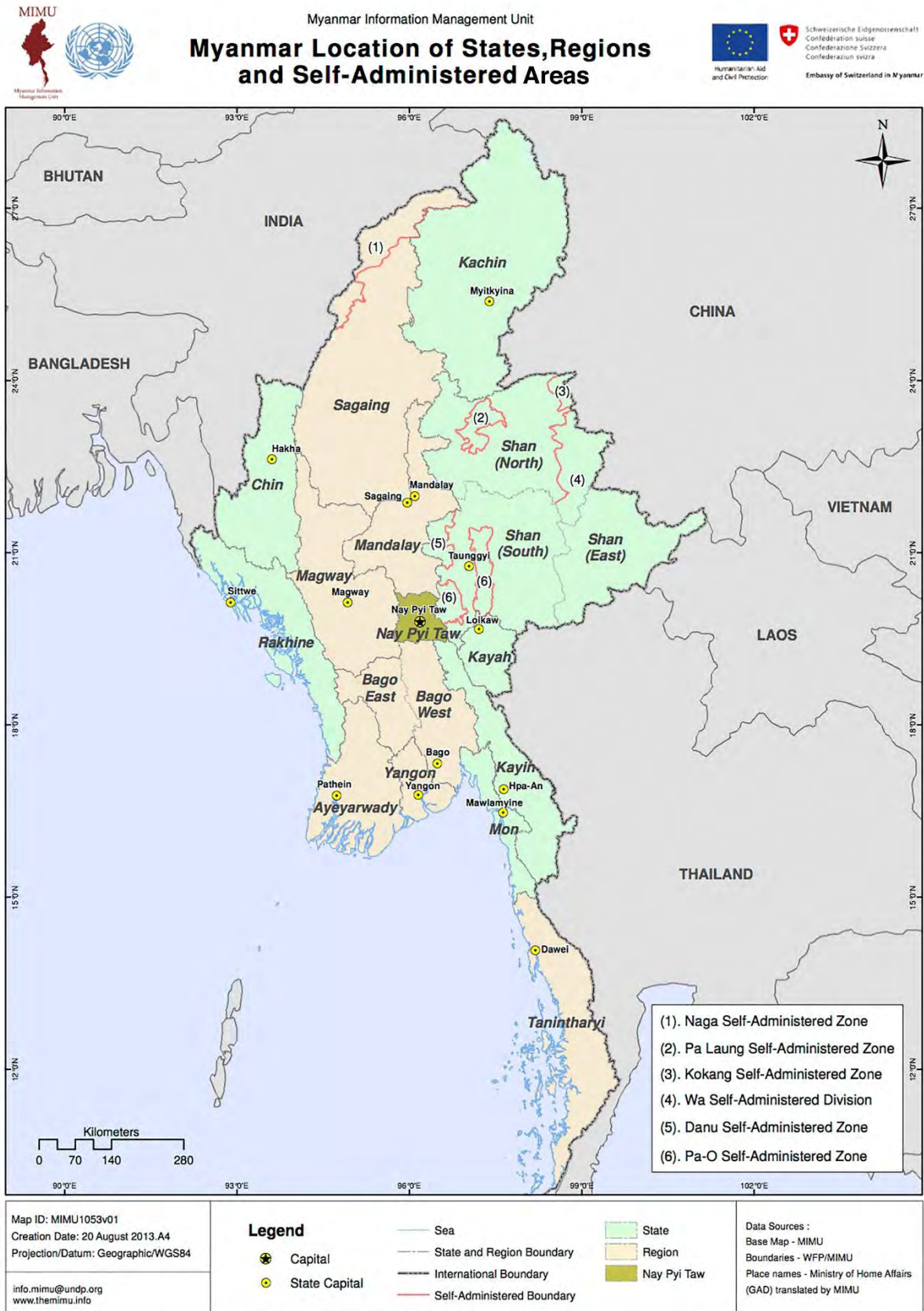
Towards a political solution

Successive Myanmar governments have tolerated armed actors' governance roles as a temporary arrangement, in the hope they could override them in time. However, such efforts have largely failed, often leading to further conflict and greater complexity of the political geography. These experiences demonstrate the need for a political solution to conflict that not only involves adequate power-sharing to reduce contestation, but that also brings about official government structures that reflect the power relations and existing systems of authority in contested non-Bamar areas. This would not be achieved by simply providing greater official powers to all actors that can demonstrate military capability. What is needed is a political pact among the parties to conflict who are truly committed to building a stable and peaceful Union, and who are willing to demilitarize the political sphere once compromises can be made.

If a credible, inclusive political dialogue begins, either before or after the 2015 election, the majority of ethnic armed groups—and official ethnic political parties—will call for the implementation of a federal constitution. Even if state/region governments can be reformed to gain greater devolved powers, negotiations over arrangements for general administration at district, township, and village tract levels, could be far more difficult. Such arrangements are crucial, however, as a style of “general administration” governance—where a central authority for each area coordinates all other governance departments—has been predominant in such areas for centuries, including among ethnic armed actors.

A political pact that reconciles conflict could take decades, and the peace process is unlikely to follow a linear trajectory of progress. As a result, informal arrangements will probably continue to determine the actual practice of administration in many ethnic areas for many more years. Therefore, more coherent ceasefire measures are needed in the interim that create stable territorial arrangements as well as clearly mandated governance roles for ethnic armed actors. Given that instability will likely continue, international and domestic actors engaging in conflict areas, whether in trying to facilitate transformational political change or to strengthen social services, will need to ensure a high degree of conflict sensitivity in their work and calibrate their investments accordingly.

Map 1: Myanmar location of states, regions and self-administered areas



Section ONE: Introduction

Rural and mountainous areas across many of Myanmar's non-Bamar regions are contested by multiple governance actors with overlapping claims to territory, including: the Myanmar government and armed forces, countless state-backed militia, and dozens of ethnic armed groups with ceasefires or fighting the government.

In contested areas, the government typically controls lowland settlements and major roads, while rougher terrain in the periphery is often more easily accessed by local armed actors. In many areas, ethnic armed actors have much deeper relations with local communities than the state and, in numerous cases, have been the only authorities to administer their regions in the country's 67-year history. However, none of these arrangements is enshrined in the constitution or in law, and no official documentation is publicly available.

Given this challenging environment, The Asia Foundation carried out research in 2015 to examine and compare *de jure* and *de facto* administration systems in Myanmar's conflict-affected areas, and how they relate to longstanding disputes over constitutional arrangements for subnational governance. This report seeks to provide a better understanding of the complex political geography in contested areas, and highlights how challenging it will be to achieve a political solution to conflict. This is of particular importance to international actors, given the heightened interest in supporting the peace process and increasing levels of humanitarian and development assistance to conflict-affected areas.

Most contemporary analyses of conflict-affected areas focus on "ethnic armed groups" which are fighting against, or have ceasefires with the government. This report looks more broadly at both these groups and at the vast numbers of state-backed ethnic militia, referring to them all as "ethnic armed actors". Indeed, the distinction between armed actors which are opposed to the state and those which are in partnership with it is not always as clear as commonly believed.

Gaining and maintaining control or influence over territories is achieved by Myanmar's ethnic armed actors through three main means: 1) "hostile claims", where military force is used to seize or maintain access; 2) "tolerated claims", where ceasefire conditions have led the Myanmar security forces informally permit access; and 3) "accommodated claims" where armed actors openly cooperate with the state in return for access. Very few of these territories have clearly agreed borders and those that do are rarely, if ever, formally documented.

Most ethnic armed actors have detailed constitutions and administer their areas with systems similar to those of one-party states. They use their own demarcation and mapping systems, often with little or no resemblance to those of government. Most of their systems have multi-tiered hierarchies with administrative leaders and committees for each administrative territory (e.g. district, township, village tract etc.) and at the central level. They also usually have line departments, structured like small government ministries. These departments are in some cases just at the central level, working through general administration committees for each area, but sometimes are assigned to all levels.

This basic model of "general administration" is similar to the subnational administration system of the government. At each administrative level, most areas of governance are coordinated and overseen by "administrators" (sometimes called "chairpersons"), who are then accountable primarily to their senior administrators. Under the government system, administrators are appointed and often rotated by the General Administration Department (GAD), which is part of the military-run Ministry of Home

Affairs.¹⁴ In the systems run by ethnic armed actors, administrators are typically from the areas where they serve and in some cases, are locally elected.

At the same time, the very conflicts that have created this complex political geography have been driven, to a large extent, by questions of how, and by whom, subnational governance should be carried out. Myanmar was envisioned by its principal founders as a “Union” of multiple nation-states that had not been fully unified in history. As such, multilateral disputes have persisted since before independence about which ethnic groups get a “State”, how they should be demarcated, what level of autonomy they should have, and to which other institutions they should be answerable.

Since before independence, these debates have centered on the recognition of eight main ethnic groups: the Bamar, Shan, Mon, Karen, Karenni (Kayah)¹⁵ Kachin, Arakanese (Rakhine), and Chin. Today, the latter seven all have states named after them. However, there are countless other ethnic nationalities, some of which are even larger in population than the main eight, but for a variety of historical reasons have not been as prominent. There are also large numbers of people from the major seven ethnic groups who live outside their designated states.

The “Union” level of government has long been dominated by ethnic Bamar leaders,¹⁶ while nominally “ethnic” (non-Bamar) movements have argued for such powers to be shared more equally and for local administration in ethnic “states” to be in the hands of state governments. Despite not amounting to secessionist demands,¹⁷ ethnic attempts to claim autonomy through military resistance have, in turn, been met with further centralization of the state, creating a cyclical security dilemma. This conflict has become increasingly antagonistic since the “Federal Movement” began in the early 1960s, leading the military to seize power, and to announce just days later that ‘the issue of federalism [was] the most important [reason] for the coup’.¹⁸

While maintaining a monopoly over the design of official government structures, the state has attempted to subdue armed actors by permitting varied levels of *de facto* but unofficial autonomy. From the 1960s onwards, it has done this by transforming rebels into officially subordinate militias. Since the late 1980s, ceasefires have allowed dozens of groups to maintain arms while gaining territories of varying autonomy, despite their continued political opposition. Meanwhile, conflicts have risen and fallen periodically, with ethnic armed groups continuing to govern populations in their strongholds, as well as in less consolidated “guerrilla” areas.

The emergent political geography has meant that although armed conflicts have led to relatively few casualties, they have devastated the functionality of local governance. Conflict-affected communities have been disrupted through displacement and burdened by a deeply militaristic state and other exploitative armed actors. Even where ethnic armed actors and communities have firm and mutually beneficial relations, the former often lack the capacity to provide adequate security, ensure basic civil

¹⁴ An exception is that of administrators at village tract and ward levels, who are elected by representatives of collections of households. These are not employees of the GAD, although they work alongside GAD clerks.

¹⁵ While the varying terms used for all of these groupings merits further discussion, it is particularly important to note that the government uses the term “Kayah” for the umbrella group of multiple nationalities, whereas nationalists from the group itself emphasise that “Karenni” is the umbrella term, and that the Kayah are just one of the major sub-groups.

¹⁶ Union government refers to the highest tier of government, based in Naypyidaw, akin to the term “federal government” used in the United States.

¹⁷ A key demand of ethnic movements, especially from 1945 to 1962, was the right to secession of their states (as was provided for Shan and Kayah states in the 1947 Constitution). However, none of these ethnic movements have made attempts to secede entirely. The exception has been Naga political leaders who have consistently argued that their societies are not part of Myanmar or India, and because of this they are secessionists.

¹⁸ Smith (1999), p. 196.

rights or facilitate inclusive economic development and sufficient social services, particularly amid such instability.

The country has suffered deeply from a failure to implement a constitutional framework that truly reflects, and thus is able to regulate and utilize, the actual power relations and political systems on the ground in ethnic areas. The 2008 Constitution re-established local governments across the country and formed self-administered areas (SAAs) for some smaller minorities, but in practice, these structures have very few devolved powers. Deep centralisation has been underpinned in particular by the centralized General Administration Department, while official administrative roles for locally elected representatives are very limited.¹⁹

Such changes have, thus far, failed to appease the demands for local autonomy of the country's myriad ethnic armed actors. Thus, calls have continued for a fully federal system of government from both ethnic armed actors, and ethnic political parties in parliament, while the former have continued to administer their territories without an official government mandate. Meanwhile, the primary state actors experienced by populations in the most remote conflict-affected regions are its ubiquitous infantry battalions.

Controversies surrounding subnational governance are at the heart of many of the challenges that must be addressed if the current peace process is to bring a comprehensive end to conflict. Such issues are also central to many of the country's wider challenges in fostering a more representative and participatory political system, achieving good governance at the local level, strengthening the economy, and ensuring its inclusiveness. Related challenges are central to establishing short- and long-term measures for facilitating responsible development and humanitarian aid that is conflict sensitive.

These issues are central to the political priorities held by ethnic armed actors. In 2006, the Kachin Independence Organization's 19-Points Proposal to the National Convention, issued detailed written demands for administrative arrangements that would give ethnic States near total autonomy in all forms of governance,²⁰ which stoked tensions considerably between the group and the government. In a more recent statement, an alliance of three Shan armed actors, two registered Shan political parties, and Shan civil society organizations stated that the first of its "Twelve Guiding Principles", was 'to practice decentralized administration'.²¹

Contestation over local governance is also actively driving ongoing scepticism in the peace process among some ethnic armed group factions. For example, speaking at Karen Revolution Day celebrations in 2015, a Karen commander stated explicitly that while he and his comrades supported attempts to find genuine peace, he could not accept what were described as government attempts to 'use ceasefires to expand [its administration] into [his group's] area'.²² Contrastingly, in April 2015, while

¹⁹ See Section 3. Chief ministers of state/region governments are centrally appointed rather than locally elected, and many other important local government functions are under Union-level ministries. The only state/region members of parliament (MPs) that have any influence over the administration of their areas are in the SAAs, where they serve on "Leading Bodies" but also have limited influence over most affairs. On the other hand, village tract administrators in all areas are indirectly elected by their communities to work alongside centrally appointed GAD clerks, but they are not considered government employees and are answerable only to the GAD's centrally appointed township administrator who can dismiss them for misconduct.

²⁰ The KIO's 2006 19-Points Proposal to the National Convention (covered in Section 2), was a 6-page document, that included detailed provisions related to distinguishing ethnic "States" from "Regions" by giving them greater autonomy over legislative, administrative, judicial, fiscal, border and numerous other affairs as well as official second languages, and arrangements for the upholding of existing customary laws specific to local cultures. The government explicitly refused to discuss the proposal, and then threatened to return to conflict with the KIO as a result; see Sakhong (2010), pp. 137-142.

²¹ Shan Herald Agency for News, 'CSSU: A bridge for peace', 9 March 2015; available at: <http://english.panglong.org/cssu-a-bridge-for-peace/>

²² Quoting General Ner Dah Mya, the chief of the Karen National Union's "home guard", the Karen National Defense Organization (KNDO), speaking at the KNDO HQ in southeastern Myawaddy Township, Kayin State, where government

hosting leaders from other ethnic armed groups, a leader from the “*Mongla*” group in eastern Shan State bragged that, through informal ceasefire arrangements, his organization had full control ‘over the area and [has] established “a complete system of government” that provides adequate public services.’²³

The contentiousness of these matters has been demonstrated clearly during the current peace process. Talks towards a Nationwide Ceasefire Agreement made little progress in 2014, in part because of a failure to agree on adequate “interim arrangements” that defined the rights and responsibilities of armed groups prior to the achievement of a comprehensive political settlement. If such a dialogue gets underway, it will be distinctly more challenging to reach an agreement on long-standing differences over the way that the Union should be divided administratively, how institutional hierarchies should be structured, and how powers and responsibilities should be shared between the central and decentralized branches of government.

1.1 Objectives and aims of the study

This study seeks to provide answers to the following questions:

- How has contestation related to questions of subnational administration driven armed conflict?
- How have these armed conflicts, in turn, led to the emergence of such a complex political geography, categorised by many overlapping claims to territory and the right to govern populations?
- As a result, what forms of subnational administration exist in areas under the domains of ethnic armed actors, including:
 - Groups that are still fighting?
 - Groups that have ceasefires?
 - Groups that have achieved a mutually accommodating relationship with the state?
- How do these territories relate to the constitutionally established state/region governments and self-administered areas (SAAs), and to what extent do these new institutions address the issues driving contestation?
- What are the key challenges going forward that will need to be addressed in the peace process or through other political means in order to develop a more coherent and peace-conducive subnational administration system?

In answering these questions, this report provides a basis for understanding the political geography in areas affected by conflict. It is a scoping study, and does not provide policy recommendations or direct guidance for the peace process. Rather, it provides a foundation for further work to develop policy recommendations for both domestic actors involved in political reforms, as well as international actors supporting Myanmar to overcome fragility and its many development challenges.

1.2 The foundations of subnational administration in Myanmar

Fundamental to answering the questions asked in this study is an understanding of the basis of subnational administration in Myanmar. For centuries, rulers in all their forms have governed through

development projects have proliferated as new administrative centers have been established in areas still mostly controlled by armed groups (See Section 5).

²³ The “*Mong La*” group’s official name is the National Democratic Alliance Army. See Lawi Weng, ‘*Mongla Rebels Say “Full Control” of Region Brings Development*’, The Irrawaddy, 30 April 2015; available at: <http://m.irrawaddy.org/multimedia-burma/mongla-rebels-say-full-control-of-region-brings-development.html>

hierarchical “graded territorial” systems that delegate wide-ranging authority to individual leaders or committees at each administrative level.

In other countries, most modern forms of public administration develop direct channels of communication between each individual or household and each relevant government department. In contrast, the administrative systems of state and armed groups in Myanmar, like those in previous eras, tend to place “general administrators” at each administrative/geographic level (e.g. village tract, township, district) and assign them responsibilities across multiple areas of governance, and the coordination of other area-specific departments.

Royal, colonial, post-colonial, and modern day state and non-state administration systems have all based these “graded” administrative structures on geographic designations that place villages (or groups of households) within village tracts; village tracts within larger units (in most cases, townships); townships within districts, and then districts within states, regions or divisions and so on. The names used for each of these units have varied in different eras, but all are based on the same basic logic.

Administrators at each level are often guided by, or work in partnership with, issue-focused line ministries or departments and legislators, but they are primarily answerable to their senior administrators. For example, village tract administrators answer to township administrators who answer to district administrators and so on.²⁴

It would appear that these systems emerged in history as rulers attempted to organize villages or village tracts under larger systems so that taxation, conscription and regulation of certain activities could be rationalised. As Chit Saw & Arnold have noted, ‘Within the contexts of absolute monarchies and colonialism, followed by military government, “general administration” was premised on the need for bureaucratic units to support powerful executives—monarchs, colonial officers, and eventually regional military commanders—to fulfil general tasks and manage the state’s engagement with the general public.’²⁵

As those authors have described, today’s General Administration Department of the military-led Ministry of Home Affairs, which is fundamental to all functions of government at the local level, follows this basic model. Most modern-day systems created by ethnic armed actors are similar in structure, but are based on varying degrees of political representation from the village level on up.

1.3 Methodology

Research for this study was conducted by the author between January and May 2015. This included a thorough review of the secondary literature to develop a history of administration and conflict, while new information was gathered through interviews, group discussions and e-mail. Interviews and informal discussions were held with 30 senior representatives from 15 ethnic armed actors, including four state-backed people’s militia and eleven active ceasefire groups. Detailed email correspondence was carried out with some of these and two additional opposition ethnic armed groups. Interviews were undertaken with members of seven ethnic national political parties, including one that has positions on a self-administered area (SAA) Leading Body, and three others who will contest SAA seats in 2015.

²⁴ The terms “General Administrator”, “Village Tract Administrators”, “Township Administrators” and “District Administrators” are taken from the Myanmar government system, and other names are used across the multitude of ethnic armed actors’ administration systems for similar positions. In the Myanmar government’s system, the equivalent of a Village Tract in urban areas is a Ward. For the sake of simplicity, and as this study is focused primarily on rural areas, the term village tract will be used uniformly for this level of administration.

²⁵ Chit Saw & Arnold (2014), p. 4.

Further interviews and focus group sessions were carried out with dozens of junior members of armed groups, more than 20 students, five teachers and education administrators, two health workers, and 19 representatives from twelve civil society groups, all of whom are based in, or have experience working in areas governed by ethnic armed actors. Supplementary interviews were carried out with five foreign individuals with experience researching or otherwise working in areas governed by armed groups. All of this research was undertaken in Yangon, Shan State, Kayah State, and northern Thailand. It was supplemented by data from the author's years of research in Myanmar's ethnic areas, and includes quotes from his earlier studies, which are cited accordingly.

1.4 Structure of the Report

Given the length of this report, and the amount of information covered, it is structured so that readers are able to skip to the areas of most relevance to them. However, certain terms, stakeholders, or historical events may be best understood if the report is read in order. The remainder of the report is divided into eight sections as follows:

Section 2, "A short history of administration, demarcation and conflict", explores how today's complex political geography in areas affected by ethnic armed conflict has come about. It looks at how pre-colonial royal and chieftain systems were adapted to suit the British administration, and how, since independence, ethno-nationalist narratives have influenced constitutional arrangements and the many conflicts fought over them.

Section 3, "The official system: subnational governance under the 2008 Constitution", looks at the current structure and functionality of official subnational government structures, and assesses the degree of autonomy they enjoy. Section 3.1 explores the state and region governments, and Section 3.2 examines the self-administered areas (SAAs).

Section 4, "Beyond the official system: armed actors' claims to territorial control and administrative access" looks at how armed actors have gained control or influence over territories and populations in their areas. In practice, a large number of subnational administration systems have been established by armed actors, which are not mandated by the 2008 Constitution. These alternative governance systems overlap considerably with each other, and with those of the state, including within the self-administered areas (SAAs).

Sections 5 to 8, analyse the subnational administration systems implemented by ethnic armed actors in four key areas of the country, providing details of their organizational structures, areas of control and influence, how they interact with government administration, and how they came into their current state. The sections are disaggregated by location as follows:

- **Section 5 – Karen, Mon and Kayah Regions**
- **Section 6 – Shan State (South) and Shan State (East)**
- **Section 7 – Kachin State and Shan State (North)**
- **Section 8 – Western Myanmar**

Section 9, "Towards a negotiated solution" argues that stability will depend on the achievement of a negotiated political settlement among parties to conflict that brings about more sustainable and formal arrangements for subnational administration in ethnic areas. This section also recaps key findings and highlights the broad challenges and key questions going forward.

Section TWO: A short history of administration, demarcation and conflict

This section explores how the complex political geography in areas affected by ethnic armed conflict has come about. It looks, firstly, at how pre-colonial royal and chieftain systems were adapted to suit the British administration. This era also saw the inception of ethno-nationalist narratives that came to dominate discussions over power sharing and demarcation of territories around the time of independence, and led to civil war. The emergence of the 'Federalist Movement' then catalysed the seizure of power by the military.

Under two eras of military rule, the country's administration underwent a rigorous process of centralisation as the regime attempted to remove ethnic distinctions from the organization of subnational governance. Meanwhile, armed actors of all types carved out territorial domains and established their own governance systems, some of which were then strengthened through ceasefires. This section concludes by looking at changes since 2009, including new conflicts, new militia programmes and the implementation of the 2008 Constitution, all of which have led to today's complex mosaic of subnational administration structures.

2.1 Pre-colonial administration

When the British arrived in the early 19th century, the most dominant political authorities in the lowlands of today's Myanmar were the kingdoms along its rivers. The Myanmar Konbaung Dynasty had recently conquered the once-strong kingdoms in today's Rakhine and Mon areas,²⁶ and thus exercised administrative control over much of present-day lower Myanmar.²⁷ The Konbaung Dynasty had also secured suzerainty over some of the mostly "Tai" kingdoms in today's Shan State,²⁸ and numerous smaller chiefdoms to its east and north, where internal administration was left largely to the local rulers. However, the vast mountainous areas between these kingdoms and across most of today's borders remained largely undisturbed by the lowland kings, as they offered few economic or other benefits.²⁹

Both the Tai and Myanmar kings used graded territorial administration systems that organized villages into units similar to today's village tracts (clusters of villages) and townships (clusters of village tracts).³⁰ However, these could vary greatly in size and population density, and were rarely based on firm territorial borders.³¹ The Konbaung Dynasty and its predecessors tended to class territories

²⁶ Historians vary in the terms they use to characterise the nationality of the early Myanmar kings. In their titles, the Konbaung Dynasty Kings themselves used the term *Myanma/Mranma* (မြန်မာ) to describe their ethnicity as they did for the name of the country. In 1989, the military government officially changed the country's Romanised name to *Myanmar* and so that term is used here, despite the questionable accuracy of the use of the 'r'. Also, in line with the official terminology, the term *Bamar* is used throughout this report for the country's majority ethnic group, even though this derives from a common root as the term *Myanmar*. Contrastingly, the unofficial English-language term, *Burmese*, is used for the *Bamar* language (which is also Myanmar's official national language), in order to distinguish it from the languages used by other ethnic nationalities.

²⁷ "Lower Burma" is used to refer to the area covering today's Tanintharyi, Mon, south and central Kayah, Bago, Yangon, Magway, southern Sagaing, Mandalay, Nay Pyi Taw, Ayeyarwady, and most of Rakhine.

²⁸ "Tai" refers to the broad ethno-linguistic group that characterised royal lineages across today's Thailand; Laos; Shan State, Myanmar, and parts of Yunnan Province, China. "Tai" remains the word for Shan in the Shan language, though the word "Shan", likely derived from "Siam", is today ubiquitously accepted as the correct English. However, not all of the kingdoms in what later became Shan State (for simplicity, referred to here as "Shan Kingdoms") were ruled by Tai kings. At various times in history, some were ruled by Palaung, Pa-O and ethnic Chinese kings.

²⁹ Smith (1999), p. 33; Taylor (2009), p. 23, pp. 25-26, pp. 37-38; Sai Aung Tun (2009), pp. 111-119.

³⁰ Chit Saw & Arnold (2014), pp. 4-5; Sai Aung Tun (2009), pp. 39-41; Leach (1954), p. 123. The term "graded territorial system" is borrowed from Furnivall's description of later British systems but is apt here as Furnivall also noted the original "Burmese" system had been similarly graded. See Furnivall (1960), p. 10.

³¹ Taylor (2009), p. 81; Sai Aung Tun (2009), p. 151.

differently depending on how far they were from the center, with centrally appointed administrators tending to allow greater authority to local power structures in less tractable areas.³²

Much of the Konbaung Dynasty's domain was administered by figures called *Myo Wun*, comparable to today's township administrators, who were rotated from the center to firmly represent the state rather than local interests.³³ Contrastingly, in the Shan kingdoms—including those both under, as well as free from Konbaung suzerainty—each township (*Mong*) had its own hereditary prince (*Saopha*) and operated as an independent mini-state.³⁴

"Administration" in the Tai and Myanmar systems was largely focused on the collection of taxes, regulation of business and trade, and conscription. It was carried out primarily at the village tract levels by 'administrators' delegated by the central rulers.³⁵ Meanwhile, village-level governance would most often be carried out by village heads (and various committees), who would be chosen internally, bound to cooperate with official authorities but not representing their power. Crucially, local-level justice was assumed to be the preserve of local-level leaders, and there was little in the way of formal law to manage such affairs. Nor did the royal states provide centralized law enforcement to resolve disputes that could be settled at the community level.³⁶

Meanwhile, in mountainous areas, all political organization appears to have been restricted to the local level, with the village or village tract forming the most important political unit. In a few upland areas, larger power structures were formed based on the royal systems observed in the lowlands, but they appear to have been much less organized in practice as populations moved around much more than the wetland rice cultivators of the valleys. Key examples include the domains of the Karenni and Palaung *Saophas* in today's Kayah and northern Shan States, respectively.³⁷

The *Gumsa* hereditary leadership system practiced in most Kachin areas was also seemingly based on the Shan system,³⁸ but it was rare for the political domain (*Mung*) under one chief (*Duwa*) to span more than a cluster of villages.³⁹ These *Mung* would be connected to each other less formally through clan-based lineages but not through centralized administration. Meanwhile, some Kachin societies operated a nominally egalitarian system, the *Gumlao*, where people refused to be ruled by *Duwa*.⁴⁰ The hill areas were generally of little interest to the Konbaung royal administration, but at times chiefs formed tributary relations.⁴¹

Though some ethnic-Karen individuals may have gained positions of prominence in other lowland political systems, Karen hill areas rarely saw significant political organization above the village or village tract level.⁴² Meanwhile, the remote Naga and 'northern Wa', and likely peoples in much of today's northern Chin, Sagaing and Kachin States had almost no contact at all with lowland kingdoms. Naga societies were governed according to strict clan-based hierarchies,⁴³ while those of the 'northern

³² See Taylor (2009), pp. 22-24 on how these were conceived in successive dynasties; see also pp. 34-38 for more on how administrators operated in relation to local village and township heads or other power structures.

³³ Chit Saw & Arnold (2014), pp. 4-5; Taylor (2009), pp. 34-38.

³⁴ Sai Aung Tun (2009), pp. 39-41.

³⁵ Chit Saw & Arnold (2014), pp. 4-5; Sai Aung Tun (2009), pp. 39-41.

³⁶ Taylor (2009), p. 53.

³⁷ Smith has argued that these were modelled on their lowland counterparts largely 'in name only'; see Smith (1999), p. 33.

³⁸ Leach (1954), p. 57, pp. 213-220.

³⁹ Leach (1954), p. 122.

⁴⁰ Leach (1954), p. 57.

⁴¹ Taylor (2009), p. 25.

⁴² Marshall (1922), p. 129; South (2008), p. 13.

⁴³ See Steyn (2002), p. xv.

Wa' consisted of multitudinous inter-warring villages under local chiefs and apparently 'were notoriously subject to nobody'.⁴⁴

2.2 Administration under British Rule

Like that of the Myanmar kingdom, the British administration allowed less profitable and harder-to-control areas to remain under the control of existing power structures. Such regions—encompassing today's Kachin, Chin, Shan States and the mountainous parts of today's Rakhine, Sagaing and Kayin States—were dubbed the 'Frontier Areas'. Throughout the Colonial period, they upheld varied forms of administrative autonomy as long as they maintained order, paid taxes and tributes, and obeyed British decrees when given.⁴⁵ The Karenni States (forming today's Kayah State) remained nominally independent but were party to a 'treaty' that made them subject to similar arrangements.⁴⁶

The colonialists also began expanding beyond the domain of the Konbaung Dynasty, for example to the Naga Region from 1880,⁴⁷ the Wa Region from 1891,⁴⁸ Kokang in 1894,⁴⁹ and to other 'Tai' kingdoms closer to today's China and Thailand than Myanmar. These areas were brought under varied forms of indirect rule. Nevertheless, in practice, parts of the north and east of today's Myanmar were still barely mapped, even by World War II, and remained largely undisturbed.⁵⁰

Meanwhile, the rest of the country—often termed lower Burma—underwent a rapid process of centralisation and bureaucratisation that heavily restricted the powers of local leaders.⁵¹ In these areas, the British also began recruiting people from lower social classes to staff key administrative institutions rather than maintaining the ruling classes from the Konbaung Dynasty. At the same time, the Colonial administration began rigidly categorising and thus ossifying ethnic groupings, leading to the emergence of terms such as Karen, Kachin, and Karenni to represent groupings of closely related ethnic and linguistic lineages.⁵² The result was that some of the non-Bamar "ethnic groups", particularly the Karen, were prioritised for key administrative and military positions.

In the 1920s and 1930s, a number of changes were made to subnational governance in the frontier areas. The first was the creation of the Federation of Shan States in 1922, which aimed to bring greater

⁴⁴ Quote by G.E Harvey, taken from 1933 British colonial records, via Kramer (2007), p. 6. "Northern Wa" here refers to what the British termed the 'wild Wa' (who were notorious for headhunting), distinct from the 'tame Wa' who were those under the Tai kingdom of Mong Lun, and had become Buddhist and accustomed to Shan culture. See also Sai Aung Tun (2009), pp. 148-149.

⁴⁵ The precise administrative arrangements varied place-to-place and over time; see Smith (1999), pp. 41-44 for strong but concise account of the evolution of these arrangements. For demographic details of these areas and more detail on their arrangements, see Sai Aung Tun (2009), pp. 216-223; see also Taylor (2009), pp. 75-77 for an overview of the stages of Colonial administration, and Sai Kham Mong (2007), pp. 258-260 for more on specific administrative divisions; p. 80, pp. 88-89 on the evolution of the "hills / plains divide"; and pp. 92-99 on the administration systems in 'the Shan States'. Looser overviews in South (2008), pp. 9-10; Nakanishi (2013), pp. 34-35; Taylor (2007), p. 75; Furnivall (1960), pp. 10-12. Sai Aung Tun (2009) gives the greatest detail on the Shan States, pp. 163-189.

⁴⁶ Sai Aung Tun (2009), pp. 222-233.

⁴⁷ The British had had nominal control over the Naga region as part of Assam since the Yandabo Treaty in 1826, but the Naga people who had been living in relative exclusion from Assam fought to remain independent and were largely left alone. In 1880, this changed, as a treaty was established that allowed the British to station its military in Naga areas but that left them to their own governance; see Steyn (2002), p. 29.

⁴⁸ See Kramer (2003), pp. 6-8; and Sai Aung Tun (2009), pp. 148-149 on the first British expeditions to Wa areas.

⁴⁹ The Kokang region was ceded to the British by the Chinese during border negotiations in 1894; see Sai Aung Tun (2009), p. 161.

⁵⁰ Smith (1999), p. 40.

⁵¹ This process, which included the systematic dismantling of local level authority structures, is described in Taylor (2009), pp. 83-89; Nakanishi (2013), pp. 30-40; Callahan (2003a), pp. 21-24.

⁵² This process and the contentious question of how inherent or invented these ethnic categories are is discussed from various angles in Walton (2013); Walton (2008), pp. 892-894; South (2008), pp. 2-8; Taylor (2007), pp. 72-78; and Nakanishi (2013), pp. 40-44.

coherence and order to the governance systems there, and resulted in a significant decrease in the Shan *Saophas'* autonomy, despite their protests.⁵³ Meanwhile the “northern Wa” areas remained independent and outside of the federation.⁵⁴

In 1937, the 1935 Government of Burma Act established a partially self-ruled indigenous government in lower Burma, and re-designated the area as “Ministerial Burma”. Meanwhile, the Frontier Areas were divided into Part I and Part II “Excluded” Areas, and the latter, which were considered more tractable and integrated, were provided with the right to elect members to the newly formed national parliament in Rangoon. These included areas that form the more administratively incorporated parts of ethnic states today, such as Myitkyina, Thaton and Bhamo.⁵⁵ Prior to this, the Frontier Areas had been governed as almost entirely separate from Bamar-dominated lower Burma. Karen areas, meanwhile, were divided across five different administrative categories,⁵⁶ the most autonomous of which was as such due largely to British neglect, rather than intention or policy.⁵⁷

These changes, in part, spurred the rise of multiple ethnonationalist political movements, with competing views on how different areas should be administered and incorporated into the state. The most impactful was the Burmese independence movement, led by militaristic ethnic-Bamar *Thakins*, who envisioned an independent country centered in Rangoon.⁵⁸ Since 1922, the Shan *Saophas* had been calling for the British to give them full autonomy from Burma, but under British patronage. The now-prominent Karen movement, led by the legalistic Karen National Association, called for Karen areas to be constituted more coherently and for provisions to be made toward founding a Karen country. Meanwhile the Karenni States remained nominally independent until 1948.

2.3 Independence and the onset of civil war (1945-1947)

During World War II, under the rule of the Japanese, a compliant Burmese regime led by Dr. Ma Baw governed lower Burma, while much of the Frontier Areas, where British forces and their ethnic minority allies remained active, was effectively ruled by the Japanese military.⁵⁹ At the same time, most *Saophas* came to agreements with the Japanese rulers to maintain some autonomy, though parts of today’s southern Shan State were ceded temporarily to Thailand.⁶⁰

When the British returned in 1945, ethnic tensions were at fever pitch, following four years of violence often pitching Japan-allied Bamar factions (of the Burmese independence movement) against other ethnic groups, many of which had allied with the British. Remarkably, however, agreements were made in 1945 to form the Tatmadaw—a new united army that included forces from all sides, but that was delineated into units based explicitly on ethnicity.⁶¹

As the British agreed to give Burma its independence, demands from non-Bamar leaders to ensure their autonomy and equal status to their Bamar counterparts proliferated. For Karen leaders, many of

⁵³ Sai Aung Tun (2009), pp. 186-188; Yawnghwe (1987), pp. 76-80.

⁵⁴ Kramer (2007), p. 8.

⁵⁵ Smith (1999), p. 43; also see references to various Part I and Part II areas in the FACE report (1947).

⁵⁶ Ethnic populations under the “Karen” umbrella were at that time divided between Ministerial Burma, the Federation of Shan States, the “independent” Karenni State, and Part I and Part II Excluded Areas.

⁵⁷ Smith (1999), p. 51.

⁵⁸ The Thakin Party, as it later became known, opted for a military struggle, unconfident that independence could be achieved through the new government, which was entirely controlled by the British. They sought support from Chinese communist and nationalist factions as well as the Indian Congress, before they finally formed a partnership with the Imperial Japanese during World War II. See Nakanishi (2013), pp. 38-40; Callahan (2003a), pp. 48-49.

⁵⁹ Taylor (2009), pp. 227-228.

⁶⁰ Taylor (2009), pp. 227-228; see also Sai Aung Tun (2009), pp. 204-206 on the Shan States.

⁶¹ Among the infantry units were four Bamar battalions and two each for Karen, Kachin, and Chin; see Callahan (2003), pp. 97-98.

whose communities were already part of Ministerial Burma, demands generally concerned the formation of a more coherent and autonomous Karen State that would ensure Karen political equality.⁶² Meanwhile in the Karenni States, which had not been formally integrated into Burma yet, nationalist leaders were declaring their independence.⁶³

For the Kachin, Shan and Chin, the main question was whether they would be part of Burma at all, having been under a removed, but not entirely separate, administration. This question was temporarily resolved in February 1947, when at a conference in the Shan town of Panglong, they agreed to work with the Burmese administration towards independence, while maintaining their entirely autonomous administrations.⁶⁴ The historic Panglong Agreement, did not, however, include explicit commitments to the actual arrangements of an independent Burma. Nonetheless, a key aspect of agreements at this time was assurance that non-Bamar societies would maintain their internal autonomy as well the right to secede from the country entirely, if they so chose.⁶⁵

In 1947, the Frontier Areas Commission of Enquiry was completed, which was carried out by British and local Frontier Area dignitaries to assess their political desires. The enquiry confirmed Shan and Kachin leaders were 'strongly in favour of a federated Burma' in which they would have the 'fullest possible autonomy'.⁶⁶ Contrastingly, the commission concluded that Chin leaders preferred to amalgamate with Ministerial Burma, but wanted 'no interference', and for their chieftains to 'administer their tracts as present'. However, this fell short of the desires of many Chin leaders, who later complained that they wanted even greater autonomy and full rights to secession.⁶⁷ Meanwhile Chin and self-ascribed "Burmanised Shan" leaders in some parts of today's Sagaing Region confirmed that they wanted their communities to join Ministerial Burma as "ordinary subjects".⁶⁸

A leader from the Kokang region, which had gained far greater autonomy under interim post-war arrangements, explained he did not care whether his people joined China or Burma, as long as they gained total 'internal autonomy'.⁶⁹ Meanwhile, the "northern Wa" leaders said 'we do not want to join with anybody because in the past we have been very independent', stating specifically that they had no interest in the supposed benefits of integration, such as commodities, education and healthcare.⁷⁰ Absent from the enquiry were Naga leaders, while leaders from nearby areas spoke on their behalf. Among these leaders was one Chin who claimed the Naga would accept his decision to amalgamate their area into Ministerial Burma.⁷¹ To this day, Naga leaders claim that no such agreement was made and that they have never formally accepted inclusion in Myanmar or India.⁷²

Excluded from this enquiry and other associated debates were Arakan and Mon leaders, and the majority of the Karen, despite their having similar desires for greater autonomy in the future order.

⁶² Thawnghmung (2007), p. 7; Smith (1999), p. 73.

⁶³ Smith (1999), p. 73.

⁶⁴ The agreement was not signed by representatives of any other ethnic groups and excluded some key political actors even from the ethnic groups who were represented. Notably, it made no explicit commitments to the actual arrangements of an independent Burma. References in the agreement regarding the internal administration of Frontier Areas refer only to the interim period and do not reflect long-term agreements. Walton (2008) provides a detailed critique of the agreement and the myths that surround it. Also, see Smith (1999), pp. 78-79. The Panglong Agreement itself is available online at: http://peacemaker.un.org/sites/peacemaker.un.org/files/MM_470212_Panglong%20Agreement.pdf

⁶⁵ It must be understood that the decision of the leaders was to enter into the Union and thus there was no explicit agenda for secession, but that the right to choose was considered as the central tenet of 'self-determination'.

⁶⁶ FACE Report (1947), pp. 18-19.

⁶⁷ Sakhong (2013), pp. 57-64.

⁶⁸ FACE Report (1947), pp. 98-107.

⁶⁹ FACE Report (1947), pp. 31-34.

⁷⁰ FACE Report (1947), pp. 37-38.

⁷¹ FACE Report (1947), pp. 98-107.

⁷² Interview with a leading member of the Naga Nationalist Council, and vice chairperson of the newly formed Council for Naga National Affairs (Thailand, February 2015); see also Steyn (2003).

Their omission was due to the explicit focus on the Frontier Areas, as defined during British rule, and the lack of attention to non-Bamar ethnic groups based in Ministerial Burma. This distinction traces back to the fact that they were under the Myanmar King's rule when the British arrived.⁷³

2.4 The founding of Burma and early independence (1947-1962)

In September 1947, a constitution was promulgated that allowed for some decentralization of administration in the newly formed Shan, Kachin and Karenni States, though the latter was renamed Kayah in 1951. Heads of these states were centrally appointed from among locally elected representatives, but they enjoyed significant administrative autonomy through their local governments. The Karenni and Shan States also had the right to secede after ten years, but this was not granted to the Kachin.⁷⁴ Meanwhile, all other Union territories were considered a single administrative "unit" and were governed uniformly under the centralized system.⁷⁵

Saophas (princes of the former Shan and Karenni States) were kept in place, but having enjoyed a resurgence of power for two years since the return of the British in 1945, they saw their authority curtailed again in relation to the elected state governments.⁷⁶ Kachin *Duwas* were given no formal role according to the constitution but remained in place, and were elected to most of the positions designated for Kachin nationals, including that of chief minister.⁷⁷

However, the 1947 Constitution was full of inconsistencies in its provisions concerning non-Bamar areas and fell short of the demands of some non-Bamar leaders.⁷⁸ Significantly, the Chins were not granted a state, but gained a less robust "Special Division". This fell under the administration of the Union, but had its own "council" and a Chin Affairs Minister to oversee education and cultural affairs.⁷⁹

Most notably, the constitution omitted the immediate creation of a Karen state and failed to provide a solution to the administrative disarray that was driving Karen political grievances.⁸⁰ It also left their ethnic cousins, the Pa-O in Shan State, without any administrative recognition at all, despite noted grievances against the rule of the Shan *Saophas*. Moreover, it did not create a state for the Mon or Arakanese, bringing their areas directly under the Union government. Within a few years, separate ethnonationalist armed movements were being led by Karen, Pa-O, Mon, and Arakan leaders in relation to these grievances.

By the time independence was achieved in January 1948, two insurgencies had already broken out in the Arakan area, one calling for an independent Arakan nation and the other—a *Mujahidin*—calling for today's northern Rakhine State to become an independent Islamist state or to be annexed to East Pakistan.⁸¹ Before and during the war, inter-communal conflicts displaced large numbers of people, further driving ethnic divisions, as Arakanese Buddhists ended up mostly in the south and Muslims mostly in the north.⁸² Shortly after independence, numerous far-left factions of the Burmese

⁷³ Indeed, even communities in many mountainous regions of Ministerial Burma had been largely independent prior to the British arrival.

⁷⁴ See The Constitution of the Union of Burma (1947).

⁷⁵ The Constitution of the Union of Burma (1947), Article. 222.

⁷⁶ Sai Aung Tun (2009), pp. 327-336. The Karenni *Saophas* had a particularly formal role, named as representatives to the upper house automatically, according to the constitution.

⁷⁷ Half of the Kachin State cabinet had to be non-Kachin; see The Constitution of the Union of Burma (1947), Part II.

⁷⁸ Smith (1999), pp. 79-80, pp. 82-83; Sakhong (2014). Some criticism of the 1947 Constitution from the perspective of ethnic politicians is provided by Sakhong (2013), pp. 67-69.

⁷⁹ The Constitution of the Union of Burma (1947), Part V.

⁸⁰ For an overview of the plans that were underway through the process but uncompleted, see Furnivall (1960), p. 105.

⁸¹ Smith (1999), p. 64, p. 102; Yegar (1972), pp. 95-97.

⁸² Yegar (1972), p. 95.

independence movement took up arms against the state, seizing significant territory and supplanting government administration in central and western Myanmar.⁸³

This was followed shortly by the nationalist uprisings of the Karen National Union (KNU), which had boycotted the election and constituent assembly the year before. Led by some of the country's leading politicians and lawyers, and joined by defecting Karen units from the Tatmadaw,⁸⁴ the KNU quickly seized territories across lower Burma, spanning from the southeast to the "Delta Region".⁸⁵ The group then helped to establish Mon and Pa-O armed movements and made significant gains in today's Mon State and southern Shan State.⁸⁶

The Pa-O National Organization and the KNU then cooperated with a rogue Kachin unit of the Tatmadaw to take many parts of Shan State and southern parts of Kachin State, including key towns. While the majority of mainstream Kachin and Shan leaders remained in government, they agreed to a Union initiative to instate direct military rule in northern Shan, and parts of southern Kachin, which remained until 1951.⁸⁷ By that time, over 40% of the five-year-old Tatmadaw had defected to various sides.⁸⁸

In 1952, a Karen State was finally created in the southeast, which by 1954 had many of the same powers as those of Kachin and Shan, but not the right to secession.⁸⁹ However, only one third of the country's Karen population lived within the designated territory,⁹⁰ and as it did not include the Delta Region, the KNU maintained its insurgency. Meanwhile, no Karen parties contested for seats in the state parliament.⁹¹ The KNU focused instead on building its own administration system, and that year, formed the Kawthoolei (Karen national) Governing Body, which established political organization and socialist-style trade and agriculture cooperative systems in the areas it controlled. This set a precedent for civilian administration in "liberated zones" that became increasingly advanced.

A KNU penal code was established in 1955 that remains effective in Karen areas today, followed by the establishment of administrative and other bodies at the district level that laid the basis for future systems. In the 1950s, the KNU also expanded its foreign relations and began forming networks with other ethnonationalist organizations in Myanmar. These networks laid the foundations for alliances that were augmented in the 1980s and 1990s to push for democracy.⁹² In 1957, the KNU helped to establish the Karenni National Progressive Party (KNPP) in Kayah State.

⁸³ By far the most prominent was the 'White Flag' faction of the Communist Party of Burma (CPB), which was made up primarily of defecting units of the Tatmadaw.

⁸⁴ Tensions had been ratcheted up as the government had seemingly blocked the KNU from influencing the Frontier Areas Commission of Enquiry (FACE) consultations in the 'Salween Districts' of today's northern Kayah State. Although a Karen State larger than today's Kayah was being offered by October 1947, it did not include southern parts of today's Ayeyarwady Region (the Delta Region). This did not satisfy the KNU's demands and having gained strength and lost faith in the Bamar leaders, the group felt confident to resist; see Smith (1999), pp. 82-87; Thawnghmung (2007), pp. 7-10.

⁸⁵ The "Delta Region" was the common term then used for southern parts of today's Ayeyarwady Region. The armed group also seized Insein Township on the outskirts of Rangoon.

⁸⁶ The Pa-O National Organization began its rebellion primarily against the Shan *Saophas*, supported by the KNU and a Kachin unit which had defected from the Burma Army. Together, these forces took large swathes of Shan State; see Christensen & San Kyaw (2006), p. 20; on Mon uprisings, see South (2005), the chapter entitled 'Burmese Independence ... and Civil War'.

⁸⁷ Sai Aung Tun (2009), pp. 336-338; Lintner (1999), pp. 106-109.

⁸⁸ Lintner (1999), p. 96.

⁸⁹ Furnivall (1960), pp. 105-106.

⁹⁰ Only one third of the Karen population at the time lived in the Karen State; see Furnivall (1960), p. 106.

⁹¹ Furnivall (1960), p. 106. Those who did contest were all from the incumbent ruling party of Prime Minister U Nu or were independents.

⁹² Smith (1999), pp. 170-174. Although Smith notes that the 1956 reforms were dropped from KNU records, this period was highlighted in interviews with a KNU executive committee member as key to the foundations of the current system, which emerged in its current form in the 1970s.

In the early 1950s, United States and Taiwan-backed 'Kuomintang' (KMT) forces withdrew from China into Shan State to use the area as a launch pad for their conflict with Mao Tse-Tung's communist regime. The KMT spread across most of Shan State east of the Thanlwin River, and even down into Kayah and Karen States.⁹³ The KMT headquartered temporarily at Kengtung but established a particularly long and strategically important presence in the Kokang area, even after it officially pulled out in 1953.⁹⁴ At this time, the Kokang area already had significant autonomy from the Shan State government,⁹⁵ which increased as its hard power grew through alliance with the KMT.⁹⁶ Meanwhile, the Wa region to its south, which still comprised a multitude of warring chiefdoms and had little coherent administration, was torn by conflicts involving the KMT and both Burmese and Chinese communists.⁹⁷

Alongside these military challenges to administering the state, the new Burma government also suffered from the loss of many civil servants as a result of political turmoil, including the mass exodus of many of its Indian staff.⁹⁸ This restricted the civil service from reasserting government functions and institutions, leading to administrative vacuums that could be easily filled by non-state actors. Increasingly, the state took on a militaristic character, declaring martial law in some areas as it expanded its armed forces. The Tatmadaw then took temporary control of the entire country from 1958 to 1960. This period saw the creation of military "security councils" at all levels of government, which effectively took charge of administration, security, and economic development.⁹⁹

In 1958, as they had agreed to do in 1952, the *Saophas* in Shan and Kayah States disbanded, handing all their administrative powers to the democratic governments of their states.¹⁰⁰ That year, a clause that would have allowed Shan and Kayah States to secede (ten years after independence) became active. Although there were no major pushes to carry out such secession, the Union government worked on constitutional amendments to prevent it. 1960 then saw the emergence of increasing calls from all the ethnic states for governmental decentralization. Kachin leaders, who were mostly Christian, became particularly disaffected as the Union government ceded a collection of villages in Kachin State to China in 1960, before promoting Buddhism as the national state religion in 1961. By this time, the government had also begun a number of vigorous programmes to spread the Burmese language in the former frontier areas, whilst providing little-to-no formal space or support for education of local languages. Alongside ongoing militarisation, these attempts led non-Bamar elites in some areas to feel like they were in a state of 'internal colonialism'.¹⁰¹

These events contributed to the emergence of new armed movements representing the Shan and the Kachin, which quickly grew in strength. Though they were led mostly by students and not by the *Saophas* or *Duwas*, some family members of the latter joined the newly formed Kachin Independence Organization (KIO). This was a major blow to the spirit of unity that these groups and Bamar leaders had achieved at the Panglong conference.¹⁰²

In May 1961, the government agreed to calls to form Mon and Arakan states, with the same status as the other states. Due to protests from Muslim members of Parliament (MPs) in the region's north, the

⁹³ Sai Aung Tun (2009), pp. 302-326.

⁹⁴ See Lintner (1999), pp. 113-120.

⁹⁵ The area was ruled at the time by the Kokang *Saopha*, who like most of his subjects was ethnic "Kokang". While Kokang people are generally understood to be ethnic Han Chinese, they claim there are distinctions in their dialect and customs, as confirmed in interviews with Kokang cultural organizers and politicians (Interviews, Shan State, February 2015).

⁹⁶ Sai Aung Tun (2009), p. 342; Sai Kham Mong (2007), p. 266.

⁹⁷ Sai Kham Mong (2007), pp. 269-270; Kramer (2007), pp. 11-13.

⁹⁸ Taylor (2009), pp. 266-269.

⁹⁹ Chit Saw & Arnold (2014), p. 8.

¹⁰⁰ Sai Aung Tun (2009), pp. 359-375.

¹⁰¹ Callahan (2003b), pp.155-158.

¹⁰² Smith (1999), pp. 190-195.

Mayu Frontier Administration was created with immediate effect, to be administered separately from the Arakan State, and with some level of autonomy.¹⁰³

Around this time, the non-violent “Federalist Movement” began, led by a group of Shan politicians and former *Saophas*, who argued that the constitution would have to be amended significantly or rewritten to become truly federal in nature. This, they envisioned, would involve the creation of a Bamar state with equal powers to other states, the promulgation of internal constitutions for each state, and further arrangements to ensure that all central ‘Union’ powers would be shared equally.¹⁰⁴ By June 1961, the movement had brought in leaders from most non-Bamar areas, including state ministers, and was being taken very seriously by the Union government.¹⁰⁵ Meanwhile, Chin leaders began calls for a Chin state, various Karen bodies continued campaigning for greater autonomy, and the KNU rose in military strength.¹⁰⁶

2.5 Centralization and militarization – Ne Win’s rule (1962-1988)

On 1 March 1962, following the conclusion of a second day of talks between the government and representatives of the ‘Federal movement’, the military seized power, arresting most of government and a long list of Shan leaders, including former *Saophas*.¹⁰⁷ The military junta’s spokesperson stated a few days later that ‘the issue of federalism [was] the most important for the coup’ in order to avoid ‘chaos’.¹⁰⁸ Dramatic administrative reforms were swiftly instated as General Ne Win put the country on the path toward his “Burmese Way to Socialism”.

Moves to form Mon and Arakan states were cancelled; the governments in Kachin, Shan, Karen, Kayah, and Chin were abolished; and negotiations for constitutional change ceased.¹⁰⁹ On March 5th, General Ne Win placed all executive, legislative and judicial powers of government in the newly established Revolutionary Council (RC).¹¹⁰ The RC formed security and administrative councils for each area, run by retired generals, and eventually made changes to ensure that administrative districts corresponded to those of military brigades.¹¹¹ This began an explicit process to remove ethnicity from the discourse surrounding political and administrative structures and institutions.¹¹²

Peace talks were held unsuccessfully in 1963–1964, arguably driving tensions further, and leading to a ‘new wave of insurrections’.¹¹³ In the following years, new movements were established representing Arakan, Rohingya, Kayan, Shan, and Zomi ethnonationalist agendas, while the Kachin Independence Organization, New Mon State Party and numerous Shan movements grew rapidly.¹¹⁴ By this time, the political geography had become markedly defined by topography, as mountainous areas had little interaction with the state other than its infantry and became the administrative strongholds of armed groups. The Bago (then Pegu) mountains, for example, had existed for some time as an upland island under the control of the Communist Party of Burma (CPB) and leftist Karen

¹⁰³ Yegar (1972), p. 105; Nemoto (undated), pp. 15-16.

¹⁰⁴ Sai Aung Tun (2009), pp. 377-381.

¹⁰⁵ Sai Aung Tun (2009), pp. 401-423.

¹⁰⁶ Smith (1999), p. 194. On the KNU offensives, see Smith (1999), p. 189.

¹⁰⁷ Sai Aung Tun (2009), pp. 483-486.

¹⁰⁸ Smith (1999), p. 196. It has been argued of course that this was largely a guise for General Ne Win to seize power; see Smith (1999), pp. 196-197.

¹⁰⁹ Taylor (2009), pp. 302-303.

¹¹⁰ Taylor (2009), p. 296.

¹¹¹ Smith (1999), pp. 199-200; Chit Saw & Arnold (2014), pp. 8-9.

¹¹² Taylor (1999), pp. 303-304.

¹¹³ Smith (1999), pp. 206-212; quote from p. 219.

¹¹⁴ Smith (1999), p. 220, p. 222.

rebels. Meanwhile, many border areas were under total control of armed groups, with even the state's infantry unable to enter.

The Tatmadaw's response to this challenge perhaps made it more acute. The "four-cuts strategy" was developed, which aimed to cut popular support to insurgents. The strategy was based around the designation of rebel strongholds as "black" areas; areas contested by guerrillas as "brown"; and consolidated state areas as "white". In order to transform black to white, forced relocation campaigns were carried out in the former, ordering all villagers to move to "relocation sites" in white areas or be targeted as insurgents.¹¹⁵ This was successful in many areas, particularly away from international borders. While the forced relocation strategy shrunk the territories accessible to armed groups, it paradoxically deepened their relations with communities in areas where they had control, as hundreds of thousands of displaced people sought their protection.

In response to the growing challenges to control, the Tatmadaw began its first militia program in 1963, naming the new units the *Ka Kwe Ye* (KKY). In return for cooperation against insurgents, the program gave certain local armed actors freedom to operate and to use government roads and infrastructure to access economic opportunities (most famously narcotics). The first KKY was formed in Kokang out of former KMT remnants, after the bulk of them had left,¹¹⁶ and was followed shortly by Wa and Shan units.¹¹⁷ The program, which created 23 KKY units, started a long trend of the state offering economic opportunities and "freedom-to-rule" to local armed actors in return for their loyalty.

In 1968, the Communist Party of Burma (CPB) staged an impressive attack with Chinese support, taking the Kokang and adjacent Moneko regions, before expanding south to take the whole of the Wa region by 1972, where it made alliances with local leaders.¹¹⁸ The CPB implemented the first ever central administration system that had been experienced by some of the Wa areas,¹¹⁹ and remains the only body with Burmese leaders to ever administer most of the region. It also took control of a northern section of the Kachin-China border through an alliance with a splinter faction of the KIO that later became the National Democratic Army-Kachin.

Meanwhile, as the KIO and some armed Shan factions strengthened relations with the CPB, they grew in strength.¹²⁰ The KIO was able to benefit from relations with China by building a stronghold on its border, where it could establish an administration system with schools and other services.¹²¹ With less security on any border, Shan State Army (SSA), continued to operate as a guerrilla force, developing relations with local villages, receiving taxes and occasionally giving basic healthcare, primarily as a means to ensure safe passage and sustain the insurgency.¹²² The SSA was just one of numerous large Shan armies active in the state; among them was the growing force of former KKY-turned-rebel commander, Khun Sa, who would go on to dominate much of Shan State's border with Thailand.¹²³

¹¹⁵ See Smith (1999), pp. 258-262 for an overview of the emergence of the strategy in this period. 'Relocation sites' have also been called strategic villages, and today are usually referred to as *Su-see* (or collective) villages by the Myanmar government. For more on the "Four Cuts" strategy, see Maung Aung Myoe (2009), pp. 25-26; Selth (2001), pp. 91-92, p. 99, pp. 163-164; South (2008), p. 34, pp. 86-87.

¹¹⁶ While the KMT was officially pulled out of Burma in 1953, a number of units remained, often having carved out their own areas of control and sources of revenue. See Lintner (1999), pp. 231-232.

¹¹⁷ Smith (1999), p. 221.

¹¹⁸ Lintner (1999), pp. 249-271; Kramer (2007), pp. 11-16; Lintner (1990).

¹¹⁹ Kramer (2007), p. 11.

¹²⁰ While such relations helped the KIO significantly, it should also be noted that there were numerous periods of fighting between the two sides too.

¹²¹ Lintner (1999), p. 288.

¹²² Interview with former soldier of the Shan State Army (Interview, Chiang Mai, February 2015).

¹²³ For a list of Shan armies active at this time and in later eras, see Lintner (1999), pp. 491-492. Khun Sa's army was at that time called the Shan United Army, but later became the Mong Tai Army (MTA).

In the late 1970s, suffering heavy defeats in the Delta Region and Bago mountain range, the KNU withdrew entirely to the southeast of the country, where it established a new administration system that continues until today. Seven administrative districts were set up, corresponding to seven military brigades, each with administrators and representatives of key departments (e.g. economic, education, health) reporting to central headquarters.¹²⁴ Under KNU control, trade was booming on the Thai border,¹²⁵ and small towns developed within its territory.¹²⁶ Further reforms were made in 1974 to establish the KNU's Central Executive Committee, which until today remains the lead body on everyday administrative affairs in KNU areas.¹²⁷ With a newly invigorated "nationalist democratic" line,¹²⁸ this KNU stronghold soon became the heart of the twelve-party nationalist alliance, the National Democratic Front, and the force behind the militarized campaign for a federal democracy.¹²⁹

The KKY militia initiative officially ended in 1973, but had been preceded by the inauguration of the *pyithu sit*, or "People's Militia", program. Some People's Militia were very similar to the KKY, but the program also saw the establishment of new smaller units in villages in, and around, areas held by armed groups. People's Militia were often established in 'relocation sites' or in what some labelled "peace villages", where people were able to negotiate to stay in "black areas" if they cooperated with the government.¹³⁰ This had significant impact on the way differing populations interacted with the state and continued to strengthen strongmen in some areas to govern with relative autonomy in return for subordination.

In 1974, the Revolutionary Council implemented a new constitution that extensively centralized the administrative functions of government. The move represented a clear effort to remove ethnic distinctions from subnational governance arrangements. While seven ethnic "states" were created, named after the seven major non-Bamar ethnic nationalities, these were equal in all but name, to seven ethnic-neutral (but majority Bamar) divisions. Meanwhile, the text in the 1974 constitution 'made it absolutely clear' that these units 'possess[ed] no political or administrative sovereignty or autonomy'.¹³¹ Local administration was placed under the control of "People's Councils", which were set up at state/division, township and village tract levels with soldiers at the helm.¹³² Eight years later, the regime implemented its 1982 Citizenship law, which tied citizenship specifically to ethnicity and implied a more prominent status of the eight main ethnic groups.¹³³

The state came under increasing pressure from insurgency in the 1980s, and its own administration suffered decay, as the regime became 'preoccupied with petty secrecy and... micro-managed, distorted, and manipulated information to disguise inadequacies, root out dissension, exaggerate performance, and misinform'.¹³⁴ Also facing economic difficulties, the regime all but collapsed in 1988,

¹²⁴ Smith (1999), p. 287.

¹²⁵ Smith (1999), pp. 283-284.

¹²⁶ Smith (1999), p. 293.

¹²⁷ Smith (1999), p. 295.

¹²⁸ Note that all of these processes were influenced heavily by the reunification within the KNU of its largely divided right-leaning nationalists and pro-communist factions. Effectively, the former dominated the latter, leading to a distinctly nationalist political line that some have called right wing.

¹²⁹ Smith (1999), pp. 385-386; see Chart 2 for a list of the twelve groups, some who joined in later decades.

¹³⁰ For more on the People's Militia program, see Selth (2001), p. 78, pp. 81-82, p. 281; see also Maung Aung Myoe (2009), pp. 30-31, p. 33, p. 35.

¹³¹ Quotes from Taylor (2009), p. 306.

¹³² Chit Saw & Arnold (2014), p. 9.

¹³³ The Burma Citizenship Law, under Article 3 stipulates that "citizens" as opposed to residents with degraded forms of citizenship must be 'Nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period anterior to 1185 B.E., 1823 A.D.'; available at: <http://www.refworld.org/docid/3ae6b4f71b.html>. It wasn't until 1990 that a list of 135 National Races was produced, which lists all the accepted nationalities and marks them as falling within the major eight groupings.

¹³⁴ From Mutebi (2005) via Chit Saw & Arnold (2014), p. 9.

leading to a second coup d'état, which implemented a new military regime, called the State Law and Order Restoration Council (SLORC).

2.6 Military expansion and ceasefire diplomacy (1988-2008)

When the SLORC took over, huge parts of the north and east were under the control of communist and nationalist armed groups. The Communist Party of Burma (CPB) had been rooted in Shan State and parts of Kachin State for around 20 years, with 20,000 square kilometres under its administration.¹³⁵ Rural areas, including borders, across other parts of Shan State, southeast Burma and Kachin State were dominated by ethnic armed groups, most of which were calling for federalism, while others were allied with the CPB. In what is today northern Sagaing, there were also Naga separatists.¹³⁶

In 1989, the CPB collapsed, and its various factions formed ethnic armed groups in their areas, becoming primarily concerned with securing autonomy. In 1989, the SLORC set out to secure ceasefires with these and other armed groups, leading to a string of 16 major agreements by 1995, which provided the armed groups autonomous territories (see Table 1). In all of the ceasefires agreed prior to July 1994, these territories were designated as “Special Regions”, but in following years they had no official titles. For the most powerful groups, they became largely exclusive areas, which government could only enter after requesting permission. More than 17 additional, but on the whole less important, deals were concluded with splinter factions of armed groups by 2008.¹³⁷

Table 1: Major ceasefires of 1989–1995 (some smaller deals purposely omitted)

Armed Group	Territory Provided	Effective date	Ethnic Group	Notes
Myanmar National Democratic Alliance Army (MNDAA)	Shan State Special Region (1)	21 March 1989	Kokang	Split from the Communist Party of Burma.
United Wa State Party (UWSP)	Shan State Special Region (2)	9 May 1989	Wa (some leaders of Chinese, and other ethnicities)	Split from the Communist Party of Burma.
National Democratic Alliance Army (NDAA) – also known as “Mongla”	Shan State Special Region (4)	30 June 1989	Shan, Lahu, Akha	Split from the Communist Party of Burma. Became allied with and largely subordinate to the UWSA.
Shan State Army (SSA)	Shan State Special Region (3)	2 September 1989	Shan	National Democratic Front member.
New Democratic Army (Kachin) (NDA-K)	Kachin State Special Region (1)	15 December 1989	Kachin	Split from the Communist Party of Burma.
Kachin Defense Army (KDA)	Shan State Special Region (5)	13 January 1991	Kachin	Split from the Kachin Independence

¹³⁵ Lintner (1990), p. 79-99.

¹³⁶ An indicative overview of these areas of operation (if not areas of explicit control), is shown in a map in Lintner (1999) entitled ‘December 1988’. The main Naga separatist group by that time was the National Socialist Council of Nagaland – Khaplang.

¹³⁷ This total of 17 deals includes 16 that are listed in South (2008) Table 5.2, but were not considered significant enough to include in Table 1 of this report, plus the agreement signed with the KNU splinter faction, the Karen Peace Council, in 2007. Many of the smaller deals that came after 1995 actually led to the formation of small state-backed militia of various types rather than ceasefire groups. Short-lived deals were also secured with the KNPP and the KNU during this period. For more detail on the ceasefire “movement”, including lists of all the deals up to 2007, see South (2008), pp. 118-136.

				Organization (former 4th Brigade).
Pa-O National Organization (PNO)	Shan State Special Region (6)	11 April 1991	Pa-O	National Democratic Front member.
Palaung State Liberation Party (PSLP)¹³⁸	Shan State Special Region (7)	21 April 1991	Palaung (Ta'ang)	National Democratic Front member.
Kayan National Guard (KNG)	Kayah State Special Region (1)	27 February 1992	Kayan	Splinter group from the Kayan National Liberation Party / ally of Communist Party of Burma.
Kachin Independence Organization (KIO)	Kachin State Special Region (2)	24 February 1994	Kachin	National Democratic Front member.
Karenni State Nationalities Peoples' Liberation Front (KNPLF)	Kayah State Special Region (2)	9 May 1994	Karenni	Former ally of the Communist Party of Burma.
Kayan New Land Party (KNLP)	Kayah State Special Region (3)	26 July 1994	Kayan	National Democratic Front member. ¹³⁹
Shan State Nationalities Peoples' Liberation Organization (SSNPLO)	Areas of operation permitted in parts of Hsihseng and Mawmai Townships, Shan State.	9 October 1994	Pa-O	Former ally of the Communist Party of Burma.
New Mon State Party (NMSP)	Exclusive control of territory in Ye Township, Mon State and Kyainseikgyi, Kayin state on border with Thailand, and other patches along Mon and Karen State border.	29 June 1995	Mon	National Democratic Front member.
Democratic Karen Buddhist Army (DKBA)	Areas of operation permitted across much of Karen State and northern Mon State.	1995	Karen	Splinter group from the KNU.
Shan State National Army (SSNA)	Unknown	1995	Shan	Splinter group from Khun Sa's Mong Tai Army.

Under the SLORC, the current General Administration Department (GAD) was established in 1989 as part of broader administrative reforms. The most dramatic of these reforms was the creation of local Law and Order Reconciliation Councils (LORCs) in all states and divisions, which were led by Tatmadaw commanders, with GAD officers tasked with general administrative work such as 'town and village administration, development affairs, press scrutiny and registration, land and excise administration, and revenue collection'.¹⁴⁰ It also created the Ministry for the Development of Border Areas and the National Races at this time, which was deployed to areas stabilised by ceasefires to 'build roads, Burmese-language schools, hospitals, telecommunications relay stations and other facilities'.¹⁴¹

That year, the country was renamed Myanmar, along with other re-designations, and a list was produced of 135 recognized "National Races". In the list, which is still used as a basis for citizen registration, all groups recognized as indigenous were somewhat arbitrarily organized under the eight major ethnic nationality groupings.¹⁴²

¹³⁸ The PSLP is sometimes better known by its former name, the Palaung State Liberation Organization (PSLO) (1976-1986). It was the Palaung National Front 1963-1976.

¹³⁹ The KNLP was also former ally of the Communist Party of Burma until 1989.

¹⁴⁰ Chit Saw & Arnold (2014), p. 10; see also Taylor (2009), p. 451.

¹⁴¹ Callahan (2003b), p. 177.

¹⁴² Taylor (2015), p. 7; TNI (2013), p. 6.

The state also embarked on a heavy militarization process, particularly around ceasefire and conflict areas, determined to realise the centralized administration systems it had on paper by establishing a 'permanent military presence throughout the country'.¹⁴³

A number of official and opposition attempts to reinvent the constitution got underway during the SLORC era. The first, from the late 1980s onwards, came from opposition networks that mainstreamed the democratic desires of urban (largely Bamar) movements with "ethnic" demands for federalism. In 1988, the United Nationalities League for Democracy (UNLD), which was later outlawed, began calling for a federal system with states based not on geography, but solely on ethnicity. This demand has been reiterated by the ethnic opposition numerous times since.¹⁴⁴

By the early 1990s, these movements became centered in the KNU stronghold and in exile, as student protestors, and then successful candidates from the annulled 1990 election, faced violence and harassment in government-controlled areas.¹⁴⁵ A wide array of movements thus continued calls for a federal democracy, and in 1997, an alternative constitution was drafted in exile that called for a Bamar national state equal to other states. It also provided for more autonomous territories within states, seemingly for smaller minorities within them.¹⁴⁶ Notably there was no clear explanation in the alternative constitution regarding how the actual administrative functions of government would be organized, while significant sections were dedicated to human rights. Drafting of new versions continued through the 2000s, led by various political alliances involving armed groups, persons elected in 1990, and other pro-democrats.¹⁴⁷

Meanwhile, the SLORC launched the National Convention process in 1993 to draft a new constitution with an explicit focus on assuring 'non-disintegration of the union'.¹⁴⁸ While the vast majority of the participants were 'handpicked by the regime',¹⁴⁹ the process included ethnic representatives from 28 ceasefire groups, political parties which had won seats in 1990, and locally respected figures such as teachers and cultural association heads. However, such figures appear to have had little influence on the proceedings, and the process was suspended repeatedly due to calls from ethnic politicians for a "federal" system of government.¹⁵⁰

In 1994, the issue of creating self-administered areas (SAAs) for specific ethnic minorities was raised, leading to a flurry of requests from ethnic delegates (including some from armed groups) for various administrative territories. Danu, Intha, Akha, Lahu, Kayan, Pa-O, Kokang, Mro/Khami, Lisu/Rawang/Tai-Hkamti, and Naga representatives all requested SAAs. Wa representatives called for an autonomous region encompassing no less than 17 townships and Kachin delegates called for the resurrection of their Kachin sub-state in northern Shan as an SAA.¹⁵¹ Similarly, Shan, Chin, and Karen representatives called for SAAs for their groups in states and divisions where they were the minority.

¹⁴³ Selth (2001), pp. 33-38; for a more general overview of the Tatmadaw's reforms and expansion after 1988, see Maung Aung Myo (2009), pp. 33-42.

¹⁴⁴ See Sakhong (2012), p. 83-85; see also the United Nationalities League for Democracy's 'Background History', available at: <http://www.cncjp.org/UNLD-LA.pdf>

¹⁴⁵ Holliday (2011), pp. 64-65; Taylor (2009), pp. 420-428.

¹⁴⁶ Future Constitution of the Federal Union of Burma, Articles 35, 36.

¹⁴⁷ South (2008), pp. 70-71; Yawngghwe & Sakhong (2003).

¹⁴⁸ Holliday (2011), pp. 82-83.

¹⁴⁹ South (2008), p. 128.

¹⁵⁰ A simple overview of these processes and other key constitutional events since 1947 is provided by Human Rights Watch, titled, 'Chronology of Burma's Constitutional Process'; available at: <http://www.hrw.org/sites/default/files/reports/burma0508chronology.pdf>

¹⁵¹ Wa delegates, which included members of the armed United Wa State Party (UWSP) and the unrelated Wa Democratic Party, requested 17 townships plus two village tracts in Lashio Township as an SAA. The Kachin delegation included a member of the Kachin Defense Army and U Duwa Zot Daung, who in 2015 is the Representative for Kachin National Race Affairs for Shan State; see Burma Press Summary (1994); see also Sai Kham Mong (2007), pp. 272-273.

However, they were told that as they already had states, this would not be allowed.¹⁵² The six SAAs that eventually made it into the constitution are discussed in Section 3.2.

Meanwhile, the Tatmadaw was making significant gains in the border areas. The split of the KNU in 1994, which led to the formation of the Democratic Karen Buddhist Army (DKBA) as a proxy force of the state, catalyzed widespread losses of KNU territory. Exclusive KNU control was thus limited to a few key strongholds, while a guerrilla presence over much larger areas of southeast Myanmar continued. In the guerrilla areas, due largely to a lack of government administration, the group was able to maintain relations at the village level and continue to govern and provide social services.

During this period, some of the autonomous ceasefire territories became increasingly developed, and began to grow in population as people from government areas moved in. The New Mon State Party established internally displaced persons (IDP) camps in its territory for former refugees forced back from Thailand. These camps then attracted tens of thousands more people who were fleeing forced labor in government-controlled areas.¹⁵³ Around the same time, Laiza was founded in the KIO Special Region following the settlement of Kachin IDPs who had found relative stability in the area after decades of war.¹⁵⁴ Laiza, as well as Pangsang and other towns in the Wa Special Region, soon benefited from ceasefires and the growth of the Chinese economy, and became some of the most developed towns in upper Myanmar, with 24-hour electricity, local TV stations, and large modern hotels.

In 1996, the unexpected surrender of drug lord Khun Sa, a former state-backed militia leader, who by then commanded the rebel Mong Tai Army (MTA), allowed the Tatmadaw and its temporary ally, the United Wa State Party (UWSP), to make significant gains in southern Shan State. To gain a gateway to Thailand, the UWSP had been fighting the MTA since the early 1990s, and with permission of the government, finally conquered a large strip of territory across the southern border of eastern Shan State.¹⁵⁵ In 1999, it initiated the mass migration of an estimated 100,000 Wa people from its special region and established a new administration.¹⁵⁶ Khun Sa's factions dispersed, some forming or joining People's Militia and ceasefire groups, while one faction continued fighting and went on to become the Restoration Council of Shan State (RCSS).¹⁵⁷

It soon became apparent that the National Convention process was going to remain dominated by the regime and meet few of the core demands made by ethnic politicians. Key members of the ethnic opposition, who had contested elections in 1990, boycotted the convention and were then suspended from the process in 1995–1996, leading to a long break in proceedings. In 2001, 2003, and 2004, numerous statements were made by ceasefire organizations regarding their expectations for the process, often expressing some dissatisfaction and scepticism.¹⁵⁸

¹⁵² See Burma Press Summary (1994).

¹⁵³ Jolliffe & South (2014), p. 27.

¹⁵⁴ Jolliffe & South (2014), p. 9, p. 16.

¹⁵⁵ Smith (1999), pp. 440–448.

¹⁵⁶ Kramer (2007), pp. 21–23. For the number of Wa migrants, see estimates of 65,000 and others of 126,000 from between 1999 and 2006, in S.H.A.N, 'No More Wa Exodus', 7 May 2006; available at: <http://english.panglong.org/no-more-wa-exodus/>; and a 2000 BBC estimate of "around 100,000", BBC, 'Thailand blames Burma for drugs rise', 24 June 2000; available at: <http://news.bbc.co.uk/2/hi/asia-pacific/804326.stm>

¹⁵⁷ In the late 1990s, this faction, then named the Shan United Revolution Army (SURA), attempted to sign a joint ceasefire in a coalition with other Shan armed groups, but the military government refused to engage them as a bloc, likely realizing how powerful they could become, so the SURA returned to war, grew rapidly and later became the RCSS. Another major faction formed the Shan State National Army, which signed a ceasefire and allied with the Shan State Progressive Party.

¹⁵⁸ These included a statement from the UWSP, 'Mongla' NDAA, and Shan State Army. See Naw Seng, 'Ceasefire Groups Prepare for National Convention', The Irrawaddy, 22 October 2003; available at: http://burmatoday.net/irrawaddy/irrawaddy_e/2003/10/031024_ceasefiregroup_ir.htm. In 2001, and again in 2004, the predominantly pro-federal bloc of eight ceasefire groups issued statements expressing dissatisfaction with the process, and

Later in 2004, a bloc of predominantly pro-federal groups made more detailed demands, including specific requests for greater decentralization.¹⁵⁹ These included greater powers for state governments, including the right to draft their own constitutions and be given specific legislative powers in the areas of language, taxation, defense, and security, and even foreign affairs, among other provisions.¹⁶⁰ In 2005 and 2006 respectively, amid growing pressure from the Tatmadaw, two of these groups, the Palaung State Liberation Party and the Shan State National Army were disbanded, with the former's special region dissolved.¹⁶¹ Also in 2005, the National Convention process came under deep criticism by the UN Commission on Human Rights.¹⁶²

In 2006, the Kachin Independence Organization (KIO) sent a "19-Points Proposal" to the National Convention on its desire for the formation of a federal system of government.¹⁶³ The 6-page document includes detailed provisions related to distinguishing ethnic 'states' from 'regions' by giving them greater autonomy over legislative, administrative, judicial, fiscal, border, and other affairs as well as official second languages, and arrangements for the upholding of existing customary laws specific to that region. The government explicitly refused to discuss the proposal, and then threatened to return to conflict with the armed group.¹⁶⁴

Dissatisfied with the National Convention process, ethnic political actors and the mainstream pro-democracy opposition surrounding Daw Aung San Suu Kyi sustained calls for a process of "national reconciliation" centered around a tripartite dialogue involving these two broad bodies and the military government. Such calls were consistently backed by the international community, as dialogue was seen as imperative to finding solutions to Myanmar's multiple crises.¹⁶⁵

2.7 The 2008 constitution, new militia and the peace process (2008-2015)

The National Convention concluded in 2007, and the 2008 Constitution was adopted the following year.¹⁶⁶ The constitution, which then came into effect in 2011 following the 2010 general elections, maintained the seven states, renamed the seven divisions as regions, and re-instated subnational governments and legislatures in both. The charter also introduced six more distinctive self-administered areas (SAAs) for the Pa-O, Kokang, Palaung, Danu, Wa, and Naga peoples. The subnational administration systems created under these new arrangements are discussed in Section 3.

specifying grievances with 'the military's leading role in the future affairs state'; see Human Rights Watch, 'Chronology of Burma's Constitutional Process'; available at: <http://www.hrw.org/sites/default/files/reports/burma0508chronology.pdf>

¹⁵⁹ See Human Rights Watch, 'Chronology of Burma's Constitutional Process'; additional detail in South (2008), pp. 128-129.

¹⁶⁰ The statement also called for a concurrent list of legislative powers, seemingly meaning those that would be shared between states and the Union, as in India, and for "ethnic affairs" to be included in the Union legislative list (to imply their national importance). There is some discrepancy in the number of groups included in this statement. Human Rights Watch, 'Chronology of Burma's Constitutional Process' states 17 groups, while Zaw Oo & Win Min (2007) states thirteen.

¹⁶¹ South (2008), p. 133.

¹⁶² South (2008), pp. 129-133.

¹⁶³ Sakhong (2010), pp. 137-142.

¹⁶⁴ Sakhong (2010), p. 128.

¹⁶⁵ For two examples at opposite ends of this period, see United Nations General Assembly Resolution 49/197, dated 23 December 1994; see also a US Senate Resolution in 2007 in Lalit K. Jha, 'US Senate Passes Resolution Calling for Tripartite Dialogue', 3 October 2015; available at: http://www2.irrawaddy.org/article.php?art_id=8861

¹⁶⁶ Holliday (2011), p. 82.

The 2008 Constitution also provides for the continuation of ‘the strategy of the People’s Militia’, giving the military the right to ‘administer the participation of the entire people in the Security and Defense of the Union’,¹⁶⁷ and states that there will be only one armed forces.

Accordingly, in 2009, the government called for all the country’s remaining armed groups to convert into a new type of unit, Border Guard Forces (BGFs), with Tatmadaw officers embedded in their ranks.¹⁶⁸ Only a handful of groups agreed; many ceasefire groups such as the KIO, objected outright, while others managed to negotiate terms to form large and formalized People’s Militia, that have become known as People’s Militia Forces (PMFs).¹⁶⁹

The PMFs were brought under the formal command of the Tatmadaw but were not required to accept Myanmar soldiers into their ranks. At the same time, numerous long-established People’s Militia were upgraded into PMFs, giving them a more formal role. A much larger number of groups of varied sizes maintained less formal People’s Militia as they had done in some cases since the 1970s or earlier, including village-level militia of just 10–30 troops, as well as groups that cover multiple village tracts and have up to 100 soldiers.

Strictly speaking, the BGFs and PMFs are mandated only to provide security and less formally to conduct business activities. However, some of them continue to maintain a significant administrative presence, as is described in Sections 4 to 8. Table 2 lists all of the BGFs in existence at the time of writing this report. Table 3 displays the key groups that transformed into PMFs.

Table 2: Border Guard Forces

BGF Battalion number	Former title, status	Location: Township(s) (State/Region)
BGF 1001	National Democratic Army – Kachin	Chipwi (Kachin State)
BGF 1002	National Democratic Army – Kachin	Chipwi (Kachin State)
BGF 1003	National Democratic Army – Kachin	Waing Maw (Kachin State)
BGF 1004	Karenni Nationalities People’s Liberation Front	Loikaw, Hpasaung (Kayah State)
BGF 1005	Karenni Nationalities People’s Liberation Front	Bawlakhe, Mese (Kayah State)
BGF 1006	Myanmar National Democratic Alliance Army (splinter faction)	Konkyan, Laukkaing (Shan State, Kokang SAZ)
BGF 1007	A Lahu People’s Militia	Mongton (Shan State)
BGF 1008	An Akha People’s Militia	Mongyawng (Shan State)
BGF 1009	A Lahu People’s Militia	Tachilek (Shan State)
BGF 1010	A Wa People’s Militia	Matman (Shan State)

¹⁶⁷ Constitution of the Republic of the Union of Myanmar (2008), Article 340. Regarding People’s Militia, the article specifically states that ‘The strategy of the People’s Militia shall be carried out under the leadership of the Defense Services’.

¹⁶⁸ Each BGF unit is supposed to have 326 troops, of which 30 are from the Tatmadaw. While the head commander of each BGF is from the local ethnic armed actor, the other command positions and most support (non-infantry) roles are held by the Tatmadaw. In theory, some fail to meet the quota of personnel and/or do not have the 30 Tatmadaw soldiers in their garrison at all times.

¹⁶⁹ The author does not know where the English-language term “People’s Militia Forces” comes from, but as it has become the most common term, it is used in this report. In Burmese language, the new units are called *Htar Nay Pyithu Sit* (ဧရာနယ်ပြည်သူ့စစ်), meaning “Regional” or “Local” “People’s Militia”. They are sometimes referred to as Home Guards, which would appear to fit more closely with the Burmese.

BGF 1011	Democratic Karen Buddhist Army	Hlaingbwe (Kayin State)
BGF 1012	Democratic Karen Buddhist Army	Hlaingbwe (Kayin State)
BGF 1013	Democratic Karen Buddhist Army	Hpapun (Kayin State)
BGF 1014	Democratic Karen Buddhist Army	Hpapun (Kayin State)
BGF 1015	Democratic Karen Buddhist Army	Hlaingbwe (Kayin State)
BGF 1016	Democratic Karen Buddhist Army	Hlaingbwe (Kayin State)
BGF 1017	Democratic Karen Buddhist Army	Myawaddy (Kayin State)
BGF 1018	Democratic Karen Buddhist Army	Myawaddy (Kayin State)
BGF 1019	Democratic Karen Buddhist Army	Myawaddy (Kayin State)
BGF 1020	Democratic Karen Buddhist Army	Myawaddy (Kayin State)
BGF 1021	Democratic Karen Buddhist Army	Kawkareik (Kayin State)
BGF 1022	Democratic Karen Buddhist Army	Myawaddy (Kayin State)
BGF 1023	Karen Peace Force	Kyainseikgyi (Kayin State)

Table 3: People's Militia Forces formed from ceasefire groups¹⁷⁰

Former title, status	Location
Kachin Defense Army	Kutkai (Shan State)
Shan State Army - North (Brigades 3+7)	Tangyan, Lashio (Shan State)
Pa-O National Army	Hsihseng, Pinlaung, Hopong, Taungyi, Kalaw, Loilen (Shan State, incl. Pa-O SAZ) ¹⁷¹
Thandaung Peace Group	Thandaunggyi (Kayin State)

Under the 2008 Constitution, the opportunity emerged for ethnic politicians linked to ceasefire groups to seek roles in the mainstream political sphere. A number of People's Militia and newly formed BGF leaders joined the Union Solidarity and Development Party (See Annex 1), that was established explicitly by the military government in 2010. At the same time, some factions of ceasefire groups formed parties, while their armed wings transformed into BGFs or PMFs (See Annex 2).

On the other hand, the military government blocked ceasefire groups that had been less cooperative with the military government, along with other individuals that were considered armed group associates. The most prominent of these were Kachin parties and independents who had their registration applications denied due to emerging tensions between the KIO and the military government.¹⁷² Meanwhile, Zakhon Ting Ring, founder of the New Democratic Army-Kachin, which

¹⁷⁰ This list does not include all the PMFs, but only known ones that were formerly ceasefire groups. Others are mentioned throughout Sections 5 to 8 of this report. There are also a much greater number of ordinary People's Militia that have not become PMFs.

¹⁷¹ The PNA may also have a presence in other nearby townships.

¹⁷² Sakhong (2010), pp. 127-134.

formed BGFs 1003–1005, registered as an independent and won a seat in Chipwi Township, Kachin State.¹⁷³

Additionally, a large number of ethnic political parties were formed by politicians with no connections to ethnic armed actors, many of which came to represent similar political aspirations to politically active armed groups. Since 2011, these have been added to by new ethnic parties and the return of a handful of popular ethnic parties that had won seats in the annulled 1990 election.¹⁷⁴

In 2009 and 2010, the government's BGF demands exacerbated tensions with many of the country's ceasefire groups, which contributed to conflicts in numerous areas. The dominant faction of the Kokang Myanmar National Democratic Alliance Army (MNDAA) was driven out of its special region in 2009, while a splinter group formed BGF 1006. Meanwhile a minority faction of the Democratic Karen Buddhist Army (DKBA), and another KNU splinter group, the Karen Peace Council, broke their ceasefires and went back to war with the government until 2011.

In Shan State, a large faction of the Shan State Progressive Party refused to form a PMF and was attacked by the Tatmadaw in 2011, leading to conflicts that persist into 2015. In 2011, under a new semi-civilian government led by retired generals, the Tatmadaw launched attacks on the KIO that would spur the country's most violent period in years. These conflicts all caused significant territorial shifts and changes in local administration (discussed in Sections 5 to 8). From late 2011 onwards, however, a string of 14 new ceasefires was achieved as demands for groups to form BGFs were quietly sidelined (See Table 4). Over half of these agreements represented existing ceasefires that were re-affirmed following the years of tension or fresh conflict. Others, such as those with the KNU, Restoration Council of Shan State (RCSS) and the Karenni People's Progressive Party (KNPP) were new deals entirely.

This paved the way for the current peace process in which a coalition of 16 armed groups called the Nationwide Ceasefire Coordination Team (NCCT) has been negotiating with the government towards a Nationwide Ceasefire Agreement (NCA). The NCA is intended to consolidate existing bilateral agreements into a comprehensive deal and pave the way for a new political dialogue process, not just for NCCT members, but for ethnic armed actors and non-violent political actors too. This peace process has seen parties to conflict engaged in regular talks between 2012 and 2015, which were still ongoing as of June 2015. The prospects for the NCA and political dialogue to address the administrative challenges listed throughout this report will be discussed in Section 9.

Table 4: Ethnic armed actors that have signed ceasefires with government since 2011¹⁷⁵

Ethnic Armed Actor	New Ceasefire	Previous ceasefire	Participation in peace process, as of June 2015
United Wa State Party	6 September 2011	1989	Observer to some NCA talks
National Democratic Alliance Army (Mongla)	7 September 2011	1989	Observer to some NCA talks
Democratic Karen Benevolent Army	3 November 2011	1995 (ended in 2010)	Member of the NCCT
Restoration Council of Shan State	2 December 2011	None	Enthusiastic observer to NCA talks
Chin National Front	6 January 2012	None	Member of NCCT

¹⁷³ Farrelly (2012), p. 60.

¹⁷⁴ For more on the 2015 political landscape, including a list of registered parties in Appendix B, see ICG (2015).

¹⁷⁵ Another armed actor, the All Burma Students Democratic Front (ABSDF) signed its first ceasefire with the government on 5 August 2013 but is a pan-ethnic organization with predominantly ethnic-Bamar leaders fighting for democracy, thus not an "ethnic" armed actor.

Karen National Union	12 January 2012	None ¹⁷⁶	Member of NCCT
Shan State Progressive Party	28 January 2012	1989 (ended in 2011)	Member of NCCT
New Mon State Party	1 February 2012	1995	Member of NCCT
Karen Peace Council	7 February 2012	2007	Member of NCCT
Karenni National Progressive Party	7 March 2012	1994 (ended same year)	Member of NCCT
Arakan Liberation Party	5 April 2012	None	Member of NCCT
National Socialist Council of Nagaland - Khaplang	9 April 2012	None	Observer to some NCA talks
Pa-O National Liberation Organization	25 August 2012	None	Member of NCCT

2.8 Implications

Myanmar was envisioned by its principle founders as a “Union” of multiple nation-states that had not been fully unified in history. While the conception of these “nations” was largely a product of colonialism, their foundations are rooted in a much longer history of non-Bamar societies governing themselves through their own forms of political organization. As a result, multilateral disputes have persisted since before independence about which ethnic groups should get a “state”, how they should be demarcated, what level of autonomy they should have, and to which other parts of government they should be answerable.

These debates have centered on the recognition of eight main ethnic groups: the Bamar, the Shan, the Mon, the Karen, the Kayah (Karenni), the Kachin, the Rakhine (Arakanese), and the Chin—the latter seven of which currently have states named after them. Central powers of the “Union” have long been dominated by Bamar leaders, while nominally “ethnic” movements have argued for such powers to be shared more equally, and for local administration in ethnic “States” to be in the hands of state governments.

Despite not amounting to secessionist demands, ethnic attempts to claim autonomy through militarily resistance have, in turn, been met with further centralization of the state, creating a cyclical security dilemma. This conflict has become increasingly antagonistic since the ‘Federal Movement’ began in the early 1960s, leading the military to seize power, and to announce just days later that ‘the issue of federalism [was] the most important [reason] for the coup’.¹⁷⁷

While maintaining a monopoly over the design of official government structures, the state has attempted to subdue armed actors by permitting varied levels of *de facto* but unofficial autonomy, particularly since the late 1980s. Today, those most subordinate to the state are Border Guard Forces and People’s Militia Forces, some of which have members or close associates in parliament. Other groups have refused to be subordinated to the state but have maintained territorial control through ceasefire arrangements. Despite this and the re-establishment of local governments and self-administered areas (SAAs), vigorous demands from both ethnic armed actors and ethnic political parties in parliament have continued for a fully federal system of government. New and reignited armed conflicts since 2011 demonstrate how fragile the present arrangements are.

The following section looks more closely at the systems of governance under the new state/region governments and SAAs. It looks particularly at the extent to which they allow local ethnic actors to gain formal roles in subnational governance, and thus the potential of these arrangements to address

¹⁷⁶ Talks between the KNU and the government had been held numerous times since the 1950s, most recently in 1995-1996, and again in 2004-2005, but no effective agreement was achieved.

¹⁷⁷ Smith (1999), p. 196.

the ethnic grievances that drive conflict. Later sections will look in far greater depth at the present administration of territories by ethnic armed actors and related contemporary conflicts.

Section THREE: The official system: subnational governance under the 2008 Constitution

As has been described by the ethnic politician and scholar, Lian Sakhong,¹⁷⁸ the 2008 Constitution provided for a number of reforms long-sought by ethnic political movements, including the establishment of state governments, and equal representation in the upper house. However, the constitution failed to deliver on most of the demands that have persisted since the “Federal Movement” of the 1960s.¹⁷⁹ As previous research by The Asia Foundation shows, although the new constitution has provided a degree of decentralization, ‘the actual reach of administrative responsibilities and confusion over executive structures, the small size and central oversight of the budget, and the restrictions on political autonomy, all mean that Myanmar is still a very centralized country.’¹⁸⁰ As of June 2015, bills have been submitted to the Union Assemblies that have the potential to increase the powers of state/region governments in a number of important, but still limited, ways, as will be discussed at the end of Section 3.1.

This section looks at the current formation and functionality of official subnational government structures, and particularly at the degree of autonomy they provide local leaders.¹⁸¹ Section 3.1 explores the state and region governments, and Section 3.2 examines the self-administered areas (SAAs).

3.1 State and region governments

The 2008 Constitution maintains a nominal distinction between “ethnic” states and supposedly neutral, but majority Bamar, regions (formerly divisions). However, in practice, as in 1974, the administrative units have exactly the same constitutional mandates. These states and regions all have state/region governments and state/region legislatures (referred to from here forth as “regional assemblies”).¹⁸²

The state/region governments are headed by chief ministers who, rather than being elected locally, are appointed by the president from among representatives in the regional assembly. Chief ministers oversee a cabinet comprised of:

- Eight ministers and an advocate general whom the chief minister appoints.¹⁸³
- A Minister of Border Affairs and Security who is appointed by the military.
- The state/region administrator, who acts as the “executive secretary” of the state/region government, and is centrally appointed by the military-led Ministry of Home Affairs’ General Administration Department (GAD).
- Chairpersons of leading bodies of self-administered areas (discussed in Section 3.2).¹⁸⁴
- Varying numbers of representatives of national races (sometimes called ministers for ethnic affairs), as determined by the Union Election Commission.

¹⁷⁸ Sakhong (2012), pp. 88-89.

¹⁷⁹ Sakhong (2012), pp. 88-89.

¹⁸⁰ Nixon *et al.* (2013), p. ix.

¹⁸¹ These systems are covered in significantly greater detail in Nixon *et al.* (2013) and Chit Saw & Arnold (2014).

¹⁸² This section looks primarily at the governments rather than the assemblies, in line with a focus on the administrative functionality at the local level, rather than on political representation.

¹⁸³ These ministers do not have to be elected representatives.

¹⁸⁴ However, at least in Shan State, where five out of six SAAs are located, only some of the chairpersons attend cabinet meetings regularly, and they are not considered to be of the same status as other cabinet members; see UNDP (2015b), p. 27.

Figure 1 – State and region cabinet composition by party and gender¹⁸⁵

State/ Region	Ayeyarwady	Chin	Kayin	Shan	Tanintharyi	Mon	Bago	Kachin	Kayah	Magway	Mandalay	Rakhine	Sagaing	Yangon	Total
Cabinet	12	10	13	17	11	13	11	14	11	11	11	11	12	12	169
Male	11	10	13	17	11	13	11	12	11	11	11	11	12	11	165
Female	1	0	0	0	0	0	0	2	0	0	0	0	0	1	4
Military	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14
USDP	10	5	5	12	10	10	8	8	10	8	9	6	9	7	117
NLD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NUP	1	0	0	0	0	0	1	2	0	2	0	0	1	1	8
AMRDP	0	0	2	0	0	2	0	0	0	0	0	0	0	0	4
RNDP	0	0	0	0	0	0	0	0	0	0	0	4	0	1	5
CPP	0	1	0	0	0	0	0	0	0	0	0	0	1	0	2
CNP	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
SNDP	0	0	0	2	0	0	0	2	0	0	1	0	0	0	5
UDPKS	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
KPP	0	0	1	0	0	0	1	0	0	0	0	0	0	1	3
PSDP	0	0	3	0	0	0	0	0	0	0	0	0	0	0	3
INDP	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
KNP	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Appoint/Ind*	0	2	1	0	0	0	0	0	0	0	0	0	0	1	4

* Independent or state and region ministers appointed from outside the *hluttaw*.

However, the state/region ministers do not have ministries. Rather they have looser roles in coordinating, supervising and budgeting for certain state/region departments of related Union-level ministries. Among the 30–40 departments of Union-level ministries that exist at the state/region level,¹⁸⁶ local governments typically only have formal influence over those that relate to the limited areas of governance outlined in Schedule Two of the 2008 Constitution.¹⁸⁷

However, Schedule Two notably ‘leaves some of the most politically relevant areas of activity outside the state and region government framework’,¹⁸⁸ such as local security and justice, border affairs, large-scale development, governance of major natural resources, education, and healthcare. These and most other functions of government, therefore, continue to be carried out by departments of Union ministries under centralized—in some cases, military—control, with no local supervision or coordination.

¹⁸⁵ This figure first appeared in Nixon *et al.* (2013), p. 55.

¹⁸⁶ These departments all fall under the twelve Union-level ministries. The 30–40 figure was taken from UNDP (2015b), p. 38, which is actually referring to the number at township level. All of these can be assumed to also exist at state/region level.

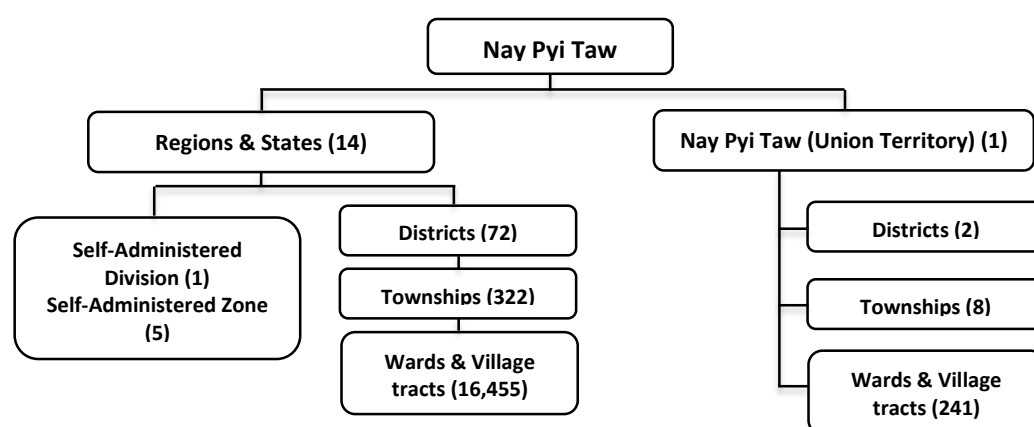
¹⁸⁷ Nixon *et al.* (2013), pp. 25–27. The state/region governments’ degree of influence over Schedule Two areas has been formalized to some extent in cases where fiscal resources are allocated by the Union to the state/region budget for specific departments; see Nixon and Joeline (2014), pp. 10–16. UNDP (2015b), pp. 27–28 has found in Shan State that, as the budgets for 22 specific departments have been designated in this way, they have in practice fallen under the control of state/region ministries. These “state-budget” departments are then led by local ministers in most cases, but do not always fit directly within their specific portfolios. This division of authority in the Shan State government is demonstrated in a clear diagram in UNDP (2015b), p. 28.

¹⁸⁸ Quote from Nixon *et al.* (2013), p. 31.

Below the state/region (i.e. at district, township and village tract levels) the only bodies under the constituted authority of the state/region government are the development affairs organizations, often referred to as municipal offices, which fall under the state/region minister of development affairs. Development affairs organizations exist for each township and provide water and sewage services, trash collection, and road maintenance. They also manage the provision of business operating licenses and construction permits, and the collection of building taxes. All other functions fall under Union ministries.¹⁸⁹ As a result, ‘For citizens, interaction with the state is still more likely to be with a Union Government ministry such as health or education... rather than with the state or region government itself.’¹⁹⁰

Meanwhile, ‘the workings of state/region government have been almost entirely dependent on the support of the General Administration Department [GAD], a branch of the military-led Ministry of Home Affairs.’¹⁹¹ Indeed, even Union ministries, particularly the more local branches, are also largely dependent on the work of the GAD. As Chit Saw & Arnold note, ‘The importance of the GAD depends not so much on what it explicitly controls, which is, in fact, a great deal, but rather [on] the GAD’s ubiquitous presence, and the authority to coordinate, communicate among, and convene other government actors.’¹⁹² The GAD is present at each administrative level and structured as shown in Figure 2.

Figure 2 – Presence of GAD offices, administrators and staff¹⁹³



The GAD’s influence is particularly prominent at district, township and village tract levels where “administrators” are at the heart of almost all governance functions. These officials are centrally appointed, except at the village tract level where they are indirectly elected by communities. Village tract administrators, however, are not considered government employees. They are answerable only to the township administrator, who has powers to dismiss them for misconduct, and work alongside centrally appointed clerks. ‘As the township level is dominated by the GAD, this effectively puts the GAD at the very center of the Thein Sein government’s reform plans, as well as those of many international development programs.’¹⁹⁴

Aside from the names of states, the only aspect of state and region government structures designed explicitly around ethnicity is the existence of representatives for national race affairs. However, the

¹⁸⁹ Arnold *et al.* (forthcoming).

¹⁹⁰ Quote from Nixon *et al.* (2013), p. 69.

¹⁹¹ Nixon *et al.* (2013), p. 69.

¹⁹² Chit Saw & Arnold (2014), p. 2.

¹⁹³ Hook *et al.* (2015), p. 14.

¹⁹⁴ Chit Saw & Arnold (2014), p. 33.

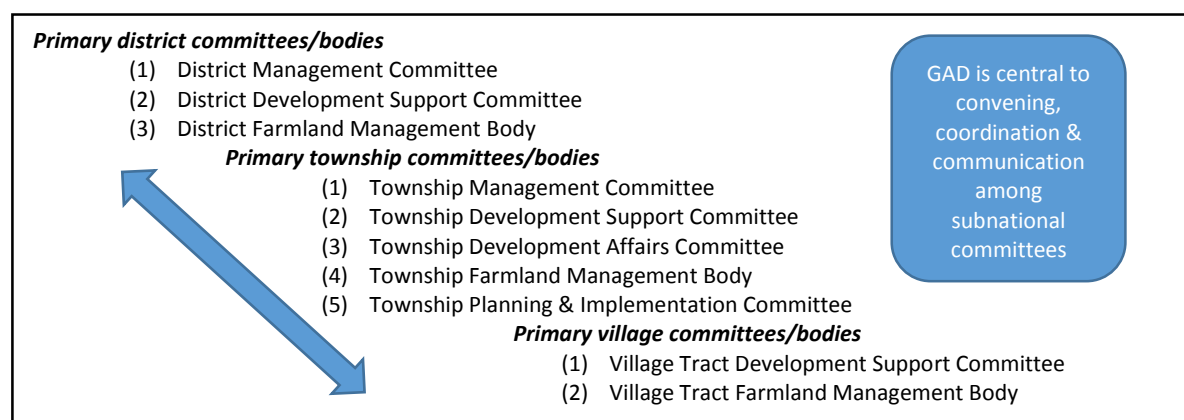
election processes and exact roles of these officials, who have come to be known as ethnic ministers, are marred by inconsistencies and a lack of clear arrangements in the constitution.

According to the constitution, these representatives are elected to the assemblies through extra-territorial constituencies created to represent all ethnic nationalities that do not have a designated state or self-administered area in that state but make up at least 0.1% of the Union population.¹⁹⁵ As specific guidance does not appear in the constitution for their election, in 2010, the process appeared to have been developed by the Union Election Commission (UEC). The UEC created 29 specific ethnic constituencies across all states and regions, based on unpublicized ethnographic data. At least in theory, all citizens from the given ethnic nationality were able to vote on their representative for national race affairs through a separate ballot.¹⁹⁶

The 29 representatives have since come to be known as “ethnic ministers”,¹⁹⁷ but their level of activity in state/region cabinets has been mixed. Furthermore, the GAD Executive Secretary has said plainly that they are “not state cabinet members”. The constitution merely provides that they are elected to the state/region assemblies,¹⁹⁸ and are ‘entitled to participate in legislature of Regions or States and Self-Administered Areas concerned’.¹⁹⁹

To encourage greater participation from wider portions of society in some local affairs, in 2013, President U Thein Sein established an array of complementary committees at district, township, and village tract levels. These include management committees and farmland management bodies, which are made up of staff from the various departments, police, and immigration officers, and are chaired by the local GAD administrator. Complementing these are the more representative development support committees at district, township and village tract levels, and a development affairs committee at only the township level. These latter committees include ‘elected persons’ and representatives for various sectors of society such as ‘civil society’, ‘business’, ‘academics’, ‘farmers’, ‘workers’, and ‘elders’, among others.²⁰⁰ The most prominent of these committees are displayed in Figure 3.

Figure 3: Subnational Development and Management Committees²⁰¹



¹⁹⁵ Constitution of the Republic of the Union of Myanmar (2008), Article 161 (b).

¹⁹⁶ TNI (2013), p. 12. As described in endnote 47 of TNI (2013), while it is not known what the official rules were for determining ethnicity on the day, there were reports of people being refused permission to vote in specific ethnic constituencies for reasons as arbitrary as wearing the wrong-coloured clothing.

¹⁹⁷ For example, a statement signed by all the representatives, and published by the government, said they were ministers according to the 2008 Constitution, which is not correct; see Myanmar Government, ‘Ethnic affairs ministers issue a statement’, 13 January 2015; available at: <http://www.president-office.gov.mm/en/?q=briefing-room/2015/01/14/id-4844>. TNI (2013), p. 12 found that the decision to call them ministers came after the election.

¹⁹⁸ Constitution of the Republic of the Union of Myanmar (2008), Article 161 (b).

¹⁹⁹ Constitution of the Republic of the Union of Myanmar (2008), Article 15.

²⁰⁰ Chit Saw & Arnold (2014), pp. 35-36 and appendices 1-3.

²⁰¹ Originally appeared in Chit Saw & Arnold (2014), p. 35.

There are additional committees, such as the township education committees, township health committees, and township land use management committees that are made up predominantly of civil servants and security personnel from various departments. Furthermore, there are a series of less formal but seemingly regular meetings held between security officials, among village tract administrators, or between these administrators and the township-level committees. There are also regular meetings between department heads, which sometimes include village tract administrators, allowing local representatives a degree of participation in administrative affairs.²⁰²

Many, but not all, of these bodies were established by the president in 2013 explicitly to balance the influence of administrators with local interests, as he stated: 'I believe that such an arrangement will reduce public grievances caused by the highhanded actions taken by individual administrators.'²⁰³ The committees, including those with local representation, are charged with coordination and implementation of a wide array of locally relevant areas of governance.²⁰⁴ Given this, and the level of influence and authority generally vested in the GAD, which coordinates them, some of the bodies have the potential to act as significant local governance actors. However, in practice this depends largely on the discretion of local GAD officials, and could change under future governments as they are not mandated by the constitution.

In June 2015, President U Thein Sein announced plans to submit bills to the Union Assemblies that would devolve some new powers, particularly related to resource revenues, to the state/region governments by amending Schedules One and Two.²⁰⁵ On June 10, USDP MP U Thein Zaw then submitted two bills proposing a number of amendments to the constitution. The proposed changes included giving state/region assemblies powers to choose the state/region chief ministers and the state/region governments 'the ability to collect income tax, customs duties and stamp duty as well as levies on services (tourism, hotels, private schools and private hospitals) and resources (including oil, gas, mining and gems)'.²⁰⁶ While these changes would be significant, locally elected officials would continue to 'rely on the General Administration Department, [which is] directed from the center and under the authority of the military, to effect any major changes.'²⁰⁷

3.2 Self-administered areas

As provided by the 2008 Constitution, Myanmar has six self-administered areas (SAAs) designated to specific ethnic groups, all of which are considered minorities within their state/region but a majority within specific townships. Five of these are called self-administered zones (SAZs), constituting of two or three townships, and one is a self-administered division (SAD), consisting of six townships (see all the SAAs listed in Table 5).²⁰⁸

The SAAs are distinct from all other administrative units in Myanmar in that they are organized with the explicit aim of providing greater self-governance to specific non-Bamar ethnic nationalities. Their

²⁰² As above, the information here was documented specifically for Shan State in UNDP (2015b), pp. 39-40. However, many of these committees exist in all states and regions, and some are also detailed in Chit Saw & Arnold (2014), pp. 35-36 and Appendices 1-3.

²⁰³ See U Thein Sein, 26 December 2012, quoted in Chit Saw & Arnold (2014), p. 35.

²⁰⁴ For more detail on the exact roles and responsibilities of various committees, see Chit Saw & Arnold (2014), appendices 1-3; see also UNDP (2015b), pp. 38-43.

²⁰⁵ See, Nyein Nyein, 'President's Pitch on Charter Reform Said to Miss the Mark', The Irrawaddy; available at: <http://www.irrawaddy.org/burma/presidents-pitch-on-charter-reform-said-to-miss-the-mark.html>

²⁰⁶ Andrew McLeod 'Myanmar: Proposed amendments seek to entrench legislative supremacy and devolve marginal autonomy to local governments', 15 June 2015, Constitution Net; available at: <http://www.constitutionnet.org/news/myanmar-proposed-amendments-seek-entrench-legislative-supremacy-and-devolve-marginal-autonomy>

²⁰⁷ Andrew McLeod 'Myanmar: Proposed amendments seek to entrench legislative supremacy and devolve marginal autonomy to local governments'.

²⁰⁸ See Constitution of the Republic of the Union of Myanmar (2008), Article 56.

establishment was one of the main topics during the National Convention that included direct input from ethnic armed actors. The SAAs could also represent a key step towards addressing the issue of minorities that exist within states representing other minorities (e.g. non-Shan communities in Shan State).

This section looks at how the SAAs are provided for in the constitution and the political factors that affect each area. It gives a snapshot of how they function in practice, and particularly the extent to which they can be considered locally autonomous areas.

3.2.1 Overview of the SAAs in 2015

Self-administered areas (SAAs) are nominally under the authority of “Leading Bodies”, which are made up of:

- All the MPs elected to the state/region assemblies in those constituencies (two per township);
- Military personnel appointed by the Tatmadaw (one fourth of the body’s total);
- Representatives of other minorities within the SAA.²⁰⁹

These members then collectively nominate a chairperson for appointment by the president; if a consensus is not met, a secret vote can be held.²¹⁰ The chairperson then appoints an executive committee of between three and five members to work for the body on a full-time basis and carry out its responsibilities.²¹¹

Table 5: Self-administered areas (as of June 2015)

Ethnic group (type)	Townships included	Parties included in leading body	Chairing party	Relation to ethnic armed actors	Significant armed conflict in 2015
Naga (SAZ)	Lay Shi, Lahe and Nanyun Townships (Sagaing Region)	USDP (Six out of six elected seats)	USDP	None	No
Danu (SAZ)	Ywangan and Pindaya Townships (Shan State)	USDP (two of four elected seats); Danu National Democracy Party (DNDP) (two of four elected seats) ²¹²	USDP	None	No
Pa-O (SAZ)	Hopong, Hsihseng and Pinlaung Townships (Shan State)	Pa-O National Organization (PNO) (Six out of six elected seats)	PNO	PNO is a former rebel group. It is still attached to the Pa-O National Army, which has formed a state-backed PMF.	No
Palaung (SAZ) ²¹³	Namhsan and Manton Townships (Shan State)	Ta’ang National Party (four out of four elected seats)	TNP	Some, but not all, TNP MPs are from the former rebel group Palaung State Liberation Party.	Yes

²⁰⁹ As with other townships, each township in the SAAs should have two MPs in the state/region assembly, all of which are appointed to the leading body. Military appointees make up one fourth of the total number of members and thus vary in number according to the number of townships in the SAA. The representatives of other minorities are then selected by the elected members and military appointees. If the leading body still does not comprise 10 members, then other people are selected by the existing members; see Constitution of the Republic of the Union of Myanmar (2008), Article 276; see also UNDP (2015b), pp. 35-38 (but note the error therein, stating military appointees make up a third of the total).

²¹⁰ UNDP (2015b), p. 35.

²¹¹ UNDP (2015b), p. 37.

²¹² Both of the DNDP MPs were independents when they ran in 2010 but have since joined the newly formed party.

²¹³ The official spelling used for the SAZ is “Pa Laung” but “Palaung” is used here for consistency with the spelling for used throughout the report for the ethnic nationality.

Kokang (SAZ)	Konkya and Laukkaing Townships (Shan State)	USDP (Four out of four elected seats)	USDP	Numerous USDP MPs in Kokang Leading Body are former Myanmar National Democratic Alliance Army (MNDAA) members and are connected to BGF 1006.	Yes
Wa (SAD)	Hopang, Mongmao, Pangwaun, Narpan, Matman and Pangsang Townships (Shan State)	Wa Democratic Party (WDP) (three out of four elected seats); Lahu National Development Party (LNDP) (One out of four elected seats)	WDP	None. However, the United Wa State Party continues to control four of the six townships, where it has barred elections and thus the SAD is yet to be established.	No

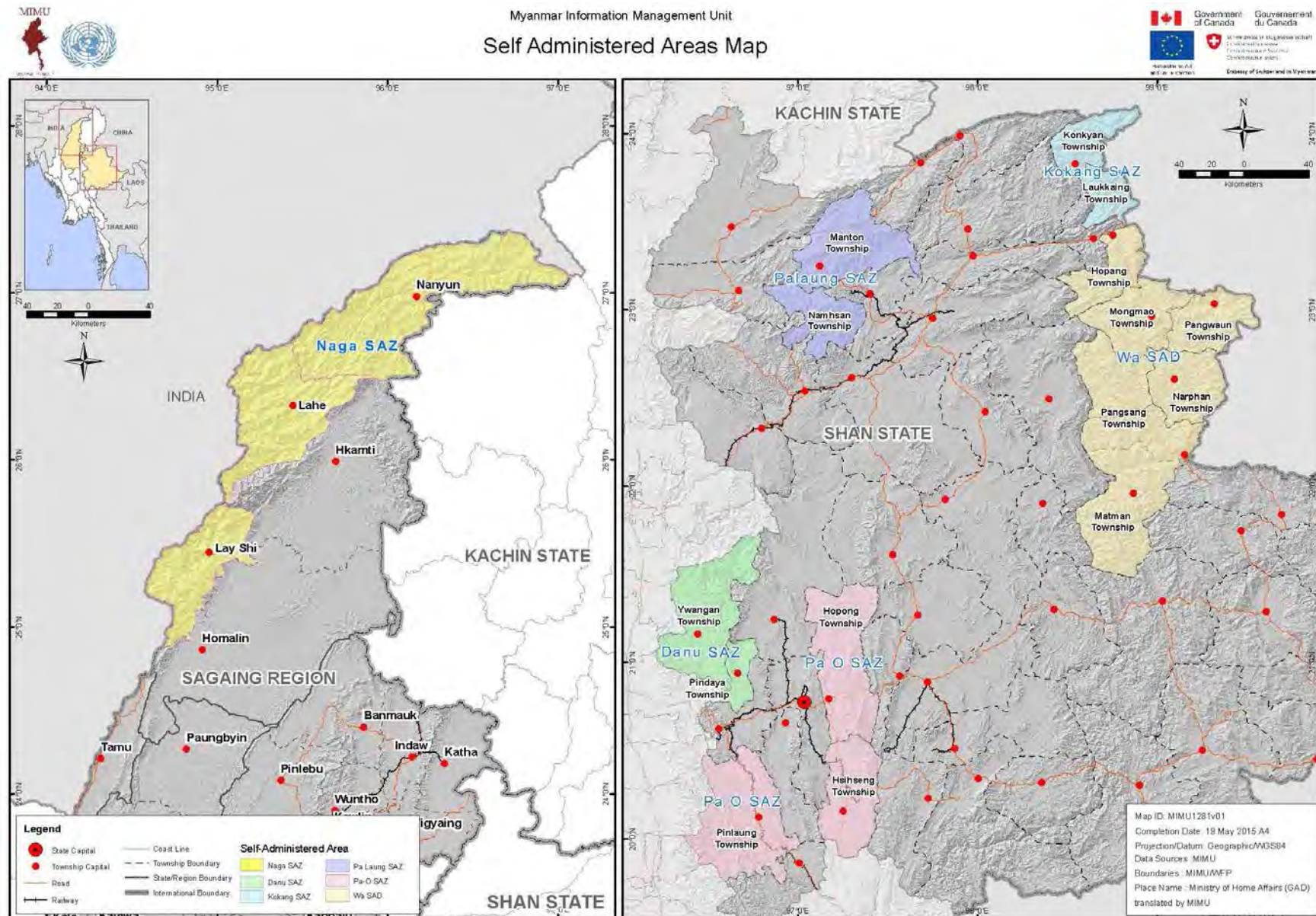
The political dynamics affecting each of the SAAs vary greatly and have had very different impacts on local conflicts. The political dynamics in the SAAs will be explored in more detail in Sections 5 to 8, but can be summarised as follows:

- The elected (non-military) representatives of the Naga SAZ Leading Body are all USDP members, from a minority of Naga Buddhists, and have been long-involved in state-backed mass organizations such as the Union Solidarity and Development Association. Meanwhile, numerous territories within the SAZ are controlled by Naga Armed Groups (See Section 8). Formal politics in the Naga SAZ has seen no involvement of any of the Naga armed groups, which were also not present at the National Convention (as none had signed ceasefires).
- The Danu ethnic nationality has never formed an armed group. The Danu SAZ Leading Body is chaired by the USDP but also has representatives from the newly formed Danu National Democracy Party. The Chief Minister of Shan State, Sao Aung Myat, is a Danu and in 2010 was elected for the USDP to the SAZ's Pindaya constituency. The retired Lieutenant Colonel from the Tatmadaw was then expected to become the chairperson of the leading body until he was given his higher position. MPs in state/region assemblies keep their seats even if given cabinet positions but it is not clear if they keep positions in SAA leading bodies or not. However, in practice, the chief minister has been instrumental in the governance of the SAZ's affairs.²¹⁴
- The Pa-O SAZ is discussed in detail in Section 6. All available seats were taken by the Pa-O National Organization, whose roots in ethnic armed rebellion are some of the oldest in the country. Since 1991, however, the group has established stable and reciprocal relations with the state, through what Callahan has termed an attempt at 'pragmatic acceptance' of its weakness relative to the state.²¹⁵ The PNO's role in local governance is enhanced significantly, though less formally, through its large and well-organized PMF, the Pa-O National Army, which maintains its own administration system in the SAZ and other nearby townships.

²¹⁴ The chief minister has reportedly secured land and resources for Danu cultural associations and arranged MMK 10,000,000 to assist an education foundation for the region. This information was provided by a prominent Danu academic and cultural association leader working in the Taunggyi area and the SAZ (interview, Shan State, February 2015).

²¹⁵ See Callahan (2007), pp. 45-47.

Map 2: Self-administered areas



- All of the elected seats in the Palaung SAZ are held by the Ta'ang National Party,²¹⁶ which was set up by prominent and educated Ta'ang individuals and members of the Palaung State Liberation Party (PSLP). The PSLP signed a ceasefire in 1991, was awarded Shan State Special Region (7) for the area and was party to the National Convention. However, in practice, it was given little autonomy by the military government and was forced to disband in 2005, with a small faction then forming the state-backed "Manton People's Militia" which still exists today. Another faction—which was based in KNU territory as part of an ethnic political alliance when the disarmament took place—stayed there and went on to establish the Palaung State Liberation Front (PSLF).²¹⁷ Since 2011, using force, the PSLF has been rapidly gaining territory in the SAZ and surrounding area, and has established a notable civilian administration system (discussed in Section 7)
- All of the elected seats in the Kokang Leading Body are held by USDP MPs, mostly of Kokang ethnicity. The body is chaired by Bai Xuoqian (sometimes *Pei Sauk Chein* among other spellings), who was formerly a commander in the Myanmar National Democratic Alliance Army (MNDAA),²¹⁸ the armed group which governed the region from 1989 until 2009 as a special region under a ceasefire agreement. In 2009, when the MNDAA was pushed out by the Tatmadaw, Bai Xuoqian was instrumental in transforming a minority faction of the rebel group into BGF 1006, which is now officially mandated to provide security in the region. In early 2015, the main faction of the MNDAA was trying to retake the region, engaging in rural and urban guerrilla warfare in Konkyan and Laukkaing Townships. This violence has periodically depopulated the area, while the region has been placed under a state of emergency by the Union Government.
- The *de jure* self-administered division (SAD) in the Wa area is only active in two out of six townships, as the other four are controlled by the powerful United Wa State Party, which has barred elections from taking place. Meanwhile, the 1989 ceasefire arrangements that provide the UWSP with authority over the area as a special region have not been formalised either, despite being referenced in recent ceasefire documents.²¹⁹ Out of the SAD's four constituencies in the two active SAD townships, three are held by the Wa Democratic Party and one by the Lahu National Development Party, both of which enjoy relations with various parts of government and have no known connections to armed groups.

Since 2011, there have been no additional SAAs created, but there have been some political moves to create new ones or expand others. At a conference of Naga organizations and citizens held in late 2014, attendants called for the SAZ to be expanded to include Hkamti and Homalin Townships, which were both included in the Naga Hills District under the British and post-independence governments.²²⁰ In 2015, the Kayan New Land Party, an armed group that has no official political representation but was party to the National Convention, stated its hopes to form an SAA for the Kayan minority across

²¹⁶ Palaung is the Burmese language term for Ta'ang.

²¹⁷ The group is often better known by the name of its armed wing, which was established in 2009, called the Ta'ang National Liberation Army (TNLA).

²¹⁸ The other USDP MPs in the Kokang SAZ are connected to Bao Xuoqian and ran unopposed in the 2010 election.

²¹⁹ In a Union-level agreement signed in December 2012, the UWSA's Shan State Special Region (2) was referenced in the text repeatedly but without being clearly defined or mandated explicitly. This agreement followed previous meetings which had reaffirmed ceasefires in September and October 2011.

²²⁰ On the call for expanding the SAZ, see Hnin Yadana Zaw, '*Naga Move to Expand Self-Administered Zone*', The Irrawaddy, 2 December 2014; available at: <http://www.irrawaddy.org/burma/naga-move-expand-self-administered-zone.html>; the official statement from the conference where the call was made, however, is more ambiguous, seemingly to avoid detracting from the more long-term aim of full self-determination. It states its aim 'To redraw the Naga territorial boundary based on the Naga inhabited areas historically considered Nagaland'. An organizer of the 700-person conference explained that the first pragmatic step, however, would indeed be to expand the boundary of the SAZ within Myanmar (Interview, Yangon, March 2015).

both Kayah and Shan States.²²¹ Under the current constitution, it does not appear possible for an SAA to include territory in two states.

A particularly contentious area is northern Rakhine State, where the majority of the Muslim population are not recognized by the state as ordinary citizens since they do not belong to any of the government-recognized “National Races”. As was recently highlighted by a government spokesperson, if they were to be accepted as a “National Race” in the future, it is likely these townships would qualify for SAA status, as these people outnumber their Rakhine counterparts in at least two townships.²²² The spokesperson highlighted this as a core reason for the political sensitivity surrounding the issue, and asked rhetorically, “would the Burmese people agree to that in Arakan?”²²³ It should be noted that this area was afforded a similar status temporarily in the early 1960s, when it was designated as the Mayu Frontier Administration (see Section 2.4).

3.2.2 Autonomous areas? The roles and responsibilities of the SAAs

The SAA leading bodies have both legislative and executive powers, and enjoy a degree of fiscal decentralization within their jurisdiction. However, as listed in Schedule Three of the constitution, leading bodies can only pass legislation (or take executive action) in the following ten areas of governance:

- Urban and rural projects
- Construction and maintenance of roads and bridges
- Public health
- Development affairs
- Prevention of fire hazard
- Maintenance of pasture
- Conservation and preservation of forest
- Preservation of natural environment in accord with law promulgated by the Union
- Water and electricity matters in towns and villages
- Market matters of towns and villages

This list does not include the most important areas of governance over which ethnic nationalist movements have long demanded autonomy, such as security, education and natural resource management. Also, even the laws they pass must comply with both Union and state/region legislation. As the Union and state/region assemblies also have powers to pass laws in all the areas that appear in Schedule 3, there are no areas of legislation solely up to the leading bodies.²²⁴ Thus, the bodies

²²¹ Maung Zaw ‘*Kayan Leaders Push for Autonomy*’, Myanmar Times, 22 April 2015; available at:

<http://www.mmmtimes.com/index.php/national-news/14054-kayan-leaders-push-for-autonomy.html>

²²² Muslim campaigners from the region have long called for the minority to be recognized as one of the country’s indigenous ethnic nationalities, under the label “Rohingya”. The government, however, has steadfastly refused to accept this term and insisted on categorising them as ethnic Bengalis instead. Those with documentation that proves their ancestry in the country can obtain a degraded form of citizenship, called “naturalized citizenship”, as is the case for Chinese, Nepali and other foreign descendants. In the 2014 Census, 1,090,000 people in Rakhine State went undocumented, likely because many of them tried to register as Rohingya rather than as ethnic Bengali. As the SAAs are designed explicitly for indigenous “National Races”, even if these people formally registered as “naturalized citizens” of Bengali descent, it is unlikely they would be able to form an SAA unless they were also recognized as indigenous.

²²³ See Peter Popham, ‘*Rohingya migrant boat crisis: The boat people of Arakan and Burma’s fear of an ethnic meltdown*’, 22 May 2015; available at: <http://www.independent.co.uk/news/world/asia/rohingya-migrant-boat-crisis-the-boat-people-of-arakan-and-burmas-fear-of-an-ethnic-meltdown-10271512.html>

²²⁴ For more on the powers officially designated to the SAA leading bodies, see the Constitution of the Republic of the Union of Myanmar (2008), Articles 275 – 282 and ‘Schedule Three’; see also UNDP (2015b), p. 37.

cannot develop their own public health strategies, for example, or have significant influence over large-scale development.

Additionally, the everyday functioning of the leading body and its ability to coordinate with other branches of government depends on the GAD, which serves as its secretary and provides its office.²²⁵ As such, in practice, the SAZs and the SAD remain subordinate to the central government on most affairs and enjoy little local autonomy. As explained by a member of a party that holds seats in one leading body:

*We do not even have administrative control in our area, let alone autonomy... We have to operate according to a top-down bureaucracy. For example, if we want [to carry out] a development project, we have to work through the GAD, and it is a huge bureaucratic process.*²²⁶

According to a civil society professional who works at times in coordination with a leading body of the Palaung SAZ, 'the local Township Administrators [of the GAD] are still the most powerful in those townships—the [local MPs] have to discuss everything with the Township Administrators first.'²²⁷ These views were duplicated in a 2015 article published by the *Myanmar Times*, in which the chairpersons of numerous leading bodies described their relationship with the GAD. One, from the Danu SAZ, explained:

*These are self-administered areas in name only... Authority between the district office [controlled by the Union Government] and the self-administered bodies is also unclear. We are still influenced by Taunggyi district [General Administration Department].*²²⁸

However, some local leaders do not have autonomy as their key aim, and they see the system positively as it gives local actors an official platform on which to cooperate with the government on non-political affairs, and has improved local development. In practice, the main activities of the leading body relate to development and management of the local budget. Thus, it is able to 'supervise, co-operate and co-ordinate the functions of the civil service organizations which are performing duties within its territory', and has an official channel to report to government on the situation in its area.²²⁹

As the Danu SAZ Chairperson, who represents USDP, noted, he is 'just interested in better development of our area [rather than federalism]. He added, 'if the self-administered system is fully realized and the technical issues are settled, [more authority] should help our development work.' Similarly, a member of the Pa-O National Organization, which fills all the elected positions in the Pa-O SAZ's leading body, explained, 'this [system] gives us the authority to work closely with the government. The old system was all top-down—we just got what the government gave us. Now it is all bottom-up... We can demand what we need and can get what we want.'²³⁰

In sum, for actors used to working as subordinates in coordination with the central government—as is the case for some of the most accommodating armed actors and influential locals who gained seats in the USDP—the new opportunities that have opened up for official participation in local affairs through the SAAs, have been a welcome development. On the other hand, for powerful armed groups that have been pushing for comprehensive local autonomy, particularly those able to hold territories

²²⁵ Chit Saw & Arnold (2014), p. 14-15; Constitution of the Republic of the Union of Myanmar (2008), Article 283.

²²⁶ Interview with staff of a political party (Interview, Shan State, February 2015).

²²⁷ Interview with a civil society professional (Interview, Shan State, February 2015).

²²⁸ Sandar Lwin, 'New self-administered areas struggle to assert authority', *Myanmar Times*, 17 February 2015; available at: <http://www.mmmtimes.com/index.php/national-news/9589-new-self-administered-areas-struggle-to-assert-authority.html>

²²⁹ UNDP (2015b), p. 37.

²³⁰ Interview with PNO member (Interview, Shan State, February 2015).

militarily, the SAAs do little or nothing to meet their demands. As a result, some of the SAA regions are heavily contested by ethnic armed actors, which has hampered their effective implementation significantly.

3.3 Implications

The 2008 Constitution re-introduced state/region governments across the country, nominally providing the seven main non-Bamar ethnic groups, which have states, with local governance structures. However, the chief ministers are not elected locally, and the structures have limited devolved powers. Critically, local governments have no mandate over key areas of governance sought by ethnic political movements, such as security, education, and natural resource management.

The SAAs are significant, particularly because their leading bodies include a majority of locally elected MPs, and because they provide a basis for addressing the issue of minorities within states assigned to other ethnic nationalities. However, the leading bodies' levels of influence have been limited significantly, and they are far from autonomous, despite their ability to influence local development processes.

A key aspect of this lack of decentralization is that both of these new subnational governance structures have been almost entirely dependent on the work of the General Administration Department of military-led Ministry of Home Affairs.

Ethnic armed conflict has continued in almost all of the states since 2011, and has been severe in two of the SAAs, due to the unwillingness of most ethnic armed actors to disarm or transform into state security actors and to engage in politics under the 2008 Constitution. Furthermore, local government structures have simply been overridden in many areas by ethnic armed actors, either through conflict or via ceasefire arrangements that reflect the actual power held by the armed groups. The following section will look at exactly how ethnic armed actors gain influence or control over territories, before later sections provide far greater depth on the practices of contemporary subnational administration in these territories.

Section FOUR: Beyond the official system: armed actors' claims to territorial control and administrative access

In practice, dozens of ethnic armed actors have established subnational administration systems that are not mandated by the 2008 Constitution. These overlap geographically with each other and with the administration systems of the state in many areas, including with the self-administered areas (SAAs).

This section looks at the three main ways armed actors have gained control or influence over territories and populations: 1) “hostile claims”, where military force is used to seize or maintain access; 2) “tolerated claims”, where ceasefire conditions have led the Myanmar security forces informally permit access; and 3) “accommodated claims” where armed actors openly cooperate with the state in return for access. Very few of these territories have clearly agreed borders and those that do are rarely, if ever, formally documented.

4.1 Hostile claims to territory (conflict)

Throughout Myanmar’s history, territories have been held outside of state control through armed force. In some cases, these territories have been defended, rather than captured, as opposition armed groups’ leaders and militaries were in place prior to independence. The primary current examples of hostile claims are those held by the Kachin Independence Organization and its allies, the Palaung State Liberation Front and the Myanmar National Democratic Alliance Army.²³¹ Other recent examples prior to ceasefires in 2011 and 2012 include the Karen National Union, the Karenni National Progressive Party and the Restoration Council of Shan State.

When actively fighting, armed groups in Myanmar typically defend their territories using guerrilla tactics, such as ambushes and the heavy planting of landmines, to thwart Tatmadaw movements. This means that they rarely hold entirely autonomous territories with clear frontiers that they are able to defend. Rather, they make large swathes of mountainous territory, particularly on borders, much more difficult for the state to control.

Due to knowledge of local terrain, closer relations with communities (or at least common languages), and higher morale, armed groups are able to gain the upper hand in many mountainous areas, while the Tatmadaw is largely confined to what it can afford to defend—roads, towns and key economic sites. Meanwhile, the posting of other government departments in these hostile areas is near impossible. Where the government has consolidated control in contested mountainous areas, it has usually been dependent on the subordination of local ethnic militia, such as the BGFs in central Kayin State or PMFs in Kutkai Township, Shan State.

Strongholds are often maintained by armed groups where they have access to mountainous regions on borders, which the Tatmadaw has been unable to seize. It is not uncommon for the Tatmadaw to have built well-fortified roads and bases through these strongholds, but to be restricted to just these sites and a few carefully planned patrol routes. Therefore, villages in these areas are typically governed entirely by armed groups, who provide basic services, justice and security, while depending on local communities for taxation and recruitment. These societies are, at times, more integrated into the economies of neighbouring countries than that of Myanmar. Where local armed actors have been in control consistently since before independence, civilian relations with the state are particularly hostile. As most of these areas have been designated as “black areas” for decades, the Tatmadaw has

²³¹ The PSLF is most popularly known by the name of its armed wing, the Ta’ang National Liberation Army and should not be confused with the Palaung State Liberation Organization (later renamed Palaung State Liberation Party).

long-characterised people who refuse to leave as insurgents or insurgent families,²³² exacerbating the divide between the state and these portions of society. Furthermore, these strongholds have often attracted large numbers of displaced non-Bamar populations fleeing conflict or abuse in government-controlled areas to live under leaders of their own ethnicity.²³³

Further away from borders, and at lower altitudes, armed groups find it harder to hold stable claims to territory. However, they may still enjoy closer relations with local communities of their ethnicity and have greater knowledge of the terrain than the state. This is particularly the case in areas away from roads and towns, where there has been little government presence. In many such areas, communities continue to have established relations with the administrative departments of armed groups, and receive basic support from them for community schools and other amenities. However, these villages are often subjected to visits from multiple armed actors, including the Tatmadaw, and potentially to overlapping administration systems. It is also not uncommon for village-level social service structures to receive support from multiple authorities, leading to hybrid systems, even during conflict.²³⁴

Even in the case of “hostile claims”, it is not uncommon for state security forces to somewhat accept where boundaries lie. In certain areas, over time, government and opposing armed groups may begin to avoid confrontation—a sort of truce that is in everyone’s best interests. This situation is particularly common when state-backed militia and opposing armed groups have ethnic, or even familial ties, despite having different political and security agendas. In extreme cases, business opportunities may lead to direct cooperation between Tatmadaw and armed groups in armed group territories even during conflict.

4.2 Tolerated claims to territory (ceasefires)

The majority of major ethnic armed actors in Myanmar currently maintain access to govern territories as a result of ceasefires which have led the Tatmadaw to “tolerate”, or informally permit, their authority over certain areas. There are two general types of ceasefire territories in Myanmar. The first type were awarded explicitly as part of ceasefire agreements in the 1980s and 1990s, while the second type have emerged more organically as a result of ceasefires signed since 2011. Within both types, there is a great deal of variety in the extent to which the territories have clear boundaries and to which they are accepted by the Tatmadaw.

The first type were awarded by the state explicitly in the late 1980s and early 1990s in exchange for ceasefires (see Section 2.6 / Table 1). In deals signed prior to July 1994, these territories were called “Special Regions”; ones agreed after that are known informally just as ceasefire territories or ceasefire zones. While armed group authority in some of these territories has faded overtime, in others, the groups have maintained control through their continued armed presence, but still have no official security or political role. With the exception of the agreement with the KIO,²³⁵ these territories have not been recorded on paper. Agreements have also varied in their implementation. While in some areas, clear boundaries were established which cannot be crossed without permission from the other

²³² See South & Jolliffe (2015), p. 28. See also an official government statement from 2009 that stated that civilians in eastern Hlaingbwe Township, Kayin State were ‘none other than members of KNU/KNLA and their families’: Myanmar Ministry of Foreign Affairs, *‘Ministry of Foreign Affairs releases Press Statement in response to declaration of EU Presidency’*, 13 June 2009. At the time of the statement, the government and the KNU/KNLA were fighting

²³³ On these migration patterns in southeast Myanmar, see South & Jolliffe (2015), p.18, pp. 27-28; on Kachin State in the late 1980s and early 1990s and again since 2011, see Jolliffe & South (2014).

²³⁴ Jolliffe (2014), p. 17, p. 33.

²³⁵ The KIO’s 1994 ceasefire with the government was the only agreement of that era that was enshrined in a signed document – while all the rest are considered as ‘gentleman’s agreements’. (Interviews with EAG leaders and foreign observers).

side, in other areas, the armed group obtained permitted areas of operations but has not been able to limit the state's access.

The second types are even looser territories emerging as a result of ceasefire agreements signed since 2011 (See Section 2.7 / Table 4). These deals have all been enshrined in officially signed documents. Most groups have both state/region-level and Union-level agreements with the government. None of these have mandated any form of parallel administration or led to the official designation of areas under exclusive armed group authority.²³⁶

However, many of the new agreements permitted the armed groups to certain areas of operation, which were often detailed explicitly in person, with only loose reference to 'the area agreed upon' or similar provisions appearing in the documents.²³⁷ In practice, these permitted areas have often become those where the armed groups have the most authority and are less likely to be contested by the state. In some cases, both sides have cooperated towards development or other aims within the areas. Meanwhile, many of the signed agreements include commitments to cooperate on development. In practice, many armed groups also work with international aid actors in their areas, both with and without cooperation from the state.

Newly packaged deals signed by the United Wa State Party and its ally the "*Mongla*" National Democratic Alliance Army (NDAA), both contained explicit references to the special regions they were awarded as part of their 1989 ceasefires. These newer agreements do not define or demarcate the special regions but clearly imply that they continue to be recognized.

The potential for such territories to gain a more official status in the near-term depends primarily on the implementation of a Nationwide Ceasefire Agreement, which is discussed in Section 9.

4.3 Accommodated claims to territory (State-backed militia)

Over the decades, some of the armed actors who have been most cooperative with the state have had their claims to territory even more openly accommodated. At the same time, these groups have been equally accommodating to the state in their areas, ensuring the security of government and broadly cooperating with its plans and designs. Such actors include various types of People's Militia and Border Guard Forces (BGFs). While members of some of these groups have also become involved in electoral politics and gained a role in SAAs, this section is concerned with the extent to which their armed associates have continued to exercise informal control or influence.

In strictly official terms, these actors are only mandated to provide security in their areas, and may be permitted to undertake business activities. However, in practice, some play key roles in local administrative and governance affairs, usually in cooperation with the government.

Since 2011, People's Militia have taken on a number of forms. Some have been given a more formal status through being converted into People's Militia Forces (PMFs), with large liaison and business offices in major towns and military positions across multiple village tracts or even townships. Others, including splinter groups and long-standing People's Militia are also active across numerous village tracts, but have not received such a formal status. Some groups have received other statuses

²³⁶ The slight exception is the RCSS's January 2012 agreement with the government, which stated two "sub-townships" would be under the authority of the RCSS. However, fighting continued persistently in these areas into 2015, and the agreement has yet to take hold (discussed in Section 6).

²³⁷ This quote is from the English translation of the 8-point agreement signed at the first Union level meeting between Thein Sein's government and the RCSS, but is emblematic of other agreements, such as those with the New Mon State Party, Pa-O National Liberation Organization, and the National Socialist Council of Nagaland – Khaplang; Shan State Progressive Party; New Democratic Alliance Army, among others.

specifically geared towards counterinsurgency. In the southeast, and occasionally elsewhere, splinter factions of armed groups have formed state-backed militia called “Peace Groups”.²³⁸

The most numerous types of People’s Militia are those at village level, where the Tatmadaw has provided citizens with weapons and basic military training. Such village-level actors will not often be used for counterinsurgency operations. Instead, they are primarily set up to create government-controlled enclaves within armed groups’ areas of influence. These citizens are then expected to cut off contact with the armed groups, to provide intelligence to the Tatmadaw, and will often receive local business opportunities as part of the deal. During “four cuts” operations, such deals are sometimes made with village leaders that allow them to remain in “black” or “brown” areas provided that they cooperate with the Tatmadaw, and not with the armed groups.²³⁹

The exact governance arrangements in areas controlled by People’s Militia vary greatly, and some specific examples are provided in the following section. Overall, government staff—civilian or military—have unrestricted access to these areas. However, as the regions are often remote and still conflict-affected, the main arm of the state has been the Tatmadaw, which has generally opted to maintain stability and gain the tactical benefits of providing the People’s Militia with a degree of autonomy. In some areas, particularly in the lowlands, and even in some towns, government and local ethnic armed actors have been able to cooperate towards development, and to carry out basic government functions such as taxation, data collection, land registration and so on. Some larger state-backed groups even maintain administration and other non-military departments within the People’s Militia arm of their organizations.

Border Guard Forces (BGFs) typically exercise less autonomy than PMFs, with most officer positions (excluding the top commander) being held by Tatmadaw. However, as most of these actors were once rebel groups holding territory, and later held ceasefire areas, they have often established relations with local communities and sometimes administrative practices that the government can utilize when it needs to mobilise or organize citizens. In some cases, local commanders that were instrumental in forming the BGFs have been able to maintain the roles of unofficial “strongmen” in their main village or village-tract, and remain unofficially accepted as the *de facto* chief authority.

4.4 Implications

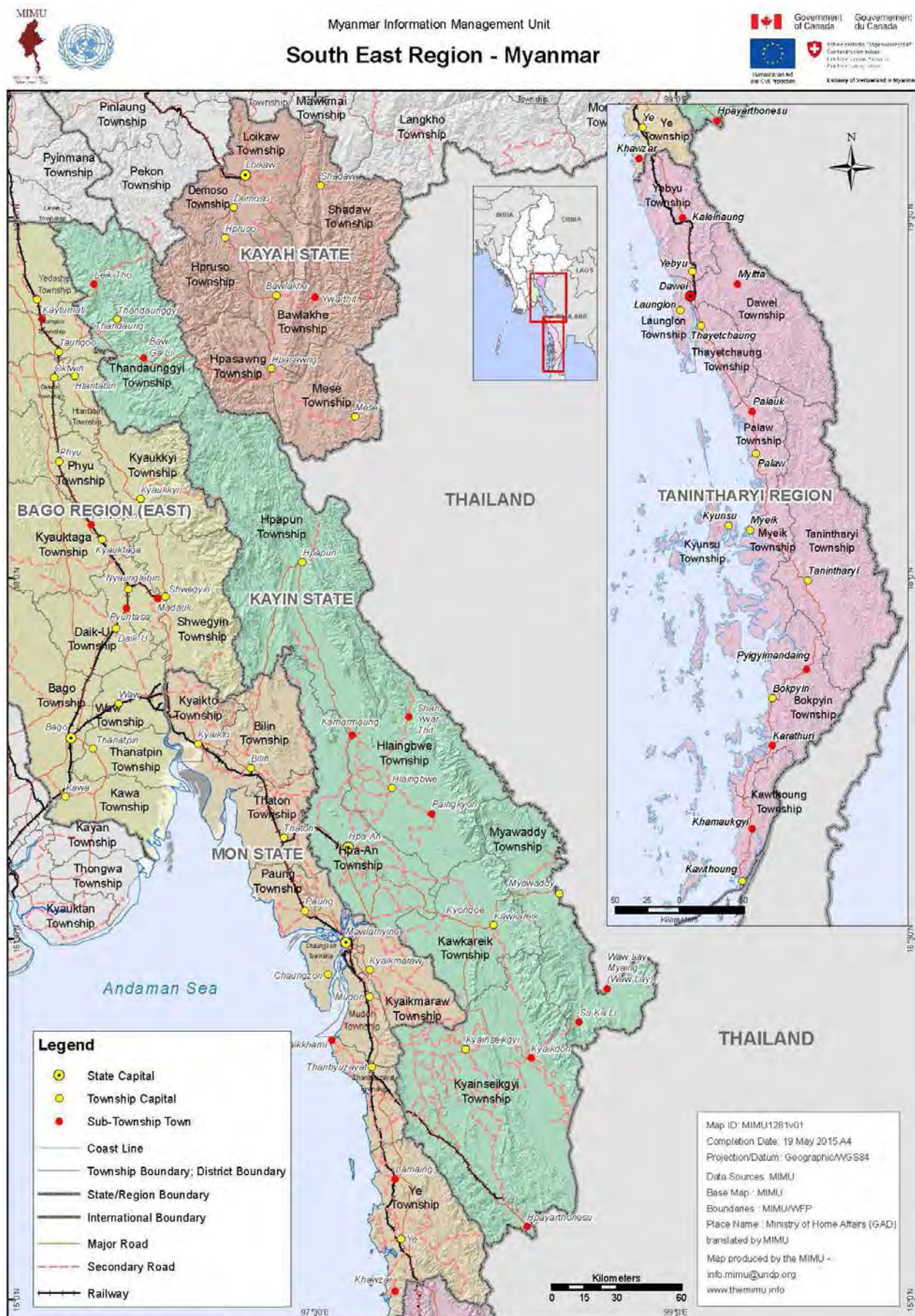
While no ethnic armed actors have fully mandated, official duties in subnational administration, their roles in the governance of populations are not achieved simply through insurgency either. The majority have agreed ceasefires which provide widely varying levels of autonomy, while some have highly reciprocal and cooperative relations with the state. At the same time, very few of their territories have clearly established borders, meaning that in many cases they can influence—even to the point of fully governing—populations in areas where they do not have full military control.

The lack of stable and clearly mandated territorial arrangements in contested areas places a great burden on communities, leaves ceasefire areas highly vulnerable to renewed conflict and provides no basis for comprehensive governance, economic, rule of law or other reforms. It also means that international actors providing aid are unable to maintain stable access and relations in a given region, and struggle to determine which authorities should be considered legitimate in a given area. This makes it particularly difficult for aid agencies to commit to supporting long-term transitional programs.

²³⁸ Pronounced *Nyein Chan Yay A’pweh* (ငြိမ်းချမ်းရေးအဖွဲ့) in Burmese.

²³⁹ Though some of this detail has been collected directly by the author, for more general information on the People’s Militia program, see Selth (2001), p. 78, pp. 81-82, p. 281; see also Maung Aung Myoe (2009), pp. 30-31, p. 33, p. 35.

Map 3: Southeast Myanmar



Disclaimer: The names shown and the boundaries used on this map do not imply official endorsement or acceptance by the United Nations.

Section FIVE: Ethnic armed actors and subnational administration in southeast Myanmar

The main armed actors with a territorial presence in southeast Myanmar are the New Mon State Party (NMSP), the Karen National Union (KNU), the Democratic Karen Benevolent Army (DKBA),²⁴⁰ the Karenni Nationalities Progressive Party (KNPP), and 16 BGFs formed by former rebels of both Karen and Karenni ethnicity.²⁴¹ There are also a large number of splinter factions from all of these groups which have established government-backed militia that are often called “Peace Groups”.²⁴² At least one of these, the Thandaung Peace Group, has been transformed into a PMF.

Since the government agreed to ceasefires with the KNU, DKBA and KNPP in 2011 and 2012, rapid changes have taken place in the ways that people are governed. This section provides an overview of the administration systems of the KNU and NMSP, and looks particularly at how changes are taking place in Karen areas. This includes how KNU governance is being reintroduced to DKBA-controlled areas as relations between the two groups improve. It also explores how the expansion of government administration is taking place in some Karen areas, while in others the KNU is re-establishing or reforming its system as people displaced by war return home or resettle elsewhere in the region.

This section looks more briefly at the Karenni National Progressive Party, as well as the spread of BGFs and other state-backed militia across the region.

5.1 Karen areas

Karen armed actors, including the KNU and numerous splinter groups, operate across much of Tanintharyi, Mon, Kayin and Bago. The following tables provide an overview of the main known groups.

Table 6: Main ethnic armed actors in Karen areas

Group (status)	Types of territory	Known Strongholds (or primary areas)	Additional known areas of operation	Notes on administration system
Karen National Union (ceasefire since 2012)	“Tolerated” New ceasefire territories (non-demarcated).	Hpapun Township, Thandauggyi Township, eastern Hlaingbwe Township, Kayin State; eastern Kyaukkyi and Shwegyin Townships, Eastern Bago.	Hpapun Township, Thandauggyi Township, eastern Hlaingbwe Township. Eastern Kyaukkyi and Shwegyin Townships in Bago Region (East).	Mountainous regions accross Kayin State, Mon State, eastern Tanintharyi Region, and Bago Region (East).
Democratic Karen Benevolent Army (ceasefire since 2011)	“Tolerated” New ceasefire territories (non-demarcated).	Eastern Myawaddy Township, Kyainseikgyi Township, Kayin State.	Eastern Myawaddy Township, Kyainseikgyi Township, Kayin State.	Hlaingbwe, Kawkareik, Hpapun, Hpa-an townships, Kayin State; Kyaukmaraw Township, Mon State.
Karen Peace Council (ceasefire since 2012)	Tolerated ceasefire territory (clearly demarcated).	Kawkareik Township, Kayin State.	-	Well-established system in confined area. (Research not conducted).
BGFs 1011-1023	“Accomodated” <i>De Facto</i> influence.	Hlaingbwe, Hpapun, Kawkareik, Myawaddy,	-	No official administration system.

²⁴⁰ DKBA is used here despite referring to most other armed groups by their political party name. This is, firstly, because its political wing, the Klohtoobaw Karen organization (KKO), is a small 5-person secretariat at the top of the organization and plays very little role in the on-the-ground activities of the organization. For the same reason, the organization is still invariably referred to as the DKBA locally and among other observers. Also note that until April 2012, when the KKO was formed, the DKBA was called the Democratic Karen *Buddhist* Army (DKBA).

²⁴¹ Southeast Myanmar here excludes southern Shan State, but includes Tanintharyi, Mon, Karen, and Bago (East).

²⁴² Pronounced *Nyein Chan Yay A'pweh* (ငြိမ်းချမ်းချစ်အေး) in Burmese.

		Hpa-an and Kyainseikgyi Townships, Kayin State. (detailed in Table 2).		<i>De facto</i> authority in some rural village tracts.
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Table 7: Known People’s Militia in the southeast

Name	Location
Thandaung Peace Group PMF	Leik Tho area of Thandaunggyi Township, Kayin State.
Padoh Aung San Group	Phayagon, Hpa-an Township, Kayin State.
Karen Peace Force (people’s militia faction)	Parts of Kawkareik and Kyainseikgyi townships, Kayin State.
Aye Chan Yay Group ²⁴³	Northwest Leik Tho area of Thandaunggyi Township, Kayin State.

5.1.1 The Karen National Union’s administration system

The KNU system demarcates seven administrative “Karen” districts that cover Tanintharyi Region, parts of Mon State, all of Kayin State, and a portion of Bago (East).²⁴⁴ These districts are then divided into 28 administrative townships, which consist of more loosely defined village tracts with up to around 20 villages in each. See Maps number 4 and 5 for an overview of the KNU administrative districts and townships.

The KNU no longer fully controls the majority of these areas, but has long maintained an upper hand in the mountainous parts, particularly in northern Kayin, eastern Bago, and along much of the border with Thailand.

Its administration plays a role in many Karen communities away from towns and roads (i.e. away from consolidated state control) in all of the districts. Even in many rural areas where its military presence has been diminished, local people have continued to participate in the organization’s affairs, and continue to receive support from the KNU and its networks, particularly for basic social services.²⁴⁵

The organization’s leadership system is akin to that of a one-party state, and is elected upwardly from the village tract level.²⁴⁶ The civilian wing, in which the military has some automatic representation, is the primary policymaking and executive body. Congresses are convened at village tract, township and district levels every two years. Township congresses are attended by about 4–6 representatives from each village tract. These representatives are chosen by the village tract leader, who has usually been selected internally without explicit KNU involvement.²⁴⁷ Township chairpersons and an administrative

²⁴³ *Aye Chan Yay* (အေးချမ်းငြိမ်း) is actually one way of saying ‘Peace’ in Burmese, so Aye Chan Yay Group translates directly to “Peace Group”. However, in this case it refers to a specific group, which is commanded by U Ko Gyi.

²⁴⁴ These are Toungoo (in Burmese)/Taw Oo (in Karen), Nyaunglebin/Kler Lwe Htoo, Hpapun/Mu Traw, Hpa-an, Thaton/Do Tha Htoo, Doooplaya and Mergui-Tavoy.

²⁴⁵ A more detailed overview of the social services provided by the KNU is provided in Jolliffe (2014).

²⁴⁶ This has been noted before by Taw (2005), p. 41 and Keenan (2012), p. 168.

²⁴⁷ As in other parts of Myanmar, village heads and those around them are typically appointed through some form of consensus among households. In practice, however, it is extremely common for a particularly confident individual to simply put forward and face little resistance, as the position is usually not popular with a majority of community members (particularly in insecure areas). There are certainly exceptions though, which include more robust and consistent fixed-term village head election systems and hereditary systems. In cases where the job is so unpopular due to abusive authorities and other difficulties, it is not uncommon for short straws to be drawn to select leaders who are rotated on a monthly basis.

committee to work under each chairperson are elected at these congresses, as are representatives to attend district congresses.²⁴⁸

At district congresses, district chairpersons and their administrative committees are elected accordingly. A core group, usually of six people, who are selected by the chairperson from each district, then attends a quadrennial central congress to elect the central standing committee and central executive committee, which lead the organization.

In this way, the upwardly elected committees at each administrative level are instrumental not just in electing the organization's leadership, but are also the primary administrative bodies at the local level, and hold considerable executive powers. Each district corresponds directly to a military brigade area, and the commander of that brigade is automatically the vice-chairperson of the district, and also has rights to designate representatives to congresses at each level.

There are 14 ministry-like line departments, whose heads are automatically in the central standing committee and have to report to the general secretary (third most senior in the central executive committee). These departments are:

- Agriculture,
- Alliance Affairs,
- Breeding and Fisheries,
- Defense,
- Education,
- Finance and Revenue,
- Foreign Affairs,
- Forestry,
- Interior and Religious Affairs,
- Justice,
- Mining,
- Organizing and Information,
- Health and Welfare,
- Transport and Communications

All but the departments of foreign affairs, defense, and interior and religious affairs are established at district levels and with less consistency at township and village tract levels. The most active departments are education, health and welfare, agriculture, and forestry which all have significant representation and activities at all levels.

'General administration', including household registration, 'social affairs' and some aspects of 'land affairs',²⁴⁹ falls under the mandate of the Department for Interior and Religious Affairs, which is based only at the central level and thus works through chairpersons and their committees at local levels. The Karen National Police Force is also under this department and is charged with 'prevention of crimes and other violations of the law; the disclosure and investigation of crimes; the protection of civil rights, freedom and poverty; the protection of peace, public security and public order'.²⁵⁰ The Organizing and Information Department operates at most administrative levels and assigns its staff to collect information on areas of particular concern to the organization for quarterly reports to the leadership.²⁵¹

²⁴⁸ For more on the KNU's basic structure, see South (2008), pp. 55.

²⁴⁹ See the official KNU website, 'Interior and Religious Department', undated; available at: <http://www.knuhq.org/about/interior-religious-department/>

²⁵⁰ Official KNU website, 'Interior and Religious Department'.

²⁵¹ In early 2015, among other current issues, the department was focusing on collecting information on Karen community schools that were being transformed into government schools, and on citizens' claims for compensation resulting from their land being expropriated for development projects.

Map 4: Six of Seven KNU districts (Kayin, Mon, Bago (East))



Karen Human Rights Group (KHRG)

Map 5: KNU Mergui-Tavoy District (Tanintharyi)



Karen Human Rights Group (KHRG)

In practice, everyday governance functions are highly decentralized. Unlike most government personnel, KNU members are not typically rotated across the districts, and thus develop their own patronage relations and local networks. Policies are developed on core issues either by the relevant central department or through consensus at central committee meetings. These are then rolled out to each district via written edicts, and through training workshops. Where necessary, chairpersons and their committees or relevant departments, will conduct trainings with township level staff, who will then conduct relevant activities or trainings at village tract or village level.

However, within the parameters of determined policies, chairpersons and their committees govern their areas with a degree of autonomy and will make requests of their seniors only when they confront an issue that they cannot solve on their own or that seems of particular significance to the broader organization. These cases often involve situations where relations with actors outside of the KNU are involved—for example, when civilians are complaining or appealing to the organization about the activities of government, or if there is a large-scale business proposal being offered by an external actor.

5.1.2 The Democratic Karen Benevolent Army and BGFs 1011-1023

The KNU's civilian administration system is currently being officially re-established in areas under Democratic Karen Buddhist Army (DKBA) control,²⁵² which include patches of territory across three of the KNU districts, particularly in southern and central Kayin state. It should be noted that this does not apply to the dominant faction of the former DKBA which transformed into BGFs in 2010, and is thus under Tatmadaw control.

This development demonstrates a significant shift at the subnational level, as the two groups had fought relentlessly from 1995 to 2010. The DKBA remains the primary security actor in these areas, but generally allows civilian administration to be undertaken by the KNU. People from these areas have begun participating in KNU congresses again but, unlike the KNLA, the DKBA has no representation in the KNU system. Meanwhile, the DKBA's political wing, the Klohtobaw Karen Organization, is simply a five-member secretariat that develops basic political policy, mostly revolving around relations with the KNU, to which it has officially defaulted on all political affairs.

In practice, village heads in some DKBA areas maintain close relations to their local DKBA battalions and so are more likely to approach them than senior figures in the KNU. The DKBA therefore plays a more *ad hoc* role in local governance, potentially dealing with justice issues at the request of communities, or relaying complaints and concerns to the government or other groups. But generally, it has no consistent administration structure in the community. The DKBA builds, and in some cases pays for the maintenance of schools, while these are run by the KNU's Karen Education Department (KED), by communities or, in fewer cases, by the government. It also builds temples and churches, bridges and other forms of infrastructure, and administers a few clinics of its own.

Meanwhile, the Karen BGFs are militarily dominant in numerous parts of Kayin State (See Table 2), and are more likely to be stationed in mountainous, forested and less developed areas than other Tatmadaw battalions, and to have closer relations with present communities. In some village tracts,

²⁵² As described in earlier sections, the DKBA was formed by a large splinter faction of the KNU in 1994, which went on to act as a proxy force of the Tatmadaw, regularly in heavy fighting with the KNU's armed wing, the KNLA. The DKBA itself splintered again in 2010, when the majority of commanders agreed to form BGFs 1011–1022. The remaining faction—discussed here—began repairing relations with the KNU. According to an official KNU policy, committees for “DKBA Affairs” were established at each administrative level in 2010 to ascertain which factions were no longer subordinate to the Tatmadaw and were ‘understanding of the KNU's unity efforts’, to ensure them amnesty and explore options for re-partnering DKBA factions with the KNU. (See the “Karen National Union's” DKBA Policy). In practice, many deserters defected to the KNU, while others joined the remaining—now rebel—faction of the DKBA, which has an alliance with the KNU, and is subordinate to it on political affairs.

they remain the dominant authority and thus the main governance actor, but without a structured administration department, their interaction with communities is usually reduced to taxation and other demands for resources alongside basic development of infrastructure and public buildings.

5.1.3 The expansion of government administration

Since the ceasefires in 2011 and 2012, areas influenced by Karen armed actors have seen increasing expansion of government administration. The General Administration Department (GAD) and other bodies have established themselves in most areas controlled by BGFs, and are taking root in numerous new rural areas where the Tatmadaw has managed to secure control, despite being surrounded by territories held by ethnic armed groups.

In recent years, nine settlements in Kayin State,²⁵³ most of which were small villages until recent years, have been re-designated administratively as “towns”, and made focal points for development. They are among 84 administrative units nationwide that were initially designated by the GAD as capitals of “sub-townships”, but had their name changed officially to “towns”, following some debate within government because such designations do not appear in the constitution. However, it appears that their main purpose is to serve as administrative centers for the surrounding areas, in regions where an administrative unit larger than a village tract, but smaller than a township, is necessary. As such, the majority of these 84 units are in either particularly large townships, or in remote areas where the state’s access has been long restricted due to the terrain, armed conflict, or both. “Sub-townships” remains the term used in the documentation of most international aid agencies, and some government departments.²⁵⁴

The nine “sub-townships” in Kayin State have attracted the bulk of the state’s international aid since the ceasefires,²⁵⁵ and have been earmarked as potential return sites for displaced persons.²⁵⁶ In the central settlements in each of these areas (henceforth referred to as “sub-township towns”), buildings have been built, including GAD offices and police stations, and they are being connected to other towns with new roads. Meanwhile, communities in surrounding areas remain governed primarily by ethnic armed groups and BGFs, and have much less interaction with the state government.

²⁵³ These are Paing Kyon Sub-Township and Shan Ywar Thit Sub-Township in Hlaingbwe Township; Hpayarthonesu Sub-Township, and Kyaikdon Sub-Township in Kyainseikgyi Township; Kamamaung Sub-Township in Hpapun Township; Wawlay Sub-Township and Sukali Sub-Township in Myawaddy Township; Leik Tho Sub-Township and Baw Ga Li Sub-Township in Thandaung Township.

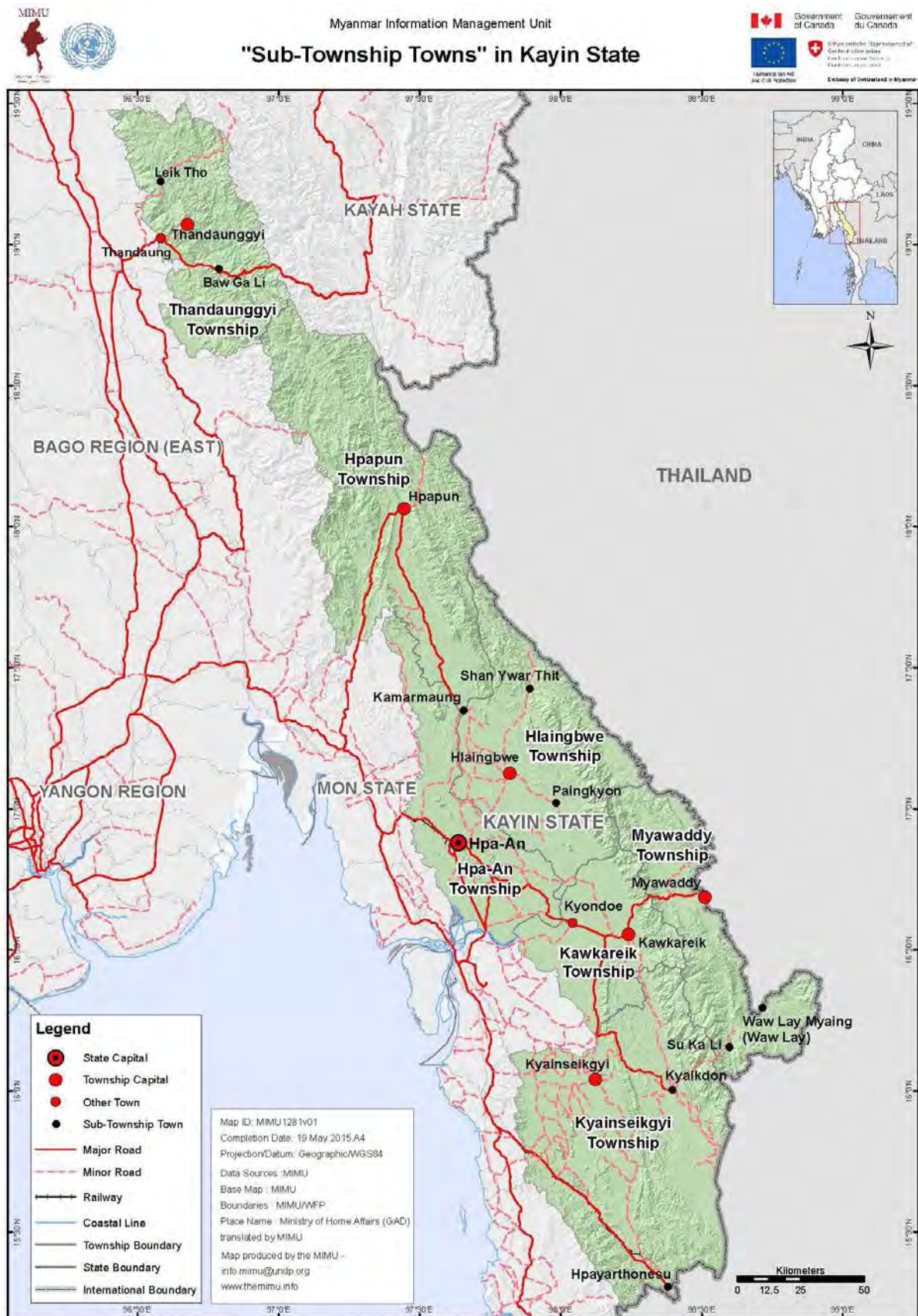
²⁵⁴ See the JICA and MIMU resources cited in subsequent footnotes for example. “Town”, on the other hand, was the term said to be mostly heard by communities in parts of Kayin State where this research was conducted. As one Karen female community organizer exclaimed about the Wawlay “Sub-Township”, ‘the Burmese call this place Wawlay Town, but for us, it is still *Warlay* village— it is not a town. (Interview, Kyainseikgyi Township, Kayin State, February 2015).

²⁵⁵ Data displaying the vast number of programs active in the above listed “Sub-Townships” is available from the Myanmar Information Management Unit’s 3Ws initiative at <http://themimu.info/3w-maps-and-reports> in the Kayin State section. For the most up-to-date version as of June 2015, see the Spreadsheet file available at:

http://www.themimu.info/sites/themimu.info/files/documents/3WData_Kayin_AllSectors_AllOrgs_11May2015_Revised.zip

²⁵⁶ As yet, there have been no concrete moves to repatriate refugees to these areas. However, some of these sites have been rumoured target areas for as long as 10 years, and are also the central focus of a comprehensive plan devised by the Japan International Cooperation Agency (JICA) and the Myanmar government, specifically to repatriate refugees; see JICA (2013), pp. (1-25)–(1-26).

Map 6: "Sub-township towns" in Kayin State



Case Study: Wawlay Sub-Township and Sukali Sub-Township

In February 2015, the author travelled to southeastern Myawaddy Township, Kayin State, where two villages have been designated as sub-township capitals, Wawlay (*Warlay* in Karen language) and Sukali (*Choogali*). Wawlay was controlled by the KNU since independence and then the DKBA when the latter splintered off in 1994. In 2011, the DKBA faction in that region recommenced conflict with the government, and was pushed out of the region, retreating to its current stronghold further north, in Soe See Myaing (*Maw Ka Ta*). Sukali was also brought under firm government control during this period.

Since the early 2000s, these villages have been increasingly populated by people from other parts of Myanmar, as people moved into the area for logging and other industries. Fully government-run schools, GAD offices, municipal buildings, rural health centers, schools, and police stations have been built in both. A network of roads is being built in the region, in many cases directly by the Tatmadaw,²⁵⁷ which has opened the roads up for free local use. Another village adjacent to Wawlay, which used to be called “*Tee-Nya-Lei*” in Karen has now been renamed by the government in Burmese to “*Aung Mingalar*”, and has undergone similar developments. According to a local teacher, local Karen people have left the village, and it is now populated by Bamar loggers, military families, and some people of *Myo* ethnicity who have migrated back from Thailand.

Meanwhile, the region between and around these towns is crowded with military camps belonging to the Tatmadaw, DKBA, the KNU’s Karen National Liberation Army, and its separate ‘home guard’, the Karen National Defense Organization. Smaller Karen and Mon settlements throughout this area are generally subject to multiple administration systems, but in some cases, are recognized as exclusively under a particular authority.

According to community-based organization workers in the region, few indigenous people in the surrounding areas deal with anyone in the “Sub-Township” capitals. As one community organizer described it, ‘the government built all the infrastructure, but the DKBA is still in control’ as ‘they are the ones that people will go to if they need to solve a dispute or get permission for something’.

In Sukali “Town”, a school and library were built, with the former reportedly staffed with 20 teachers for just 47 students. Members of the KNU’s Karen Education Department, which administers 96 schools in the area,²⁵⁸ said that government staff at the school had explained to them that the school was established in preparation for the repatriation of refugees to the area. Both areas have been included in repatriation-focused plans developed by the government and the Japan International Cooperation Agency.²⁵⁹

Meanwhile, surrounding schools—usually built by communities, the DKBA, or the KNU—typically allow one or two Ministry of Education teachers to work at the school, but insist on continuing primarily with the KED curriculum and local Karen teachers. They have struggled to maintain this system under increasing government pressure and frequent unannounced arrivals of government teachers. Local Tatmadaw battalions, who have also offered funds to these schools if they transform into government schools, have harassed staff for having meetings with the DKBA and the KNU. According to one teacher, his headmaster said to the Tatmadaw soldiers on one such occasion, ‘why don’t you go and harass the teachers in your own country!’, demonstrating the complex nature of local administrative demarcations.

Incidentally, one of these schools on the outskirts of *Soe See Myaing*, was built with money given to the community by the Tatmadaw after it conquered the region in 2011. The school was later assumed by the KED when the DKBA regained control, which has kept the Myanmar flag in place. Another major school nearby is the *Daw Na* high school in the DKBA stronghold at *Thae Baw Bo*, with 176 students, large grounds and relatively modern buildings.

²⁵⁷ Vehicles building some of the roads visibly have Defense Services registration, while, according to a local community-based organization, there are also five or six different Myanmar companies involved in portions of the construction.

²⁵⁸ In the KNU-designated Kawkareik (Kaw T’Ree) Township of Dooplaya District.

²⁵⁹ JICA (2013).

Since the ceasefires were signed, rural Karen areas across the southeast have seen increasing arrivals of government teachers, and in fewer cases, community health workers. It is not unusual for such staff—typically new graduates given the least popular postings—to arrive unannounced, and to have to engage with village chiefs, elders or religious figures to negotiate their stay. In the case of teachers, this often involves securing a position in existing community schools. In the most accessible areas, Ministry of Education principals are also being sent, and due to the greater resources they can offer the village, schools are effectively converted into government schools, with signs changed and Karen curriculum scrapped.²⁶⁰ This has typically been done in negotiation with the village leaders, but without involvement of Karen education organizations that long-supported the schools.

The GAD has also expanded its presence to some rural areas where ethnic armed groups had previously been the main governance actors. As per the GAD system elsewhere, a paid local clerk is appointed by the township office to work at village tract-level alongside an indirectly elected village tract administrator, who receives a small ‘subsidy’ but no salary. This village tract clerk is often an educated person from the village, but is at times brought in from elsewhere. The village tract administrator, usually the recognized village leader, is not a GAD employee but attends administration training, is under the supervision of the GAD and can be dismissed unilaterally for ‘abuse-of-power, incompetence [or] corruption charges’.²⁶¹

Government expansion has been of major concern among some powerful military factions of the KNU, leading to considerable scepticism about the entire peace process. General Baw Kyaw Heh, whose troops have long maintained KNU control across much of Hpapun Township,²⁶² has lamented that in lieu of comprehensive ceasefire terms, the government ‘is expanding [its] administration areas—overlapping with [the KNU’s] administration territory’. He then added associated concerns related to the proliferation of development activity under the current terms, stating, ‘If we let any business or any developer in, we will not be able to control them. If we cannot manage these issues systematically it will create problems for us in the future.’²⁶³ Similarly, General Ner Dah Mya, based in another region, stated in February 2015 that while he and his comrades supported attempts to find genuine peace, he could not accept what were described as government attempts to ‘use ceasefires to expand [its administration] into [his group’s] area’.²⁶⁴

5.1.4 KNU administration in the new ceasefire context

Other Karen areas are undergoing administrative transformation as the government allows populations to return to “black areas” previously designated off-limits as part of its “four cuts” counterinsurgency strategy. These areas, previously on the frontier of conflicts, are typically where ethnic armed groups have had the upper hand militarily due to difficult terrain. However, these areas have been depopulated for many years, if not decades, because the Tatmadaw targeted people who choose to stay. Therefore, people are returning to their old lands—from government relocation sites,

²⁶⁰ According to a focus group with Karen education administrators, a third of all schools supported by the Karen State Education Assistance Group were effectively taken over by the Ministry of Education between early 2012 and late 2014 (Thailand, December 2014).

²⁶¹ Chit Saw & Arnold (2014), pp. 33-34.

²⁶² Gen. Baw Kyaw Heh is the Vice Chief of Staff of the Karen National Liberation Army but is particularly influential in the 5th Brigade area that covers Hpapun Township, where he remains direct influence over local battalions.

²⁶³ Both of these quotes come from: Karen News, ‘KNU Gen. Baw Kyaw Heh Exposes How Ceasefire Agenda has Shifted to Business’, 5 September 13; available at: <http://karennews.org/2013/09/knu-gen-baw-kyaw-heh-exposes-how-ceasefire-agenda-has-shifted-to-business.html/>. The general’s main areas of influence are in KNLA 5th Brigade, northern Kayin State, where the KNU has kept the region relatively isolated, only permitting aid delivered from across the Thailand border.

²⁶⁴ Quote from General Ner Dah Mya, the chief of the Karen National Union’s Home Guard, the Karen National Defense Organization (KNDO), speaking at the KNDO HQ in southeastern Myawaddy Township, close to the Wawlay and Sukali Sub-Townships.

other armed group territories or from Thailand—to areas where administration from all sides remains weak.

The KNU has begun reinstating its administration in some of these areas, but due to lack of capacity, people's primary interaction is still, at times, with its armed wing, the KNLA. Meanwhile, unofficial borders demarcating the accepted areas of operation for either side run through some communities, effectively dividing them administratively. While those in Tatmadaw-permitted areas are more likely to be registered by the GAD, those in KNLA-permitted areas might not, and instead fall under KNU administration.²⁶⁵ Returnees to both types of areas explained that the lack of consistency in the actions of authorities, uncertainty about the rules and regulations they are supposed to follow, and general absence of clear leadership, have greatly hindered their rehabilitation.²⁶⁶

KNU land policy

In recent years, the KNU's Karen Agriculture Department (KAD) has been formalizing existing KNU land management practices to develop clear policy and procedures for regulating land tenure in its areas. The KAD's official land policy has been developed explicitly to avoid 'Karen farm land [being] taken away by the rich and powerful' in the context of 2012 government land reforms that allow land without official titles to be seized by the government and leased to private actors.

Thus, the KNU has established processes for systematically surveying and registering land, primarily to back up claims that even though local people's lands have not been registered under the government system, a titling process does exist that should not be overridden. Notably, even in areas where KNU administrative activity has been limited, land registration has been made a clear priority, and local people at risk of losing their land have eagerly participated.²⁶⁷

However, there are big differences between the government and KNU land systems that will be difficult to reconcile. Unlike the government system, KAD land policy recognizes various forms of traditionally communal land. In line with the 2012 laws, these lands face high risk of confiscation as they are often areas that are left unused for periods of time, either between shifting agriculture cycles, for animist religious reasons, or because they are considered communal forests.

Eleven different types of farmland are delineated in the KNU policy, making important distinctions between upland dry rice-growing areas and lowland wet-rice farms, as well as distinctions between different types of landlords and farmers, based on traditional land practices. The government system, on the other hand, is strongly geared towards ensuring centralized ownership of all land so that it can be effectively commodified.²⁶⁸ Even in KNU-controlled areas, it will be difficult to implement this policy effectively as business opportunities are emerging and attracting the involvement of KNU personnel, with varying degrees of central oversight.

There are numerous other Karen armed groups that hold or influence territory in the southeast. These include the Karen Peace Council, which has a relatively exclusive ceasefire territory in Kawkaik Township, where it operates a sturdy administration system and provides services, including clinics and schools. Other groups include a PMF in Thandaunggyi Township, known as the Thandaung Group,

²⁶⁵ It may be the case that some form of explicit arrangement has been made at the local level not only for the KNLA to operate but also for the KNU to govern those areas.

²⁶⁶ This information comes from focus groups held by the author in undisclosed locations in December 2014, with communities returning to such areas in Kayin State.

²⁶⁷ During the previously noted focus group, participants said that one of their few experiences of interacting with KNU administration since they returned was when they asked to have their land registered, and the KNU did so relatively quickly. In another KNU District, the chairperson explained that much of his time in 2014 and 2015 was taken up with conducting land registration, in conjunction with the KAD.

²⁶⁸ For more analysis on the 2012 land laws, see Kramer & Woods (2012) and Displacement Solutions (2012).

and the Karen Peace Force in Kawkareik Township, which formed BGF 1023 in 2009, but seems to have a separate faction that operates as a less formal People's Militia.²⁶⁹

5.2 Mon areas

Since the 1950s, the main armed actor in Mon areas has been the New Mon State Party (NMSP),²⁷⁰ which has held a ceasefire since 1995, and governs two autonomous territories that are home to tens of thousands of Mon civilians.²⁷¹ There are also a number of small NMSP splinter factions, some of which remain in conflict with the government and others which have formed People's Militia.²⁷² However, while these groups are well-known for extortion and other crimes,²⁷³ they have seemingly not implemented significant systems of administration in their areas of influence. There are no Mon BGFs.

The NMSP demarcates the Mon-populated regions of Mon, Kayin and Tanintharyi into three districts—Thaton, Moulmein (Mawlamyine), and its headquarters area, Tavoy (Dawei). Each of these districts is divided into three townships. The group used to recognize a fourth district, Mergui (Myeik), but this is now administered under Tavoy District as NMSP influence in the region has diminished since the 1995 ceasefire. These districts all overlap considerably with the KNU districts, but do not all have clearly determined borders.²⁷⁴

The majority of Mon State's small border with Thailand, in the government-defined Ye Township, is fully controlled by the NMSP, as is a smaller patch of territory in Kyainseikgyi Township in Kayin State. As agreed in 1995, these are autonomous ceasefire zones, but are not labelled as special regions.²⁷⁵ For village heads in these areas, the NMSP is considered the sole authority and the Tatmadaw is barred from entering without prior arrangement.

The NMSP exercises influence but less autonomy in other Mon communities in the region, particularly along the Mon-Kayin border. Here, its relations with local communities are tolerated by the government, and include social service provision, basic justice, and taxation. Communities in such areas will typically have to manage relations with the NMSP, government, and in some cases Karen armed actors too, while NMSP leaders have noted that since 1995, government rule has been solidified in an increasing number of villages.²⁷⁶ The NMSP gained no ceasefire territory in its Mergui

²⁶⁹ There are other, even smaller, People's Militia in Karen areas, including the Padoh Aung San group, which is named after its leader, who is now a USDP MP.

²⁷⁰ "Mon areas" pertains to parts of Tanintharyi Region, Mon State, and Kayin State that are populated by Mon people.

²⁷¹ The NMSP is also a major provider of social services to these communities. A more detailed overview of the social services provided by the NMSP is provided in Jolliffe (2014).

²⁷² One of the most prominent splinter factions still fighting the government is the Mon Chan Group. In the past, the government had established small People's Militia around parts of the Yadana gas pipeline and also supported at least two NMSP splinter factions, the Nai Saik Chan Peace Group and the Mon Armed Peace Group. Other splinter groups formed after the NMSP signed its 1995 ceasefire to fight against the government, including the Mon National Warrior Army, led by Mon veteran Nai Hlein, and the Hongsawatoi Restoration Party.

²⁷³ For a recent example of extortion by small Mon armed factions, see IMNA, 'Army Allows People Back into Mon Forest', 8 June 2015; available at: <http://www.bnionline.net/news/mon-state/item/553-army-allows-people-back-into-mon-forest.html>

²⁷⁴ Most of the information used here about the NMSP administration system was provided by two members from the organization's executive committee, while additional information comes from South's (2005) chapter titled, 'The NMSP in the 1990s: Structure, Leadership and Administration' (page numbers unavailable).

²⁷⁵ The controlled area overlaps into Kayin State, reaching to just south of Three Pagodas Pass, the NMSP's former headquarters.

²⁷⁶ In some areas, village heads elected with NMSP oversight were arrested, leading the group to 'accept and cooperate with village heads appointed by the government in those areas'. (Interview with NMSP Central Committee members, Yangon, May 2015).

District, but has made at least one attempt to re-position itself there, leading to a skirmish with the Tatmadaw.²⁷⁷

The NMSP has a party membership system similar to that of a parliamentary political party, in that people can apply, or be approached, to become members, and can then take part in party congresses and the election of its leaders. Every four years, party representatives from each township elect leadership committees, who then elect committees for their district, who in turn elect a 27-member central committee, and a nine-member executive committee. Unlike the KNU system, these elections provide no automatic participation for the military. Meanwhile, village heads, their committees, and justice bodies are elected by communities themselves, not necessarily from among party members. These elections typically take place through consensus at village meetings or through more organized one-household-one-vote systems.²⁷⁸ As in other rural areas, it is not uncommon for a particularly confident and well-connected individual to put themselves forward and face little resistance.

The executive committee oversees three main departments: defense (the Mon National Liberation Army), party affairs, and administration. Party affairs involves political policy, the registration of party members, political affairs training, “public awareness raising”, and cooperation with civil society organizations. Meanwhile, the administration department oversees eight other departments, for:

- | | |
|---|---|
| • Revenue; | • Religious Affairs |
| • Agriculture; | • Health (Mon National Health Committee) |
| • Forestry; | • Justice (including narcotics) |
| • Education (Mon National Education Department and Committee) | • Logistics (which organizes rations for members) |

The administration department also has less formal and varying degrees of influence over a number of civil society organizations such as the Mon Relief and Development Committee, Mon Women’s Organization and Remonhya Peace Foundation.

District committees are headed by a district chairperson who oversees defense, party affairs, and administration through district-level departments with the same structure. The districts enjoy considerable autonomy from headquarters but have significant control over each of their townships, which again follow a similar structure, but vary in the number of active departments in place.

5.3 Kayah State

Rural parts of Kayah State are contested by a number of ethnic armed actors, with the most prominent and politically active being the Karenni National Progressive Party (KNPP). The KNPP has very few strongholds, but maintains bases and a mobile military presence in Shadaw and Hpasawng Townships, while maintaining an administrative presence in much larger areas through village-level leadership structures and the provision of social services.²⁷⁹ The organization has some areas agreed with the government where it is permitted to operate.²⁸⁰ During this study, little information was available

²⁷⁷ Mon News, ‘Government soldiers kill 2 NMSP soldiers during unprovoked attack’, 18 July 2013; available at: <http://monnews.org/2013/07/18/government-soldiers-kill-2-nmsp-soldiers-during-unprovoked-attack/>

²⁷⁸ Interviews by the author with civilians in two villages in an NMSP ceasefire zone in 2013 confirmed that communities there undertook systematic local elections with the oversight of the organization. However, such processes are not necessarily carried out so systematically in all areas.

²⁷⁹ A more detailed overview of the social services provided by the KNPP is provided in Jolliffe (2014).

²⁸⁰ It is not clear how or when these were agreed. In the group’s first negotiations with government at the Union level, it was stated that such agreements would come in following talks. However, such arrangements are not mentioned in its subsequent June 2013 ‘*Eight Points Agreement*’.

regarding the group's administration system. However, they are known to have at least eight active departments.²⁸¹ These are the departments of:

- Administration;
- Law;
- Education;
- Defense (the Karenni Army)
- Social and Cultural Affairs
- Planning
- Foreign Affairs
- Health

BGFs 1004 and 1005, formed out of the once CPB-aligned Karenni Nationalities People's Liberation Front, are the dominant authorities in parts of Mese, Hpruso and northern Loikaw Townships, where they cooperate with government authorities on administrative affairs and provide at least one health clinic of their own but focus primarily on business activities. Similarly, the mining hub of Mawchi in Hpasawng Township is contested by numerous armed actors, most of which cooperate with the state, but focus on protecting their own business interests, and interact little with the population.²⁸² Other small ceasefire groups and People's Militia in Kayah State include the Karenni National Peace and Development Party (KNPDP), the Karenni National Solidarity Organization (KNSO), the Karenni National Defense Army (KNDA), and the KNPP (Hoya).

There are two ethnic Kayan armed actors based in Pekon Township, Shan State near the Kayah State border, which, over the years, have intermittently had a presence in Kayah State too. One is the ceasefire group, Kayan National Liberation Party (KNLP), which has shrunk significantly since signing a ceasefire in 1994, but maintains a military camp that is embedded in a village along the main road between Loikaw and Pekon Towns.²⁸³ It is mostly engaged in business activities but maintains relations with surrounding villages, and cooperates with some Kayan and faith-based civil society organizations. The other is the People's Militia, the Kayan National Guard (KNG), which maintains a small military facility near border. Little is known about the KNG's relations with the local population, but according to a Kayan civil society activist who spoke to the *Myanmar Times*, 'Everyone [in the area] is scared of the KNG'.²⁸⁴

5.4 Implications

Following nearly seven decades of ethnic armed conflict, new ceasefires in Karen areas of the southeast remain extremely fragile, as do the territorial arrangements resting on them. Meanwhile, rapid development is taking place, the government is expanding its administration into newly accessible ceasefire areas, and the KNU is reinstating its parallel governance structures in DKBA areas.

All across the southeast, communities remain subject to multiple authorities with parallel systems of governance of varying degrees of formality. Without a coherent, unitary system of governance for

²⁸¹ According to another international researcher, the KNPP has a total of ten departments but not all were not known (information provided via email, June 2012). The organization also cooperates with the Karenni Social Welfare and Development Committee and the Karenni National Women's Organisation among other community based organizations.

²⁸² For example, BGF 1005 has a number of outposts in these areas (away from its official HQ), largely in order to protect the mining interests of its commander U Aung Kyaw's East Salween Trading Company. The area is home as well to a small militia run by local MP U Ye Tun Tin, who is a former Tatmadaw commander and owner of the company, Kayah State Mining Product. The state-owned Union of Myanmar Economic Holdings Limited (UMEHL) also works in conjunction with a militia established by a KNPP splinter group, the Karenni National Solidarity Organization (KNSO), whose main base is on the banks of the Thanlwin River in Hpasawng Township.

²⁸³ According to one unverified source, the group also has positions in Pan Kan, between Loikaw and Demawso in Kayah State.

²⁸⁴ The activists comments were made in relation to June 2015 allegations that the militia had murdered three locals. Matthew Baudey and Caroline Oudot, 'Villagers afraid to break silence over militia murder allegations' 3 June 2015; available at: <http://www.mmimes.com/index.php/national-news/14828-villagers-afraid-to-break-silence-over-militia-murder-allegations.html>

these territories or clear demarcations to separate them, local communities remain burdened with multiple tax regimes, and the difficulty of managing relations with rival armed actors. Particularly vulnerable are returning or resettling displaced communities, who may have no experience or connections in their new political environment, and are likely to be returning to contested areas.

This environment is fraught with complications for international actors, given the continued instability in the region, and lack of clarity over which actors should be recognized and engaged as the legitimate authorities for different areas. Such uncertainty precludes the undertaking of comprehensive transformational interventions to help reform government, strengthen the rule of law or even to instigate inclusive development processes. The related risk is that international actors push ahead with such agendas, regardless, cooperating primarily with government, and thus further exacerbate conflicts.

Section SIX: Ethnic armed actors and subnational administration in Shan (South) and Shan (East)

Shan (South) and Shan (East) have been plagued by armed conflict since Myanmar's independence. The major armed actors governing populations and controlling territories range greatly in their relations with the government, but in 2015, ceasefires have been relatively stable and have allowed a degree of calm. This section details which territories are controlled or influenced by each of these actors, and provides an overview of the administration systems they have established. Table 8 provides a snapshot of key information on the major ethnic armed actors administering territory, and Table 9 displays the main smaller People's Militia known to operate in the area. Map 7 displays the Shan (South) and Map 8 displays Shan (East).

Table 8: Major ethnic armed actors in Shan (South) and Shan (East)

Group (status)	Types of territory	Known strongholds (or primary areas)	Additional known areas of operation	Notes on Administration System
Pa-O National Organization (PNO) (official political party) / Pa-O National Army (PNA) (People's Militia Force)	1. PNO elected to Leading Body of Pa-O SAZ.	Pinlaung, Hsihseng, and Hopong townships, Shan State.	N/A	Holds all elected seats in the Leading Body of the Pa-O SAZ.
	2. PNA "Accommodated" unofficial territories without clear demarcation.	Hsihseng, Pinlaung and Hopong Townships.	"Accommodated" territories also active in Pa-O parts of Taungyi, Kalaw, Loilen, Nyaungshwe, Kalaw and Ywangan Townships. ²⁸⁵	Maintains a robust administration system within the PNA, down to the village level in Pa-O communities.
Restoration Council Shan State (Ceasefire since 2011)	"Tolerated" ceasefire territories with varied levels of demarcation and "hostile" claims to other territories.	Southern Mongton, Langkho and Mongpan Townships, and parts of Kengtung and Laikha Townships, Shan State.	Parts of most townships in Shan (South) and Shan (East), east of Loilen and west of Kengtung. Also Namhkan, Kyaukme and Hsipaw Townships, Shan State (North).	More than 20 military-staffed "Administration Battalions" under a Civil Administration Department. These units work in coordination with thirteen other centralized line departments but retain notable autonomy.
Pa-O National Liberation Organization (Ceasefire since 2012)	"Tolerated" ceasefire territory with clear demarcation.	Southwestern Mawmai Township.	Parts of Hsihseng Township, Shan State and Loikaw, Shadaw Townships, Kayah State.	Governs through military-staffed departmental bodies, including a Central Administration Unit.
United Wa State Party (Ceasefire since 1989)	"Tolerated" Ceasefire territories with loose demarcation.	See following Section for UWSA's main area in Shan (North).	Wa-populated areas of southern Mongton, Monghsat, Langkho and Tachilek Townships.	Administrative bodies established at township, village tract and village level answerable to

²⁸⁵ The PNA also has a presence in Loikaw Township in Kayah State and possibly other areas too.

				central Politburo and central committee and guided by seven line department-like “Bureaus”.
National Democratic Alliance Army – AKA “Mongla Group” (Ceasefire since 1989)	“Tolerated” ceasefire territories with clear demarcation.	Mongla Township, parts of Monyawng and Mongyang Townships, Shan State.	Monphyak Township, Shan State.	Unknown.

Table 9: Known smaller People’s Militia in Shan (South) and Shan (East)

Name / characterisation	Location
“Mong Zeun” PMF (former RCSS 758 th Brigade) ²⁸⁶	Laikha and Nansang townships, Shan State
“Met Kyaing” or “Markkieng” (Shan for Tamarind) Militia	Nansang Township, Shan State
Southern Shan State Militia (<i>Maha Ja</i> Militia)	Homein “Sub-Township”, Langkho Township, Shan State
Unknown number of Lahu, Akha, and Shan militia of varied sizes	Mongpan, Langkho, Mongton, Monghsat, Monyawng, Mongyang and Tachilek townships, Shan State
BGF 1007 (Lahu)	Mongton Township, Shan State
BGF 1008 (Akha)	Mongyawng Township, Shan State
BGF 1009 (Lahu)	Tachilek Township, Shan State

6.1 The Pa-O National Organization

The Pa-O National Organization (PNO) has some of the oldest roots of any armed group in Myanmar.²⁸⁷ Over the past two decades, it has secured an “accommodated” claim to influence over Pa-O affairs in Shan State (South), through a high level of cooperation with government. Its governance of local populations is currently exercised both through the Pa-O SAZ and through its powerful people’s militia force (PMF), the Pa-O National Army (PNA). This unique level of cooperation, which Callahan attributes to the PNO’s ‘pragmatic acceptance’ of their weakness in relation to the state, is understandable as the PNO has always been primarily concerned with countering Shan dominance. Power dynamics have, therefore, developed in which the group has found that client-like relations with the state are more beneficial than continued resistance.

²⁸⁶ Mong Zeun is the name of the former leader, who was killed by RCSS in 2010, but the group is still named after him locally.

²⁸⁷ The first Pa-O nationalist armed movement began in 1949, and was reinvented in 1973–1974, under the banner of the current PNO (by which time another Pa-O communist faction was also contending for power).

Shan State (South) - Myanmar

Legend

- State Capital
- Township Capital
- Sub-Township Town
- Township Boundary
- District Boundary
- State/Region Boundary
- International Boundary
- Major Road
- Minor Road
- Self Administered Area
 - Danu SAZ
 - Pa-O SAZ

Map ID: MIMU1281v01
Completion Date: 19 May 2015 A4
Projection/Datum: Geographic/WGS84
Data Sources: MIMU
Base Map: MIMU
Boundaries: MIMU/WFP
Place Name: Ministry of Home Affairs (GAD) translated by MIMU
Map produced by the MIMU -
 info@mimu.orgundp.org
 www.themimu.info

Scale: 0 12.5 25 50 Kilometers

Map ID: MIMU1281v01
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Map 8: Shan State (East)



The group's armed wing, the PNA, formed a PMF in 2009 and officially separated from the political party so that the latter could contest the 2010 elections. A third wing, the Parami Development Network, was established as a civil society organization, which has also separated so that it could continue to solicit funds for development from international aid actors.²⁸⁸ The PNO won ten seats in 2010, of which one is in the Union National Assembly, and three are in the Union People's Assembly. The other six are in the Shan State Regional Assembly, allowing the PNO to take all of the elected positions in the Pa-O SAZ Leading Body, which is chaired by the PNO leader, Khun San Lwin. This could change following the 2015 election, as the NLD or other parties could win seats and gain influence over the SAZ, even if their candidates are not ethnic Pa-O.

In practice, the PNO's actual administrative control over the SAZ is largely nominal. General administration, social services and other governance structures are mostly the same as in other government-controlled townships, and to function, they depend largely on the oversight and mechanics of the GAD (See Section 3).²⁸⁹ All schools are government schools with the full Burmese language curriculum. However, PNO members explained that the leading body structure gives them an official platform from which to appeal to the government on local affairs, and has created some helpful channels for cooperation on development and social services. They also explained that this arrangement gives them greater freedom to formally organize the community around cultural and religious affairs, to disseminate party information and to maintain the uniqueness of Pa-O society and identity.

Meanwhile, both in the SAZ and Pa-O populated parts of surrounding townships (e.g. Taunggyi, Loilen, and Kalaw Townships) the armed wing, the PNA, maintains an informal but significant administrative presence. This presence is accommodated openly by the government and appears to further facilitate cooperation with the state. The PNA maintains a full administrative department, as well as departments for economics, information, and organization, and has semi-official responsibilities to help the government manage development and social services, counter crime and narcotics, and support cultural affairs.²⁹⁰

The PNA uses its own mapping system, which divides the region into four zones that have no relation to government demarcations. These zones are organized into townships, which in turn consist of village tracts. The village tracts are then made up of multiple villages. Representatives of the PNA's departments are posted at each of these administrative levels, in parallel to its military command structure, and cooperate regularly with government officials.

Government-mandated Village Tract Administrators, who are indirectly elected by local communities, are typically also incorporated into the PNA administrative system. However, locally recognized village heads work first and foremost with the PNA as the government does not have official representatives at that level. Therefore, according to the PNA, its role at village-level is substantial, and has been instrumental for local development and other activities.

According to the PNA, whether a given activity is initiated by the government or by the PNO/PNA, both sides communicate and cooperate closely with each other and the system works well.²⁹¹ The PNO/PNA is also developing training activities for its networks on "good governance" and has been

²⁸⁸ According to party registration law, political parties in Myanmar cannot receive funds from abroad.

²⁸⁹ This was confirmed in two interviews with members of the organization (Interview, Taunggyi, Shan State, February 2015).

²⁹⁰ In particular, the PNA continues to oversee development projects that were initiated by the PNO prior to 2010 changes, but remain unfinished. (Interview with four high-ranking PNA officials, Shan State, February 2015).

²⁹¹ Interview with four high-ranking PNA officials (Interview, Shan State, February 2015).

instrumental in establishing a Pa-O Youth Network to build connections between the PNO/PNA, Pa-O youth and civil society organizations, including some that have been critical of the organization.

6.2 Restoration Council of Shan State

The Restoration Council of Shan State (RCSS) has grown exponentially since the early 2000s, and currently maintains strongholds along the Shan State border with Thailand, particularly in Mongton, and Langkho townships. Further east, its hold on the border is contested by the United Wa State Party (UWSP), and in some areas, the Tatmadaw, resulting in a patchwork of civilian settlements that are effectively under different jurisdictions.²⁹² The RCSS also has a significant guerrilla presence and strong relations with rural populations throughout much of Shan (South) and Shan (East), east of Loilen and west of Kengtung. In Shan (North), the group has some fixed positions and a mobile presence in Namhkan, Kyaukme and Hsipaw Townships.

The RCSS divides its main operational areas into five regions: Region 1: Kengtung; Region 2: Mong Tang (in Burmese, *Mongton*); Region 3: Panglong; Region 6: Homong (*Homein*); and Loi Tai Laeng, the headquarters.²⁹³ These regions vary in size, each covering between one and three government-designated townships.

An agreement was made in January 2012 between the RCSS and the government for the Homein (in Shan, *Homong*) “Sub-Township” of Langkho Township, and Hmone Hta (*Mong Htar*) “Sub-Township” of Mongton Township to be recognized as ‘RCSS headquarters’ administrative and development areas’. The agreement states that in these areas, the RCSS ‘has the power to govern civilians... by assigning the administrative heads of the villages and village tracks [*sic*]’. The RCSS houses thousands of internally displaced persons (IDPs) in these areas and runs a number of schools and clinics, as it does in three other IDP camps along the border.²⁹⁴

According to RCSS members, it was also agreed that the Tatmadaw would remain close to roads and towns, while the RCSS was permitted to have bases and to move around all other rural areas.²⁹⁵ During the ceasefire period, there have been hundreds of clashes between the RCSS and the government over territorial disputes, including a number of battles in the Homein and Hmone Hta areas. However, these incidences decreased in 2014 and 2015.²⁹⁶

The RCSS’s administrative system is built largely around its approach to insurgency, and it is presently undergoing a transition from a “wartime constitution” to a “ceasefire-time constitution”, though the former remains in place in some frontier areas. The organization is made up almost entirely of soldiers

²⁹² According to the RCSS, boundaries are relatively well established between its positions and those of the UWSP in southern Shan State, and there are no areas of mixed administration. The UWSP governs Wa villages, while the RCSS governs Shan and some villages of other ethnicities. The Tatmadaw has fixed military positions and enters villages around the area in a more ad hoc way. Formal government administration is limited to urban and per-urban settlements.

²⁹³ Most of the information about the RCSS’s governance system was provided by a representative of the RCSS Chairperson’s office, its liaison office, and a Shan academic familiar with the group.

²⁹⁴ See ‘11 point agreement between RCSS/SSA and the Peace Making Committee of President U Thein Sein government at the 1st Union Level Meeting in Taunggyi’, 16 January 2012. A more detailed overview of the social services provided by the RCSS is provided in Jolliffe (2014).

²⁹⁵ Two RCSS members in separate interviews said this to be the case, one claiming it had been included in a signed agreement. However, it does not appear on any of the official translations of ceasefire agreements, which were provided by the organization (interviews, undisclosed locations, early 2015). The first Union-level agreement, the ‘Agreement between RCSS/SSA and the Peace Making Committee of President U Thein Sein government at the State Level Meeting in Taunggyi’, signed in December 2011, states ‘The agreement has been made between the two sides to station in the area negotiated and agreed upon’, but there are no specific areas or types of area mentioned.

²⁹⁶ See S.H.A.N, ‘Decreased fighting, increased tension: RCSS/SSA’, 16 January 2015, available at: <http://english.panglong.org/decreased-fighting-increased-tension-rcssssa/>

under a hierarchical command structure.²⁹⁷ The current system provides for 14 main departments. These are the:

- Defense Department
- Civil Administration Department
- Finance Department
- Foreign Affairs Department
- Healthcare Department
- Trade Department
- Information Department
- Intelligence Department
- Education Department
- Alliance Affairs Department
- Natural Resources Department
- Narcotic Drugs Eradication Department
- Agriculture and Livestock Department
- The Shan State Development Foundation

The most important and extensive of these are its defense and civil administration departments.²⁹⁸ The civil administration department is organized into more than 20 “administrative battalions” which are effectively staffed by soldiers who undergo special training, and work alongside the defense department’s “operations battalions”. All of these battalions are stationed in relatively fixed positions throughout the RCSS areas, with staff at village, village tract, and township levels, and they enjoy a degree of local autonomy. All other departments are based only at HQ and have to work through the administration battalions at the local level.

According to the wartime constitution, the civil administration department’s responsibilities include controlling, leading, developing, assisting, and organizing local civilians, as well as providing for their security and carrying out guerrilla operations.²⁹⁹ The ceasefire constitution has yet to be published, but according to the RCSS, the main changes are provisions for increasing civilian involvement in the organization’s affairs at various levels.³⁰⁰

Although the RCSS is a relatively new organization, it has expanded quickly, apparently due, in part, to the readiness of many rural Shan communities to engage with the group.³⁰¹ When a new area is secured, civil administrative battalions move in and establish their governance role through a four-stage process that: first, sees them gain influence through local elders; second, establish official authority at the village tract level; third, teach the locals the core policies of the RCSS; and fourth, enlist village-level volunteers to receive more intensive training on administrative, financial, education, environmental, and intelligence-related procedures, and report to the village-tract authority.³⁰² Akin to many of the armed groups in Myanmar, the RCSS’s financial department does not officially tax local people directly unless they are merchants or business owners.

6.3 The Pa-O National Liberation Organization

The Pa-O National Liberation Organization (PNLO) has existed in its current form since 2009, led by pro-democracy politicians and made up of forces from numerous former Pa-O armed factions, spawned from the still-much-larger PNO. The group maintained one or two fixed positions and a

²⁹⁷ The highest organ in the RCSS is the central committee, which is a large body made up of all commanders ranked 2nd lieutenant and upwards. This council has powers to determine policy and to elect the chairperson, and an executive committee, which then share executive powers.

²⁹⁸ In some documentation, these departments are referred to as the departments of military affairs and internal administration.

²⁹⁹ See the 2014 Constitution of the Restoration Council of the Shan State, Section 21, Article 2.

³⁰⁰ Interview and email correspondence with the RCSS Chairman’s office (February-March 2015).

³⁰¹ While the level of willingness on the part of Shan people is hard to gauge, representatives of three non-aligned Shan civil society organizations based in towns, but who work in Shan rural areas, explained that the organization has grown in popularity, particularly in areas where people have struggled to avoid oppression by the Myanmar regime, and who tend to support Shan nationalist aspirations.

³⁰² Interview and email correspondence with the RCSS Chairperson’s office (February-March 2015).

guerrilla presence in southwest Mawmai Township until 2012, before signing state- and union-level ceasefires in 2012 and 2013 which permitted ‘designated areas’ for the group, which are not named explicitly in the text.³⁰³ According to the PNLO, these areas cover 45–50 villages, some of which are very small as the region is mountainous and people live in spread out settlements.³⁰⁴

The PNLO has four departmental bodies, all based at its headquarters. These are its:

- Central Political Unit
- Central Local Administration Unit
- Central Military Affairs Unit
- Central Financial Unit

Its Central Political Unit oversees youth, women, health and education sections. The PNLO provides for two schools in its area, one of which has a government-appointed teacher, while both use the government curriculum. It also provides a clinic and some backpack health services, with support from international NGOs and some Thailand-based organizations.

The government has funded the PNLO to build 28 kilometres of roads in its designated areas. The PNLO also had an agreement to receive government funds for housing for its members and local displaced persons, but the project has been postponed due to skirmishes with the RCSS.³⁰⁵ The RCSS claims it ‘was unable to accept’ this agreement (in which it was not involved).³⁰⁶

The PNLO’s Local Administration Unit is manned by soldiers organized into “administrative battalions” and is primarily geared towards security and justice within the area, particularly counter-narcotics activities. The unit spreads anti-narcotics policy information and arrests and detains local people who are using or selling narcotics,³⁰⁷ and deals with other criminal acts and local disputes. It also collects some basic household and other demographic data and administers the group’s tax regime, which collects official taxes only from traders (mostly corn brokers) and only once or twice a year. The organization also has a judge, and claims that local people have long turned to the group (and its predecessors), more readily than to government actors, to handle disputes.

The PNLO’s current administration system has only become possible since the ceasefire. In the years prior to the agreement, the PNLO and its predecessors were largely restricted to its camp areas except when undertaking specific operations. During this period, local village heads would maintain basic relations with the group and would be summoned at certain times for discussions. Also, to develop relations, the PNLO would occasionally send armed backpack medics to the nearby villages.

6.4 The United Wa State Party and the National Democratic Alliance Army

The other main ceasefire groups in the south and east of Shan are the National Democratic Alliance Army (NDAA), often known as the “*Mongla Group*” and the United Wa State Party (UWSP).

The UWSP’s administration system will be covered in greater detail in Section 7 as its primary territories are in Shan State (North). However, the group also has limited control over large territories along the border with Thailand in Shan’s Mongton, Monghsat and Tachilek Townships, often referred

³⁰³ Reference to ‘designated areas’ appears in the state-level ceasefire agreement but not in the Union-level agreements, which focuses on other matters.

³⁰⁴ As with most of the information in this section, this was provided during an interview with a PNLO officer (Interview, undisclosed location, February 2015).

³⁰⁵ Separate interviews with an RCSS member and a PNLO member (undisclosed locations, February 2015).

³⁰⁶ Quote from an interview with an RCSS member (Interview, undisclosed location, February 2015).

³⁰⁷ Although this detail came from the group itself, individual members of two non-affiliated Pa-O civil society organizations also noted that the PNLO was particularly active in countering narcotics in its area, often at the request of local mothers or others in the community.

to as its “southern command”.³⁰⁸ As described in Section 2, these are not indigenously Wa areas, but with permission from the Tatmadaw, the group conquered the region from Shan rebels in the late 1990s, and began a mass migration campaign to establish Wa communities in the area.

The “southern command” is divided into six administrative townships by the UWSP, which cover much of the government-designated Monghsat, Langkho and Mongton Townships’ and a section of Tachilek Township. However, in practice, the UWSP only fully administers the Wa settler villages in the area, and only has control over patches around these settlements and some agricultural lands. None of these areas are included in Shan Sate Special Region (2), which it gained as part of its 1989 ceasefire (covered in the following section), or are explicitly referenced in recent ceasefire agreements. The government has told the group to leave the area numerous times,³⁰⁹ and in recent years, tensions have almost erupted in violence.³¹⁰ The UWSP also has an unofficial but tolerated presence in Mongyang Township, along the Mekong River.

The NDAA is the main authority in Mongla Township, and parts of neighbouring Mongyawng, Mongphyak and Mongyang Townships, as was provided in its 1989 ceasefire as Shan State Special Region (4). The NDAA Special Region is cited repeatedly in the group’s 2011 Union-level peace agreement, which emphasises its continuing relevance. However, the agreement does not define the region’s boundaries or define its meaning constitutionally, beyond stating that ‘[Shan State] Special Region (4) is an important part of the Republic of the Union of Myanmar’.

Other provisions in the agreement demonstrate the eagerness of the group to cooperate with the government on the development and delivery of social services in its region, indicating a high degree of accommodation between NDAA and government authorities. However, despite this apparent willingness for cooperation, Mongla Township was excluded from the 2010 elections,³¹¹ while Mongyang Township was only partially represented.³¹² Furthermore, while hosting leaders from other ethnic armed groups in March 2015, one NDAA official bragged that his organization had full control ‘over the area and [has] established “a complete system of government” that provides adequate public services.’³¹³ Comprehensive research into governance in the NDAA Special Region was not undertaken for this study.

6.5 People’s Militia and Border Guard Forces

Comprehensive data collection is needed to determine the exact locations and the forms of governance used by the various types of People’s Militia in Shan State (East) and Shan State (South).

In Shan State (South), there are at least two predominantly ethnic-Shan People’s Militia. The first is the RCSS’s former 758th Brigade, often known after its former leader, Mong Zeun,³¹⁴ which holds a number of village tracts in Laihka and Nansang Townships. The group reportedly taxes local people, and is the authority that any outsiders must contact to ensure safe passage in those areas. However,

³⁰⁸ The UWSP also has a presence along part of the Thailand border in Langkho Township, but its level of influence is extremely limited.

³⁰⁹ Kramer (2007), p. 30.

³¹⁰ For example, see: S.H.A.N, ‘Face-off continues between Wa, Burma Army’, 4 July 13; available at: <http://english.panglong.org/face-off-continues-between-wa-burma-army/>

³¹¹ Lun Min Mang, ‘Voting in Wa, Kokang and Mong La in doubt’, 20 March 2015; available at: <http://www.mmmtimes.com/index.php/national-news/13632-voting-in-wa-kokang-and-mong-la-in-doubt.html>

³¹² Htet Aung, ‘Questioning the EC Definition of Free and Fair’, Irrawaddy, 17 September 2010; available at: http://www2.irrawaddy.org/article.php?art_id=19499

³¹³ See Lawi Weng, ‘Mongla Rebels Say “Full Control” of Region Brings Development’, The Irrawaddy, 30 April 2015; available at: <http://m.irrawaddy.org/multimedia-burma/mongla-rebels-say-full-control-of-region-brings-development.html>

³¹⁴ Mong Zeun was killed by RCSS in 2010, but the group is still often named after him locally.

the extent to which it has developed governance structures, or continued those established by the RCSS, is unclear.³¹⁵

Further east, in Nansang Township (and possibly Kunhing Township), is a group called the “*Met Kyaing*” (Tamarind) Militia whose headquarters is reportedly a village in itself. Here the group conducts some basic Shan literacy training as well as vocational courses for residents and other nearby inhabitants, but does not have a well organized administration system.³¹⁶

According to numerous sources, there are dozens of People’s Militia in Shan State (East) of varying sizes,³¹⁷ including multiple Lahu groups. There are also three BGFs formed from former People’s Militia. These are the Lahu BGF 1007 in Mongton Township, the Akha BGF 1008 in Mongyawng Township, and the Lahu BGF 1009 in Tachilek Township. Research into these units’ roles in governance has not been carried out.

6.6 Implications

Between them, the PNO, RCSS and PNLO demonstrate the sheer variety among the governance roles played by ethnic armed actors, and the inevitable unsustainability of the present *ad hoc* territorial arrangements.

The PNO’s long-established role as the major political body representing Pa-O affairs has been augmented repeatedly since it signed a ceasefire in 1991, and began to build accommodating relations with the government. Its winning of all seats in the Pa-O SAZ has provided a new platform for working in an official government capacity, but the extent of its ongoing influence remains largely dependent on the informal administration role of its powerful People’s Militia Force, the PNA.

In contrast, the RCSS was borne out of pre-existing rebel movements, and through insurgency, has expanded quickly in recent years to establish its independent administration system in rural areas throughout Shan State. Skirmishes between the group and the Tatmadaw have decreased significantly since 2013, but they still take place, and escalation of conflict remains a continuous threat, given the lack of clear agreements between the two sides.

Meanwhile, by signing a ceasefire with the government, the PNLO, which was established in its present form only in 2009, has been able to secure a degree of autonomy over a number of rural village tracts and financial support for roads and other development. However, these agreements have been contested by the RCSS, which also claims parts of these territories, leading to fresh armed conflict in 2015. Meanwhile, state-backed militias of various types are abundant across large swathes of territory, and vary widely in their levels of acceptance of mainstream government administration.

These varied experiences demonstrate the complexity of subnational arrangements in conflict-affected areas that make it difficult for international actors to ascertain which authorities to work with, and through which channels, or to determine authorities’ legitimacy in the eyes of local people.

³¹⁵ Separate interviews with two civil society groups that have projects in the areas (Interviews, Shan State, February 2015).

³¹⁶ Interview with one Shan cultural society worker who conducts programs in the area (Interview, Shan State, February 2015).

³¹⁷ Sources include interviewees from two civil society organizations and one ethnic armed group, as well as TNI (2011), p. 10, and S.H.A.N (2003), pp. 49-50.

Section SEVEN: Ethnic armed actors and subnational administration in Kachin and Shan State (North)

The territorial and administrative arrangements in Kachin State and Shan State (North) have undergone rapid transformation since 2009 as a result of conflicts between the Tatmadaw and multiple ethnic armed groups. Prior to 2009, the political geography was characterised by multiple ceasefire groups controlling territories with varying degrees of autonomy. Key to understanding the current dynamics is a basic overview of the situation in 2009, and how that relates to the status quo. The territorial arrangements in 2009 and in 2015 are thus summed up in Table 10.

Table 10: Main territories held or influenced by ethnic armed actors in Kachin and Shan (North) in early 2009 and in 2015

Armed Actor	Areas	Group's status and type of control or influence in 2009	Group's status; level of territorial control, in 2015
New Democratic Army (Kachin) (NDA-K)	Much of Tsawlaw and Chipwi Townships and the Kan Paik Ti area of Waingmaw (Kachin State).	Ceasefire group, with "Accommodated" influence, over Kachin State Special Region (1).	BGFs 1001-1003; "Accommodated" presence; defaults to the Government
Kachin Independence Organization (KIO)	"Tolerated" in much of eastern Waingmaw and Momauk townships. Parts of Tanai, Puta-O, Bhamo, Hpakan, Mogaung, and Mansi townships (Kachin State).	Ceasefire group, with "Tolerated" control, over Kachin State Special Region (2).	Opposition armed group; Fighting the government - "Hostile" claims to territory. Maintains defense of key strongholds but has lost others.
	Parts of Namtu, Kutkai, Hseni and Muse townships (Shan State), and, particularly after the decline of the PSLP/PSLA in 2005, Manton and Namhkan townships.	Ceasefire group, with "Tolerated" influence, over unlabelled Shan territories. ³¹⁸	Opposition armed group; "Hostile" claims to territory. Has struggled to defend areas. Widespread mobile presence.
Kachin Defense Army (KDA)	Part of northern and western Kutkai Township.	Ceasefire group, with "Accommodated" influence, over Shan State Special Region (5).	People's Militias Force; "Accommodated" claim to Special Region (5) maintained.
Shan State Progressive Party / Shan State Army (SSA)	Much of rural Lashio, Hseni, Namtu, Namhsan, Tangyan, Hsipaw, Kyaukme	Ceasefire group, with "Tolerated" influence, over Shan State Special Region (3).	Splintered into two: 1. People's Militia Force; "Accommodated" Claims to territory in Lashio, Hsipaw and Kunhing townships. 2. Ceasefire group—has a new ceasefire but is often fighting. A few "Tolerated" and numerous "Hostile" claims to territory.

³¹⁸ One foreign analyst with more than 15 years' experience in Myanmar explained that KIO areas of northern Shan were generally afforded a similar status as its special region in Kachin. Indeed, prior to 2011, the group had a sufficiently sedentary presence to establish extensive education and health networks in the area; see Jolliffe (2014), pp. 15-16.

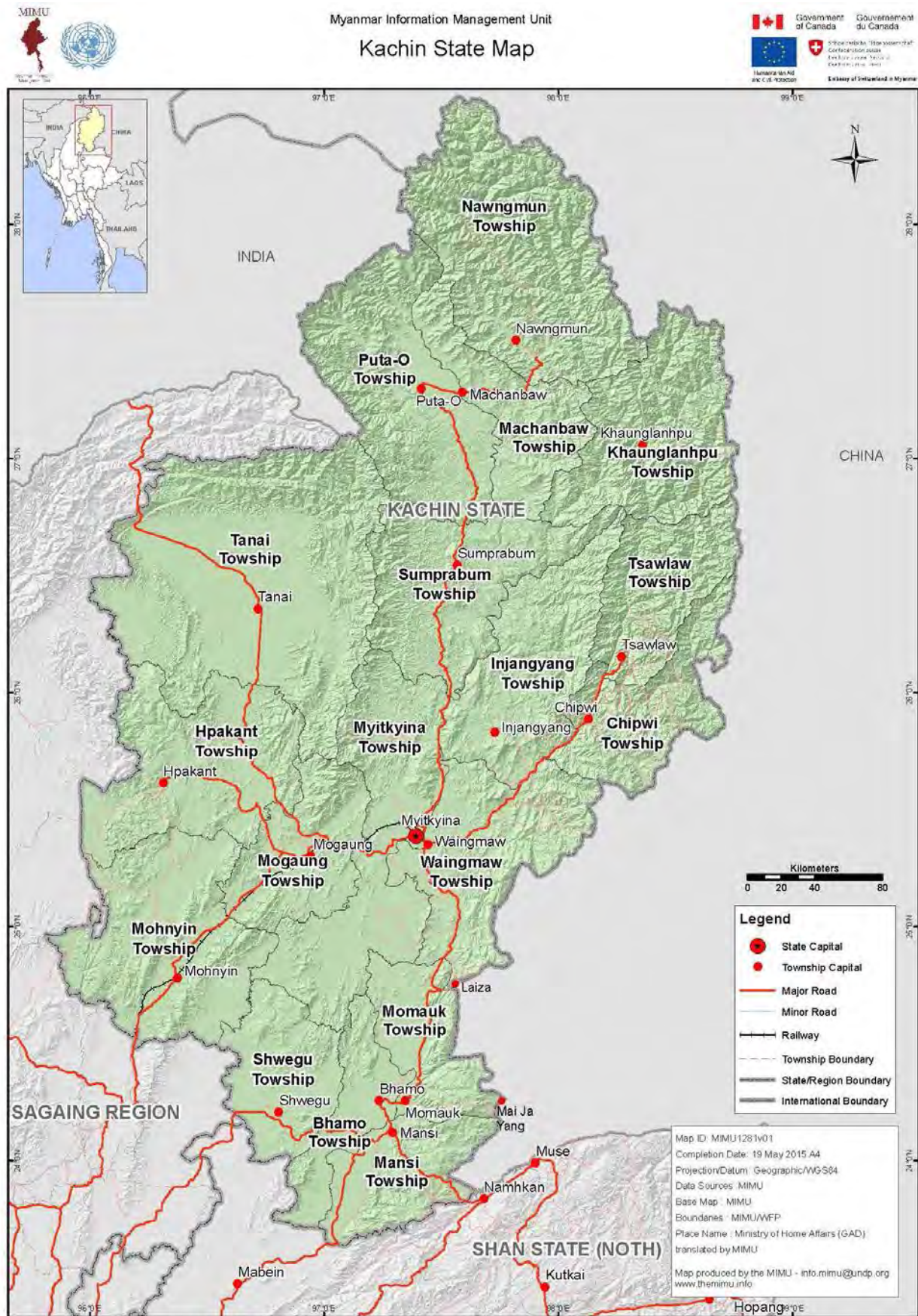
Myanmar National Democratic Alliance Army (MNDAA)	Konkyan, Laukkaing and the northern half Kunlong Township (north of the Nam Ting River).	Ceasefire group, with “Tolerated” control over Shan State Special Region (1).	Splintered: 1. Main faction driven out by Tatmadaw. Attempting to retake it in 2015. 2. Smaller faction formed BGF 1006, and elected to SAA Leading Body for the USDP.
United Wa State Party (UWSP)	Eastern Hopang Township, the whole of Mongmao, Pangwaung, Pangsang, Narphan townships and parts of Metman and Mongyang townships.	“Tolerated” control over Shan State Special Region (2).	Maintains “Tolerated” control of Shan State Special Region (2), which was referenced in its 2012 ceasefire agreement but is still not officially mandated.

Table 11: Prominent other People’s Militia and PMFs in Kachin and Shan (North)

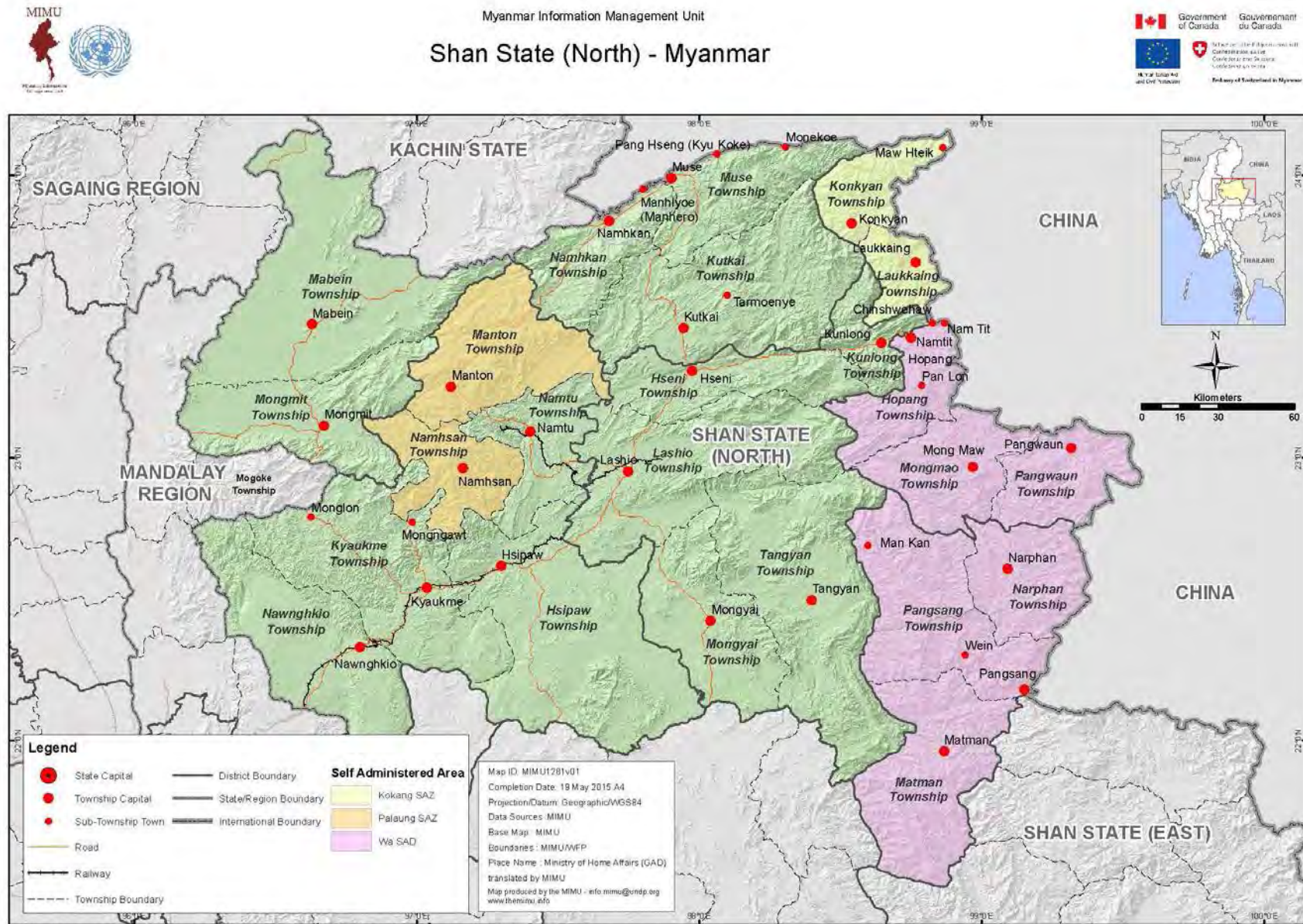
Name, designation	Location
Kutkai Special Militia, Tarmonye Militia	Kutkai Township, Shan State
Pang Say ‘U Kyaw Myint’ People’s Militia	Mountainous part of Namhkan Township, Shan State
Mong Pawn militia (former ‘Mung Hsala’ MNDAA splinter faction).	Muse Township, Shan State
Manton People’s Militia (former PSLP/PSLA)	Manton Township, Shan State
Moneko Militia	Moneko town and surrounding area, Muse Township
Manpang Militia (former Mong Tai Army)	Lashio and Tangyan Townships, Shan State
Mong Ha Militia (former Mong Tai Army)	Tangyan Township, Shan State
Lasang Awng Wa militia	Myitkyina Township, Kachin State
Rawang (RRF) militia	Kachin State (Township unknown)
Ahtang militia	Kachin State (Township unknown)
Tarlaw Gyi militia	Kachin State (Township unknown)
BGF 1006 (Kokang)	Konkyan and Laukkaing Townships Shan State
BGF 1010 (Wa)	Matman Township, Shan State ³¹⁹

³¹⁹ Matman Township is actually in Shan State (East) but is included here because it is part of the Wa SAA discussed in this section.

Map 9: Kachin State



Map 10: Shan State (North)



7.1 Kachin State

Since 2011, there has been near continuous armed conflict between the government and the armed wing of the Kachin Independence Organization (KIO), the Kachin Independence Army (KIA). The most dramatic changes to the governance environment have been two fold. First, there has been the displacement of approximately 90,000 people from over 100 villages, about 70,000 of whom fled deeper into KIO territory.³²⁰ Second, there has been a marked decrease in areas firmly controlled by the organization, as the Tatmadaw has moved dozens more infantry and support battalions into the area. Nonetheless, the KIO administration system has persisted in many parts of its old territories, particularly in its stronghold in southeastern Kachin, but also elsewhere in the state such as in Hpakan and Tanai Townships.

The organization governs its area through a civilian body called the Kachin Independence Council (KIC), which is separate from the political party, the KIO.³²¹ The KIC is a centrally based council that oversees the KIA (the armed wing), and eleven other main departments. These are the departments of:

- Health
- Education
- General Administration
- Foreign Relations
- Commerce
- Revenue
- Agriculture and Forestry
- Treasury
- Auditing
- Development
- News and Information

The KIC also oversees a series of less formally attached committees, which include the women's association, the Kachin Relief and Development Committee, the drug eradication committee, and the Kachin IDP and Refugee Relief Committee. The KIC is appointed by senior members of the KIO party and has no fixed term, rather than being elected periodically.

The KIC oversees all the departments at the central level whose members then make up multi-departmental "division committees" in each of five KIO-demarcated divisions. These divisions correspond geographically to the operational areas of the KIA's 5 Brigades and cover the whole of Kachin State and much of northern Shan State.³²² The division committees are made up of division-level department heads and secretaries, with the main administrative body throughout being the Department of General Administration (DGA). Divisions are composed of village tracts, which in turn consist of villages. Committees are formed at these levels that include representatives of appointed officials and prominent members of the community, but do not necessarily have representatives for specific departments.³²³

The organization and private companies under its ownership, such as the Buga Company, have been responsible for infrastructure development in areas outside its control. In 2006, the Buga Company completed a hydropower dam on the Mali River, that has provided the government-controlled Kachin State capital Myitkyina and the smaller government-controlled town, Waingmaw, with 24-hour

³²⁰ UNDP (2015a), p. 18.

³²¹ The information here on the organization's governance system was provided by the KIO over email in February, March and April 2015, and is based on author's experiences working in the groups' areas.

³²² The area of northern Shan covered roughly corresponds to Namhkan, Manton, Kutkai, Hseni, Muse Townships, and parts of Namtu, Mongmit and Lashio Townships.

³²³ However, it may often be the case that influential people at that level are teachers, or others who play a strong role in specific departments.

electricity since. The KIO also provides significant social services, including relatively advanced healthcare and education.³²⁴

In 2010, the NDA-K was transformed into BGFs 1001–1003. Little research was done for this study regarding the present administrative arrangements in that area. However, according to a member of a prominent NDA-K family no longer associated with the organization, the group has not provided social services for its people in any systematic way, and is primarily focused on business activities.³²⁵ As with other BGFs, it is likely the units are mandated primarily with security responsibilities, and have only an *ad hoc* governance relationship with local communities. Although, given the NDA-K's established authority in the area, and its local connections and languages, its members may be required to facilitate the government's administration in some of its regions, and could be consulted by parts of the community in the case of crimes or serious disputes.

Similarly little is known about the forms of governance in areas dominated by People's Militia in Kachin, which include the Lasang Awng Wa Militia, Rawang (RRF) Militia, Ahtang Militia, and Tarlaw Gyi Militia.

7.2 Palaung / Ta'ang Areas

Much of northern and northwest Shan State is populated by Ta'ang communities. However, there are also large numbers of Kachin and Shan populations dotted throughout the area. As a result, the region has long been subject to multiple armed groups with overlapping claims to territory.

After the Palaung State Liberation Party (PSLP) was disbanded in 2005, the KIO and the Shan State Progressive Party (SSPP) were able to expand and become the main governance actors in many rural Ta'ang areas.³²⁶ However, since 2011, these armed groups have been in almost constant conflict with the Tatmadaw, and have been reduced to an unstable guerrilla presence. Due to being spread increasingly thin, they have effectively opted to hand their Ta'ang-populated territories over to their rising Ta'ang ally, the Palaung State Liberation Front (PSLF).

During this period, the PSLF has risen in strength significantly, quickly becoming a strong insurgent force and an influential governance actor. The group was formed on the Thai-Myanmar border by a rebel faction of the PSLP, which was based in KNU territory as part of an ethnic political alliance when the disarmament took place. The PSLF founded its new armed wing, the Ta'ang National Liberation Army (TNLA), in 2009 and began regaining territories in northern Shan in 2011.

The PSLF/TNLA is active in parts of Namhsan, Manton, Namhkan, Kutkai, Namtu, Hsipaw, Kyaukme, Mongmit, and Lashio Townships of Shan State, and Mogoke Township of Mandalay Region. In these areas, despite not holding any territories exclusively, the PSLF has been able to re-establish a basic administrative structure in hundreds of Ta'ang ethnic villages. As discussed in Section 3, two of the TNLA's main areas of operations, Namhsan and Manton Townships, are also designated as the Palaung SAZ. However, the PSLF has no formal role in the SAZ and maintains its territories purely through military operations.

The PSLF has a central congress, which elects a central committee, which then elects an eleven-member executive committee, which includes its chairperson. The central committee also appoints one chief and two deputies for each of its twelve departments, which are the:

- Administration Department
- Revenue Department

³²⁴ A more detailed overview of the social services provided by the RCSS is provided in Jolliffe (2014).

³²⁵ This interview was carried out by the author in 2011 in Thailand.

³²⁶ The RCSS also has a strong presence in Namhkan Township.

- Economic Development Department
- Financial Department
- News and Information Department
- Defense Affairs Department (that oversees the TNLA)
- Alliance and Foreign Affairs Department
- Education Department
- Health Department
- Alliance Department
- Women's Developmental Department
- Narcotics Elimination Committee

Its area is demarcated into eleven townships that are then divided into 3–5 zones each, which, much like village tracts, consist of villages. The PSLF's governance system is underpinned by the work of its administration department, whose central office appoints a chief of administration for each township with the approval of the central committee. These townships oversee zone administration committees that then work directly with locally recognized village chiefs, and village-level committees. The administration department develops policies at the central level and is responsible at local levels for rule of law, development, and the coordination of other departments.

According to members of a civil society organization in the region, the PSLF has begun to play a particularly important role in assisting with local dispute resolution and criminal cases, where there had been little authoritative oversight for some years.³²⁷ However, as its areas of influence are also accessed by the government, local people who deal with either actor face the risk of being accused of supporting the other side. The organization has also been particularly active in drug elimination, including making drug raids into neighbouring territories held by People's Militia, in part, to win popular support.³²⁸

A number of other departments also operate at township and zone levels, including those for education, healthcare, narcotics elimination, and women's development. The PSLF assists local communities by organizing community-based teachers for villages that do not have a teacher, and it sometimes provides basic stipends. The PSLF also facilitates book donations to schools through its social networks. Some funds are provided to assist parents with school-related costs, including costs for government schools.³²⁹ In addition, the organization supports 35 mobile clinics and cooperates with other health organizations to provide outreach support to conflict-affected communities.³³⁰

A number of People's Militia of varying sizes are operating in these areas too. There are three main Ta'ang People's Militias, two of which are based in Namhsan Township, one called the *Ngun Sai* Militia and another known after its late founder, U Tun Myat Lay. The third is the *Manton* Militia in Manton Township, which was formed in 2005 out of remnants of the PSLP/PSLA. In Namhkan, a large portion of territory is held exclusively by the USDP MP, U Kyaw Myint's *Pansay* Militia, which is named after

³²⁷ Focus group with members of a civil society organization (undisclosed location, February 2015).

³²⁸ See the photo essay and article demonstrating one such mission into the territory of the Pansay Militia: Nils Larsen, 'On a Mission: Destruction of Opium', *The Irrawaddy*, 24 March 2015; available at: <http://www.irrawaddy.org/magazine/on-a-mission-destruction-of-opium.html>. For further, more anecdotal, reportage from the ground, see Free Burma Rangers, 'FBR Report: Opium and Ongoing Attacks by the Burma Army in Kachin and Shan States, Burma'; available at: <http://www.freeburmarangers.org/2015/02/24/opium-and-ongoing-attacks-by-the-burma-army-in-kachin-and-shan-states-burma/>

³²⁹ This information was provided by a civil society organization operating in the region (February 2015), and separately by the PSLF Foreign Affairs Department, via email (March 2015). It is common for communities in rural parts of Myanmar to organize their own schools by pooling resources to provide volunteer teachers from within the community or nearby with housing food and sometimes money. Ethnic armed groups in many areas have long supported such education systems by providing additional financial resources, training and curriculum or by helping to recruit teachers for villages that do not already have them.

³³⁰ To get started, the PSLF healthcare system received significant technical support and the buildings for initial training from the KIO Health Department. It also works closely with the Backpack Health Worker Team and the Free Burma Rangers, who equip and train community members and/or Ta'ang National Liberation Army members to provide support, but the PSLF claims that it funds the majority of its health services independently, with a small amount coming from tax revenue, and that its latest batch of training (including 150 new medics) was conducted in its own territory.

the Chinese Muslim identity group, *Pansay*. The area controlled by the militia is a high mountainous region, though little is known about what forms of governance exist.³³¹

7.3 Kachin armed actors in Shan (North)

Prior to 2011, the KIO governed Kachin communities dotted throughout rural and mountainous parts of much of Namtu, Muse, Manton, Namtu, and Hseni Townships and parts of Kutkai Township. Since 2011, the group has been reduced to a guerrilla presence, and has had to abandon dozens of schools and health facilities, while thousands of people have been displaced.³³²

Today, rural parts of Kutkai Township are home to numerous overlapping Kachin armed actors. The KIO still has a strong presence in the area, but more dominant is its former 4th Brigade which split to form the Kachin Defense Army (KDA) in 1991, and is now a PMF, under the Tatmadaw. The KDA also often uses the name '*Kaung Kha*' Militia, after its headquarters' location, which is close to Kutkai Town. The group has an administration system based on that of the KIO, which it operates in parallel to the government's GAD in most of its areas. The KDA facilitates development and services in its area, through its own departments and in cooperation with the government or with civil society and religious organizations

Other PMFs in Kutkai, whose troops are mostly ethnic-Kachin, include the Kutkai "Special" Militia, and the Tarmoenye Militia, which are based at the towns they are named after and are active across numerous village tracts, with outposts spread quite far apart.³³³ They are mostly involved in business activities and, at times, counterinsurgency, and undertake little in the way of governance. However, both are commanded by USDP MPs who are active in the Myanmar legislatures, and when local knowledge is needed, might assist the GAD and other government departments in their areas of influence.³³⁴ In Muse Township, the Monekoe Militia is active around Monekoe Town, but allows the government to rule as usual, while its leader runs a public company and a private school in Lashio, and his father is the Shan State Representative for Kachin National Race Affairs.³³⁵

7.4 Shan armed actors in Shan (North)

In 2010, the Shan State Progressive Party/Shan State Army (SSPP/SSA) split as its 3rd and 7th brigades agreed to form a PMF and the most powerful, the 1st brigade, refused.³³⁶ Fighting then recommenced between the Tatmadaw and the rebel 1st Brigade. When a new ceasefire was signed with this faction in January 2012, it made no mention of the group's former special region, only of its headquarters' area at Wanhai, in Kyethi Township, and to unspecified 'mutually agreed areas' in which holding weapons would be permitted. The group now holds varied levels of influence in parts of eastern Lashio, Tangyan, Kyethi, Mongkaung, Mongyai, and Hsipaw Townships.

³³¹ The group is best known for its involvement in the opium trade, as previously noted, in relation to TNLA drug raids. Information for this study was provided about the group by a former Tatmadaw colonel, who is the chief of another People's Militia; a local lawyer; members of three other ethnic armed groups; and two civil society representatives. None of these interlocutors knew much about governance in the area, other than it is protected by the Tatmadaw, but only loosely administered by the government.

³³² Jolliffe (2014), p. 16.

³³³ The Tarmoenye Militia is known to have outposts spread around numerous townships along the eastern side of the Salween and some presence in Laukaing Township too. The Kutkai 'special' militia is only in Kutkai Township, but has outposts in numerous village tracts.

³³⁴ U Khun Myat, commander of the Kutkai 'Special' militia, is a Kachin and holds a seat for Kutkai Constituency in the People's Assembly; he is also on the president's constitutional review committee. U Myint Lwin, commander of Tarmoenye Militia, is ethnic Chinese and holds a seat in Kutkai Constituency in the Shan State Regional Assembly.

³³⁵ Naw Hkam leads the Moneko PMF, and his father, U Duwa Zot Daung, is the Shan State Representative for Kachin National Race Affairs.

³³⁶ By this time, the SSA had dissipated and had only three of the original seven brigades— the 1st, 3rd and 7th Brigades.

The SSPP/SSA is primarily an army, with a small secretariat, the SSPP, guiding its political policy and handling external relations. The SSPP is not, therefore, a civilian administration arm of the group that operates at all levels alongside the military. However, the SSA itself does have an administration department, as well as departments for development and information. In recent years, the SSPP has formally delegated its political strategy to the Shan Nationalities League for Democracy (SNLD), a long-standing official political party that will run in the 2015 elections.³³⁷

The Shan PMF, made up of the SSA's former 3rd and 7th Brigades, currently holds positions in numerous parts of Hsipaw Township, around Kar Li in Kunhing Township, and in eastern Lashio Township. It has an administrative apparatus and other non-military departments, though more information about its system of governance was not available. It also maintains a political alliance with the SSPP/SSA and the SNLD, despite not being politically active itself.

There is another large, mostly Shan, PMF in Shan (North) commanded by the ethnic-Chinese Bo Mon, who was formerly commander of the northern faction of Khun Sa's Mong Tai Army, which disbanded in 1996. The "*Manpang*" PMF, as it is known, has a strong presence in as many as eight townships in eastern Lashio and Tangyan Townships, and maintains close relations with the government in the area.

7.5 Wa and Kokang areas (East of the Thanlwin)

The 2008 Constitution provides for a six-township Wa Self-Administered Division (SAD) within Shan State. However, four out of these six townships—namely Pangsang, Pangwaun, Mongmao, and Narphan—are firmly under the control of the powerful United Wa State Party (UWSP), and are inaccessible to the government, meaning the SAD is only active in the other two townships—Matman and Hopang.

Somewhat removed from the ethnic alliances calling for federalism, the United Wa State Party's (UWSP's) longstanding demand has been to constitute its area as a state in itself, answerable only to the central government, and not to Shan State. This follows the political aspirations held by Wa political leaders since the time of independence. The SAD falls short of these demands, and in 2009 and 2010, the UWSA rejected government requests to transform its armed wing into BGFs and for the party to register and contest the 2010 elections. It, therefore, barred elections from taking place in its areas, and those seats remained unfilled.³³⁸

The area controlled by the UWSP, which includes the four above-mentioned townships, as well as a significant portion of Mongyang Township and some border areas of Hopang Township, was designated as an autonomous area called Shan State Special Region (2) when it signed its first ceasefire in 1989. The UWSP continues to use this name, and it was mentioned repeatedly in the last ceasefire text, agreed with the government in December 2012. The text does not demarcate or mandate the special region, but states that it is 'an important part of the Union'.³³⁹ The UWSP also controls hundreds of Wa villages that it established in the late 1990s in its 'Southern Command' in Shan (East), which are not included in Special Region (2).

³³⁷ The SNLD was established as, and remains, a close ally of Aung San Suu Kyi's National League for Democracy, and was highly successful in the 1990 election, the results of which were then annulled by the military junta of the time. Its leader, Hkun Htun Oo, later spent a period of time in jail but has returned to politics since being released in 2011.

³³⁸ As described in Section 3, the Shan State Regional Assembly seats in the other two SAD townships, Hopang and Matman, were won by the Wa Democratic Party and the Lahu National Development Party, who therefore have gained the positions on the SAD leading body. The Wa Democratic Party (WDP) maintains close relations with the USDP and the central government, and is not related to the UWSP. However, even here, the USWP maintains military positions in strategic locations, such as along the PRC border and Nam Ting River in Hopang Township.

³³⁹ See 'UWSA Government 6-point Union Level Peace Agreement', 26 December 2012.

The UWSP administration system is largely based on that established by the Communist Party of Burma (CPB) in the 1970s and 1980s. Indeed the CPB system was the only centralized administration system that Bamar leaders have ever implemented in the area. Special Region (2) is divided into three districts,³⁴⁰ which are then divided into 24 townships, while the “southern command” is divided into six townships. These townships are then governed through administrative committees established at district, township, village tract, and village levels.³⁴¹

The organization is led by a 5-person politburo, and a 19-person central committee, which oversee ten bureaus, some of which oversee sub-bureaus. These are organized as follows:

- Defense
- Finance
- Agriculture, Forestry and Irrigation
- Infrastructure and construction
- External Relations
- Women’s Affairs
- Political Affairs
 - Education
- Political Consultancy
- Health
- Central Law Enforcement
 - Judicial
 - Police

According to analysis carried out in the late 1990s and early 2000s, the UWSP’s administration system is hampered significantly by a high degree of centralisation, whereby the individual bureaus and local administrative units are low in capacity and have little authority to act on their own initiative. Below the district level, administrators are typically part-time, receive little or no salary, and have to depend on agriculture or other activities, potentially including informal taxation and corruption.³⁴² However, benefiting from trade relations with China, the UWSP’s region is highly developed, with 24-hour electricity, robust social services and modern urban infrastructure.

According to the 2008 Constitution, Laukkaing and Konkyan Townships are designated as a Kokang SAZ. The leading body is made up entirely of USDP members, most of whom are of Kokang ethnicity. The SAZ Chairman, Bai Xuoqian (sometimes *Pei Sauk Chein* among other spellings), is a former commander of the Myanmar National Democratic Alliance Army (MNDAA) which governed the region (and neighbouring areas) from 1989 until 2009, under a ceasefire agreement,³⁴³ when it was pushed out by the Tatmadaw. Bai Xuoqian was instrumental in transforming a minority faction of the MNDAA into BGF 1006, which is officially mandated to provide security in the region, alongside at least two other People’s Militia and the Tatmadaw. The other USDP MPs in the SAZ Leading Body are connected to Bao Xuoqian and ran unopposed in the 2010 election.

At the time of writing, the main faction of the MNDAA is trying to retake the region, engaging in guerrilla and intermittent urban warfare in Konkyan and Laukkaing Townships. Conflict in early 2015 displaced tens of thousands of people, and led to the instatement of a state of emergency in the region, placing it under effective martial law. As of June 2015, the MNDAA has established a rural presence throughout mountainous parts of both townships, but it is not clear if it has reinstated any form of civilian administration.

³⁴⁰ This information comes from Kramer (2007). According to another source from the international aid community, the region is organized into five districts (Email correspondence, March-June 2015).

³⁴¹ All of this information on the UWSP administrative system comes from Kramer (2007), p. 37 and another anonymous sources from the international aid community (email correspondences, March-May 2015).

³⁴² Kramer (2007), p. 39.

³⁴³ The MNDAA was permitted to govern Shan State Special Region (1) which initially also covered Kunlong Township and parts of Muse and Hseni Townships on the other side of the river, but fracturing of the group and periodic attacks from the Tatmadaw, shrank the region over time. In 2009, the group was pushed out of the region entirely.

7.6 Implications

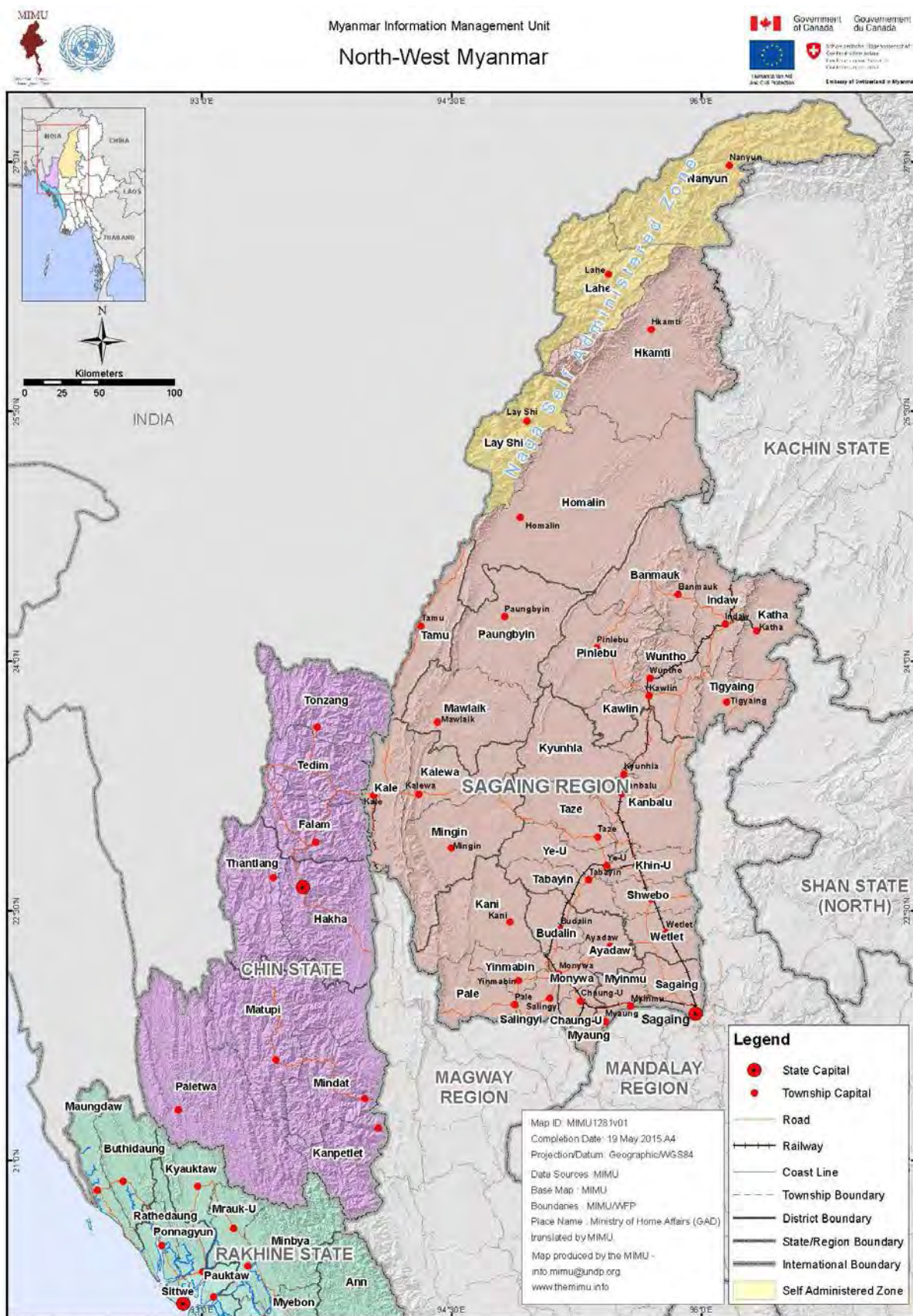
The UWSP and the KIO are the largest ethnic armed actors in Myanmar, having benefited greatly from long ceasefires, high revenues and border relations with China. Tensions between the KIO and the government eventually erupted in 2011, throwing the north of the country into the heaviest armed conflict it has seen since the late 1980s. Meanwhile, the UWSP has become powerful enough to achieve the long-held Wa desire for total autonomy, barring elections and taking little-to-no interest in government plans to instate an SAD in its area that would greatly reduce local leaders' influence.

The military campaigns of both the PSLF and the MNDAA have taken place largely in the SAAs dedicated to their ethnic nationalities. In 2009, it seemed the government had been successful in clearing out armed opposition in both areas. In 2010, the regions were free of armed opposition, as a result of the coerced disbandment of the PSLP in 2005 and the military ousting of the MNDAA in 2009. However, these events led to splintering of the groups and while certain factions became subordinate to the Tatmadaw, other elements were able to regroup and reinstate their presence by force. As such, in both cases, former comrades of the rebel groups now have official positions in the SAA leading bodies and in state-backed militia.³⁴⁴ In just a few years, the PSLF has established a deep administrative presence in Ta'ang communities, at a speed that is indicative of the weakness of state governance in these areas.

Many of the multitudinous PMFs and People's Militia in northern Shan State and Kachin State represent splinter factions of armed groups that continue to maintain influence over portions of territory, and that are often focused on business activities. These actors have all-but given up on aspirations for ethnic autonomy in a formalised political sense, but have little incentive to fully disarm or to relinquish control either. The multiplicity of Kachin armed actors in Kutkai Township, where there have long been demands for the re-establishment of some kind of Kachin sub-state, demonstrate the wide gap between formal administration arrangements and those that exist in practice, in a severely fragile region.

³⁴⁴ In Kokang, a splinter faction of the MNDAA has formed BGF 1006, while remnants of the PSLP have formed a People's Militia called the Manton Militia.

Map 11: Northwest Myanmar



Section EIGHT: Ethnic armed actors and subnational administration in northwest Myanmar

8.1 Sagaing Region

As designated in the 2008 Constitution, Nanyun, Lahe and Lay Shi Townships in Sagaing Region form the Naga SAZ. The elected (non-military) representatives of the leading body are all USDP members, come from a minority of Naga Buddhists, and have been long-involved in state-backed mass organizations such as the Union Solidarity and Development Association.

Meanwhile the main authorities in some of the mountainous areas, particularly those close to the Indian border, are Naga nationalist armed groups. The most prominent of these is the National Socialist Council of Nagaland—Khaplang (NSCN-K), which is active in the mountainous parts of Lay Shi, Hkamti, Nanyun, and Lahe Townships, and its mother organization, the Naga National Council (NNC), in Lahe and Lay Shi Townships. The NSCN- Isak Muivah (NSCN-IM), another faction which is mostly operational in India, also holds some territories on the Myanmar side of the border, in Lay Shi Township. Few of these territories are autonomous, however, and are also accessed by the Tatmadaw.

NSCN-K is the only Naga armed group to have signed a ceasefire. This is only a state-level agreement as the NSCN-K refuses to accept the government's foundational requisite for making a Union-level agreement, namely, that armed groups commit to non-secession. The ceasefire document provides the NSCN-K no official territory but states that 'places agreed by both sides during the ceasefire' were designated as areas in which weapons can be carried.³⁴⁵

The Naga armed groups govern their areas according to traditional tribal hierarchies.³⁴⁶ Their civilian administration wings demarcate their areas into regions based on the tribes living in those areas, which are then divided into ranges, consisting of multiple villages. Regions are headed by *Rajepeyu*, who govern via traditional village heads called *Dobashi* and *Gaunburas* (these are sometimes hereditary, but mostly elected, according to tradition). In government areas, the traditional village heads typically remain in place and become the village administrators, while GAD clerks are placed alongside them.

However, as was the case traditionally, villages are largely autonomous and the main forms of hierarchy above the village level connect households to senior persons in their tribal lineage and are thus extra-geographical. A significant amount of *de facto* authority lies in the various levels of tribal councils, which also form inter-tribal councils, spanning government- and armed group-controlled parts of Myanmar, and across the Myanmar-India divide. According, they are typically democratically elected by members of the given tribal lineage, and connect people across communities, not to a central state-like administration, but to a common authority nonetheless. Tribal councils at various levels often play a role in handling difficult criminal cases or disputes, including inter-tribal disputes. Therefore, the armed groups have apparently had little impact on the way remote areas are governed.³⁴⁷

³⁴⁵ See 'NSCN-K, State-level Peace Agreement', 9 April 2012, Article 3.

³⁴⁶ This information on Naga governance and administration was compiled through conversations with a senior member of the Naga National Council, the Vice-President of the newly formed Council for Naga National Affairs, a Naga civil society leader, a land rights activist, and two foreigners with experience working with Naga communities. However, there were inconsistencies between various accounts, so more research is needed to fully understand the role of the councils beyond what is explained here.

³⁴⁷ The same view was held by a senior member of the Naga National Council, a Naga civil society leader, a land rights activist, and the Vice-President of the Council of Naga National Affairs (Interviews in Myanmar and Thailand, February and March 2015).

Over the years, the British and Myanmar administrations made numerous attempts to govern through the Naga tribal systems, at times reorganizing them to fit along township lines, but these attempts appear to have been unsuccessful. Currently the Naga Traditional Cultural Committee is seen by some as the chief body atop the tribal hierarchies within Myanmar, and includes numerous USDP MPs too. Reportedly, local government officials in Naga areas will often turn to the local councils for assistance in dealing with complex cases. More research is necessary to fully understand the various tribal networks.

The Kuki National Organization is also active along Sagaing's border with India, though little is known about its territorial integrity or administration system.

8.2 Chin and Arakan Actors

In Chin State, following years of mobile guerrilla warfare, the Chin National Front (CNF) and government agreed through state-level and Union-level ceasefires that the armed group could establish bases and 'move freely and without hindrance' in 'Tlangpi, Dawn and Zangtlang Village Tracts of Thantlang Township, and Zampi and Bukphir Village Tracts of Tedim Township'.³⁴⁸ According to the organization and other observers,³⁴⁹ the CNF enjoys a level of autonomy in these areas. Notably, the Union-level agreement states that entrance into the territory by the Myanmar Police Force will have to be 'agreed to by both sides in advance'.³⁵⁰ More research is needed to provide an overview of how the CNF operates its administration system.

The Arakan Liberation Party, which has mostly operated in southeast Myanmar with the KNU in recent years, has a limited presence in northern Kyauk Taw Township that has become more stable since it signed its first ceasefire with the government in 2012. The '*5-point state level peace agreement*' refers to 'mutually agreed areas' within which it can carry arms, but it is not stated exactly where these areas are. The organization has existed in its current form since the 1980s but appears to have never successfully controlled enough territory to instate stable systems of governance.

Since March 2015, another Arakan nationalist armed group has established at least a guerrilla presence in Kyauk Taw Township, Rakhine State and Paletwa Township, Chin State and has begun interacting with populations, though little is known about the extent of these relations. The Arakan Army, as the group is known, is allied with the KIO, PSLF, and MNDAA and has been fighting in Kachin and northern Shan States alongside these groups since 2011.³⁵¹ In May 2015, a series of arrests were made of civilians in Kyauk Taw Township, due to their supposed relations with the Arakan Army. The Myanmar Police Force, then claimed of these people that, 'They are not locals, but are instead insurgents and their staunch supporters'.³⁵²

³⁴⁸ See '*CNF Government 9-point State-level Peace Agreement*', 6 January 2012; see also CNF-Government Ceasefire Agreement', 7 April 2012.

³⁴⁹ Interview with a senior CNF member (undisclosed location, October 2014) and interview with Chin civil society leader (Interview, Chiang Mai, 2013).

³⁵⁰ It is noteworthy, that despite having a small military presence, the CNF has been successful in negotiating meaningful commitments.

³⁵¹ The Arakan Army is a newly founded organization and should not be confused with the former armed wing of the largely defunct National United Party for Arakan, which had the same name.

³⁵² Tun Tun, '*At Least 20 People to Face Charges for Alleged Arakan Army Ties: Police*', The Irrawaddy, 6 May 2015; available at: <http://www.irrawaddy.org/burma/at-least-20-people-to-face-charges-for-alleged-arakan-army-ties-police.html>

8.3 Implications

The few ethnic armed actors that remain in western Myanmar are limited in their size and their ability to control territory. Nonetheless, particularly in remote parts of the Naga-inhabited mountains of Sagaing Region, they still represent the main form of political authority for some communities due to the limited presence of the state. Meanwhile, as a result of ceasefire, the CNF and the ALP have perhaps been the first groups in their states to root themselves to fixed territories in decades. The return of the Arakan Army to the region in 2015 demonstrates the potential for new armed movements to reinstate their presence, but it is not yet clear if they will be able to re-establish firm structures to administer local populations.

Section NINE: Towards a negotiated solution

Since the end of the Cold War, the non-traditional security threats associated with civil wars in developing countries have come to the forefront of the global security discourse. Dominant in the associated policy and academic literature has been the realization that solutions to such conflicts depend on the emergence of functioning state institutions. Such states depend on government bodies that can earn legitimacy, become representative of all segments of society, and gain the capacity and authority to protect the constitutional order with legitimate use of force.

Fragility in Myanmar is underpinned by the country's ongoing failure to establish constitutional arrangements that reflect—and thus are able to regulate and utilize—the actual power relations and political systems that exist in contested non-Bamar areas. While, out of necessity, successive governments have continued to tolerate or even accommodate the role of ethnic armed actors in subnational administration, they have persisted in attempts to design the state around their particular ideal vision of the Union, rather than in coordination and compromise with subnational actors.

As a result, the implementation of government structures has repeatedly failed in regions affected by conflict, being challenged or even usurped by ethnic armed actors with alternative administration systems. In the context of such fragility, the state's approach to governance has become deeply militaristic and focused on solidifying centralization, thus further driving conflict, invigorating calls for decentralization, and providing little incentive for armed actors to disarm. Arrangements for subnational administration in these areas are, therefore, key to the construction of a stable and functioning state. A consensus among parties to conflict over these arrangements will also be critical in the near-term to bring and maintain stability in contested areas.

This section argues that successful reform of governance systems in Myanmar will depend on the achievement of a negotiated political settlement among parties to conflict that brings about more sustainable and formal arrangements for subnational administration in ethnic areas. Such a settlement will likely depend on adequate power-sharing to reduce contestation, and will also have to bring about official government structures that reflect the power relations and recognized systems of authority that exist in contested non-Bamar areas. This would not be achieved by simply providing greater official powers to all actors that can demonstrate military capability. What is needed is a political pact among the parties to conflict that are truly committed to building a stable and peaceful Union, and who are willing to demilitarize the political sphere once compromises can be made.

While this section highlights the broad challenges and key questions going forward, further research and analysis will be necessary to develop workable policy recommendations for actors trying to affect transformational change or otherwise operating in these environments.

9.1 Post-2011 ceasefires

Since the incumbent Myanmar government was established in 2011, the country has seen its most intense armed conflicts in decades. However, the incumbent administration has also achieved ceasefires with twelve ethnic armed groups as displayed in Table 4. None of these agreements have mandated any form of parallel administration or led to the official designation of areas under exclusive armed group authority.³⁵³ Many of them, however, permitted certain—usually unwritten—areas for groups to be based and to carry arms, allowing them a certain degree of local authority.

³⁵³ The slight exception is the RCSS's January 2012 agreement with the government, which stated two 'sub-townships' would be under the authority of the RCSS. However, fighting persisted in these areas into 2015, and the agreement has yet to take hold (discussed in Section 6).

While new ceasefires in themselves have provided respite to local communities, allowing far greater mobility and reducing the prevalence of human rights abuse,³⁵⁴ failure to instate clear territorial arrangements remains a driver of instability and a hindrance to good governance and inclusive economic development.

Firstly, the absence of territorial boundaries greatly increases the risks of a return to conflict. Ceasefire areas remain persistently vulnerable to skirmishes, hundreds of which have taken place since the deals were signed. Secondly, the lack of guarantees provided to armed groups that they will maintain their existing territories is a key reason that some have remained skeptical of the entire peace process. As discussed in Section 5, this has been most visible among certain elements from the KNU, in whose areas the expansion of government administration has been particularly rapid.

Secondly, weak ceasefire arrangements place an increased burden on communities, who are often encumbered with multiple tax regimes, and live in constant fear of punishment by one actor for dealing with—or even simply acceding to the demands of—another. Recent research has found that among displaced persons attempting or considering return or resettlement in ceasefire areas, the difficulty of establishing relations with multiple authorities and the related lack of certainty about the stability of ceasefires, are prominent areas of concern.³⁵⁵ At the same time, even in areas where communities and ethnic armed actors have firm and mutually beneficial relations, communities suffer from a legacy of mistrust between them and the state and remain at constant risk due to high levels of militarisation.

More broadly, as the government undertakes a range of reform initiatives and transitions away from military rule, such areas risk being left behind. This is because security remains the priority for both state and ethnic armed actors and also because international actors providing support are unable to maintain stable access and relations. In particular, governance and rule of law interventions cannot be carried out coherently by mainstream international bodies without clarity regarding which authorities in each particular area should be considered legitimate and engaged as such. There is an associated risk that international actors will push ahead with such forms of support in contested areas regardless, but only with government governance and security actors and inadvertently drive tensions further.

During Nationwide Ceasefire Agreement (NCA) negotiations, provisions for “interim arrangements” to determine the mandate and limitations of armed group authority in the period prior to a political settlement are among the most difficult issues that talks have attempted to address.³⁵⁶ Debate over these provisions was among the key issues that slowed talks between late 2013 and March 2015.

In March 2015, negotiators came to a provisional agreement over a draft NCA text, largely due to a willingness among negotiators to postpone key issues until a later date. While President U Thein Sein has stated willingness to sign the agreement, the Commander-in-Chief Min Aung Hlaing has not made a clear commitment, and most ethnic armed groups continue to deliberate over the decision. The tentative draft that was agreed provides that matters such as social service provision, rule of law, and the coordination of international assistance will be joint responsibilities of the state and armed groups in ceasefire areas, but does not mandate that armed actors gain any explicit autonomy. It states the recognition of armed groups as key parties in affairs such as development and the provision of security, but does not openly suggest they would be mandated by the government to play such roles, even in the interim prior to a political settlement.

³⁵⁴ See KHRG (2014) for documented examples of these improvements as well as serious ongoing and emerging human rights issues faced by communities in KNU-influenced areas since ceasefires.

³⁵⁵ See Jolliffe (2015), p. 31 and South & Jolliffe (2015), p. 52.

³⁵⁶ South & Jolliffe (2015), p. 28.

While such arrangements could open greater legal space for international actors to work in ceasefire areas and in cooperation with armed groups, they are unlikely to appease the more powerful ethnic armed actors or factions of specific groups which already have greater autonomy and are resistant to exposing their areas to state interference. Due to its inherent short-term focus, the NCA draft provides no basis for more comprehensive reform of governance and rule of law structures or for long-term development planning. Given the reality that a political settlement will be hard to achieve in the near term, this leaves a great deal of uncertainty as to how subnational governance will be undertaken in these areas for years to come. While there may be potential for new bilateral arrangements to address such issues in specific regions, in practice, many contested areas will likely remain extremely fragile.

9.2 Failed attempts to override ethnic armed actors

Successive Myanmar governments have seemingly envisioned tolerance of armed actors' governance roles as a temporary arrangement, in the hope that they can be overridden in time, while centrally conceived state designs are implemented. However, such efforts have failed, often leading to further conflict and increasing the complexity of subnational administration.

In the case of the United Wa State Party (UWSP), the group has become rich and powerful and gained near total autonomy, precluding the holding of elections and the establishment of an SAA in its area, while continuing to call for a Wa State that would be answerable only to the Union and not to the Shan State.³⁵⁷ Where groups such as the Palaung State Liberation Party, Shan State National Army, and Khun Sa's Mong Tai Army were brought to submission and disbanded, new armed groups—the Restoration Council of Shan State and Palaung State Liberation Front—have risen at astonishing speed not just in their capacity to undertake insurgency but in the widespread establishment of civilian administration systems under their leadership.

In Kokang, the Tatmadaw's 2009 offensive demonstrated one of the few examples in the country's history where an armed group—the Myanmar National Democratic Alliance Army (MNDAA)—was comprehensively pushed out of its territory by military force. The group's vigorous return in 2015 shows how unviable military solutions can be, particularly with regards to armed groups on borders. Furthermore, the splintering of the Democratic Karen Buddhist Army in 2010, which led to reignited conflict and displacement, demonstrates the enduring fragility of arrangements that simply subordinate ethnic armed actors militarily. In this case, the result was an even greater fracturing of the political geography, which is now being made more uniform only through the re-establishment of the KNU administration in DKBA areas.

Even in the Pa-O region of Shan (South) where accommodating relations between the Pa-O National Organization and the government have proven particularly stable, there remains a significant disparity between the *de jure* role of the organization in local governance (through the Pao-O SAZ) and the much broader *de facto* governance role it plays through its armed wing, the Pa-O National Army PMF. It remains unclear how such dynamics will change if the PNO loses its seats in the region in 2015, for example, to the predominantly Bamar National League for Democracy.

³⁵⁷ Indeed, in May 2015, the UWSP announced that 'In order to avoid complications, we will not allow any party, except for the UWSP, to set up office and be active in our state.' See, YL, 'Panhsang Summit: Excerpts From a Journal', S.H.A.N., 20 May 15; available at: <http://panglongenglish.blogspot.com/2015/05/the-panghsang-summit-excerpts-from.html>

9.3 Towards an inclusive dialogue

The ongoing fragility of governance arrangements demonstrates clearly the need for a political solution to conflict, that not only involves adequate power-sharing arrangements to reduce contestation, but that also brings about more sustainable and formal arrangements for subnational administration in ethnic areas.

The undertaking of political dialogue in search of such a solution has been at the heart of political agendas for both the ethnic and mainstream pro-democracy opposition for decades and appears to have gained an increased level of government recognition since 2011. Since then, numerous opposition actors have been vying continuously to commit members of the former military government—primarily President U Thein Sein, Speaker Thura U Shwe Mann and Commander-in-Chief Senior General Min Aung Hlaing—to comprehensive talks explicitly towards political reform. In addition to the ethnic armed groups in the peace process, such commitments have been pursued by Daw Aung San Suu Kyi, who in early 2015 orchestrated preliminary “six-way talks”,³⁵⁸ and by a collective of 56 political parties currently in Parliament.³⁵⁹

Securing a commitment from the government to political talks has been the central aim of ethnic negotiators in the current peace process. In this regard they have been successful, as the current NCA draft, which the President has said he is willing to sign, includes provisions throughout that commit all parties to political dialogue aimed explicitly at forming a democratic federal Union. This dialogue, the draft states, would lead to a “Union accord”, containing agreed upon changes to the political order, which would then be submitted to the Union Assemblies for implementation. It is assumed, but not predetermined, that this would contain agreed amendments to the 2008 Constitution, though some ethnic leaders will likely continue to push for the writing of a completely new charter. While much will depend on the outcome of the 2015 election, if the NCA can be agreed, there is potential that such a dialogue would get underway in 2016.³⁶⁰

Success in bringing about a solution to ethnic conflict and other political crises will depend on such talks being far more inclusive and participatory than the National Convention of the 1990s and 2000s which led to the 2008 Constitution.³⁶¹ To this end, the various groupings of opposition actors have all developed potential frameworks for how such talks could be structured.³⁶² All of these frameworks envision a dialogue involving hundreds of representatives from different sides of the debate, but typically exclude civil society. If either the government or the Tatmadaw has its own framework, it has yet to share these documents publicly.

³⁵⁸ The six-way talks have taken place between the Union Government (i.e. President U Thein Sein), the Tatmadaw (i.e. Gen. Aung Min Hlaing), the People’s Assembly (i.e. Speaker Thura Shwe Mann), the National Assembly (i.e. Speaker U Khin Aung Myint), and a representative of the ethnic political parties currently in Parliament, Dr. Aye Maung of the Arakan (Rakhine) National Party.

³⁵⁹ The “56 parties” coalition formed a Peace and Politics Implementation Committee, and after a long round of talks have approved their proposed framework for negotiations as well as the key points they would like to propose for discussion.

³⁶⁰ The NCA actually commits all parties to agreeing on a political framework within 60 days and commencing the dialogue within 90 days, but given the level of disagreement experienced in the NCA, and the time taken for various groupings of opposition actors to develop their frameworks (each at least three months), this seems extremely to unlikely take place prior to the November 2015 elections.

³⁶¹ As described in Section 2, while the National Convention included a wide range of opposition actors including the major ceasefire groups, there was widespread dissatisfaction with the extent to which they were able to influence the decisions being made, particularly over key issues such as the role of the Tatmadaw in politics and the level of centralisation of government.

³⁶² There are four such frameworks being developed: by ethnic armed groups, Daw Aung San Suu Kyi’s National League for Democracy, the “56 parties” coalition, and a coalition of ethnic parties that contested in the 1990 election - the United Nationalities Alliance.

9.4 Negotiating reforms for subnational governance

Table 12: Political positions of major ethnic armed actors on issues related to constitutional reform

Group	Status	Political position
Karen National Union	Ceasefire	For a democratic and federal constitution, with a strong focus on human rights and equality.
Democratic Karen Benevolent Army	Ceasefire	Defaults officially to the KNU.
New Mon State Party	Ceasefire	Committed to negotiating through the United Nationalities' Federal Council, which is drafting an alternative, likely 8-state, constitution. ³⁶³
Karen National Progressive Party	Ceasefire	Committed to negotiating through the United Nationalities' Federal Council (see New Mon State Party).
Pa-O National Organization / Pa-O National Army PMF	Political Party and People's Militia Force	Would like to increase the size of Pa-O SAZ but is mostly concerned with development and maintaining good relations with the government.
Restoration Council Shan State	Ceasefire	Emphasises desire for Shan State to gain full administrative autonomy and self-determination by gaining the right to secede or to stay in the Union of Myanmar. ³⁶⁴ The RCSS has also shown willingness to work on amending the 2008 constitution. ³⁶⁵
Pa-O National Liberation Organization	Ceasefire	Committed to negotiating through the United Nationalities' Federal Council (see New Mon State Party).
United Wa State Party	Ceasefire	Wants to reconstitute Wa area as a Wa State, answerable only to the Union and not subordinate to Shan State.
National Democratic Alliance Army (Mongla)	Ceasefire	Unknown – appears to default to the UWSP on negotiations and be mostly concerned with maintaining autonomy in Shan State Special Region (4).
Kachin Independence Organization	Conflict	Committed to negotiating through the United Nationalities' Federal Council (see New Mon State Party). The KIO wants ethnic States to regain individual status with significant internal autonomy. ³⁶⁶
Palaung State Liberation Front	Conflict	Long-term aim to reconstitute a Ta'ang/Palaung State in what is presently northwestern Shan State, but asserts its more immediate priority is to cooperate with other armed groups to 'end dictatorship'. ³⁶⁷ Also a UNFC member.
Kachin Defense Army (Khaung Kha PMF)	People's Militia Force	Not typically outspoken on politics. Requested a Kachin SAD during the National Convention.
Shan State Progressive Party	Ceasefire	Defaults officially to the Shan Nationalities League for Democracy, which is calling for an 8-state federal constitution. Also an active member of the United Nationalities' Federal Council.

If a credibly inclusive political dialogue can get underway, the majority of ethnic armed groups—and registered ethnic political parties—will pursue the establishment of a federal constitution. If a compromise is made to work on amending the 2008 Constitution,³⁶⁸ a principal demand from the

³⁶³ A draft of the alternative constitution was not available to the author as it is still being written. According to the UNFC, 'We are generally for the 8 State-based union, even though we are open for more new states creation according to the needs of the people.' See S.H.A.N., 'Interview with Ku Oo Reh, General Secretary of UNFC', 19 January 2015; available at: <http://english.panglong.org/interview-with-khu-oo-reh-general-secretary-of-unfc/>

³⁶⁴ See the 2014 Constitution of the Restoration Council of the Shan State, Section 4, which notes self-determination as the second of six guiding principles, explaining that this relates to the Shan people being able to choose whether to 'achieve an independent state' or to construct a 'genuine union'; see also Sections 5 and 6.

³⁶⁵ See BCES (2013), p. 4.

³⁶⁶ See the KIO's 19-Points Proposal for a detailed outline of its political demands regarding the constitution in Sakhong (2010), pp. 137-142.

³⁶⁷ Interview with the PSLF Foreign Affairs department (Interview, undisclosed location, April 2015). The spokesperson noted that this was the long-term aim but that this would also have to be negotiated with the 'group's allies' (seemingly the KIO and SSPP).

³⁶⁸ There will undoubtedly be some opposition actors who will persist in calls for the constitution to be scrapped altogether and redrafted from scratch. Notably though, at a conference in May, the major opposition armed groups released a statement that said they would work towards, the 'amendment of 2008 constitution to build up a federal union based on

seven major non-Bamar ethnic nationalities will be the provision of locally elected—rather than president-appointed—chief ministers in their states. Additionally, such actors would likely call for the augmentation of Schedule Two of the constitution and associated fiscal decentralization reforms, in order to provide state/region governments with control over affairs such as education and natural resource management.

While there are still vast challenges to overcome, the eventual achievement of a deal whereby the government and Tatmadaw would accept these kinds of constitutional amendments is not beyond the realm of possibility. However, more ambitious administrative demands for each state to have its own constitution, or for Bamar-populated areas to be constituted homogenously as an eighth Bamar State, are far less likely. Meanwhile the long-held aspiration to re-acquire the self-determination of each state through the right to secession could be entirely precluded already by the armed actors' commitments to 'non-disintegration of the Union' in their Union-level bilateral agreements, and almost certainly in the eventual NCA.

Meanwhile, representatives of ethnic nationalities which do not have states, such as the Wa, Pa-O, and Ta'ang, would be likely to focus on forming such states as an ultimate aim, or at least to augment the status of SAAs to provide greater autonomy. This would also raise questions about the options for creating a more comprehensive third tier of government, like the SAAs (i.e. at district or township level) in other areas. In the event of a political dialogue, there would almost certainly be calls for new SAAs too, from nationalities such as the Kayan, Lahu, and Akha, among others.

Ethnic politicians over the years have given little, if any, attention to constitutional arrangements for general administration at district, township, and village tract levels, or the future role of the heavily centralized General Administration Department (GAD). This is remarkable, given the fact that almost all ethnic armed actors govern their areas through similar hierarchical "graded territorial" systems which hand widely ranging authority to individual leaders or committees at each administrative level. Furthermore, in numerous cases, ethnic armed actors systems' second-tier leaders (i.e. those at levels corresponding to government districts and townships), retain significant degrees of autonomy in the ethnic systems, and serve in the same communities for decades. Under present constitutional arrangements, if such leaders were to win seats in their areas, they would not be given any formal role in the administration of their actual areas, except in the few areas where there are SAAs.

Arrangements for local representatives at these levels would be particularly important to repairing state-society relations under a new political order as they constitute the main form of governance experienced directly by communities, defining their relations with authority and with the competing national visions of parties to conflict. The SAAs set a precedent for elected representatives to affect governance at that level, but their role is restricted to a few areas of governance, is primarily geared towards development, and is ultimately dependent on the GAD.

A key question regarding plans for a more "federal" system, therefore, is whether it would create independent general administration structures for each state/region, with subordinates at each district, township, and village tract. If chief ministers and their cabinets were locally elected and had the powers and revenue controls to govern locally, would their work at state/region level still be

democracy, racial equality and right of self determination'. This statement is also significant as it saw the UWSP and NDAA (Mongla) express a desire for a federal system of government for the first time, while previous demands had related primarily to their own autonomy with little interest in Union affairs; see YL, *Panhsang Summit: Excerpts From a Journal*, S.H.A.N, 20 May 15; available at: <http://panglongenglish.blogspot.com/2015/05/the-panghsang-summit-excerpts-from.html>

underpinned by a centralized administration department or would they rely entirely on their own civil service?

Crucially, if an agreement were achieved that maintained a uniform, centralized system of general administration, there would then be key questions about how the transition in ethnic areas would be managed. Alongside the common processes of security sector reform (SSR) and disarmament, demobilization and reintegration (DDR), a parallel process of disbanding, reforming or cross-integrating local administrative institutions would also be necessary in areas governed by ethnic armed actors. This would be complicated significantly by the incompatibility of mapping systems and institutional hierarchies, not to mention widely varying policies and institutional cultures. Almost unavoidably, there would continue to be differences among ethnic armed actors in different areas (even within specific armed groups) about such arrangements, which could lead to new conflicts.

9.5 Implications: A realistic outlook

This scoping work has provided a basis for a better understanding of the deep complexities of subnational administration in contested areas and has highlighted just how challenging the normalization of governance in these regions will be. The study provides a basis for necessary further work to develop workable policy recommendations for domestic actors involved in political reforms, as well as international actors supporting Myanmar to overcome fragility and its many development challenges. Short of providing such guidance here, a central lesson emerging from the study is that without a strategic and well-measured approach to affecting change in conflict-affected areas, such domestic and international actors face abundant risks and challenges.

The domestic political momentum necessary to truly address these challenges will depend on the emergence of a “broad enough” political pact among the parties to conflict that are truly committed to building a stable and peaceful Union, and who are willing to demilitarize the political sphere once compromises can be made. This could take decades, and will be unlikely to follow a linear trajectory of progress. Such an achievement will be near impossible, as long as recent levels of insecurity persist and militaristic leaders, fearful of the country’s disintegration, remain at the helm of government.

While incremental progress continues, informal arrangements will likely continue to determine the actual practice of administration at the subnational level in contested areas for many more years, at least through a long period of negotiation. As long as the 2008 Constitution remains unchanged, there is little scope for further reform of the way that subnational administration is carried out by the government, other than through the conquering of new territories and expanding the current system.

International and domestic actors engaging in these areas—for example to provide humanitarian and development assistance—thus will need to develop means to operate in continually changing environments where local authorities will not always be officially mandated by government. At the same time, international actors aiming to assist Myanmar’s reform process—to bring about a more functioning, coherent and representative state that can facilitate inclusive economic development—will need to calibrate their investments to reflect realistic short term goals and prioritize activities that support ongoing political negotiations and the building of trust and understanding.

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Annex 1: USDP MPs from ethnic armed actors

Name	Party	Seat /position (in 2015)	Armed actor affiliation
U Khun Myat	USDP	The People's Assembly (Lower House), for Kutkai Constituency, Shan State.	Chief commander of the Kutkai "Special" militia.
U Myint Lwin	USDP	Shan State Regional Assembly, for Kutkai constituency.	Chief commander of Tarmoenye PMF.
U Kyaw Myint	USDP	Shan State Regional Assembly, for Namhkan constituency.	Chief commander of the "Pansay" PMF.
U Duwa Zot Daung	USDP	Representative for Kachin National Race Affairs for Shan State.	Long family history of maintaining state-backed militia at Moneko, Muse. ³⁶⁹ His Son, U Naw Hkam, is currently commander of Moneko PMF.
Padoh Aung San	USDP	Kayin State Regional Assembly, Hpapun constituency.	Head of a small Karen People's Militia (a KNU splinter faction).
Bai Xuoqian (sometimes spelled Pei Sauk Chein among other spellings)	USDP	Shan State Regional Assembly, for Laukkaing constituency.	Formed the Kokang BGF 1006 (from MNDAA).
Liu Guoxi (sometimes spelled Hlyu Kwe Shi)	USDP	The National Assembly, for the Laukkaing/Konkyan constituency.	Deputy to Bai Xuoqian (former MNDAA).
Meng Kai (spellings vary)	USDP	Shan State Regional Assembly, for Muse Constituency.	Chief Commander of Mong Pawn People's Militia.

³⁶⁹ Since the *Ka Kwe Ye* program (aside from periods when the area was ruled by the BCP and then successive Kokang factions).

Annex 2: Ethnic armed actors known to have formed political parties (and independents)

Ethnic armed actor's original name	Official Political Party	Seats held by party (in 2015)	Current militia
Pa-O National Organization	Pa-O National Organization	All available seats in all three houses in Hsihseng, Pinlaung and Hopong constituencies (Pa-O SAA). ³⁷⁰	Pa-O National Army PMF
Palaung State Liberation Party	Ta'ang National Party	All seats in the Manton and Namhsan constituencies (the Palaung SAA), bar one People's Assembly seat. ³⁷¹	Manton People's Militia
Democratic Karen Buddhist Army and Karen Peace Force	Kayin State Development and Democracy Party	One seat in the Kayin State Regional Assembly, for the Myawaddy Constituency.	BGFs 1011-1023 ³⁷²
National Democratic Army-Kachin	Commander Zahkung Ting Ying as an independent candidate.	The National Assembly, for the Chipwi/ Tsawlaw/ Injangyang constituency.	BGFs 1001-1003

Note: The Ta'ang National Party and Kayin State Development and Democracy Party were established by these armed actors alongside other influential figures from their areas, not solely by the armed actors themselves.

³⁷⁰ One in the National Assembly, three in the People's Assembly, and six in the Shan State Regional Assembly.

³⁷¹ Four seats in the Shan State Regional Assembly; one seat (Manton) in the People's Assembly; and one seat in the National Assembly.

³⁷² It is not known which of the specific Karen BGF units has affiliations to the members of the party.

Annex 3: Basic attributes of administration systems of the major ethnic armed actors

Group	Status	Designated governance / administration department(s)	Governance / Administration department(s) separate from military	Investment in infrastructure and public buildings	Fully provided social services
Karen National Union	Ceasefire	Yes	Yes (but with automatic military representation)	Limited	Yes
Democratic Karen Benevolent Army	Ceasefire	No	-	Yes	No
New Mon State Party	Ceasefire	Yes	Yes	Yes	Yes
Karenni National Progressive Party	Ceasefire	Yes	Yes	Limited	Yes
Pa-O National Organization / Pa-O National Army PMF	Political Party and People's Militia Force	Yes	No (except through SAZ leading body)	Yes	No
Restoration Council of Shan State	Ceasefire	Yes	No	Limited	Limited
Pa-O National Liberation Organization	Ceasefire	Yes	No	Limited	Limited
United Wa State Party	Ceasefire	Yes	Yes	Yes	Yes
National Democratic Alliance Army (Mongla)	Ceasefire	Unknown	Unknown	Yes	Unknown
Kachin Independence Organization	Conflict	Yes	Yes	Yes	Yes
Palaung State Liberation Front	Conflict	Yes	No	Limited	Yes
Kachin Defense Army (<i>Khaung Kha PMF</i>)	People's Militia Force	Yes	Unknown	Yes	Unknown
Shan State Progressive Party	Ceasefire	Yes	No	Unknown	Limited

Annex 4: Overview of territories held or influenced by the major ethnic armed actors

Group	Status	Known strongholds (or primary areas)	Additional known areas of operation
Karen National Union	Ceasefire	Hpapun Township, Thandauggyi Township, eastern Hlaingbwe Township. eastern Kyaukkyi and Shwegyin Townships in Bago Region (East).	Mountainous regions across Kayin State, Mon State, eastern Tanintharyi Region, and Bago Region (East).
Democratic Karen Benevolent Army	Ceasefire	Eastern Myawaddy Township, Kyainseikgyi Township, Kayin State.	Hlaingbwe, Kawkaik, Hpapun, Hpa-an Townships, Kayin State; Kyaukmaraw Township, Mon State.
New Mon State Party	Ceasefire	Ye Township, Mon State; Kyainseikgyi Township, Kayin State numerous patches of Mon-Kayin State border.	-
Karenni National Progressive Party	Ceasefire	Shadaw Township, Hpasawng Township, Kayah State.	Bawlake, Hpruso Townships, Kayah State.
Pa-O National Organization / Pa-O National Army PMF	Political Party and People's Militia Force	Official government positions and People's Militia Force presence in Pinlaung, Hsihseng, and Hopong Townships, Shan State (Pa-O SAZ).	PNA PMF also active in Pa-O parts of Taungyi, Kalaw, Loilen, Kalaw, Nyaungshwe and Ywangan Townships, Shan State and Loikaw Township, Kayah State.
Restoration Council Shan State	Ceasefire	Southern Mongton and Langkho townships, and parts of Kengtung and Laikha Townships, Shan State.	Most townships in Shan (South) and Shan (East), east of Loilen and west of Kengtung. Also Namhkan, Kyaukme and Hsipaw Townships, Shan State.
Pa-O National Liberation Organization	Ceasefire	Southwestern Mawmai Township.	Parts of Hsihseng Township, Shan State and Loikaw and Shadaw Townships, Kayah State.
United Wa State Party	Ceasefire	Shan State Special Region (2): Pangsang, Pangwaun, Mongmao, and Narphan Townships, and parts of Mongyawng and Hopang Townships, Shan State.	The UWSP Southern Command: southern parts of Monghsat, Langkho and Mongton Townships and a section of Tachilek Township.
National Democratic Alliance Army (Mongla)	Ceasefire	Mongla Township, parts of Monyawng and Mongyang townships, Shan State.	Monphyak Township, Shan State.
Kachin Independence Organization	Conflict	Eastern Waingmaw and Momauk townships, Kachin State.	Parts of Tanai, Puta-O, Bhamo, Hpakan, Mogaung, and Mansi townships. Kachin State. Parts of Namtu, Kutkai, Hseni and Muse townships, Shan State.
Palaung State Liberation Front	Conflict	None	Namhsan and Manton Namhkan, Kutkai, Kyaukme, Mongmit, Namtu townships, Shan State.
Kachin Defense Army (Khaung Kha PMF)	People's Militia Force	Kutkai Township, Shan State.	N/A
Shan State Progressive Party	Ceasefire	Kyethi Township, eastern Lashio Township, Shan State.	Tangyan, Kyethi, Mongkaung, Mongyai and Hsipaw, Shan State.



The Asia Foundation

No.21, Bo Yar Zar Street
14 Ward, Kyauk Kone
Yankin Township
Yangon, Myanmar