

RUNNING THE GAUNTLET

THE IMPACT OF INTERNAL DISPLACEMENT
IN SOUTHERN SHAN STATE

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FOREWORD

The plight of Burma's internally displaced persons has largely been overlooked by the international community and the Burmese government itself. Villagers in the country's war zones nevertheless have suffered for decades the adverse effects of conflict. For some, displacement has become a way of life and a multi-generational phenomenon.

Displacement wherever it occurs profoundly changes the persons forced to move. People lose belongings, jobs, and loved ones. The case of the internally displaced in southern Shan State is no different.

In this report, the Humanitarian Affairs Research Project documents the impact displacement has had on civilians in southern Shan State and the living conditions in the various places to which they fled. The report builds successfully on the work of other local research groups and adds updated information and perspective to the study of Burma's internally displaced. It will be a valuable addition to policy makers, academics, and anyone concerned about the fate of the people of Shan State.

One lesson clearly emerging from the report is that the IDPs in southern Shan State clearly are in need of protection and assistance. More needs to be done and it needs to be done now. The Burmese government as well as other domestic and international actors should consider carefully the ways in which this important goal can be accomplished. This report offers some recommendations that can help to set the actors on the right path.

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December 2003

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Conducting research on the situation of internally displaced persons in Burma is in many instances a challenging task. Without proper assistance, access to the communities can be difficult, if not impossible. The Humanitarian Affairs Research Project (HARP) therefore wishes to express its gratitude to all who helped this project move forward and for the report to reach the press.

This report would not have been possible without the cooperation of some other supportive organizations. Earth Rights International allowed HARP the valuable assistance of one member of its research team while the Pa-O National Development Organization - spearheaded in the early stages by the Pa-O Youth and Democracy Organization and the Pa-O Women's Union - identified, helped to train, and managed a team of Pa-O researchers. The hard work and dedication of these institutions and researchers helped to bring to fruition some challenging field research.

HARP extends its thanks to the people who helped facilitate the field research. They have asked not to be identified, but their efforts in linking researchers with the displaced community and with aiding the teams in their travels deserve acknowledgement here. Our appreciation also goes to the people who took the time to be interviewed for this report, among them are members of the Shan Herald Agency for News, the Shan Human Rights Organization and those of many other groups that preferred not to be named.

HARP gratefully acknowledges the assistance of the International Rescue Committee (IRC) and the United States Agency for International Development (USAID) which made available the funding without which this project would not have been possible.

The Asian Research Center for Migration of Chulalongkorn University's Institute of Asian Studies deserves the thanks of HARP for providing us with an institutional base from which to release this publication. The center has had and continues to have a long term commitment to the study of forced migration.

Most importantly was the cooperation given the researchers by the displaced persons themselves. Recounting experiences of suffering and loss is never easy. The process can return the teller to painful events which in turn can dredge up raw emotions. HARP therefore wishes to express its greatest appreciation to those persons who took the time and braved the pain to retell those stories to complete strangers, sometimes at personal risk. We hope this report represents well their stories and needs.

Gary Risser
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January 2004

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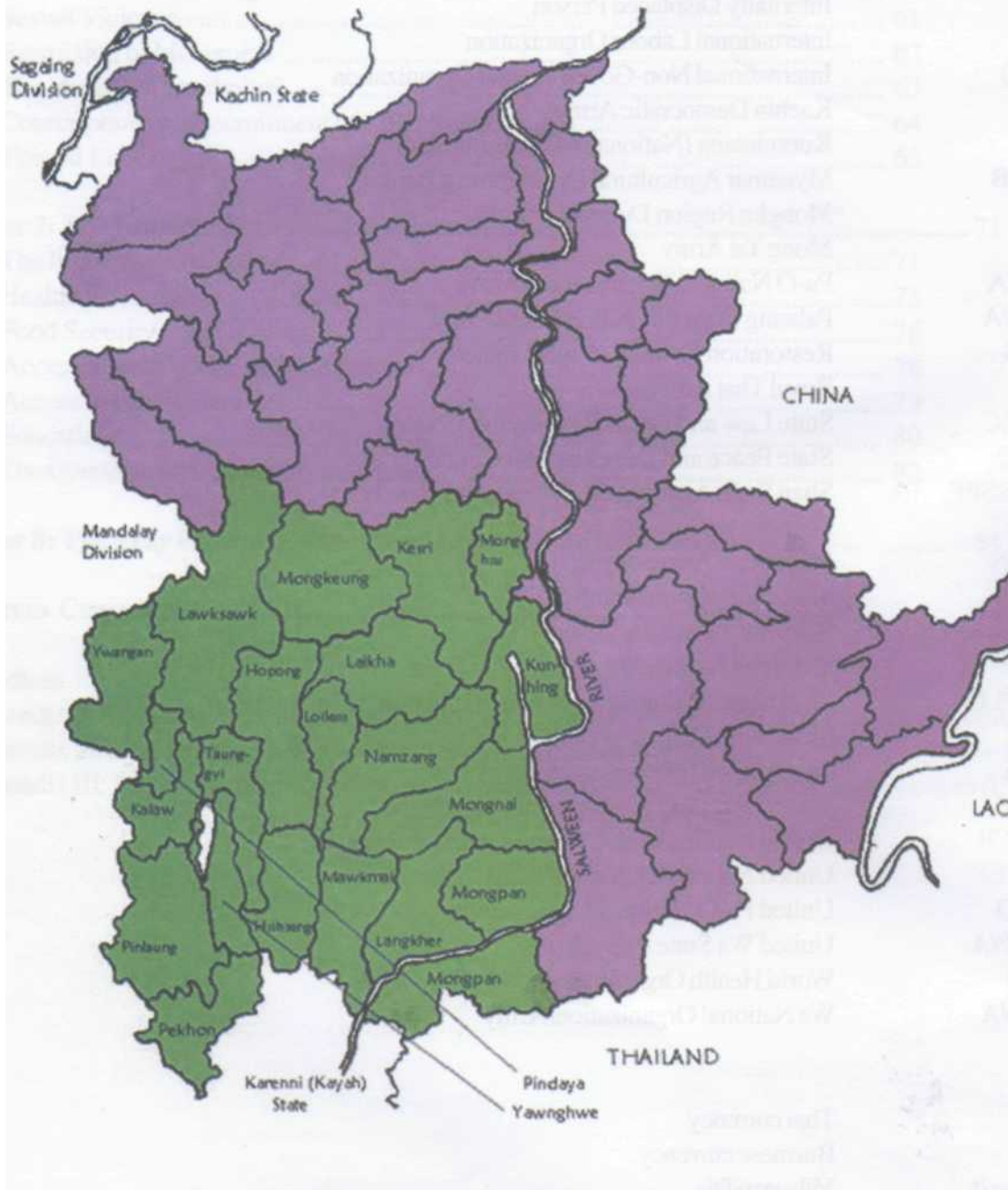
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Providing Humanitarian Assistance to Burma/Myanmar, June 2000

ACRONYMS AND TERMS

| | |
|----------|---|
| ABSDF | All Burma Students' Democratic Front |
| ADB | Asian Development Bank |
| CPB | Communist Party of Burma |
| DEA | Drug Enforcement Agency |
| IDP | Internally Displaced Person |
| ILO | International Labour Organization |
| INGO | International Non-Governmental Organization |
| KDA | Kachin Democratic Army |
| KMT | Kuomintang (Nationalist Chinese Army) |
| MADB | Myanmar Agricultural Development Bank |
| MDA | Mongko Region Defense Army |
| MTA | Mong Tai Army |
| PNO/A | Pa-O National Organization/Army |
| PSLP/A | Palaung State Liberation Party/Army |
| RCSS | Restoration Council of Shan State |
| RTA | Royal Thai Army |
| SLORC | State Law and Order Restoration Council |
| SPDC | State Peace and Development Council |
| SSA/SSPP | Shan State Army/Shan State Progressive Party |
| SSA-C | Shan State Army -Central |
| SSA-N | Shan State Army-North |
| SSA-S | Shan State Army-South |
| SSNA | Shan State National Army |
| SNLF | Shanland Nationalities Liberation Front |
| SSNPLO | Shan State Nationalities People's Liberation Organization |
| SSPC | Shan State Peace Council |
| SURA | Shan United Revolutionary Army |
| UNDP | United Nations Development Programme |
| UNHCR | United Nations High Commissioner for Refugees |
| UNICEF | United Nations Children's Fund |
| UPNO | United Pa-O National Organization |
| UWSP/A | United Wa State Party/Army |
| WHO | World Health Organization |
| WNO/A | Wa National Organization/Army |

| | |
|-----------------------|-------------------------------|
| <i>Baht</i> | Thai currency |
| <i>Kyat</i> | Burmese currency |
| <i>Pyithusit</i> | Village militia |
| <i>Saopha, Sawbwa</i> | Traditional Shan prince/chief |
| <i>Tatmadaw</i> | Armed Forces of Burma |

MAP OF SOUTHERN SHAN STATE



CHAPTER 1

LIVELIHOOD AND INTERNAL DISPLACEMENT: PROJECT OVERVIEW AND RESEARCH METHODS

The age old problem of internal displacement in Burma once again emerged as a critical issue in the mid-90s and continued to plague the country in 2003. In part, the roots of the problem can be traced to Burma's difficult and at times painful transition from British colony to independent state. When the British withdrew, the country was plunged into a series of armed struggles, some of which were ongoing in 2003. In response to endemic instability, the Burmese armed forces, borrowing from the experience of other governments, derived over the years a counter-insurgency strategy that was in part designed to deprive the armed opposition groups of their core resources by forcibly relocating the rural populace to areas under greater central government control. This strategy, known as the "Four Cuts," however, was not without severe consequences for the civilian population living in the conflict areas.

As of 2003, hundreds of thousands of people were believed to be internally displaced in Burma, due in large part to the military's forced relocation program. The overwhelming majority of these internally displaced persons (IDPs) came from and continued to live in the conflict-affected areas adjacent to Burma's eastern border with Thailand, an area which encompasses parts of Shan, Karenni (Kayah), Karen (Kayin), and Mon States as well as Pegu and Tenasserim (Tanintharyi) Divisions. This report seeks to document the impact internal displacement has had on the livelihood of villagers in one area of eastern Burma, southern Shan State. The study examines the period beginning in 1996 because the widespread forced relocation of villages launched in that year lay at the root of southern Shan State's internal displacement problem in early 2003.

People were clearly being compelled to move in this area for decades prior to 1996, though detailed accounts of forced relocation and internal displacement of that period are limited snapshots of the situation at a given time. Russ Christiansen and Sann Kyaw recorded one account of a Pa-O village in Hopong Township that the government forced to relocate in 1978 and another case in which Mong Tai Army (MTA) troops in 1984 attacked and burned a village of displaced Pa-O people located near a Pa-O army camp on the Thai-Burma border.¹ The authors Andre and Louis Boucaud briefly recounted movements of internally displaced persons into areas under the control of the Shan State Army (SSA) that they witnessed during travels in SSA controlled areas in 1981.² In one of the more detailed accounts of forced migration, Michael Howard and Wattana Wattanapun wrote of the flight of around seventy ethnic Palaung families from Nalang, Makuntok, Huay Turn Long, Nam Hu Song Ta, and Pang Yong villages in the Mongnai and Mongpan areas to Mongton Township and then ultimately into Thailand. In that case, the villagers first left their homes in 1984 due to conscription and other demands from the Communist Party of Burma (CPB). At the border, villagers were often forced "to work as porters carrying drugs and other items for the Shan United Army and Khun Sa" and got caught in the cross-fire between Khun Sa's army and the Burmese army, the *Tatmadaw*. The groups ultimately crossed the border into Chiang Mai Province where they settled.³

¹ Christensen and Sann Kyaw, 2000

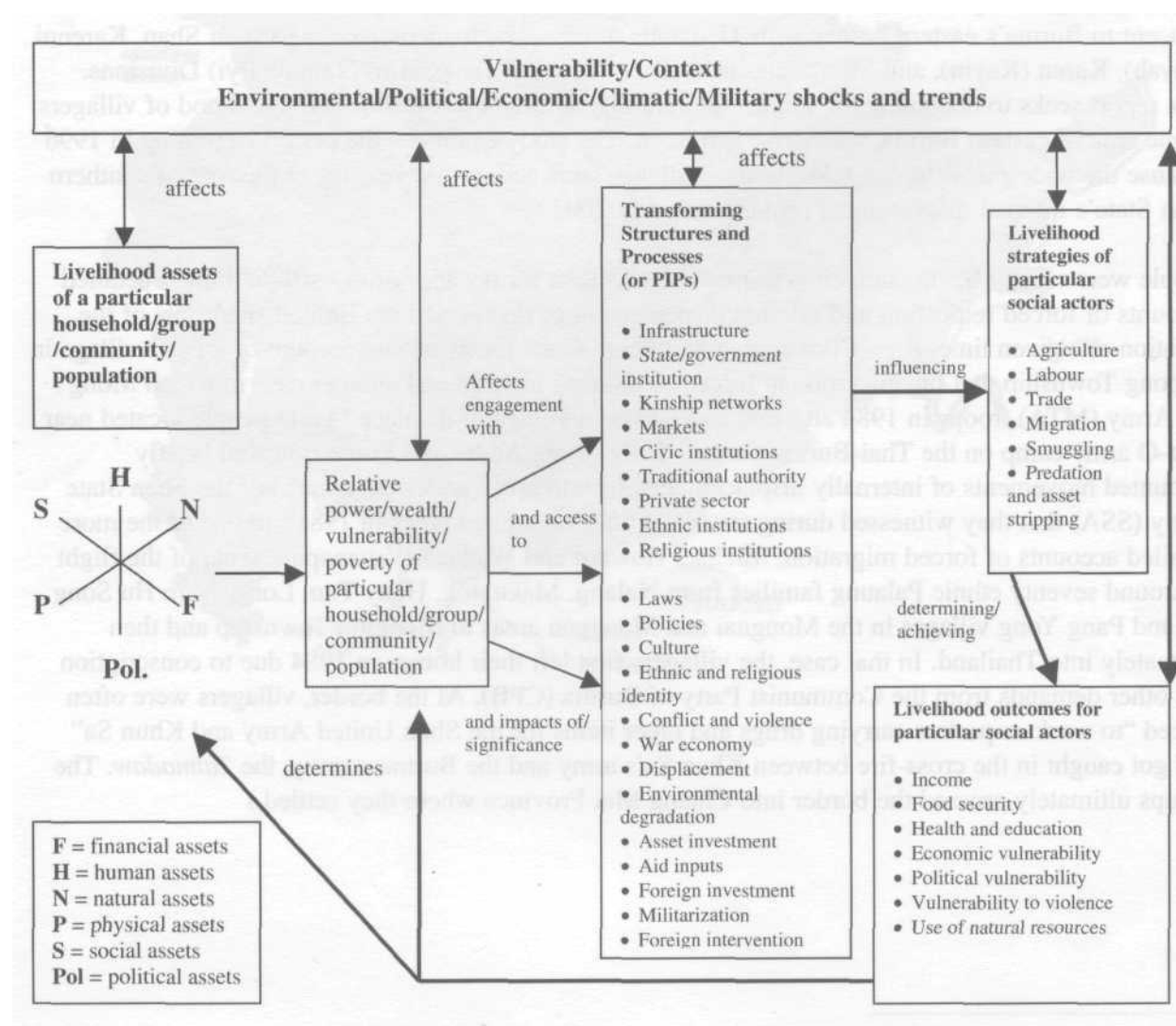
² Andre and Louis Boucaud, pp. 110, 112.

³ Michael C. Howard and Wattana Wattanapun, *The Palaung in Northern Thailand*, (Chiang Mai: Silkworm Books, 2001) pp. 76-78.

This report also seeks to compliment the studies on the situation of internally displaced persons in Karen and Karenni areas conducted by the Burma Ethnic Research Group (BERG) in 1998 and 2000 respectively, the series of publications on forced relocation and displacement in southern Shan State written by the Shan Human Rights Foundation (SHRF), and extensive human rights documentation by the Karen Human Rights Group (KHRG).

1.1 LIVELIHOOD, PROTRACTED ARMED CONFLICT, AND DISPLACEMENT

Displacement almost always has an undeniably adverse impact on the livelihoods of civilians. People lose jobs, possessions, and other material assets, while social, political, and economic networks breakdown or disintegrate. The displaced must find ways to cope independently or with the assistance of government and/or private agencies, often under conditions of protracted instability and the threat of violence. The graphic below, developed by a team of researchers affiliated with the Overseas Development Institute, illustrates the effects of chronic conflict on a given population and the population's potential response to it. A household's livelihood status is derived from its assets (financial, human, social, political, natural, and physical); that status in turn determines the same household's relative level of power, wealth, vulnerability, or poverty in society. A household's status will affects its ability to cope with displacement, which is listed among the "transforming processes" that the household must address with new livelihood strategies. These strategies then determine access to other services and/or positive or negative "livelihood outcomes" - access to income, food, health care, and education, for instance - that affect the revised set of household assets.



This report is organized within a similar framework. Chapters 2 and 3 describe respectively the historical context of the conflict and the economics of war in effect in the area. The livelihood situation and villagers' living conditions and access to basic services are explained in Chapter 4. Chapter 5 describes the patterns of displacement. Chapter 6 explains the violent context in which the displaced have lived, while Chapter 7 details the impact that displacement has had on villagers' livelihood assets and outcomes, such as access to basic services. The report concludes in Chapter 8 with a summary and recommendations.

1.2 RESEARCH METHODS

When it came time to design the study, the question emerged as to how to assess impact in an area to which researchers generally would not have access. At the time hundreds of displaced persons from southern Shan State crossed the Thai-Burma border each month. One part of the research team therefore decided to interview new arrivals. Two researchers based in Thailand used a semi-structured questionnaire to interview eighty-five displaced persons who had crossed into Fang District of Thailand's Chiang Mai Province within six months prior to the time of the interview (80 percent had crossed within three months before the interview). The bulk of the interviews were conducted between February and August 2002, though some were completed as late as November of the same year. The interviewees came from the townships of Mongkung, Kehsri, Monghsu, Laikha, Hopong, Loilem, Mongnai, Mawkmai, Langkhur, and Mongpan. All interviewees from this group were ethnic Shan.

A second primary data set came from a research team that used a similar question set but collected data on the state of ethnic Pa-O IDPs living in special administrative areas of southern Shan State in Hopong and Hsihseng Townships of the Pa-O National Organization (PNO) and the Shan State Nationalities Peoples Liberation Organization (SSNPLO) respectively. These groups had agreed to ceasefire arrangements with the central government and maintained some authority over their designated areas. This report draws on interviews with approximately fifty persons from that data set.

The research in both areas was not without constraints. Interviews take time, but since nearly all of the respondents were working for a daily wage, it was not always possible to speak to them for an extended period. To overcome this obstacle, interviewees in Thailand were paid the equivalent of one day's wage, were transported to the interview site (if it was not at their place of residence or work), and were provided with lunch. Interviewees were not aware that they would be compensated until the end of the interview. In some cases, interviewees still could not spare the time to cover all topics in the question set.

Identification of new arrivals in Thailand was not always easy either. The team wanted to ensure a gender balance and to interview an equal number of displaced persons from each of the conflict-affected townships. Since the displaced did not live in refugee camps, there were no records of where people came from or, even if their names and home villages were known, where exactly they were staying in Thailand. Researchers therefore relied heavily on local networks and "snowballing," a research method by which one interviewee leads researchers to others. To find persons who matched the required criteria and who were new arrivals nevertheless proved unachievable in some cases. For instance, researchers found few displaced from Mawkmai Township, but many from Kunhing. The team therefore had to set an overall target number of persons to interview and tried to find persons from as many relevant townships as possible.

Numbers also posed a challenge. Establishing definitive figures for internally displaced persons in southern Shan State was an impossible task given researchers' inability to access the affected area. The Shan Human Rights Foundation (SHRF), a non-governmental organization based on the Thai-Burma border compiled the most extensive data on IDPs in the area and estimated the number of persons displaced during the peak years of relocation of 1996-1998 at 300,000, but the organization did not have the capacity to calculate regularly the number of persons still displaced in Burma, that have returned home (from other places in Burma or from Thailand), resettled elsewhere in the

country, died, were born to internally displaced parents, or fled across the border to Thailand or other countries.

HARP did not attempt to provide numbers or to duplicate township by township estimates previously generated by two SHRF reports,⁴ especially since the information collected during field research supported the general findings of the SHRF in terms of the townships affected.

Numbers also proved elusive in the calculation of impact. Ideal impact analysis requires baseline numerical or at least descriptive data that indicates what life was like prior to displacement. Here again, the unavailability of township level data in Burma made near to impossible the identification of baseline indicators that would give researchers an idea of what life was like before 1996. The Burmese government did not even make much data available prior to that year; indeed, it was not clear that the government even had the capacity to conduct surveys in the conflict-affected areas of southern Shan State prior to the fall of Khun Sa's Mong Tai Army in January of that year. Even when official data was available, social indicators were believed to be highly suspect. Given these constraints, to create a picture of what life was like for villagers prior to displacement this report used two main sources of information.

First, it drew upon the data collated by the Burmese government and the United Nations, some of which was gathered in Shan State in 1996 though not in conflict-affected areas. In the mid-90s, the government, at times with the assistance of multilateral organizations, began to collect statistics at more regular intervals. For example, the Department of Health with technical assistance from the United Nations Children's Fund (UNICEF) produced a Multiple Indicator Cluster Survey (MICS) in 1997 and 2000. Various government agencies such as the Basic Education Department and Health Department also gather and make available their own data, while the National Statistics Office (Central Statistical Organization) annually compiles numbers from various sources. In 1999, the Central Statistical Organization produced an extensive Household Income and Expenditure Survey that compiled data from 1997 that offers some baseline data.

One problem with all the statistics accessed during the course of this report was that they were not disaggregated by township. It was not possible, therefore, to compare conflict affected townships of southern Shan State with the townships that are more stable. In other cases, data for southern Shan State was drawn from townships that were not affected by conflict. The aforementioned Household Income and Expenditure Survey, for example, collected data only from Taunggyi and Pindaya in southern Shan State (the third township surveyed was Lashio in northern Shan State). Figures drawn from these reports, therefore, were used to suggest what the overall "normal" situation in southern Shan State was and to compare the situation with that of other states and divisions and with the project's second main data set.⁵

The second source used to illustrate life before displacement and to crosscheck the first data set was interviewees' descriptions of their lives as they were in their home villages. This method again is imperfect because it relies on the individual's recall abilities with no reliable method to verify what was reported, especially when few interviewees came from the same village. Common patterns, however, did emerge to the extent that some tenuous generalizations on rural life are offered as qualitative baselines.

Key informant interviews and secondary data from publications were used to supplement information throughout the report.

⁴ Shan Human Rights Foundation, *Uprooting the Shan: SLORC's Forced Relocation Program in Central Shan State*, (SHRF: Chiang Mai, Thailand, December 1996); Shan Human Rights Foundation, *Dispossessed: Forced Relocation and Extrajudicial Killings in Shan State* (SHRF: Chiang Mai, Thailand, April 1998).

⁵ Burma is divided administratively into seven states and seven divisions. A state and a division are of equal status in the Burmese system.

CHAPTER 2

ROOTS OF PROTRACTED ARMED CONFLICT IN SOUTHERN SHAN STATE

Villagers in southern Shan State have struggled for decades with the challenges of living in a conflict zone. Caught between the Burmese army and various armed opposition groups, and at times between armed opposition groups themselves, many nevertheless found ways to cope with these problems. In the late 1990s, however, they faced a new set of hazards. Beginning in 1996, in its drive to suppress the Shan State Army-South (SSA-S), the *Tatmadaw* intensified a counter-insurgency campaign that uprooted estimated hundreds of thousands of villagers in the southern townships who subsequently forced to run a gauntlet of challenges to their lives and livelihood. That forced relocation took place against the backdrop of the region's long-running complex armed conflict, a conflict that itself is rooted in the state's history, ethnic and ideological politics, and economics.

Post-colonial Shan State history has evolved around the competition for power between traditional rulers and their rivals from outside and within their communities. It has also been about the gradual inclusion of the region into a single administrative state system through varying degrees of co-optation, cooperation, and coercion. That unfinished process of state and nation building continued to plague Burma in 2003.

2.1 HISTORICAL ROOTS OF CONFLICT: THE DECLINE OF TRADITIONAL POWER STRUCTURES

The pre-colonial history of Shan State is marked by the struggle for control over the area's resources - natural and human - by regional and local leaders. During this period, battles were fought not over the occupation of territory by administrators and armies, but rather over the control of wealth and manpower. The more mundane affairs of local administration were left to local leaders who as vassals delivered tribute to the superior power.

The Shan and Pa-O people of southern Shan State were traditionally organized under fiefdoms ruled by princes or chiefs variously referred to as *sawbwas*, *chaofas*, or *saophas*. These chiefs in turn were frequently vassals of one of more of their stronger neighbors, such as the various kingdoms of the ethnic Thai, Burman, and Chinese rulers, to which they paid tribute.⁶ Several Shan kings, however, ruled much of the contemporary Shan State and northern Burma, including the ancient city of Pagan. In 1555, however, the Burman king Bayinnaung conquered the Shan chiefs in a series of campaigns that brought much of what is now contemporary Burma and surrounding areas under his control. After the battles with Bayinnaung, Shan leaders never again attained regional power.⁷

While the Shan constituted the majority in southern Shan State, several other highland ethnic groups, such as the Lahu, Lisu, and Akha, made their home in the area. At the local level, it appears that the various sovereigns had limited control of these more peripheral groups. Highlanders remained largely independent of the lowland Burman, Shan, and Thai rulers, although each of the latter three claimed authority over the smaller groups. Historian Victor Lieberman explains:

⁶ For pre-colonial Shan history see G.E. Harvey, *History of Burma: From the Earliest Times to 10 March 1824 The Beginning of the English Conquest*, (London: Frank Cass and Co. Ltd, 1967) and N. Ellias, *Introductory Sketch of the History of the Shans in Upper Burma and Western Yunnan*, (Calcutta: Foreign Department Press, 1876).

⁷ Sai Aung Tun, "The Tai Ethnic Migration and Settlement in Myanmar," in Hayashi Yukie and Yang Guangyuan (eds.) *Dynamics of Ethnic Cultures Across National Boundaries in Southwestern China and Mainland Southeast Asia: Relations, Societies, and Languages*, (Chiang Mai: Lanna Cultural Center, Rajabhat Institute-Chiang Mai and Center for Southeast Asian Studies, Kyoto University, 2000), p. 21.

Tai rulers often claimed dominion over the mountainous tracts separating the scattered valleys in which their Tai subjects lived, and demanded tribute. Yet given the inaccessibility and extreme decentralization of the upland tribes, success in enforcing such claims was at best sporadic.⁸

The arrival of British forces in the region and subsequent conquest of Burma shook the foundations of traditional regional power structures. Local leaders nevertheless resisted change, trying to maintain their influence and cope with the transition to a new administrative system.

2.2 THE COLONIAL ERA: THE FORGING OF A NATION?

The colonial period saw the incremental, though incomplete, inclusion of the Shan chiefs under colonial authority. The British conquered the most of the territory of what is contemporary Burma through a series of three wars in 1824-26, 1852-53, and 1885. After the third war, when it established control over much of the country, the British government divided Burma into two distinct administrative zones. "Lower Burma," where ethnic Burmans were in the majority, was governed directly by the colonial bureaucracy, while in the ethnic minority dominated frontier states of "Upper Burma," traditional leadership structures were supported by colonial supervisors. In Shan State, once the British "pacified" the resistance, the remaining Shan chiefs performed most local administrative functions.⁹

Initially, the Shan principalities were included among the mountainous, sparsely populated, ethnic minority areas of Upper Burma that remained administratively separate from the Burman majority parts of the country. The British allowed a degree of self-rule of these areas, a policy some have characterized as a deliberate attempt to divide-and-rule by creating divisions between the Burmans and the minority groups that were combined in administrative Burma.¹⁰ Other analysts have suggested that the separation was a result of the administrative reality at the time, that is, that the colonial government was already overextended with the administration of India and Lower Burma so more marginal areas were left to local leaders. That autonomy did not last long. As it solidified its rule and sought to exploit the natural resources of the region, the British administration gradually sought to assert greater authority over the Shan princes.

One step in that process was the formation of the Federated Shan States in 1922 with the cooperation of thirty-three Shan chiefs. Chao Tzang Yawngkhwe, a Shan academic and son of Sao Shwe Taiké (Burma's first president and prince of Yawngkhwe), claimed that the new arrangement weakened the Shan princes because it effectively reduced their real power from "semi-sovereign rulers in the late 1880s, to that of poorly paid but elevated native tax-collectors in 1922."¹¹ The princes were required to pay taxes to the British, but forfeited all decision making authority vis-a-vis the British government and its administration in the Shan States. Yawngkhwe says that this move along with others made by the British suggests that the colonial administration was intent, not on dividing Burma as some historians claim, but in unifying the Excluded Areas with the center.¹² Robert Taylor adds that the new status for the Shan States was likely used to insulate it from the administration in Lower Burma

⁸ Victor Lieberman, *Burmese Administrative Cycles: Anarchy and Conquest, c. 1580 -1760*, (Princeton, NJ: Princeton University Press, 1984) p. 135.

⁹ Disunity among the Shan chiefs in the face of the colonial invader made them an easy target. During the British consolidation of northern Burma, the Shan chiefs were split between those who supported the colonialists, led by the chief of Yawngkhwe, and those who had wanted to resist British rule, led by the prince of Kengtung. G.E. Mitton, the wife of former colonial administrator in the Shan States, Sir George Scott, details from Scott's notes the fighting between the two factions in *Scott of the Shan Hills* (London: Butler and Tanner, Ltd., 1936).

¹⁰ For some discussion on this issue see for instance, Joseph Silverstein, *Burmese Politics: The Dilemma of National Unity* (New Brunswick, New Jersey: Rutgers University Press, 1980).

¹¹ Chao-tzang Yawngkhwe, *The Shan of Burma: Memoirs of a Shan Exile* (Singapore: Institute of Southeast Asian Studies, 1987) p. 79.

¹² Ibid., p.81.

that with upcoming elections was becoming more democratic and nationalistic. Inclusion under that system, Taylor suggests, would have undermined the *saophas* and could have heightened the level of instability in the Shan States. The Shan princes too apparently wanted to remain separate from lowland Burma and unsuccessfully advocated for the restoration of their original powers. The chiefs, however, remained politically marginalized until the invasion of the Japanese during World War II.

During the Japanese occupation, Shan State's status changed yet again. From 1941 to 1942, the Japanese army drove the British forces out of Burma and consolidated its control over much of the country's key economic areas. As it did in other parts of Southeast Asia, the Japanese force pledged to transfer the reins of power to local leadership. Though the new army allowed them a degree of local authority, the Shan chiefs were compelled to swear an oath of allegiance to the Japanese.¹³ The Japanese awarded the Burmese independence in August 1943 and handed Shan State (with the exception of Kengtung and Muang Pan principalities, which were transferred to Japan's wartime ally, Thailand) to the new government of Dr. Ba Maw. Despite Shan State now being a part of Burma proper, the Japanese prohibited armed central government units from entering the state.¹⁴ At the same time, however, the Japanese reportedly pressured the Shan chiefs to integrate their areas with the lowland.¹⁵

The re-occupation of Burma by Allied forces put into motion a series of negotiations on the future of the country as an independent state. The colonial government, as a precondition to independence, required that the ethnic minority groups signal their willingness to be included within the union. The accord process culminated in the February 1947 Panglong Conference during which an agreement was signed between the Anti-Fascist People's Freedom League (AFPFL) - the future government party headed by General Aung San - and ethnic minority representatives. A number of the minority leaders demanded the right to secede or to have significant local autonomy, but only the Shan State and Karenni (Kayah) State were awarded the privilege. The right of secession was codified in the September 1947 Constitution, but could not be exercised until 1958, upon the passage of ten years of Burmese independence.¹⁶

2.3 THE EARLY YEARS OF INDEPENDENT BURMA

Discord grew from the turmoil that engulfed Burma during its transition from colony to independent state. At independence in 1948, the inaugural government was left with the daunting task of drawing together the disparate components of colonial Burma into one cohesive state. The task was complicated by the assassination of Aung San, the national hero and trusted broker who had negotiated successfully with many of the ethnic minority leaders. Differences between various political parties/ideologies and interest groups could not be resolved amicably. Armed opposition movements were launched in many parts of the country. Modern Burma was from its birth plagued by endemic insecurity. The government from that point forward set out to defeat its foes and bring the periphery under its sway through the gradual expansion of state authority from the capital toward Burma's borders. Ever so slowly, Rangoon asserted control over a greater expanse of territory, solidifying its authority with communication infrastructure that linked the capital to the frontier, and in the contested zones, with a combination of negotiations with local leaders and an iron-fisted military presence.

Political developments in Shan State following independence ensured that discord became multifaceted and complex. Added to the mix of central government leaders, local elite opposed to the traditional *saopha* leadership, and the *saophas* themselves was an assortment of other actors competing for power, some of which resorted to the use of arms in pursuit of their goals.

¹³ Silverstein, pp. 54 -55.

¹⁴ Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*, 2nd Edition (London and New York: Zed Books, 1999) p. 64. Chao Tzang Yawngghwe interpreted the Japanese policies as clear indication that the Shan States were considered a separate political entity by the Japanese. See Yawngghwe, 1987, pp. 84-85.

¹⁵ Yawngghwe, pp. 84-85.

¹⁶ For a brief analysis of the right to secede see Maung Maung, *Burma's Constitution*, (The Hague: Martinus Nijhoff, 1959) pp. 193 -194.

Indeed, the first group to take up arms in Shan State was not comprised of ethnic Shan. In 1948, Pa-O rebels just south of the state capital of Taunggyi revolted in protests of the local powers the central government had awarded the Shan princes. Because of the limited administrative staff available to the Rangoon, the *saophas* were permitted to "maintain their own budgets, police forces and local tax regimes, as well as appoint their own officials" without supervision of the central government.¹⁷ Though in interviews in 2002 and 2003, some Shan community leaders insisted that the Pa-O "rebellion" was created and orchestrated by the generals in Rangoon to undermine the princes, that the armed movement was able to grow at that time suggests real opposition to the traditional political structures.

A few years later, the situation in Shan State became even more complicated when under pressure from Mao Tse Tung's communist forces several nationalist Chinese army units under the leadership of General Li Mi evacuated China's Yunnan Province into the Kengtung area of Shan State. The Kuomintang (KMT) operated in the area stretching from the Chinese border in the north to the town of Tachilek on the Thai border in the south and ultimately along much of the Thai-Burma border.

The KMT troops reinforced by Wa, Lahu, Tai Neau and Tai Leu¹⁸ soldiers and with the support of the United States and Taiwan launched raids against and spied on the new communist Chinese government. In 1952, reportedly fearing the country would be dragged into the Cold War conflict, the *Tatmadaw* moved against the KMT which were by that time firmly ensconced in the eastern and southern regions of the state.¹⁹ The military poured troops into Shan State, martial law was declared in twenty-two of the thirty-three states, and the army reportedly attacked local villagers. Through a combined military and diplomatic campaign by the Burmese government, the KMT was gradually pushed farther south to and ultimately across the border into Thailand. Even from Thailand, however, its influence in Shan State lingered for decades.²⁰

As the year in which Shan State was constitutionally empowered to secede from the union grew nearer, some Shan leaders viewed the ongoing presence of thousands of Burmese troops and the imposition of martial law as an occupation, a situation that stoked feelings of nationalism among the Shan.²¹ Prime Minister U Nu added tinder to the nationalist fire when in an April 1957 address to Shan leaders in the northern Shan State town of Lashio he stated that the strength of the United States was due in part to Abraham Lincoln's determination to stop the south from seceding from the union. Some ethnic minority political and student leaders interpreted the statement as a thinly veiled threat against Shan secessionist aspirations.²² The Shan rebellion began.

¹⁷ Robert Taylor, *The State in Burma* (Honolulu: University of Hawaii Press, 1987) p. 227.

¹⁸ The latter two ethnic groups are Shan sub-groups that represent the majority of the population in some of the areas east of the Salween River, particularly in the vicinity of Kengtung city.

¹⁹ The duty of the KMT forces was to provide intelligence on communist movements and to launch the occasional raid. Seeing that the presence of the KMT could drag the country into a conflict with China, the U Nu government since the early 1950s sought to expel the KMT through interventions at the United Nations and finally through a military offensive.

²⁰ The Supreme Command of the Royal Thai Army reportedly set up a special unit, Unit 04, to support the KMT. Later, the KMT played a role in the suppression of the Communist Party of Thailand in exchange for which many of its members received full or provisional Thai citizenship. See Bertil Lintner, "Building new bridges with former foe," *Jane's Defense Weekly*, September 9, 1995, p. 46.

²¹ Bertil Lintner, *Opium and Insurgency Since 1948*, (Bangkok: White Lotus, 1994) pp. 148 -150; Robert H. Taylor, *Foreign and Domestic Consequences of the KMT Intervention in Burma*, Southeast Asia Program Data Paper No. 93, (Ithaca: Cornell University Southeast Asia Program, 1973) p. 19, 52-53.

²² *Ibid.* p. 150.

2.4 ARMED CONFLICT IN SOUTHERN SHAN STATE

One of the first Shan groups to take up arms was the *Num Seuk Harn* (Brave Young Warriors), a group that initially comprised local leaders that stated it wished to build "a united, independent and democratic Shan State."²³ In its first move against state forces on November 22, 1959, soldiers from the *Num Seuk Harn* drove government troops from the garrison town of Tangyan and looted the armory before being pushed out a week later.²⁴

The emergency of an ethnic Shan rebellion had two main repercussions. First, the government was provided further pretext to limit the powers of the *saophas*. The process to remove their powers had begun in 1952, but their powers were not formally handed over until seven years later. In April 1959, thirty-three *saophas* signed documents forgoing their traditional powers in exchange for land and monetary compensation.²⁵ In one final move against the Shan chiefs and other influential political figures in Shan State, General Ne Win, during his coup of 1962, detained the *saophas*, some for as many as six years.

The second outcome was the escalation of armed opposition in Shan State. Though the *Num Seuk Harn* was eventually absorbed into other groups, the Shan national movement grew from this point forward, with several organizations taking up arms throughout the decades to pursue to varying degrees the Shan national cause.²⁶ Other groups sought to secure economic interests, particularly control of the lucrative trade in narcotics, while still others rallied to ideological banners. The course of events saw the militarization of nearly the entire Shan State by the late 1960s. The participation of multiple actors contributed to ever more complex local power struggles, and, therefore, disunity. What resulted was a confusion of interests and allegiances with groups of foot soldiers following their leaders from one organization to another. All the while, civilians in the area were forced to cope.

By the end of the decade, five main armed groups controlled various parts of southern Shan State. The first of these obviously was the government. While large parts of the countryside were contested, the Burmese government through the Eastern Regional Military Command based in Taunggyi controlled the main towns and a number of bases.

Of the other armed groups, one of the most influential was the Shan State Army. Established in 1964, its leadership included members of the royal family of Yawnghwe and a group of intellectuals who split from the *Num Seuk Harn*. The SSA consisted of four brigades, but only two of those operated in southern Shan State - the 7th in the vicinity of Kunhing and the 2nd in an area covering parts of the townships of Langkher, Mawmai, and, on the border, Mongpan. The 1st and 3rd brigades operated in northern Shan State.²⁷

Some Pa-O took up arms again in 1966 under the banner of the Pa-O National Liberation Organization (PNLO) that in 1968 changed its name to the ethnically inclusive Shan State Nationalities Liberation Organization (SSNLO). It contested territory south of Taunggyi.

The Kuomintang was still operative, but its significance lay in the role they played in helping to set up a group that would be come to play an important part in the period under study in this report. With the support of General Li Mi of the Kuomintang, Moh Heng, one of the leaders of the *Num Seuk Harn* and the former army chief-of-staff of the SSA, founded the Shan United Revolutionary Army (SURA) in 1968 in southern Shan State and based the group at Pieng Luang. Historian Alfred McCoy suggests that SURA was established to produce narcotics, mainly heroin, and protect the passage of

²³ Silverstein, p. 216.

²⁴ Ibid., pp. 159-160.

²⁵ Taylor, 1987, p. 271.

²⁶ For an account of the complex history of insurgency in the Shan State see Chao Tzang Yawnghwe, 1987; Bertil Lintner, 1994; and Martin Smith, 1999.

²⁷ Smith, 1999, p. 333.

the drug within Shan State to the border for the KMT.²⁸ In interviews with HARP, other persons familiar with Moh Heng suggested that the leader was a pragmatist who allied himself with the group that could provide him with weapons. The fifth group that had some power in the south, but whose influence was to grow enormously over the next decade was the Communist Party of Burma (CPB).

2.5 THE CLASH OF IDEOLOGIES

In 1968, the Communist Party of Burma (CPB), which had until that time been strongest in central Burma and Arakan (Rakhine) State, opened a major new front, infiltrating northern Shan State from China. Many local militia and other armed groups in the north were absorbed by the more powerful CPB, thereby allowing the CPB to draw its troop strength not from ethnic Burman recruits, but from the local population of mainly the Wa, Kokang Chinese, and Shan ethnic groups.

The presence of the CPB was significant for southern Shan State in that while the CPB and other groups appeared to believe that their particular brand of political ideology would at last secure the elusive unification of the Shan State's diverse ethnic groups, in reality the politics violently tore the groups apart.

By the 1970s, the state's minorities were fighting each other (between and within ethnic groups) under nearly a dozen flags. The CPB's recruitment and absorption of local groups coupled with the formation in 1976 of the CPB's ideological opposition and alliance of ethnic minority opposition groups, the National Democratic Front (NDF), further factionalized the leadership of southern Shan State's two main ethnic groups, the Shan and the Pa-O, as well as that of some other ethnic groups.

Under pressure from the government and the CPB and in need of arms, the northern and central brigades of the Shan State Army allied themselves with the CPB. The 2nd Brigade, which was based on the Thai border, maintained its distance from the CPB.

The SURA took an anti-communist position, in large part because of its close links to the KMT. On April 1, 1984, Moh Heng's SURA merged with the anti-communist 2nd Brigade of the Shan State Army to form the Tai Revolutionary Council (TRC) when the 2nd Brigade headquarters was overrun by Khun Sa's Shan United Army (SUA).²⁹ The TRC, however, did not remain independent for long. In early 1985 its headquarters at Piang Luang too came under pressure from the SUA as Khun Sa sought to consolidate his control over the border area. Khun Sa had by that time had secured a role in the protection of narcotics traffic and aimed to eliminate all competition, including the KMT and other Shan groups. In March 1985, the TRC ended its relationship with a weakened KMT, which the Thai had also sought to bring under firm control, and allied itself with the SUA.

At the time, the Pa-O too split along ideological lines. In 1973, the SSNLO split along ideological lines into the pro-CPB Shan State Nationalities People's Liberation Organization (SSNPLO) led by Tha Kalei and which controlled areas near Hsihseng and along the Karenni (Kayah) State-Shan State border, and the Pa-O nationalist Shanland Nationalities Liberation Front (SNLF), which operated under the leadership of former SSNLO leader U Hla Pe from a stronghold in Hopong Township close to Taunggyi. The SNLF then merged with a smaller Pa-O group in 1975 to form the Pa-O National Organization (PNO) which in 1976 joined the umbrella group, the National Democratic Front (NDF).³⁰

²⁸ Alfred W. McCoy, *The Politics of Heroin: CIA Complicity in the Global Drug Trade*, Second Edition (New York: Lawrence Hill Books, 1992) p. 430.

²⁹ Lintner, 1994, p. 265. Moh Heng had apparently taken a strong stand against communism. The Shan State Army, however, was grappling with how to cope with pressure from the CPB in its area of operation while pursuing the national cause. Part of the SSA, therefore, allied itself with the CPB. The SSA 2nd Brigade along with some other troops that did not wish to rely on CPB support then joined the SURA and formed the TRC. See Andre and Louis Boucaud, *Burma's Golden Triangle: On the Trail of the Opium War lords* (Bangkok: Asia Books, 1992) p. 126.

³⁰ Lintner, 1994, p. 431; Smith, 1999, p. 222.

The split between the two ideological factions, however, did not come about peacefully. One former Pa-O soldier expressed his disgust at what happened during that period to authors of an article printed in *Cultural Survival Quarterly*. "The Burmese soldiers were happy that we fought each other 'like dogs biting each other' instead of them," he said. "I thought about why the Pa-O fight each other," the man continued. "I don't want to be involved in this situation. Even now when I think about the Pa-O and why they fight and kill each other I am very sad."³¹

Wa, Lahu, and other groups likewise found themselves divided. It was not until the 1980s that some of these differences began to be addressed, but by then it was too late.

The CPB itself was ultimately to fall to a combination of external and internal pressure. From its base in the Wa hills of northern Shan State, the CPB took control of much of the hinterland east of the Salween River, an area that ironically had once been under the control of the KMT. Instead of engaging some of the region's smaller groups, the *Tatmadaw* in the 1970s and 1980s devoted the bulk of its military resources to the destruction of the greater threat of the CPB. Government forces, after pushing through the communist-allied SSA units in central Shan State, engaged regular CPB units in an intense battle in 1987 that eventually led to several strategic victories for the Burmese army in the north along the Chinese border.

Two years later, the CPB as a military force had disintegrated. In 1989, ethnic minority Kokang, Shan, and Wa foot soldiers of the CPB mutinied against the party's central leadership and seized its headquarters at Pangsang in northern Shan State. Soon thereafter the CPB mutineers reached ceasefire agreements with the government, thereby securing authority over special administrative areas in which they were allowed to keep their weapons and pursue a variety of economic activities (See Chapter 3 below on the Economy of War). Other groups soon struck similar deals. In northern Shan State, the Palaung State Liberation Army and the now isolated Fourth Battalion of the Kachin Independence Army (later renamed the Kachin Defense Army) followed suit, as did the Pa-O National Organization in 1991. By 1993, out of the entire Shan State, all but part of southern Shan State was under the nominal control of Rangoon.

2.6 SECURING THE SOUTH: THE CAMPAIGN AGAINST THE SHAN STATE ARMY-SOUTH

With the implosion of the CPB in the north and east and with peace agreements secured with other armies in the north, east, and state capital regions, the *Tatmadaw* turned its attention and weaponry southward toward Shan State's next most powerful military organization, the Mong Tai Army under Khun Sa.

By 1993 the *Tatmadaw* and its new ally, the United Wa State Army (UWSA), one of the main armed groups to emerge from the destruction of the CPB, had launched an all-out offensive against MTA positions along the Thai border. The army in mid-1994 closed off traffic across the Salween River to the MTA base area, straining the resources of the group.³² On the Thai side of the border, in close cooperation with the American Drug Enforcement Agency, the Royal Thai Police and Army arrested and extradited to the United States thirteen of the MTA's top suppliers. Operation Tiger Trap, as described by a DEA document, "crippled the SUA [MTA] by not only disrupting its command and control network, but also by depleting its financial resources."³³ In March 1994, the government with its UWSA allies overran MTA territory in eastern Shan State.³⁴ The MTA suffered another blow in June 1995 when Major Gunyawd, one of Khun Sa's top aides, split hundreds of troops from the MTA

³¹ Russ Christensen and Sann Kyaw, "Pa-O Relocation to Thailand: Views from Within," *Cultural Survival Quarterly*, No. 243, September 2000, <http://www.cs.org/publications/CSQ/243/christensen.html>.

³² Bertil Lintner, "Slow Strangle: Khun Sa remains defiant of Rangoon's squeeze," *Far Eastern Economic Review*, April 14, 1994.

³³ Drug Enforcement Agency, *Operation Tiger Trap*, <http://www.usdoj.gov/dea/major/tigertrap.htm>.

³⁴ Subin Kheunkaew, "New attack on Khun Sa: Wa rebels join Slorc troops for offensive," *The Sunday Post*, August 13, 1995, p. 1.

to form the Shan State National Army (SSNA) and reached an informal ceasefire agreement with the government.³⁵ Khun Sa, with his base surrounded and under siege and the threat of extradition to the United States on charges of narcotics trafficking hanging over his head, officially surrendered to the government on January 7, 1996, and was whisked off to Rangoon.³⁶ Some MTA weapons were turned over to the government during an official ceremony and many of the MTA's troops were demobilized through a government program that provided them with some money and minimal reintegration assistance.³⁷

The demise of the MTA, however, was not to spell the end of insurgency in southern Shan State. The SURA faction of the MTA, under the command of Col. Yod Serk, refused to accept the MTA's unconditional surrender. Its forces at that time were not believed to exceed 1000 soldiers, but the organization drew strength from the villages as a result of government soldiers' brutal excesses and the inability of former MTA foot soldiers to earn a living.

Allied with SURA, some other small armies maintained an essentially symbolic presence along the Thai-Burma border. The Wa National Organization/Army (WNO/A), under the command of Mahasang, the son of the Wa prince of Vingngun, operated out of a small area adjacent to Chiang Mai's Fang District. The Lahu National Organization/Army (LNO/A) was based in Mong Na, west of Thailand's Chiang Dao town. The LNO/A was formed by Char Ui in 1985, but never built a significant military capacity.³⁸ The Pa-O People's Liberation Organization (PPLO), formed in 1991 by Col. Hkun Okker in opposition to the PNO ceasefire, had a handful of troops in the Na Awn area adjacent to Thailand's Mae Hong Son province. Though supposedly under arms, none was able to offer the SSA-S significant military support.

The *Tatmadaw* shortly after the MTA surrender moved more battalions into southern Shan State to build up its presence in the field. The army bolstered its forces with People's Militia (*pyithu sit*) and other paramilitary units that recruited and conscripted members from the local populace. The main responsibilities of these lightly armed units were to guard the villages and form night patrols.

The *Tatmadaw* also received military support from the United Wa State Army (UWSA), the main armed group to emerge from the disintegration of the CPB and which according to the United States government became the world's largest narcotics army. Though the group's headquarters was located in Pangsang in the northeast of Shan State, its southern faction led by the Wei Hseu-gang was based opposite the Thai town of San Ton Du at Mong Yawn. Persons familiar with the UWSA claimed that the government promised the organization's leaders that if the UWSA helped with the assault on the MTA, it could then administer the lands it captured.³⁹ The UWSA sent its crack '894' battalion to join the southern Wa to attack the MTA. After Khun Sa surrendered, the UWSA remained in the south, moving civilians into the area (who subsequently displaced the original Shan inhabitants in the area). The UWSA did at times come under pressure from the government to withdraw its forces to its original base area farther north near the Chinese border, but as of 2003 they remained in areas from Tachilek in eastern Shan State to the southeastern section of Mongpan south of the Salween River.⁴⁰

³⁵ "Heroin price soars in Shan State," *Bangkok Post*, January 25, 1996, p.3.

³⁶ "Rangoon troops occupying Khun Sa headquarters," *Agence France-Presse*, January 3, 1996.

³⁷ In the government publication, *Why Did U Khun Sa's MTA Exchange Arms for Peace?* (Rangoon: Meik Kaung Press, 1999), one of the persons answering questions in the dialogue (the book takes the format of a series of question and answer sessions between the author and an unidentified "MTA friend") claimed that the government provided demobilized soldiers with 2000 kyat for travel expenses at the non-officer rank, 3,000 kyat for officers, and 5,000 kyat for commanding officers (See page 99). In addition, each person was reportedly given sufficient rations to reach home and a temporary National Registration Card. The book also claims that the government helped to return around 1000 children, ages 5 to 15 to their relatives or parents (See page 107).

³⁸ Lintner, p. 430.

³⁹ Interview with former UWSA officer, May 2000. Apparently there was some disappointment among the Wa troops that Khun Sa actually surrendered before the UWSA could capture the MTA headquarters at Ho Mong.

⁴⁰ Sutin Wannabovorn, "More signs of revolt from the Wa," *The Nation*, March 17, 1997, p. A5. For a detailed description of the solidification of UWSA forces and movement of Wa civilians to the area see The Lahu

In 1996, SURA ambushed government troops throughout the southern areas of the state and in townships near Taunggyi. Following this show of force, SURA sought negotiations with the government through an alliance with the Shan State Army (SSA) and the Shan State National Army (SSNA), both of which had already reached ceasefire agreements with the government. The two northern Shan armies agreed to create an umbrella organization that would merge the three groups into one unified organization. The original SSA changed its name to the SSA-North, the SSNA to the SSA-Central, and SURA to the SSA-South. The consolidated Shan State National Organization (SSNO) in late 1996 called on the government to officially recognize the new union.

The government refused, reportedly taking a position that the SSA-S was bound by the MTA's surrender, so there would be no new negotiations. In its relations with armed opposition groups, the government has demonstrated an unwillingness to negotiate with factions of groups with which it has already brokered an agreement. For example, in ethnic Mon areas in the southern part of Burma, the government attacked bands of disgruntled Mon soldiers who broke away from the New Mon State Party/Mon National Liberation Army instead of offering them a new deal. Likely the government felt that agreements with these groups could set a dangerous precedent for its relations with the country's over one dozen armed insurgent groups. To reach an understanding with one set of leaders only to have others strike off on their own to set new conditions or continue fighting was a scenario the generals in Rangoon may have wished to avoid.⁴¹ As a result, the army generally has tried to defeat relatively weak splinter groups.

Instead of accepting the SSA's offer of ceasefire, the government attacked the SSA-S and depopulated the contested areas. The plan to hand the SSA-S a quick military defeat, however, backfired. The SSA-S only grew in strength as forced relocation and violent abuses perpetrated by the *Tatmadaw* against villagers brought the insurgents support. From June to September 1999, the SSA-S's Northern Expeditionary Force (758th Battalion) drove north into Mongkeung in southern Shan State and then on to Mongyai in northern Shan State. In an engagement in Hsipaw Township on August 14, the 3rd Brigade and 16th Brigade of SSA-North, which was at the time under ceasefire, reportedly aided the SSA-S.⁴² The government quickly suppressed any potential SSA-North and SSA-S military cooperation by arresting and sending to Arakan State the head of the SSA-North affiliated Loimaw militia that was believed to have played a part in the attacks, forcing the two northern Shan ceasefire groups to take action against the SSA-S, and mining the areas that separate the northern and southern regions. Thirty-four SSA-S members surrendered during that encounter while the rest of the battalion was pushed southward.

After the brief show of strength in the north, on October 2, 1999, the SSA-S established the Restoration Council of Shan State (RCSS).⁴³ The RCSS was to serve as the SSA-S's political wing in relations with the international community and the Burmese government. The SSA-S initiated another exchange of letters with the SPDC in January 2000, but was dissatisfied with the terms for a ceasefire offered by the government side. The reported terms, resembling those extended to other insurgent groups, were:

National Development Organization, *Unsettling Moves: The Wa forced relocation program in Eastern Shan State (1999 -2001)*, (Chiang Mai: Lahu National Development Organization, April 2002).

⁴¹ Though the army has refused to negotiate with splinter factions from ceasefire groups, the government has struck deals with factions that split from active insurgent groups. Agreements reached with the Democratic Karen Buddhist Army, which split from the Karen National Union, and the Fourth Brigade of the Kachin Independence Organization (the KIO at that time was still fighting the government) are cases in point.

⁴² The SSA-S and the SSA-North reportedly wear the same style of uniform with the identical markings, a situation that creates problems for government forces when trying to distinguish soldiers from the two groups.

⁴³ A similar council, the Shan State Restoration Council, was set up by Khun Sa after which Khun Sa declared the independence of Shan State. At one time, Moh Heng, the former leader of SURA was head of that organization.

- SSA-S troops will have the right to carry arms in their operational areas;
- SSA-S will have the right to trade in whatever they like;
- no other armed group will be allowed in the SSA-S's area; and,
- the SSA-S must submit its arms to the government when other ceasefire group [sic] have surrendered their arms.⁴⁴

The SSA-S rejected the terms and sent back a list of six conditions to which the SPDC did not respond. The conditions as reported verbatim in Statement No. 2/2000 of the SSA-S Supreme Command were:

- In SSA's activated areas (i.e. rural areas) no SPDC troops are allow to patrol or trespass. SPDC troops must be stationed only in the urban areas.
- SSA must have the right to establish their own Shan State people in education and financial aspects.
- Never use force to solve a problem.
- Whenever there is a battle in other areas, never levy or capture porters or provision in the SSA's area.
- SSA must have the rights to freely discuss and communicate with other ceasefire or political groups for the peace and development of the future Shan State.
- Before submitting their arms to the government, the SSA must first consult and have the consent of the Shan people.

With the hope of a ceasefire derailed, the *Tatmadaw* in February 2001 threw the weight of its dry season offensive against the SSA-S in what appeared to be an attempt to dislodge the insurgents from their border strongholds. A tense situation developed with Thailand, where recently elected Prime Minister Thaksin Shinawatra had just taken office, when army units attempting to outflank the SSA-S base at Doi Kaw Wan seized a Thai army border post at Ban Pang Noon. In response, Thai forces reportedly attacked and expelled the Burmese unit. On February 11, *Tatmadaw* forces briefly shelled the Thai border town of Mae Sai. Thai tanks moved into position in Mae Sai's main market, a short distance from the Friendship Bridge that serves as the northernmost official checkpoint dividing the two countries.⁴⁵ When the monsoon rains arrived in May, however, the SSA-S still occupied a number of strategic points along the frontier. The Burmese government through its state-run press issued a series of scathing articles linking the Thai army to the insurgents. The SPDC clearly blamed the Thai government for the SSA-S's ability to survive along the border. The Thai government denied the accusation while one army commander in turn linked the *Tatmadaw* to the drug trade and the UWSA.

Despite the shaky start to Prime Minister Thaksin's administration, the Thai government persevered in its efforts to reduce tension and improve the investment climate for Thai businesses in Burma. The government moved contentious Thai army figures out of the 3rd Army Region (responsible for border areas in the north that abut SSA-S areas) and reduced the role of a special narcotics unit trained by the United States government that was seen to be antagonizing Burmese authorities. Thai and Burmese leaders exchanged a number of high level visits, with Prime Minister Thaksin making trips to Rangoon in 2001 and 2003. By mid 2003, the relationship appeared to have improved for the time being.

The significance of any improvement in Thai-Burmese relations for the conflict in southern Shan State is that the SSA-S would be hard pressed to survive without a permissive environment on the Thai border. Indeed, in early 2003, the Thai government reportedly asked the SSA-S to move its forces farther into Burma away from its border strongholds.

⁴⁴ "Shan State Army: Negotiations Have Not Begun," *Shan Herald Agency for News*, April 2, 2000.

⁴⁵ Richard Humphries, "Myanmar's Shan State: a complex tragedy," *The Japan Times*, April 30, 2001.

2.7 THE TATMADAW'S RESPONSE TO INSURGENCY

When looking into the impact of displacement the civilian population in southern Shan State, it is important to understand how the Burmese government has responded to insurgency. Successive governments have used a number of tools to combat, weaken, and reach agreements with armed groups throughout the country: negotiations; social, economic, and political policy reform; and military offensives.⁴⁶

Ceasefires have been a powerful tool insofar as they have allowed the government to direct its military resources elsewhere and to initiate some of the hearts and minds programs that will be discussed later in this report. Though ceasefires have been used throughout the armed conflict, the latest and most widespread round of peace agreements began at the end of the 1980s following the mutiny of CPB foot soldiers against the organization's leadership.

The government supported ceasefire agreements with a hearts-and-minds program initiated in 1989 to develop the ethnic minority areas, but which also served to solidify the army's presence in these same regions. The organization responsible for these programs was the Border Area Development Program (BADP). In 1991, the organization was upgraded to the Ministry for Development of Border Areas and National Races, which in 1994, changed its name to the Ministry of Progress of Border Areas and National Races and Developmental Affairs.⁴⁷

Eighteen sub-committees were each tasked with a specific sector of the economy,⁴⁸ though development of extensive infrastructure appeared to be a top priority. The construction and upgrade of roads, it was argued, would allow outlying villages to access larger markets and would link rural areas to the national economy. Goods could be transported with increasing ease. Roads, however, serve a dual purpose. They also facilitate the rapid deployment of troops and greatly improve military logistics.

Under the auspices of the ministry, dams were also constructed to generate electricity for the border areas and to improve irrigation, and railways were extended to connect regional centers.

As will be described below, the effort to win the support of villagers in southern Shan State may have been undermined, however, by among other factors the government's pervasive use of forced labor in these projects.

It is the military component of counter-insurgency, however, that relates directly to the situation of internally displaced persons in Shan State in 2003. Beginning in the 1960s, the *Tatmadaw* used what came to be known as the "Four Cuts" to sever insurgents' access to four key strategic resources of food, funds, recruits, and information (intelligence). Communities that the government suspected of aiding rebels or which simply lie in contested zones were moved to sites where they could be more readily monitored, frequently in a town or village where soldiers were based.⁴⁹ Martin Smith, a leading expert on insurgency in Burma, describes the process:

⁴⁶ For a discussion of the various approaches see Robert Taylor, "Government responses to armed communist and separatist movements: Burma," *Governments and Rebellions in Southeast Asia*, Chandran Jeshurun (ed.), (Singapore: ISEAS), 1985, pp. 103-125.

⁴⁷ See Lt. Col. Thane Han, "Border Areas and National Races Receive Priority in National Development (1)," *New Light of Myanmar*, February 15, 1999. Lt. Col. Thane Han was the secretary of the Working Committee for the Development of Border Areas and National Races.

⁴⁸ The eighteen sub-committees are roads and bridges, transportation, health, education, agriculture, forest, livestock breeding, trade, energy, public relations, mineral exploration, communications, housing, management and finance, auditing, religious affairs, home affairs, and social welfare. From Lt. Col. Than Han, "Border Areas and National Races Receive Priority in National Development (2)," *New Light of Myanmar*, February 16, 1995.

⁴⁹ In contemporary history, militaries in as distant parts of the world as Guatemala, Burundi, and Vietnam have used forced relocation to combat insurgency. In conflicts in which insurgents may depend upon civilian villagers for cover and assistance, militaries have sought to remove villagers from the countryside into areas where they can be better monitored and controlled. In Asia, forced relocation was used by the British army in

To begin with, selected rebel areas, just 40 to 50 miles square, were cordoned off for concentrated military operations. Army units then visited villagers in the outlying fields and forests and ordered them to move to new 'strategic villages' (byu hla jaywa) under military control on the plains or near the major garrison town in the hills. Any villager who remained, they were warned, would be treated as an insurgent and ran the risk of being shot on sight. After the first visit, troops returned periodically to confiscate food, destroy crops and paddy and, villagers often alleged, shoot anyone suspected of supporting the insurgents. It was, they claim, a calculated policy of terror to force them to move.⁵⁰

Over the years estimated hundreds of thousands of villagers throughout the country were forced to move as a result of this practice. The most recent round of conflict in southern Shan State saw the extensive use of forced relocation yet again.

Malaya in the 1950s and the American and South Vietnamese militaries in Vietnam in the 1960s. Forced relocation was also a part of traditional warfare in mainland Southeast Asia. The victors routinely relocated the population of the vanquished enemy to their own kingdoms, thus strengthening their manpower pool (for development and military purposes) while denying the enemy of the same.

⁵⁰ See Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London: Zed Books, 1991) p. 259.

CHAPTER 3

THE ECONOMICS OF ARMED CONFLICT

Though they are being rapidly depleted, southern Shan State was endowed with a vast supply of natural resources. The rich soil yields among other crops rice, sesame, onions, oranges, and Virginia tobacco. Gems, minerals, and timber, however, are among the most sought after legal products, while, as Shan State is the country's center of poppy cultivation, heroin and the synthetic drug methamphetamine are the most sought after illegal ones.

The state's economic assets have played two main roles in the conflict over the years: they are fought over and they are used in political bargaining. Because so many valuable resources are at stake, armed groups, be they government or opposition, wish to control what is found in the area. For the government, the extraction of timber, gems, minerals, and other materials adds money to the state coffers. Burma's powerful regional military commanders who enjoy much local authority have also reportedly benefited from the control they exercise over the flow of economic goods.

The armed opposition has extracted or allowed the harvesting of resources in its areas to finance its struggles. The Mong Tai Army once allowed Thai loggers to cut trees in its area and taxed the traffic of goods across the border. The SSA-S is said to still tax the movement of goods through its areas.

The government has also used economic incentives to reach and anchor ceasefire agreements with a number of armed groups. By doing so, the government may believe that it is reducing the incentive to resist among these groups while creating a situation of interdependency in which it becomes more difficult for groups to begin fighting again once they are enjoying the benefits of wealth. The ceasefire groups were offered contracts, sometimes lucrative ones, for a variety of economic activities. Most of these groups are active in business not only in their special administrative areas, but throughout the country. Some of their companies are among the most successful in Burma.

But what of the local villagers? There is little popular control over natural resources in southern Shan State. Small scale business persons too have been increasingly squeezed out of sectors such as the timber industry through legal measures that favor big companies and outright threats. It is also unclear how much of the wealth accrued by the ceasefire groups and their affiliated companies is then used for the benefit of people in special administrative areas, the population that the ceasefire groups once said they were fighting for.

From the late 1990s until 2003, this economic dynamic in which money played an important role in war politics continued. An examination of the main resources at stake and some of the actors and interests involved serves to describe that dynamic.

3.1 NARCOTICS

Armed groups have been involved at various levels in the cultivation and harvest of poppies; production of opium, heroin, and methamphetamines (and other synthetic drugs); protection and transportation of raw materials and the finished product; and the collection of "tax" on the inputs and the drugs. Whether armed groups engaged in the drug trade in order to buy weapons to support their movement, came into existence to protect the drug trade, or began the business with one objective in mind and then over time changed to another, is a matter not easily sorted out. Nevertheless, to understand the conflict in southern Shan State, one must begin to understand the important role played by the drug trade.⁵¹

⁵¹ Unfortunately, a full telling of the story is well beyond the scope of this report. For detailed descriptions of the narcotics trade and the armed conflict see Alfred W. McCoy, *The Politics of Heroin: CIA Complicity in the*

The armed groups have mainly protected the raw materials and the transport to and across international borders. Processing the raw materials into narcotics has required the expertise of trained chemists, many of whom are reportedly Chinese. On the delivery side, far-reaching Chinese and Nigerian drug trafficking rings link producing areas to the world market.

In the period of independent Burma, the trade in narcotics according to experts has gone through two periods of explosive growth. First, when General Ne Win de-privatized most sectors of the economy in 1962, people sought ways to make money outside of the system and for their goods to cross international boundaries. According to Chao-Tzang Yawngnhwe, Chinese merchants with their extensive social and business networks were strongly positioned to take advantage of the demands of this new market environment.⁵² Yawngnhwe explains that at the level of the villager too, opium became a secure type of currency that could be bartered for goods in place of the kyat, in which merchants had little confidence.⁵³

The second explosion in production occurred following the demise of the CPB. Once the ceasefires were in place, the government, it has been alleged, informally permitted the former communist groups to pursue whatever business they saw fit, including the production of narcotic drugs.⁵⁴

Over 1500 tons of raw opium were harvested annually on the Burmese side of the border following the second period.⁵⁵ More than half of the product was believed to be destined for the United States each year, but significant supplies also went to Europe, Japan, Australia, and, increasingly, to Burma's neighbors - China, India, and Thailand.

In the late 1990s, the sector became increasingly more diversified, with the growth in methamphetamine production which saw attendant increase in the drug's use in Thailand. Chemicals used in the production of methamphetamines and heroin were imported from India, China, and Thailand. In 2002-2003, regional experts and members of the Thai government implicated the UWSA in the production of methamphetamine.

In all, hundreds of millions of dollars have been involved in the trade annually. A large portion of the money is believed to be reinvested in the legal economy in Burma in investments such as hotels and banks, a pattern that if true is probably welcomed at some level by officials because of the money it injects into the cash-strapped Burmese economy during this period, especially since the United States and European Union have applied increasingly stringent economic sanctions since 1997. A former United States assistant secretary of state for international narcotics and law enforcement affairs (1993-1997), Robert Gelbard, had this to say about the relationship between the drug trade and Burmese development:

Traffickers have been allowed to shroud their drug operations with layer upon layer of legitimacy. As drug traffickers move into legal business, they will have easy cover for the movement and laundering of the large sums of money produced by the heroin and amphetamine trades. Traffickers' success in legal investments may create a dangerous cycle in which the government becomes increasingly reliant on them for additional capital investments to finance Burma's economic development.⁵⁶

Global Drug Trade (New York : Lawrence Hill Books, 1991) and Ronald D. Renard, *The Burmese Connection: Illegal Drugs and the Making of the Golden Triangle* , (Boulder, Colorado : Lynne Rienner Publishers, 1996). Bertil Lintner also weaves the narcotics factor into his description of Burma's conflict in *Burma in Revolt*.

⁵² Chao-Tzang Yawngnhwe, "Shan Opium Politics: The Khun Sa Factor," *Burma Debate* , Vol. 2, No. 1, February/March 1995, p. 24.

⁵³ Ibid.

⁵⁴ Bertil Lintner, "Smack in the face: New narcotic chieftains usurp traditional drug barons," *Far Eastern Economic Review* , November 5, 1992.

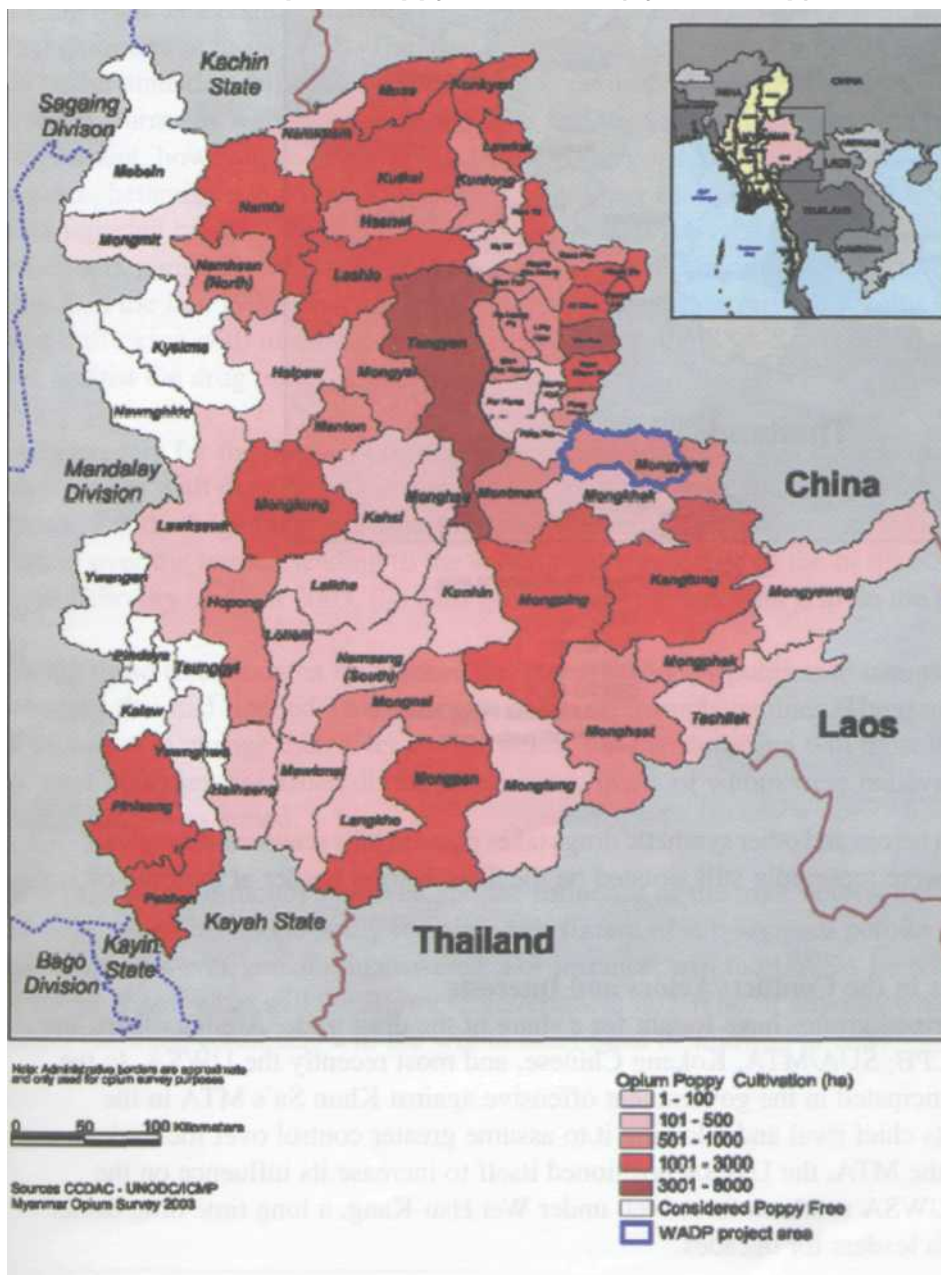
⁵⁵ Bertil Lintner, "Burma cease-fire could end decades of conflict," *Jane's Defense Weekly*, January 10, 1996, p. 14.

3.1.1 Drugs and Southern Shan State: The Scope of the Issue

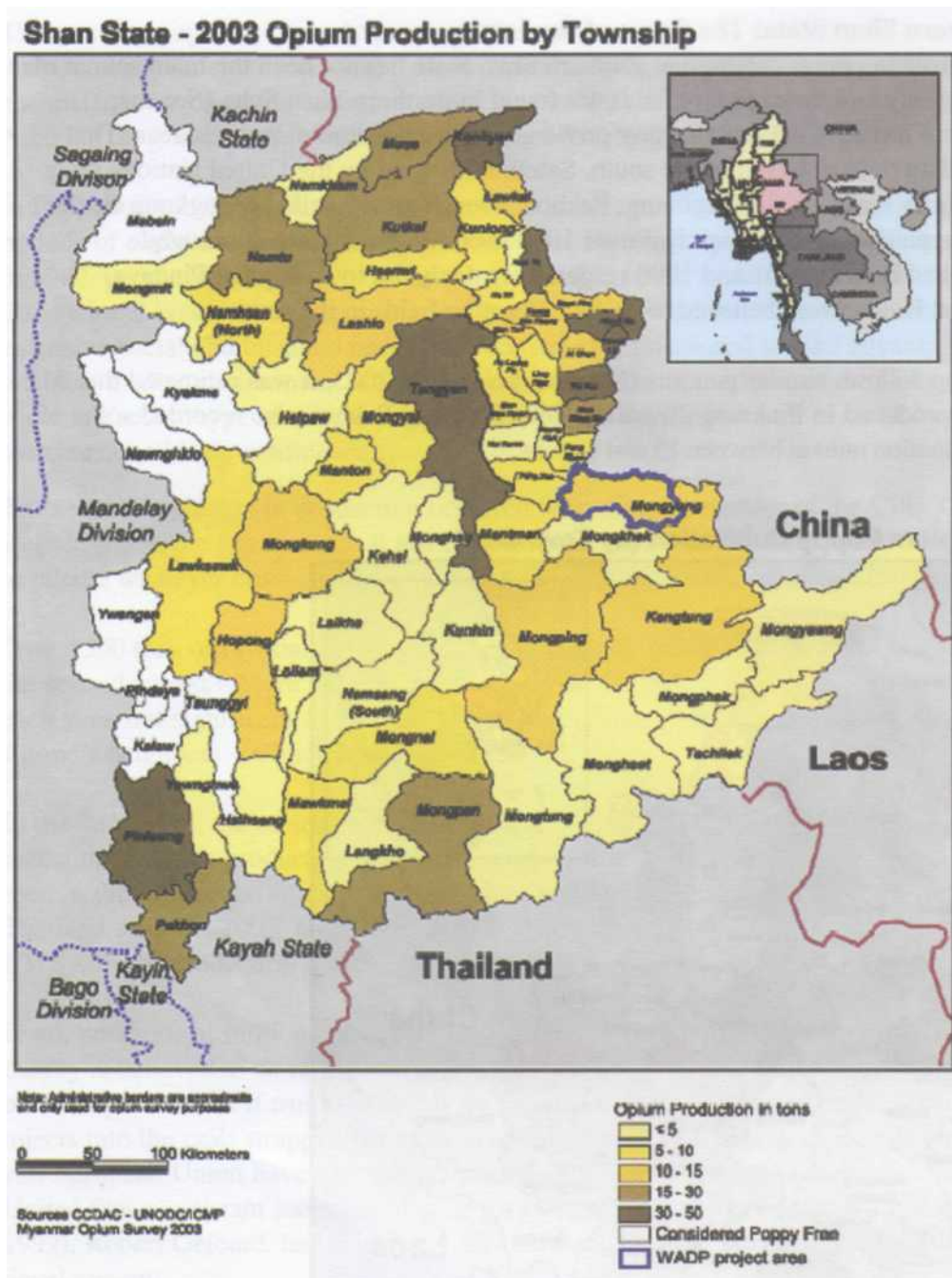
Though it has played a role in poppy cultivation, southern Shan State has not been the main source of the flower. The most densely cultivated poppy fields are found in northern Shan State (See map below) in the areas where former CPB forces enjoy privileges in special administrative areas. That does not mean the problem does not exist in the south. Satellite imaging by the United Nations Drug Control Programme reveals that in 2003 Pingloun, Pekhon, Mongkeung (spelled Mongkung on the UNDCP map) and Mongpan Townships each had over 1000 hectares under cultivation, while Mongnai and Ho Pong had between 501 and 1000 respectively. Only the townships of Pindaya, Taunggyi, Ywangan, and Kalaw were believed to be free of poppy fields in the south.

The production of opium follows similar patterns (See map below). In 2003, it was estimated that 31-50 tons of opium were produced in Pinloun Township. Mongpan and Pekhon also recorded some of the region's highest production rates at between 15 and 30 tons.

Shan State - 2003 Opium Poppy Cultivation (by Township)



⁵⁶ Robert S. Gelbard, "Burma: The Booming Drug Trade," in Robert I. Rotberg (ed.), *Burma: Prospects for a Democratic Future* (Washington, DC: Brookings Institution Press, 1998) p. 192.



Production of raw opium into heroin and other synthetic drugs takes place in labs scattered throughout Shan State, some of which were reportedly still situated on the Thai-Burma border at the time of writing.

3.1.2 The Role of Narcotics in the Conflict: Actors and Interests

Over the decades, various armed groups have fought for a share of the drug trade. Among others, the list includes the KMT, the CPB, SUA/MTA, Kokang Chinese, and most recently the UWSA. In the early 1990s, the UWSA participated in the government offensive against Khun Sa's MTA in the south, thereby eliminating its chief rival and allowing it to assume greater control over the trade in heroin. With the demise of the MTA, the UWSA positioned itself to increase its influence on the border with Thailand. The UWSA southern forces fell under Wei Hsu-Kang, a long time drug dealer who had close links with Wa leaders for decades.

While it was rumored that the government turned a blind eye to the drug trade, the UWSA reportedly struck a deal with the government to make its area drug-free by 2005. Other ceasefire groups have

made similar promises that have been to varying degrees fulfilled. While the government has been willing to take action against these smaller groups when they do not comply, the military strength of the UWSA acts as a significant deterrent to any maneuvers against them. Indeed, it appears that the UWSA instead of decreasing its production levels were in 2003 increasing them. In 2003, the Shan Herald Agency for News reported that farmers in southern Shan State who had not grown poppy before had begun to do so with much of the output from their fields claimed by the UWSA's southern force.⁵⁷

The Burmese military has also been linked to the drug trade. Many argue that it could not exist without government sanction. Other analysts have said that Burma's generals jockey for command of the border regions because of the lucrative rents that can be earned from legal and illicit border trade. Bertil Lintner explained that high ranking officers do not play a direct role in the trade, but that their subordinates collect money from the traders and then pass a portion of the profits up the chain of command as a means "to be promoted out of a dangerous and unpleasant posting."⁵⁸

The role of the SSA-S in the drug trade is unclear. The SSA-S, shortly after its creation, sought to portray itself as a counter-narcotics force in what appeared to be a move to enlist the support of the Thai government to its cause. The Thai government since the late 1980s had been moving away from the buffer state/destabilization policy that it once used to maintain a distance between Thailand and socialist Burma as well as between the CPB and the Communist Party of Thailand (CPT). The Thai government, however, by the mid-90s had become concerned by the increasing prevalence of methamphetamine use within Thai society. Alarming cases of school children addicted to the drug were reported by the Thai press. Televised news broadcast the occasional, but graphic, stories of overdosed, paranoid drug users holding women and children hostage at knife point. In a televised speech in the late 1990s, former prime minister and current privy councilor Prem Tinsulanond equated drug trafficking with treason.⁵⁹ Into this environment, the SSA-S offered its services as an ally in the war against the drug trade.

Unfortunately for the SSA-S, Prime Minister Thaksin Shinawatra upon taking office sought to improve ties with the generals in Rangoon. Though some of the most serious Thai-Burma tension occurred at the beginning of Prime Minister Thaksin's term, the government gradually tightened control over the border, leading to the subsequent weakening of the of the SSA-S as described above. From February to April 2003, the Thai government tightened its grip on the border even further.

During those three months it launched an intensive, highly publicized campaign against the narcotics networks that had flooded Thailand with cheap methamphetamines. Thousands surrendered to police or promised to change their lives for the better, but the campaign will most likely be remembered for the over 2000 persons killed during its duration, many of whom were believed to have been extrajudicially executed.

Given the sums of money involved and the influence of the main actors, the struggle for control over the drug trade will undoubtedly remain a key fixture of sub-regional politics for the next decade. Key questions, however, remain unanswered: For instance, will the UWSA be willing to end production in 2005? If not, what will the Burmese government do? Who, if anyone, would take over the trade? And if the trade continues, will the war in Shan State be allowed to end?

⁵⁷ "Corn making way for pop," *Shan Herald Agency for News*, August 25, 2003.

⁵⁸ Lintner, 1994, p. 266.

⁵⁹ A signboard bearing this quote and Prem's picture stood for years thereafter at the busy Rama IX Ramkhamhaeng Road intersection in Bangkok.

3.2 TIMBER⁶⁰

Though not as profitable as narcotics, the trade in tropical hardwoods, particularly teak, is nonetheless lucrative. Burmese logs have for years flowed illegally across the borders to China and Thailand where they were processed into lumber and furniture. Thai demand for logs rose dramatically following the 1989 logging moratorium legislated by the Chatchai Choonhavan government. Thailand at that time turned to its neighbors for new supplies of hardwood, brokering deals for Thai logging firms to operate in Burma in the same year (the SLORC discontinued the concessions in 1993).

Southern Shan State is not without its supply of trees, though less is known about the logging industry in the south than is in other areas.⁶¹ Of forestry in Shan State in general, the Burmese Ministry of Information writes:

There are dried mixed deciduous forests in the areas with an altitude of under 3,000 feet above sea level in Shan State, hill forests in the areas with an altitude of above 3,000 feet and pine woods in the areas with an altitude of above 4,000 feet, and other hardwood trees grow in the forest in low areas. Turf is seen in the areas where were [sic] deforested due to farming work. Shan State has over 200,000 acres of forest reserve.⁶²

In the south, Burmese companies in recent years concentrated on felling trees in the forests in the adjacent townships of Kengtaung, Mongnai, and Kunhing. In November 2000, the SPDC was said to have used forced labor to build a road from Kengtaung to Kunhing to facilitate the transport of logs from the area to the main transport routes to China, which with Thailand, is the largest consumer of Burmese logs.⁶³ Villagers, some of whom had once been forcibly relocated, were allowed to move back into these areas in 2002, but reportedly had to assist in the logging.

Of the armed groups, those in ceasefire with the government have benefited most from the timber trade in southern Shan State. The Shan Herald Agency for News (SHAN) reported that as of June 2003 the members of the United Wa State Army, Mong Tai Army (former commanders), the Shan State Army-North, and the Shan State Nationalities Peoples Liberation Organization were active in logging.⁶⁴ The former two were logging in the aforementioned Kengtaung-Mongnai-Kunhing area, the SSA-N in Namlan-Tong Lao-Mongkerng area, and the latter in the Mawmai-Gandu-Hsaikhao region in the southwest.

Given the intensiveness of logging, the future of southern Shan State forests, however, looks grim. The Food and Agriculture Organization (FAO) estimates the rate of deforestation nationally in Burma at 1.4%, one of the highest rates in the region.⁶⁵ In southern Shan State, a source from inside a logging company explained to SHAN that if the harvesting of timber were to proceed at the 2003 rate, that the Kengtaung teak forests on the west bank of the Salween River would cease to exist by 2005.⁶⁶ The implications of logging for the opposition and the IDPs are interrelated: deforestation removes the cover under which both can hide. Because the area is a former stronghold of the SSA-S and a

⁶⁰ For an extensive analysis of the timber industry and the part it plays in the conflicts in Burma see Global Witness, *A Conflict of Interests: The uncertain future of Burma's forests* (London: Global Witness, October 2003).

⁶¹ For a study that focuses on Kachin State but also describes the situation in Kayah, Kayin, and Mon State, see World Resources Institute, *Logging Burma's Frontier Forests: Resources and the Regime* (Washington, DC : World Resources Institute, 1998).

⁶² Ministry of Information, 2002, p. 50.

⁶³ Shan Human Rights Foundation, *Monthly Report*, December 2000, p. 4.

⁶⁴ Shan Herald Agency for News, "Logger: Salween teak forest goes out in 2005," June 21, 2003.

⁶⁵ Cited in Global Witness, p. 30.

⁶⁶ Ibid.

place in which many IDPs are reported to be hiding in remote locations, deforestation in the Kengtaung-Mongnai-Kunhing area is particularly significant.

3.3 GEMS AND MINERALS

The mines of Monghsu have become one of Burma's main sources of precious gems, particularly rubies.⁶⁷ The trade in gems is regulated by the government, though the smuggling of the stones to markets in Thailand, where a colorful assortment of entrepreneurs display their finds and cut deals in shops and along the market

sidewalks of Mae Sot and Mae Sai. Beyond providing a source of revenue to the government, the Monghsu mines have come to play an important part in maintaining the ceasefire pacts with various armed groups, since many of these groups received government concessions to mine gemstones there.

The Pa-O National Organization, in one of the more interesting cases, has used its peace pact to generate considerable profit.

The PNO gained control over several lucrative mines after its 1991 ceasefire with Yangon. In 1995, the PNO set up the Ruby Dragon Jade and Gems Company to begin gem mining in the Monghsu area. From 1996-1999 it also unsuccessfully attempted to mine jade in the Phakant region of Kachin State, an area that once was under the control of the Kachin Independence Organization (another group in a ceasefire with the government). After a brief absence from the jade mining business, the company returned to Phakant in 2000 to make an historical discovery.

Most of the people in my village farm soy beans and sesame. It's popular for some folks, though, to try their luck at the Monghsu mountain, because it's full of gems. People from all over come there to make their fortune. In the past, Monghsu town was far from any sort of prosperity. After someone discovered the gems there though, the town was packed with newcomers. Among them were some of the armed groups who 'd reached ceasefires with the government and who came in to do business there. Saw village lay on the route to the mines, just about twenty miles away. It [the mining project] turned Saw into a big village with lots of people passing through. A lot of armed men pass through Saw, but only those who have stopped fighting the government. I've seen Shan, Wa, Pa -O, and Haw Chinese soldiers and a lot of others that I didn't recognize. They never ask for anything from the villagers because they come from groups that have a lot of money. They just pass through or rest for a short time in the village, that's all.

- Man from Monghsu Township, March 14, 2002.

In that year, the company unearthed a massive jade stone measuring approximately 70 feet x 20 feet x 16 feet and weighing over 3000 tons. In 2002, PNO chairman Aung Kham Hti donated the boulder to the government on behalf of the company. The donation, the chairman stated to the *Myanmar Times and Business Review*, was made out of good will (*cetana*). "We made no demands on the State because it is the State that has made our life peaceful, developed and beautiful and we, in return, are happy to donate this huge jade stone to the State," Aung Kham Hti said. "The State has been taking care of all our needs so that we do not need to ask for anything else," he continued. "Starting with only 60 people in our group, we now employ more than 4000 people."⁶⁸

While Ruby Dragon has continued to explore for gold and other minerals throughout Burma, the company has also diversified its investments into agriculture and manufacturing. The business reportedly has 10,000 acres of land under short and long-term cultivation and has invested in a US\$10 million cement factory in Tigyt in Shan State's Pin Laung Township.⁶⁹

In addition to gemstones, information on investment in southern Shan State suggests the area also enjoys considerable mineral wealth. The Ministry of Mines in 1999 signed a profit sharing agreement

⁶⁷ For a description of the Monghsu and the Taunggyi gem market see Carol Clark, *Seeing Red: A View from Inside the Ruby Trade*, (Bangkok: White Lotus, 1999) pp. 89-97.

⁶⁸ Myo Lwin, "Massive 3000 ton jade boulder a gift to Myanmar government," *Myanmar Times and Business Review*, June 10-16, 2002 (<http://www.myanmar.com/myanmartimes/Myanmartimes6-119/images/Banner/natnew.gif>).

⁶⁹ Ibid.

with Cornerstone Resources (Myanmar) Ltd. of Australia for the production of zinc metal in the Longh Keng area of Mongpan Township.⁷⁰ The Australian office of CSA, a geological and management consulting firm, provided technical support to the project.⁷¹ The government's No.3 Mining Enterprise operates Heho Barite Mine at Bawsaing in Kalaw Township and entered a 20-year production sharing agreement with Shwe Than Lwin Mining Co. Ltd in February 2001 for coal mining in the Tigyt area.⁷²

3.4 HYDROELECTRIC POWER

The mighty Salween River, it is believed, holds great potential for hydroelectric power generation. In 2003, plans for the Tasang Dam, a massive hydro-electric project to be built on the Salween River near the bridge of the same name in Mongpan Township, were the most developed. The 188 meter dam, the highest in Southeast Asia, would potentially flood an area of 530-640 square kilometers.⁷³

Of the electricity generated by the project, around 80 percent would be exported to Thailand while the rest would be used locally. Burma has a significant power deficit, but it also does not have the infrastructure to absorb the energy produced by the dam.

Thai company Greater Mekong Subregion Power Co. Ltd (GMS) in partnership with the state-run Myanmar Economic Corporation began studying the project potential in 1997 and reached the late stages of assessment in July 2001. In December 2002, MDX Plc, the parent company of GMS, signed a Memorandum of Understanding with the SPDC for construction the 3,600 megawatt dam.⁷⁴ Because of the involvement of the Japanese Electric Power Development Corporation (EPDC) in feasibility studies, analysts suspect that the Japanese government bilaterally or through the Asian Development Bank could become involved in the estimated US\$3 billion project.⁷⁵

⁷⁰ "Profit-sharing agreement on zinc metal production signed," New Light of Myanmar, October 13, 1999 (Electronic version).

⁷¹ CSA Australia Pty. Ltd, *Resource Consultants*, http://www.csaaus.com/documents/public/publications/zinc_specialists.pdf: *Longh Keng Zinc Project*, CSA, http://www.csaaus.com/projects/project_view.asp?id=6. As a client of Cornerstone Resources (Myanmar), the company explored for zinc in central Burma in 2000 and, in April 2002, the company gave technical assistance to and helped negotiate an agreement with the SPDC for Care Minerals Corporation gold mining operation in Mandalay Division. See *Bawsaing Lead/Zinc Project*, CSA Australia, http://www.csaaus.com/projects/project_view.asp?id=91 and *Geocorporate consulting, agreement negotiations, Myanmar*, CSA Australia, http://www.csaaus.com/projects/project_view.asp?id=101. In September 2002, CSA announced that it had entered an agreement with another private company to begin a gold exploration program in central Burma., "New Myanmar project for CSA," CSA Australia, September 25, 2002.

⁷² See information on the Ministry of Mines at http://www.yangoncity.com.mm/ministry/ministry_of_mines.asp. The China Heavy Machinery Corporation provided the equipment for the two 60-megawatt power plants that would operate at the mine. See "CHMC signed contract with Myanmar for 120MW Thermal Power Station," China Heavy Machinery Corporation Web Site, August 27, 2001, <http://www.china-chmc.com/english/05/>.

⁷³ For more information on the Tasang Dam see EarthRights International, *Fatally Flawed: The Tasang Dam on the Salween River*, 2001; Richard Humphries, "Controversy Dogs Burma's Salween Dam," *Mainichi Daily News*, August 3, 2000; William Barnes, "Dam Talks Exclude Minority Groups," *South China Morning Post*, September 15, 1999; Southeast Asian Rivers Network, "The Tasang Dam in Burma's Shan State Fails to Meet WCD Standards on All Counts," *Salween Watch*, undated.

⁷⁴ MDX reportedly also has secured agreements with the SPDC to construct a coal mine, a port in Tavoy, and the Mae Sot-Rangoon road. See Yuthana Praiswan, "MDX Plans Dam on Salween," *Bangkok Post*, December 13, 2002.

⁷⁵ Salween Watch, "Japan and Plans for the Tasang Dam on Burma's Salween River," <http://www.salweenwatch.org>. Japanese engineers also reportedly surveyed the 975-ft high Kengtaung Waterfall (known locally as the Zong-Arng Waterfall) in Kengtaung Township in September 2002 to assess its hydropower potential. The site was abandoned by a Chinese team in December 2001 after 62 people reportedly died under "mysterious circumstances" during one month. "Japan inspects new hydropower plant site," *Shan Herald Agency for News*, September 28, 2002; "Hydropower project on the Namteng - again," *Shan Herald Agency for News*, November 23, 2002.

The Tasang Dam, however, has been extremely controversial. First, because its reservoir will flood such a wide area, it is estimated that the dam will displace tens of thousands of villagers. The waters will also submerge some prime forest land. The NGO Salween Watch has listed a number of other potential detrimental effects posed by the dam, including: salinization of agricultural land in Burma's delta region and extinction of species downstream and in the reservoir area.⁷⁶ On the strategic side, the dam would also pose a threat to the SSA-S because it would significantly hamper troop movement in the area.

Regardless of the controversy, Thai Prime Minister Thaksin Shinawatra reportedly gave his support to the plan in March 2003, noting that the dams would be an important component of an ASEAN power grid and would help reduce the cost of electricity in Thailand.⁷⁷

3.5 BORDER TRADE

Though control over economic inputs and products is critical, an equally important part of running any business and making profit is getting the goods to the market to the buyer. While the government may have preferred to regulate the state's wealth, many non-state actors for decades exercised control over the smuggling of goods across the border. Chao Tzang Yawngghwe suggests that Shan State's pervasive instability generated by the arrest of traditional leaders and the country's economic collapse under General Ne Win strengthened groups such as the KMT that already controlled much of the illicit cross-border trade with Thailand.⁷⁸ Burmese merchants turned to the export of natural resources through the black market to secure commercial goods imported from Thailand. The bulk of this trade had to pass through rebel controlled lands and "trade gates" where traders paid rebel "transit taxes."

While the government has captured many of the most important trade gates for smuggled goods, it has since begun to develop them into official checkpoints. In a move to formalize trade in areas once influenced by the MTA and still contested by the SSA-S, the Thai and Burmese governments promoted the development of a trade and transportation link between Mae Hong Son Province and Khun Sa's old headquarters at Homong (Homein) in Mongpan Township. Before Khun Sa surrendered, Homong enjoyed a brisk trade with Thailand through Mae Hong Son. The town and trade stagnated following the fall of the MTA and the transition to central government administration. As soon as the MTA was out of the way, however, the SLORC moved to develop the border town. Ex-MTA Colonel Mahaja became district leader and head of a local militia in December 1999. The UWSA also reportedly received some transportation concessions for the route between the town and Taunggyi. In 2002, the Thai and Burmese governments agreed to open a temporary checkpoint at Ban Huay Pheung, along the road leading to the town.⁷⁹ Though the road linking the border area was still made of dirt at the end of 2003, the Mae Hong Son governor said he expected the border pass would eventually be upgraded to a permanent checkpoints

Southern Shan State's economic wealth will continue to attract the attention of various actors in Burma and abroad. Some of these business interests will push for an end to insurgency while others will wish to maintain control over resources through a continuation of armed conflict. What is certain is that the *Tatmadaw* will seek ways in which to limit the SSA-S's influence over trade through military defeat (or at least containment) of the rebels.

⁷⁶ Ibid.

⁷⁷ Watcharaphong Thongrungs, "Hydro Project: PM backs damming of the Salween," *The Nation*, March 14, 2003.

⁷⁸ Yawngghwe, p. 124. For a description and analysis of the same effect in insurgent areas throughout Burma, see Smith, 1999, pp. 98-99.

⁷⁹ Cheevin Sattha, "Chavalit to open Thai-Burma border pass at Ban Huay Phueng," *Bangkok Post*, January 5, 2003. so Ibid.

CHAPTER 4

Village Life Before Displacement

Even before displacement, life in southern Shan State was difficult for many villagers. Though in many regards village life followed traditional patterns, the area had been plagued for decades by conflict and instability. Many villagers had suffered at least one round of displacement prior to that covered by this report. Additional constraints placed on villagers as a result of government economic and social policies and the subsequent lack of social services meant that life in the villages was a challenge.

This chapter will attempt to create a picture of what life was like for villagers before they were displaced. In this regard, the caveat on data from Chapter 1 bears brief reiteration here. There is no reliable and comprehensive baseline data, either qualitative or quantitative, for southern Shan State. What we have done in this section as a result is to present a patchwork of figures - most for southern Shan State as a whole, some for the entire Shan State, and, in a few cases, for the whole of Burma. Even among these data sources the years in which the surveys were conducted and the methods used vary. In each instance we have noted the geographical coverage and the sources. Qualitative data gathered from interviews and that of secondary sources were used as other sources of information about conditions prior to displacement.

What will become clear, however, is that even without solid data from conflict affected areas, the picture of rural life in southern Shan State during the period of 1996-2002, indeed in Burma in general, was in many regards grim.

4.1 LIVELIHOOD

Nearly all persons interviewed in the course of this research said that prior to displacement they had been small-scale farmers whose primary economic assets included land, crops, seeds, and livestock.

Their homes were made of wood or bamboo and thatch and nearly all were without electricity. The farmers cultivated between one to fifteen acres of land on which they grew some combination of rice, tobacco, sesame, corn, cauliflower, various types of fruit, and, in some cases, poppies. The majority said they used much of their harvest in their homes, sold some of their crop at the market, and sold another portion at fixed prices to government officers.

These farmers also typically owned a combination of oxen, water buffalo, pigs, and chickens, though one man interviewed had owned a profitable horse farm. As was in the case of their harvest, they kept some of the animals for their own consumption or use on the farm and sold others on the market. Unlike that on agricultural products, though, the interviewees mentioned no official duties on livestock.

Farmers were linked to the market in their own village, village tract, and the larger markets in the towns. In some cases, transportation links (roads and bridges) were poor which limited villagers'

| SOME BASIC NATIONAL LEVEL INDICATORS | |
|--|------------|
| Life Expectancy (2001)..... | 57 |
| Adult Literacy Rate (2001)..... | 85 |
| Crude Birth Rate (2001)..... | 24 |
| Infant Mortality Rate (per 1,000 live births) (2001).... | 77 |
| Under-five mortality rate (per 1,000 live births) (2001).... | 109 |
| Children Under weight for age (% under age 5), (1995-2001)... | 36 |
| Total fertility rate (per woman), (1970-75) (2000-05) | 5.8 2.9 |

access to markets during the monsoon season. A brisk cross-border trade existed with Thailand in the south and China in the north, but these transactions were often conducted by merchants who worked on a larger scale and who had the resources to transfer goods officially and clandestinely.

The average monthly household income for Shan State in rural areas in 1997 as reported in a government survey was 6429.72 kyat per month, a sum just over US\$18 at the exchange rate at the time (around US\$ = 350 kyat).⁸¹ Out of rural areas nationwide, only households in Chin and Karenni (Kayah) States ranked lower in terms of earnings. The same study showed that nearly 75% of household expenditure in rural Shan State was for food and beverages with the remainder spent on other household necessities, indicating that villagers were living hand to mouth with little disposable income or savings.⁸²

4.1.1 The "Disabling Environment:" Constraints on Livelihood in Southern Shan State

An explanation of the economic situation in the villages is derived in part from the extent to which village economic life was subject to government induced constraints. International development planners often speak of the need to create an "enabling environment" that establishes conditions that allow households to expand household income and improve their overall standard of living. The undercurrent of violence, abuse, corruption, and incentive-dampening economic policies pervading southern Shan State in the years prior to displacement was more disabling than enabling.

The government's agricultural and economic policies have dampened incentives to produce and have been unable to extend significant support to farmers. Economist Debbie Aung Din Taylor in 2002 identified three main constraints facing farmers in Burma in general which are relevant to the situation in southern Shan State during the period under study. These were inadequate credit, unstable and restrictive market policies, and mandatory cropping.⁸³

Farmers frequently require credit to help cover the costs of fertilizer, seeds, or other inputs; upgrade their assets; and improve cultivation practices. In Burma, the state-owned Myanmar Agricultural Development Bank (MADB) made available to farmers only the equivalent of US\$1 per acre in 2002 (for comparison, loans in Viet Nam were US\$16 per acre).⁸⁴ The ADB in a report of 2001 noted that seasonal loans accounted for only "10 percent of the actual costs of cultivation." Explaining the deficit, the report noted:

The MADB continues to be the major source of institutional credit for small-scale farmers, but cannot provide adequate nationwide coverage. Its main problem is a shortage of funding to expand its operations.⁸⁵

Restrictive markets and government policies also acted as disincentives in the agricultural sector. The requirement for paddy farmers to sell to the government a fixed quota of their crop at a below market prices, regardless of the amount they produced, was a considerable burden that was compounded by the inability of farmers to access international markets. That rice was then distributed to government bureaucrats as a sort of payment (part of which the officials reportedly consumed and part of which they sold) and exported abroad. The right to export rice was limited to government agencies and a

⁸¹ Central Statistical Organization, *Report of 1997: Household Income and Expenditure Survey* (Rangoon, 1999) p. 159.

⁸² Ibid., p. 190.

⁸³ Debbie Aung Din Taylor "Signs of Distress: Observations on agriculture, poverty and the environment in Myanmar," Talk delivered at the November 2002 conference on Burma: Reconciliation in Myanmar and the Crises of Change, School of Advanced International Affairs, Johns Hopkins University, Washington, DC. Reproduced in David Dapice, *Current Economic Conditions in Myanmar and Options for Growth* (Medford: Global Development and Environment Institute, Tufts University, May 2003) pp. 21-26.

⁸⁴ Ibid., p. 22.

⁸⁵ Asian Development Bank, *Myanmar: Country Economic Report*, Volume 1: Main Report (Manila: Asian Development Bank, December 2001) p. 21. Seasonal loans were repayable within one year.

few entrepreneurs.⁸⁶ When addressing these policies in its 2001 assessment of the country's socio-economic conditions, the

Current procurement policy and taxes on rice undoubtedly have a negative influence on both the volume and quality of rice production and exports. Incentives need to be improved if export earnings from rice are to be increased.⁸⁷

Though the government in 2003 said that it would end rice procurement, the system was still in place for the period under consideration for this study.⁸⁸ Procurement quotas were also set for other crops and products, though information provided by interviewees suggests that rates varied by region and over time.

As another economic constraint, Taylor notes the instability of parts of the Burmese agricultural market. To illustrate, she related the case of how sesame export was abruptly closed one year which led to not insignificant financial loss by sesame farmers in Magway Division.⁸⁹ Since interviewees from southern Shan State listed sesame among their main crops, they too were likely adversely affected by the directive.

The third disincentive documented by Taylor was mandatory cropping. She wrote that the government required some farmers to cultivate industrial crops such as cotton, jute, and sugarcane. In the Delta region, farmers were required to double and triple crop to increase rice production mainly to drive economic exports. This practice, however, led to soil degradation and lower crop yields to such a degree that farmers could not meet the government paddy quota. Taylor writes:

To deliver the required quota, farmers had to buy paddy from the market with money borrowed at exorbitant rates. Their inability to feed themselves is compounded by debts they cannot hope to repay.⁹⁰

While HARP did not have information about farmers being compelled to grow certain crops in their own fields, a similar problem of confiscation of land by the military for army farms did arise.

In the 1990s, the central command of the *Tatmadaw* reportedly instructed its units in the field to become self-sufficient in securing food supplies. This directive when implemented gave birth to two main problems for villagers living near these units. First, local battalions in many areas confiscated land, forced farmers to clear and cultivate it, and, later, forced them again to harvest the crop. One farmer reported that his field in Monghsu Township and that of three other farmers was taken by the army in 2001 to make an orange orchard. The farmer was paid nothing for the land. "Taking my fields was like cutting off my arm," he said, implying that he had lost a main source of family earnings.⁹¹

A second consequence was that government soldiers frequently requisitioned or simply stole food and livestock from the locals. In a typical scenario played out across southern Shan State, the local commander sent a list of demands to the village head, after which the village head secured the food and/or animals from the villagers. Interviewees claimed that no one dared refuse these "requests" out of fear of what the soldiers would do in response. Some villagers said that they collected funds from each house to help compensate persons who lost animals, but no one interviewed had heard of the battalions paying for the animals they took.

⁸⁶ Taylor, p. 22.

⁸⁷ Asian Development Bank, p. 17.

⁸⁸ "State ends direct purchase of paddy," *New Light of Myanmar*, April 24, 2003.

⁸⁹ Taylor, p. 22.

⁹⁰ Taylor, p. 23.

⁹¹ Interview S004, March 14, 2002, Fang District, Chiang Mai, Thailand.

Farmers said that soldiers from the SSA-S also asked for food, but that the insurgents were generally more understanding if a family could not provide it. Many of the persons interviewed said that they were willing to provide the opposition soldiers with food and other supplies since they sympathized with them as fellow Shan. Some, however, did object but feared to refuse since the Shan soldiers were armed. Pa-O villagers interviewed for this report did not mention any instances in which SSA-S soldiers asked for or demanded food, mainly because most came from areas where the SSA-S was not active. They did not mention orders or appeals for food and/or supplies by any other opposition or ceasefire group.

Demands by authorities for forced labor represented another drain on the earning potential of farmers. In southern Shan State, most villages lying in areas contested by the MTA and other groups were not liberated - they were not under the exclusive control of the MTA. Government soldiers, therefore, did have access to these areas and demanded that villagers work for them. Soldiers frequently ordered villagers to work without pay on infrastructure projects and as porters for the army battalions (the topic of forced labor is dealt with in greater detail below in Chapter 6). Men from villages in Mongkeung, Lai Kha, and Kesri Townships, for example, were reportedly used as porters in offensives in Kayah State in late 1992.⁹²

In general, the widespread abuse of human rights and mistreatment of civilians in conflict-affected areas created a climate of fear and uncertainty not conducive to the development of a stable and sustainable livelihood. As will be discussed below, much of the mistreatment stemmed from the battlefield level implementation of the government's counter-insurgency strategy. Because much of southern Shan State was contested by the Mong Tai Army in the years preceding 1996, the government had already begun to employ aspects of the Four Cuts and, as described above, was well into a military offensive on the MTA headquarters. Those counter-insurgency tactics were only intensified in the years subsequent to the fall of the MTA.

Despite the various strains on household assets and earnings, the farmers of southern Shan State, because they were still on their land, in many cases were able to replace much of what they lost and could draw on the support of the community to cope. This was not to be the case once they became displaced.

4.2 HEALTH CONDITIONS

In a chapter in a 1991 book on the future of Burma, Rolf Carriere, then head of the UNICEF country office in Burma, called on the international community to urgently respond to the country's "silent emergency."⁹³ He pointed to as critical components of this crisis the miserable state of public health, education, nutrition, and sanitation, as well as the inadequate response of the Burmese government to the immediate problems. Over a decade later, while there had been some improvement, many of the same concerns raised by Carriere persisted.

While Carriere did not address specifically the needs of villagers in conflict-affected areas, the needs he did identify were nonetheless relevant to those populations. Many problems experienced by the internally displaced prior to (and after) displacement stemmed directly from the run down state of the Burmese social service sector.

From 1962 to 1988, under the neglectful military-backed socialist government of General Ne Win and his Burma Socialist Programme Party (BSPP), Burma's social infrastructure crumbled, leaving a bare-bones system for the State Law and Order Restoration Council (SLORC) to inherit when it took power in 1988. Though it recorded some improvement, the SLORC too spent only a fraction of its

⁹² Shan Human Rights Foundation, *The Shan Case: Rooting Out the Myth of the Golden Triangle* (Thailand, 1994) p. 68-70.

⁹³ Rolf C. Carriere, "Responding to Myanmar's Silent Emergency: The Urgent Case for International Humanitarian Relief and Development Assistance," in Peter Carey (ed.), *Burma: The Challenge of Change in a Divided Society* (Houndsmill, Basingstoke, Hampshire and London : Macmillan Press Ltd., 1997) pp. 209 -234.

budget to develop the system, while it poured money into its defense program. The SPDC, as did the SLORC before it, placed the growth of the national security forces and the development of physical infrastructure ahead of that of social infrastructure.

Each of those three interrelated governments was headed by military leaders. In Burma, the military has seen itself as the guardian of the nation with its first and foremost duty being to prevent the country from fragmenting. It sought in large part to accomplish this goal through military might. During the SLORC and SPDC eras, from 1989 to 2003, the military grew from a force of around 170,000 troops to one of the region's largest armed forces, standing at nearly 400,000 persons. To supplement the growth in troop strength, the military modernized and upgraded its arms and military equipment, largely with procurements from China believed to exceed US\$1 billion in value.⁹⁴

The government's second national priority was the construction of transportation and economic infrastructure throughout the country, the focus being placed on roads, bridges, and irrigation dams. In its annual development reports, the government never failed to note in precise detail the number of bridges and dams as well as the miles of roads it had built for the year.

Where funds were available for social welfare services, they were once again funnelled into infrastructure, such as hospitals and school buildings. While acknowledging that Burma was and still is in short supply of these structures, the equipment, supplies (such as medicine), and, most importantly, the qualified personnel required to provide basic services in these buildings remained significantly lacking as of early 2003.

4.2.1 The Disease Burden

The disease burden faced by the people of Burma has been a major social and economic constraint. Bouts of malaria, tuberculosis, and respiratory infections as well as what is widely believed to be a increasing rate of HIV infection, have lowered Burmese villagers' quality of life while the extent of treatment and recovery have reduced the amount of time people could otherwise spend more meaningfully. The WHO estimated that in 2001 from birth to death the average number of years a Burmese person could expect to lose because of illness was 8.2 for males and 8.5 for females - about 15% of the total number of years in one's life.⁹⁵

Malaria is endemic in Burma. Fifty-nine percent of Burmese people live in areas of high or moderate risk.⁹⁶ In the whole of southern Shan State, WHO data showed that in 1999, the malaria morbidity rate ranged roughly from less than 50 cases per 1000 persons in some areas, to up to 50-150 infections per 1000 in others. WHO, unfortunately, presented no morbidity or mortality data for the conflict-affected areas bordering Thailand.⁹⁷ HARP also did not have access to any government data disaggregated by township.

⁹⁴ For some analysis of the *Tatmadaw's* development see Andrew Selth, "Burma's Military Expansion Program: Plans and Perceptions," *Journal of Contemporary Asia*, Vol. 26, No. 4, 1996, pp. 466-481; William Ashton, "The Burmese Navy," *Jane's Intelligence Review*, January 1994, pp. 36-37; William Ashton, "The Burmese Air Force," *Jane's Intelligence Review*, October 1994, pp. 463-466; Andrew Selth, "The Myanmar Air Force Since 1988: Expansion and Modernization," *Contemporary Southeast Asia*, Vol. 19, No. 4, March 1998, pp. 388-415.

⁹⁵ World Health Organization, <http://www3.who.int/whosis/country/indicators.cfm?country=mmr&language=en>. This is comparably better than in the Philippines (13.1 and 11.7), Viet Nam (11 and 10.4), Lao People's Democratic Republic (11.1 and 9.6), Malaysia (11.7 and 11.2), and Cambodia (10.3 and 9.1).

⁹⁶ Figure provided by the National Malaria Programme in 1999 cited in World Health Organization, *WHO Country Cooperation Strategy, Myanmar* (Rangoon: World Health Organization, June 2000) p. 4.

⁹⁷ See World Health Organization, *Malaria Morbidity (Per 1000) in Myanmar, 1999*, <http://w3.who.org/malaria/malariamorb.htm>

Countrywide, the total number of reported fatalities attributed to malaria declined from 1991 to 1997 from a rate of 5,231 deaths in 1991 to 2,943 in 1997.⁹⁸ In 2000, 2,748 people died from malaria with the malaria mortality rate for the year recorded at 5.5 per 100,000 persons.⁹⁹

Overall morbidity and mortality rates are presumed to be higher than presented since self-treated cases as well as those addressed in private practices are not reported to the government.

As of 2002, dehydration as a result of *diarrhea* was for the whole of Burma among the leading causes of death of children under five years old.¹⁰⁰ Diarrhea also exacerbated malnutrition problems among children. Unsanitary water and unsafe human excreta disposal were among the main causes of the spread of these diseases (see section on water and sanitation below). Lack of knowledge about methods for treatment and lack of materials, such as oral rehydration salts, each contributed to the mortality rate.

Acute respiratory infection (ARI), especially pneumonia, was in 1997 and remained in 2003 one of leading causes of death among children in Burma. The government estimated in its National Health Plan (1996-2000) that severe respiratory infections caused one third of all deaths in children under five.¹⁰¹ The degree of infection was thought to have been complicated further by late referral and inadequate supplies of essential drugs and equipment. This was especially true in border areas where fatality rates from pneumonia were believed to exceed 12-14%.¹⁰²

Data presented in the MICS 2000 report on the question concerning which families with "children under five years of age who had at least one episode of ARI in the two weeks preceding the survey" revealed rates of ARI in southern Shan State (around 1.5%), indeed for all of Shan State, were lower than any other state or division. Though the precise reasons for such low rates were not readily apparent, a UNICEF study offered a hint as to why this might be so: "Official data suggests that ARI illness is increasing in some areas, in part due to greater awareness of the signs of ARI on the part of care-givers, as well as improved diagnosis by basic health staff."¹⁰³ The increase in information and assessment skills in other areas may have increased the number of cases identified. The converse therefore may be true in Shan State if care-givers and medical practitioners lack the tools to identify the infection or if state care-givers are not present at all. As will be discussed below, villagers in southern Shan State have also depended largely on traditional healers for treatment of many ailments, the implication being that data on ARI and other diseases for persons treated by unregistered healers is not registered with state authorities.

The extent of **HIV** infection is a sensitive issue in Burma. The WHO and UNAIDS calculated that, at the end of 1999, 527,569 persons were HIV-infected and an estimated 185,000 persons had died of AIDS-related causes.¹⁰⁴ The SPDC, however, has not acknowledged these UN statistics but has instead reported much lower figures. It is estimated that, between 1988 and 2000, 31,453 cases were identified, including 3,400 AIDS cases and 1,344 AIDS related deaths.¹⁰⁵

⁹⁸ World Health Organization Regional Office for South-East Asia, *Review of Roll -Back Malaria Strategies in the South -East Asia Region*, Report of an Inter-country Consultative Meeting, Yogyakarta, Indonesia, 6-10 November 2001 (New Delhi: World Health Organization, June 2002) p. 13.

⁹⁹ Ibid.

¹⁰⁰ UNICEF-Myanmar, *Master Plan of Operations: Myanmar -UNICEF Country Programme of Cooperation, 2001 -2005*, (Rangoon: UNICEF, 2002) p. 33.

¹⁰¹ UNICEF, *Children and Women in Myanmar: Situation Assessment and Analysis* (Rangoon: UNICEF, 2001) p. 69.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Data reported in Asian Development Bank, *Country Economic Report: Myanmar*, Vol. 1: Main Report (Asian Development Bank, December 2001) p. 43.

¹⁰⁵ Ibid.

The government has responded to the disease through the framework of a national strategy developed under its National AIDS Program. That program:

aims to raise awareness of the disease and change behavior through information dissemination and education. The program also includes surveillance, health care and counseling, training of health care workers, condom promotion, and research.¹⁰⁶

The international response to HIV/AIDS in Burma has included projects that address prevention and care, such as condom promotion and awareness raising. The United Nations in 2003 signed an agreement with the government to launch a nationwide joint program to address HIV/AIDS which included prevention, care, and a third component on monitoring and evaluation.

Many of the international NGOs working in Burma run HIV/AIDS projects in partnership with local communities, local NGOs, the UN and, in some cases, with the coordination of the Ministry of Health. Only Population Services International, however, ran projects in southern Shan State at the time of this research.¹⁰⁷ These projects used social marketing techniques to promote condom use. HARP had access to no government documents that described its programs in southern Shan State and did not have information on the work of local NGOs. The UN reported that as of 2001, the estimated annual combined budget of the government, UN system, international NGOs, local organizations, and religious groups was \$3 million.¹⁰⁸

4.2.2 Immunization Rates

The Ministry of Public Health's National Immunization Programme with the assistance of UNICEF has sought to increase immunization coverage throughout the country to reduce vaccine preventable disease.¹⁰⁹ In 1996, the government held two national immunization days and has had a least one per year thereafter. Children under-5 were the target population, and the government claimed to have achieved a 95-99% coverage rate each year.¹¹⁰ The Multiple Indicator Cluster Survey of 2000 reported that in southern Shan State 71.1% of 1-year-old children sampled had received all available vaccinations while 12% had received none (See comparative break down of the eastern border states and divisions in Table 1 below).

¹⁰⁶ Ibid.

¹⁰⁷ World Vision had projects in Kengtung in Eastern Shan State. In Northern Shan State, CARE -Myanmar implemented prevention and care projects and Save the Children (UK) ran prevention education programs that focused on youth.

¹⁰⁸ United Nations, *United Nations Response to HIV/AIDS in Myanmar: From Joint Plan to Action: 2001 -2002* (Rangoon: United Nations, 2001) p. 9.

¹⁰⁹ UNICEF planned to continue its Universal Coverage of Immunization Project (UCI) for the programming period of 2001-2005. That program was to include support for the aforementioned national program, plus, with the collaboration of NGOs and the WHO, community-based awareness and knowledge building activities. See UNICEF-Myanmar, *Master Plan of Operations: Myanmar -UNICEF Country Programme of Cooperation, 2001 -2005*, (Rangoon: UNICEF-Myanmar, 2001) p. 32.

¹¹⁰ *Myanmar Facts and Figures 2002*, p. 175.

TABLE 1: Percentage of children age 12 -23 months currently vaccinated against childhood diseases in Burma, 2000

| | BCG | DPT 1 | DPT 2 | DPT 3 | Polio 1 | Polio 2 | Polio 3 | Measles | All | None |
|------------------------------------|-------------|-------------|-----------|-------------|-----------|-------------|-------------|-------------|-------------|-------------|
| Karenni (Kayah) | 89.1 | 90.2 | 79.3 | 62.8 | 95.9 | 88.6 | 77.3 | 67.5 | 55.6 | 1.6 |
| Karen (Kayin) | 75.9 | 73.6 | 65.1 | 59.9 | 88.3 | 85.2 | 72.8 | 70.6 | 56.4 | 9.4 |
| Mon | 96.5 | 96.5 | 92 | 86.5 | 97.5 | 95.5 | 90.5 | 86.5 | 80.0 | 2.0 |
| Shan State North | 86.3 | 86.2 | 78.6 | 72.6 | 94 | 91.8 | 85.2 | 75.9 | 68.8 | 5.5 |
| Shan State East | 76.2 | 71 | 60.7 | 50.4 | 84.5 | 84.5 | 74.9 | 62.6 | 47.8 | 14.2 |
| SHAN STATE SOUTH | 87.4 | 87.4 | 78 | 74.8 | 88 | 86.2 | 77.3 | 78.6 | 71.1 | 12.0 |
| Tenas-serim Division (Tanintharyi) | 97.1 | 96.6 | 95.6 | 92.2 | 100.0 | 99.5 | 98.5 | 93.2 | 88.8 | 0.0 |

Source: *Multiple Indicator Cluster Survey, 2000* , Department of Health Planning, Ministry of Health, pp.44 -45.

4.3 NUTRITION PROBLEMS

As of 2000, the number of children under five who were undernourished (weight for age below -2SD) in southern Shan State stood at 35.6% with a severe malnutrition rate (weight for age below -3SD) of 9.7%.¹¹¹ The lowest level of undernourishment was in northern Shan State with a rate of 22.1% while the highest rate was in Arakan (Rakhine) State at over 48.1% (See Table 2 below).

TABLE 2: Percentage of moderately and severely undernourished children under five, 2000

| State/Division | Weight for age | | State/Division | Weight for age | |
|-------------------------|--------------------|--------------------|-----------------|--------------------|--------------------|
| | Percent below -2SD | Percent below -3SD | | Percent below -2SD | Percent below -3SD |
| Shan State (N) | 22.1 | 3.7 | Magway Div. | 36.5 | 5.7 |
| Kachin State | 27.3 | 7.7 | Irrawaddy Div. | 36.8 | 6.7 |
| Mandalay Div. | 31.2 | 6.9 | Bago Div. | 37.4 | 8.6 |
| Sagaing Div. | 31.5 | 5.8 | Shan State (E) | 38.7 | 8.7 |
| Rangoon Div. | 33.4 | 5.8 | Karen State | 40.1 | 9.9 |
| Mon State | 33.5 | 5.8 | Tenasserim Div. | 40.1 | 15.7 |
| SHAN STATE (S) | 35.6 | 9.7 | Chin State | 41.3 | 9.0 |
| Kayah State | 35.9 | 6.7 | Rakhine State | 48.1 | 16.9 |

Source: MICS, 2000.

One of the possible explanations for malnutrition in Burma is contrary to the perception of Burma as an agriculturally rich country. David Chandler, a former director of World Vision's Burma office writes:

There is belief that no one starves in Burma because it is a fertile rice-growing country. This ingrained notion is very difficult to debunk. There is no question that Burma is a land of tremendous resources, with great food production capacity.

¹¹¹ MICS 2000, p. 38.

However, the MICS [1997] data indicating that 15.8 percent of children were severely malnourished indicates a serious problem...

In the townships where World Vision has projects, families say that they do not have enough to eat. They will drink rice water for nutrition, and they drink tea at night to stave off hunger pangs. It is not uncommon for families to eat meat only two times per week. There are ample data indicating that most families in Burma have limited socio-economic opportunities, and they are experiencing great pressure in meeting their basic economic needs.¹¹²

Some of the socio-economic constraints related to Chandler's assessment are detailed in the Livelihood section above.

4.3.1 Iodine Deficiency

An inadequate intake of iodine by children can lead to brain damage and mental retardation. Pregnant women suffering from iodine deficiency experience a greater number of stillbirths, spontaneous abortions, and congenital abnormalities.¹¹³ The most visible symptom of iodine deficiency is goiter - the swelling of the thyroid gland in the neck. The government's countrywide National Nutrition Surveys of 1994 and 1997 revealed national visible goiter rates (VGR) of around 33% and 25% respectively. Rates in southern Shan State were among the country's highest: 55.37% in 1994 and 55.60% in 1997.¹¹⁴

Beginning in 1997, the Ministry of Mines, with the assistance of UNICEF, sought to increase the use of iodized salt in Burmese households. The MICS 2000 reported that tests of salt in over 1500 homes in southern Shan State found that 9.9% of the sample contained no iodine, 23.5% had less than 15 parts per milligram, and 66.6% contained greater than 15 parts per milligram.

A health worker for an INGO working in Burma reported that at the end of 2002 the officially quoted national VGR rate, which INGOs also believed to be accurate, was down to 12%.¹¹⁵

4.3.2 Vitamin A Deficiency

The inadequate intake of vitamin A by children can lead to blindness and lowered resistance to infections. Since vitamin A is found in fresh fruits and vegetables, diet has much to do with vitamin A levels, but diarrhea and other diseases can deplete the body's supply.

Though clinical vitamin A deficiency reportedly declined in Burma, sub-clinical deficiency in Burma was believed to be a widespread nutrition problem in 2000.¹¹⁶ UNICEF promoted through the Department of Health the nationwide supplementation of vitamin A to children. Through this program, UNICEF made available a supply of vitamin A capsules twice per year to all children under five, usually timed with national immunization days. Of 772 children aged 6 to 59 months surveyed by the Department of Health Planning in southern Shan State in 2000, 54.6% had received a high dose of vitamin A supplement within the six months prior to the survey while 37.5% were found to never have received a supplement.¹¹⁷ The national rates from the MICS 2000 survey were 68.7% and 22.9% respectively. UNICEF extended the project to its 2001-2005 programming period.

¹¹² David A. Chandler, "Health in Burma: An Interpretive Review," in David A. Rotberg (ed.) *Burma: Prospects for a Democratic Future* (Washington, DC: Brookings Institution Press, 1998), p. 249.

¹¹³ UNICEF-Myanmar, *Children and Women in Myanmar: Situation Assessment and Analysis*, p. 73.

¹¹⁴ *Statistical Profile of Children and Women in Myanmar, 1997*, (Rangoon), p. 72.

¹¹⁵ Personal communication with author, December 4, 2002.

¹¹⁶ UNICEF-Myanmar, *Master Plan of Operations: Myanmar -UNICEF Country Programme of Cooperation, 2001 -2005*, p. 33.

in Department of Health Planning, *Multiple Indicator Cluster Survey, 2000*, (Rangoon: Ministry of Health) p. 42.

4.4 ACCESS TO SAFE WATER AND SANITATION

Access to safe drinking water and sanitary disposal of human excreta contribute to the reduction of health problems, chief among these being diarrheal diseases. Convenient and close sources of clean drinking water can furthermore reduce the amount of time spent transferring water to the home, often the responsibility of women and children.

4.4.1 Access to Safe Drinking Water

A government survey in 1997 found that people living in rural areas of Shan State (specific data was not available for southern Shan State) predominantly drew their drinking water from three sources: wells (38.51%), rivers/creeks (19.24%), and piped water systems (17.22%) (see Table 3 below).

TABLE 3: Source of Water (Percentage Distribution of Households Surveyed in Shan State)
SOURCE URBAN RURAL OVERALL

| SOURCE | URBAN | RURAL | OVERALL |
|------------------|-------|-------|---------|
| Piped Water | 3.85 | 17.22 | 11.67 |
| Artesian Well | 5.00 | 0.93 | 2.62 |
| Covered Well | 24.78 | 4.91 | 13.16 |
| Well | 58.31 | 38.51 | 46.73 |
| Pond in Compound | 0.53 | 2.83 | 1.87 |
| Pond | 1.75 | 9.15 | 6.08 |
| River/Creek | 0.00 | 19.24 | 11.26 |
| Other | 5.57 | 7.20 | 6.61 |

Source: Central Statistical Organization, *Household Income and Expenditure Survey: Report of 1997, 1999*, p. 114.

The consumption of untreated water from ponds, rivers/creeks, can lead to serious infections. The majority of villagers interviewed for this report, however, said that they did not boil or otherwise treat their water before drinking it.

4.4.2 Sanitation

Interviewees who provided information on sanitation stated that at home most used a pit latrine detached from, but within the immediate vicinity of, their homes. Government data supports this finding and provides a baseline for comparison. In the 1997 *Household and Income Expenditure Survey*, 92.73% of rural respondents from Shan State said they used uncovered pit latrines, while over 93% said that the latrines they used were private (as opposed to communal) and over 98% reported that the toilets were located within the household compound.¹¹⁸

Beginning in the early 1990s, but especially from the mid-1990s, the government with the assistance of UN agencies and NGOs, sought to improve water and sanitation facilities throughout the country. Access to sanitary latrines increased as the government, the UN, and international NGOs improved pit latrines in some areas, constructed safe latrines in others, and taught community members how to build them in still others. What is not clear from the statistics and documents accessed by HARP, however, is the extent to which these activities were carried out in southern Shan State, especially in IDPs home communities and those to which IDPs were forced to relocate.

4.5 ACCESS TO HEALTHCARE SERVICES

The disease burden and nutritional problems in southern Shan State demand a strong health system in response. That system as it existed in the mid-1990s and the early years of the new millennium, however, was unable to cope with the demands placed upon it.

Like other social services, the state healthcare system in Burma is highly centralized. The National Health Committee, chaired by General Khin Nyunt, has developed the health policy that the Minister

¹¹⁸ Central Statistical Organization, *Household Income and Expenditure Survey: Report of 1997*, (Yangon, 1999) pp. 115-116.

of Public Health in turn is supposed to implement. Relatively large hospitals offering the services of specialists are located in the capitals of states and divisions while those with fewer beds (16, 25, or 50) and limited services operate at the township centers and a few other major towns. Below the township center, the government reportedly built in each township four to seven Rural Health Centers (RHCs) and Sub-Rural Health Centers (SRHCs) at the village tract and village level. Voluntary health workers based in the towns periodically travel to rural villages to provide basic services in hard to reach and under-serviced areas.¹¹⁹

State health services, however, have thus far been unable to meet the needs of the population. The World Health Report of 2000, a global survey of health systems by the World Health Organization (WHO), ranked Burma's system (albeit, controversially) 190th out of 191 countries, ranked just ahead of Sierra Leone. Several main factors contributed to the malaise afflicting the state health services.

Already low state financing as a percentage of national spending fell throughout much of the SPDC period. The WHO, explaining the controversial 2000 ranking, estimated that given Burma's resources, the health system was performing "at less than 20% of what could be achieved."¹²⁰

Limited funding has had three main consequences. First, Burmese have had to pay the bulk of healthcare related fees must be paid from the patient's own savings. The WHO revealed that as of 2000, 82.6 percent of private expenditure was out-of-pocket. This situation has posed an obvious and considerable barrier to impoverished households access to state medical care.

A second upshot of limited funding is that hospitals and other health facilities have been understaffed. This problem is also in part a consequence of the off and on suspension of the higher education system that would normally help to produce qualified medical staff. The burgeoning private health sector and the incentives (mainly monetary) that it offers in addition has pulled doctors away from public hospitals.

Third, hospitals have suffered chronic shortages of material resources. In many cases, supplies have not been purchased or distributed. In cases where drugs are not available at the hospital, patients have been instructed to purchase their medicines at the local pharmacy. One former Burmese health worker alleged that doctors sometimes owned these pharmacies and diverted hospital supplies to them. Burma also has a serious problem with the sale of fake medicines the consumption of which can put consumer's health at considerable risk.

In remote areas, many of which had suffered decades of armed conflict, the situation was worse. Many remote villages were grossly under-served. A 2001 UNICEF assessment of the situation notes:

The remote and border areas of Myanmar have fewer health facilities, primarily due to problems with access and security. There are approximately 5.3 million people living in "Border Areas" as designated by the national authorities, but only 40 hospitals, 78 dispensaries and 24 RHCs as of 1997. This means there is one hospital per 132,500 people, one dispensary per 68,000 people and one RHC per 221,000 people, which is ten times higher than the national average.¹²¹

4.5.1 The Situation in Southern Shan State

The overall lack of public healthcare facilities in the rural areas was reflected in HARP interviews. Since the respondents generally came from small villages, nearly all reported the absence of a hospital in their home communities. The nearest hospitals were located in the respondent's own township center or that of a neighboring township.

¹¹⁹ UNICEF-Myanmar, 2001, p. 82.

¹²⁰ World Health Organization, *WHO Country Cooperation Strategy [CCS], Myanmar*, June 28, 2000.

¹²¹ Ibid.

Nearly all of the respondents said they used the hospital service only in cases of serious illness or injury and gave several reasons why this was so. First was distance. For many people, hospitals were located far from the home village, requiring anywhere from an hour's walk to three days' travel.

A second reported reason for not using hospital services was that a patient had to have a relative or other person stay with him/her while in the hospital. The presence of that individual reportedly gave hospital administrators confidence that the bill would be paid upon completion of the treatment. The person accompanying the patient was also typically responsible for bringing the patient his/her meals and for helping to transport the clothing and bedding the patient used at the hospital (hospitals were often critically short of bed space). If a family member had to chaperon the patient, then the family lost the manpower or earnings of that person for the term of hospitalization.

Some interviewees said that they did not like to go to the hospital because they were afraid of receiving injections and distrusted Western medicine, while others said that hospital care was simply too expensive. A few said that they did not like hospitals because they knew of many people who died after they were admitted. One health worker explained that this perception may have developed as a consequence of the villagers' habit of waiting until attempts at treatment locally fail and symptoms become quite severe before reporting to a hospital. Frequently it is then too late for the doctors to save them.

A few of the respondents said that a functioning rural health center was located in their home village, though again many claimed that they did not use the center's services because of their fear of injections and the high cost of treatment. Some interviewees said that they had at times used private clinics. Care at clinics tended to be even more expensive than that of hospitals and rural health centers and therefore was reserved primarily for persons with the financial means to pay.

4.5.2 Alternative Services: Coping with an Inadequate System

Villagers coped with the high hospital fees, distance to hospitals, and physician absenteeism by patronizing the services of alternative health practitioners. Shadowing the official health system, was one comprised of informal health service providers, including "injectors," medical apprentices, and traditional healers.

Injectors and medical apprentices have a similar working style and perform similar functions. Injectors typically were unqualified health workers, who gave an injection based on a patient's visible symptoms.¹²² Though less frequently patronized than injectors, apprentices were health workers who may have worked for a hospital or as a physician's assistant, but who opened his/her own practice. During their apprenticeship, they took note of how doctors treated certain symptoms. As in the case of injectors, they generally treated illness by prescribing medication that matched the visible symptoms. Problems of severe illness were said to arise in cases where symptoms were not properly assessed.

The services of injectors and apprentices were used much less frequently than those of traditional healers, mainly, again, because of the fear of needles used by the former, but also because some villagers did not trust them.

Traditional healers (*maw Tai*, in the case of the Shan) were by far the most popular source of medical care for minor illness and injury. Traditional healers came to or lived in the villagers' home communities and provided inexpensive treatment, mainly in the form of herbal medication made from natural products found in the forest or around the village. Some drew on the spirit world to address various ailments. Villagers reported that the preparation of herbal remedies was not something that the average person could do and therefore required the expertise of a healer. Proximity to homes and low cost were among the main reasons villagers depended on these healers. The healers also spoke the local language while the doctors at many of the hospitals were said to speak only Burmese (though

¹²² In Burma, many villagers believe that an injection provides a higher level of efficacy than a pill.

nurses proficient in the patient's language or other translators were said to be frequently on hand to translate).

Though much of the traditional medicine sector remained unregulated in 2003, the government had paid an increasing amount of attention to traditional medicine over the preceding five years. Within the Ministry of Health, a Department of Traditional Medicine oversaw the registration of traditional medicines and doctors. By 2000, around 5000 traditional practitioners throughout Burma had registered with the department, but it was believed that around 30,000 were actually active.¹²³ From 1988 to 2000, the government increased the number of traditional medicine clinics nationwide from 14 to 202. Shan State as of 2002 had one state traditional medicine hospital in Taunggyi, two district traditional medicine clinics, and nineteen township level traditional medicine clinics.

4.6 EDUCATION

Like the national healthcare system, the education system languished under Ne Win's socialist era and did not progress significantly under the SLORC and SPDC periods due to the country's low overall level of economic development, the low priority given to the sector by the government, and limited state access to the conflict zones.

4.6.1 The Burmese Public Education System and Education Reform

The Burmese national education system is divided into three levels: primary school (Grades K-4), middle school (5-8), and high school (Grades 9-10). Tertiary education is available at universities and technical schools.

Beginning in the 1990s, the government developed policies that aimed to raise the quality of education to international standards through system-wide reform. The education reform framework that eventually developed involved three overlapping core policies: the Education For All (EFA) Plan, 30-Year Education Plan, and, the Special Four-Year Plan for National Education.

The Education For All Plan drew on the set of goals set out in the 1990 *World Declaration on Education for All* that was the product of a UN Economic, Social, and Cultural Organization (UNESCO) sponsored meeting that sought to improve national education systems worldwide. The plan included five main objectives: expand early childhood care and development, guarantee universal access to primary education, provide appropriate training to youth and adults, reduce adult literacy, and increase individual and family access to knowledge that could help to improve their livelihood.¹²⁴

By 1996, the government had set up a series of EFA Committees to plan for and implement EFA related policies. It subsequently drew up an EFA National Plan of Action and integrated EFA goals into the other two main policy documents - the 30-Year Education Plan and Special Four-Year Plan for National Education.

The 30-year Education Plan, drawn up by the government in 1996, focused on long-term systemic education reform with goals set for five-year planning periods.¹²⁵

¹²³ World Health Organization, "Annex 5: National Health Situation," *WHO Country Cooperation Strategy [CCS], Myanmar*, June 28, 2000, p. 9.

¹²⁴ For a review of the objectives and the government program see UNESCO, *The EFA Assessment Country Reports: Myanmar*, Electronic Copy http://www2.unesco.org/wef/countryreports/myanmar/rapport_1.htm.

¹²⁵ The objectives for the 2001/2002 to 2005/2006 fiscal year included establishment of education system that contributes toward development; completion of basic education level for every citizen; uplift of quality of basic education; getting opportunities to learn pre-vocational and vocational education at basic education level; development of modern communication technology, technical know-how and learning opportunities aimed at e-Education; nurturing the all-round developed citizens; uplift of efficiency in educational management; acceleration of basic education development activities in cooperation with the people; development of non-formal education activities; and, development of education research. See "Arrangements to Be Made for Job Opportunities and Employment for Graduates Myanmar Education Committee Meets," *Myanmar Information Sheet*, April 8, 2003.

The Special Four-Year Plan for National Education (2000-2003) ultimately formed the third spoke of the education reform wheel. As explained in an Asian Development Bank (ADB) report, the goals of the plan were:

... to enhance the quality of education by movement from a "subject-centered" to a "child-centered" approach, from an exam oriented to a continuous assessment and progression system (CAPS), and to a more active participation method of teaching, promoting initiative, creativity and productivity.

A fourth education policy relevant to conflict-affected areas of southern Shan State was the Border Areas Development Programme. The priority of the program and the subsequent ministry that it became (see Chapter 2) has been since its founding to improve the living conditions in border areas, thereby helping to shore up ceasefire agreements with armed opposition groups. By 2002, the government claimed to have built 366 primary schools, 48 middle schools and 19 high schools in border areas.¹²⁶

Unfortunately, a sufficient budget allocation was not made to meet the goals outlined in each plan. According to the Ministry of Education's own figures, instead of expanding to meet the education needs of Burma's children, the SPDC's education budget as a percentage of GDP shrank from 1% in 1994/95 to just 0.3% in 1999/00, when the Special Four-Year Plan began.¹²⁷

4.6.2 The Education Situation in Southern Shan State

Despite the extensive plans for and rhetoric about education reform southern Shan State was underserved. The remoteness of many of the IDPs' home villages, three decades of instability, and limited government funding conspired to perpetuate the underdeveloped state of the education system in these areas. Many of the interviewees said their villages did not have a school. Some said the community raised funds for and built its own school. Some of these villages provided their own teachers as well with the community selecting a local knowledgeable person to lead the instruction.

Early Childhood Education

Nationally, the percentage of children age three to five attending early childhood education has been low and seen to contribute to low retention rates in primary school (i.e. children are not prepared to enter school). Net enrollment for early childhood education in southern Shan State was comparatively high in the late 1990s (See Table 4). Unfortunately, data disaggregated by township was not available. Since southern Shan State includes the relatively urbanized area of Taunggyi and its vicinity, numbers from more developed towns likely vary greatly in comparison with the less developed more conflict-affected townships farther south, thereby skewing the regional data. Nevertheless, even when taking these statistical considerations into account, the data from southern Shan State still ranked second, only behind the capital region.

¹²⁶ Ministry of Information, 2002, p. 27.

¹²⁷ Ibid., p. 37.

TABLE 4: Percentage of children aged 36-59 months who are attending some form of early childhood education program in Burma, 2000

| <u>Region</u> | <u>Attending Program</u> |
|------------------------|--------------------------|
| Rangoon Division | 22.2 |
| SHAN STATE 13.0 | |
| (SOUTH) | |
| Kayah State | 12.6 |
| Shan State (North) | 11.3 |
| Chin State | 11.2 |
| Kachin State | 11.1 |
| Mandalay Division | 10.9 |
| Sagaing Division | 10.9 |
| Bago Division | 8.2 |
| Mon State | 8.1 |
| Rakhine State | 6.0 |
| Magway Division | 5.1 |
| Shan State (East) | 5.0 |
| Irrawaddy Division | 4.6 |
| Tenasserim Division | 4.2 |
| Karen State | 0.4 |

Source: Department of Health Planning, *Multiple Indicator Cluster Survey, 2000*, (Rangoon: Ministry of Health, 2000) p. 30.

Enrolment Rates of Primary School-Aged Children

Primary school enrolment rates for southern Shan State in 2000 were at the low end of the spectrum; indeed were the whole of Shan State taken into account, it would rank lowest of all states and divisions (See Table 5 below).

Curiously, the attendance rate of girls was higher than that of boys. Persons familiar with the education situation in Shan State suggested some explanations why that might be the case. They said that the trend was in part the result of the strong traditional Shan and Pa-O practice of sending at least one young boy to be ordained as a novice monk and the tendency for young boys to work in the fields or to care for the family's livestock instead of attending school. Another aid worker who once lived in Shan State expanded on the latter point. He said that boys found the classroom where they could not understand the teacher (because he/she spoke Burmese) much less entertaining than being outside caring for animals and therefore left school.

Even before displacement, the level of access to education in many of the IDPs' home villages was poor. Interviewees explained that their children and children from their communities faced a number of obstacles when trying to access the public school system. Most small, remote villages did not have their own school. In some cases, a primary school was within traveling distance, but in others the nearest elementary school was four or five miles away. Because travel in remote parts of Shan State was primarily by ox cart or by foot, young school aged children could not easily traverse a distance of four miles, especially during the monsoon season when many country roads become virtually impassable. Middle schools and high schools were found almost exclusively in the larger towns or township centers.

TABLE 5: Percentage of children of primary school age (5-9 years old) attending primary school in Burma, 2000

| REGION | MALE | FEMALE | TOTAL |
|---------------------------|-------------|-------------|-------------|
| Tenasserim Division | 88.8 | 91.1 | 89.9 |
| Sagaing Division | 88.7 | 87.5 | 88.1 |
| Pegu Division | 87.6 | 88.5 | 88.0 |
| Rangoon Division | 87.0 | 87.2 | 87.1 |
| Kachin State | 88.2 | 85.0 | 86.7 |
| Mandalay Division | 87.0 | 86.4 | 86.7 |
| Magway Division | 88.2 | 84.1 | 86.2 |
| Mon State | 79.6 | 83.2 | 81.4 |
| Irrawaddy Division | 79.7 | 81.3 | 80.5 |
| Karenni State | 78.0 | 79.9 | 78.9 |
| Chin State | 77.6 | 70.0 | 74.0 |
| SHAN STATE (SOUTH) | 68.2 | 73.3 | 70.5 |
| Karen State | 65.2 | 70.4 | 67.7 |
| Arakan State | 55.1 | 51.8 | 53.4 |
| Shan State (North) | 50.5 | 54.6 | 52.4 |
| Shan State (East) | 47.5 | 46.1 | 46.8 |
| TOTAL | 79.9 | 80.1 | 80.0 |

Source: Department of Health Planning, *Multiple Indicator Cluster Survey*, 2000, p. 31.

The lack of qualified teachers - in some places the lack of teacher - was another problem some interviewees raised. Certified teachers have been in short supply nationwide. In 2000, the government estimated that more than 112,000 uncertified teachers remained in the system.¹²⁸ In that same year, it was claimed that approximately "30 percent of teachers do not have a university degree," and "only 11 percent possess the B.Ed, teacher training certificate."¹²⁹ According to government figures of 1999, Shan State was among the states and divisions with the lowest percentage of certified teachers.¹³⁰

One of the reasons for the shortage of teachers was the reluctance of some educators to work in rural areas. The Ministry of Education is responsible for assigning teachers to schools throughout the country. Rural schools in remote areas of southern Shan State (and other border states) tend to be located far from teachers' homes, especially if the teacher comes from central Burma. One former Burmese teacher explained that some teachers feared that in poor villages they would not receive as much community support - a vital contribution given teachers' low salaries - as they would receive elsewhere. The opportunity to make extra earnings from tutoring was also lower in remote areas where there were fewer students and families with extra income to spend on education.¹³¹ For some teachers, furthermore, assignment to a remote area was reportedly viewed as a kind of punishment. Following the pro-democracy uprising of 1988, teachers who were thought to have participated in protests or to not have done enough to keep their students from demonstrating were assigned to schools in remote areas of the country.¹³²

¹²⁸ Asia Development Bank, *Country Economic Report: Myanmar*, Volume 1, Main Report, (December 2001), p. 32.

¹²⁹ Ibid.

¹³⁰ Cited in UNICEF, April 2001, p. 109.

¹³¹ Private tutoring is one of the main ways public school teachers are able to supplement their meager incomes.

¹³² See Son Moe Wai, "Peddlers of knowledge," *Agence France -Presse*, November 24 2002.

Primary School Retention Rates

The primary school retention rate for students who entered primary school in kindergarten was 74.3 percent (i.e. 25.6 percent of the students who began kindergarten did not complete grade 4).¹³³ When asked about school attendance, parents interviewed for this report listed as reasons for absenteeism and failure to enroll the lack of teachers, insufficient family income to cover school fees and related costs, perceptions that formal education did not prepare children for future work as farmers, and the distance between the home and the school.

This list closely approximates that derived from a 1996 UNDP baseline survey in 23 townships nationwide that ranked the following as the top reasons primary school-aged children dropped out of school:

- | | |
|----------------------|------------------------------------|
| 1. Lack of funds | 5. Other |
| 2. Working | 6. Illness |
| 3. Care for siblings | 7. Poor grades |
| 4. Lack of interest | 8. Care for parents ¹³⁴ |

4.6.3 Parallel Education Opportunities in Southern Shan State

As was the case with the health sector, villagers living in areas lacking a public school or where there was a school but villagers had insufficient income to send their children or believed the lessons taught were not relevant to their lives, relied on traditional methods of education, mainly offered at the village Buddhist temple.

The Shan Literacy and Culture Committee, a legal organization based in Rangoon and Taunggyi, and its counterpart, the Pa-O Literacy and Culture Committee, have provided lessons in the Shan and Pa-O language to villagers through many parts of southern Shan State and beyond, often in cooperation with monks and the temple system. The government has allowed the organizations to conduct lessons in temples and in some public schools during the summer break, though officials have at times at some places prohibited the lessons, particularly in villages close to the fighting. Students and monks comprised the majority of the teachers, though in the Shan case, as a part of their lessons, students were also taught to teach, a kind of training-of-trainers exercise, thereby increasing the number of persons who could deliver basic Shan literacy lessons.¹³⁵ The Pa-O committee with the cooperation of the Pa-O Monks Organization and branches of the United Pa-O National Organization (UPNO) political party has operated along similar lines and conducted an annual teacher training exercise in Shan State during which a select number of teachers from Pa-O communities around the country came to learn.

Many interviewees reported that their children had received some education in the local temple, usually during the summer. These schools operated outside the formal education system and, therefore, were not included in official statistics. Lessons in the temples were open to boys and girls, indeed, to the whole community regardless of age. Children normally did not need to pay a fee to the temple for education, though at times a donation was offered by the family or community. Many persons interviewed in the course of this research said the temples in their areas taught only Shan or Pa-O literacy, but in some places Buddhist teachings were added to the curriculum. Many adult men said that the only education they had had when children was during a year to two spent as a monk and then only in religious teachings and the Shan or Pa-O language.

¹³³ Department of Health Planning, 2000, p. 32.

¹³⁴ UNICEF, *Children and Women in Myanmar: Situation Assessment and Analysis* (Rangoon: UNICEF, April 2001) p. 108.

¹³⁵ This training of trainers one spoke of the 5-point program developed for the Five Horses (*Ma Ha To*) Shan Literacy Campaign. The five abilities the campaign has sought to foster in every student are: Ability to read, Ability to write, Ability to calculate, Ability to learn, and Ability to teach.

CHAPTER 5

PATTERNS OF DISPLACEMENT IN SOUTHERN SHAN STATE

From 1996 to 2003, villagers fled forced relocation, displacement induced economic hardship, violence, and other human rights violations into six general areas: forced relocation sites, special administrative areas, remote areas, territory held by the armed opposition, and abroad. Displaced persons frequently moved back and forth between these six destinations, shifting from site to site based a mix of personal, political, safety, and economic considerations.

5.1 CAUSES OF FLIGHT

In 1996, the *Tatmadaw* moved quickly to counter the re-consolidated SURA/SSA-S by forcing villagers in eight townships to relocate to government controlled areas. The SSA-S, however, remained active and mobile, so the operation expanded to cover by 1998 a total of twelve townships: Kunhing, Namzarng, Laikha, Kesri, Mongkeung, Mongnai, Langkher, Mongpan, Mongpaeng (which lies in eastern Shan State but adjacent to the south), Monghsu, Loilem, and Hopong.¹³⁶ The Shan Human Rights Foundation recorded the move to forty-five sites of an estimated 300,000 persons from 1400 villages covering 7000 square miles.¹³⁷ This round of evictions sent tens of thousands of refugees immediately spilling into Thailand and established conditions that continued to press them across the border in early 2003.

TABLE 6: Number of Villages and Households Relocated in southern Shan State between 1996 and 1998

| TOWNSHIP | NUMBER OF VILLAGES | NUMBER OF HOUSEHOLDS |
|--------------------------------------|--------------------|----------------------|
| Kesri | 364 | 11,663 |
| Kunhing | 185 | 9,551 |
| Laikha | 201 | 8,375 |
| Mongkeung | 186 | 8,681 |
| Namzarng | 181 | 7,296 |
| Mongnai | 99 | 3,870' |
| Loilem | 129 | 2,445 |
| Mongpan | 61 | 2,031 |
| Langkher | 31 | 1,157 |
| Monghsu | 28 | 697 |
| Mongpaeng (in eastern Shan State) | 24 | 285 |
| Hopong | 17 | 243 |
| TOTAL | 1,506 | 56,294 |

Source: Shan Human Rights Foundation, 1998, pp. 3-4.

¹³⁶ See Shan Human Rights Foundation, *Dispossessed: Forced Relocation and Extrajudicial Killings in Shan State* (Chiang Mai: SHRF, April 1998), p. 4; See also for a report on the initial displacements in 1996 Shan Human Rights Foundation, *Uprooting the Shan: SLORC's Forced Relocation Program in Central Shan State* (Chiang Mai: SHRF, December 1996).

¹³⁷ *Ibid.*, p. 1.

The government's 1997 Household Income and Expenditure Survey showed that rural household size in Shan State averaged 5.67 persons.¹³⁸ If figures are accurate, they suggest that nearly 320,000 people were forced from their homes in the three year period. These figures do not include those moved from 1999-2002. Of this 300,000, the majority was ethnic Shan, but Pa-O, Akha, Lisu, Lahu, Palaung, and Chinese villagers living in the same areas were likewise forced to abandon their homes, the movement of which may not have completely documented by the SHRF.

In addition to the government's relocation program, the killing of villagers found in the vicinity of relocated villages in the rural areas forced people to move out of fear of what could happen if they stayed in the "black" areas.

Circumstances in one destination often forced the IDPs to move a second or third time in an effort to improve their situation. IDPs sometimes moved from relocation sites to remote areas in the country, to Thailand, or to other areas because they could not earn enough money to care for themselves and their family members in the towns. Harsh living conditions, particularly in hiding in the jungle, likewise forced people to move.

A closer examination of the places to which people were displaced will provide more information on the different causes of flight and subsequent strategies for survival.

AREAS AFFECTED BY FORCED RELOCATION (1996-1998)¹³⁹



5.2 TO FORCED RELOCATION SITES AND OTHER GOVERNMENT-CONTROLLED AREAS

Beginning in 1996 just after the surrender of the MTA, the Burmese army forcibly relocated hundreds of thousands of villagers in the aforementioned eleven townships. Though the depopulation program peaked during the period of 1996 to 1998, villagers continue to be uprooted in subsequent years in areas where fighting flared up. In each of the affected townships, most of the villagers were forced to the township center (a main town usually with the same name of the township) or other fortified towns.

¹³⁸ Central Statistical Organization, p. 109.

¹³⁹ Adapted from maps presented in SHRF, April 1998. Colorization represents general areas, not precise locations of villages.

Though a historically common counter-insurgency tactic, international law sets out a limited set of conditions under which forced relocation of civilians during conflict can be justified. Article 17 of the 1977 Additional Protocol to the Geneva Conventions on the Protection of Victims of Non-International Armed Conflicts (Protocol II) states: "The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand."¹⁴⁰

Unfortunately, though it has signed and ratified the Geneva Conventions which govern international armed conflict, Burma is not a signatory to Protocol II, nor has it adhered to the principles codified in it. The forced relocation of villagers in southern Shan State was not carried out for reasons of civilian safety. Villagers' lives were rarely at risk from heavy shelling or large-scale military confrontations. Contact between the armed opposition and government forces, especially in the years of massive relocation, tended to be light as the lightly armed SSA-S for the most part relied on guerrilla tactics.

There may, however, be some argument over whether forced relocation was conducted for "imperative military reasons." Supporters of the depopulation might suggest that the *Tatmadaw* needed to clear villagers from contested areas in order to deprive the rebel SSA-S of civilian support. Many of the persons interviewed admitted that they had supplied food to the SSA-S when requested to do so and a few spoke of keeping the SSA-S informed on government troop movements, a service the SSA-S at times reciprocated as a means to protect villagers by allowing them to evacuate before the arrival of the army patrol. The overarching focus of Protocol II, however, is on the protection of civilians and other non-combatants. Indeed, the International Committee of the Red Cross (ICRC) Commentary on Protocol II states

"Clearly, imperative military reasons cannot be justified by political motives. For example, it would be prohibited to move a population in order to exercise more effective control over a dissident ethnic group."

The primary goal of the so-called "Four Cuts" measures was clearly not to ensure the safety of the civilian population but to control it. Soldiers told few of the persons interviewed for this study why they were being relocated, but in those instances where they did, villagers in nearly every case were told that they were supporting the rebels and therefore had to move.

Displaced persons from Shan State in Thailand interviewed for this study explained that military officers typically ordered the

Five years ago, when the Burmese troops came to our village they went directly to the village head's home. They'd speak to him politely and didn't make threats. They'd ask for fruits and vegetables and the villagers would go gather what they had in their fields and give it to them. Shan [SSA -S] soldiers didn't operate around our village much since it was located close to the main road. They'd pass the area once a year at most.

In April 1999, though, Shan troops passed our village early in the morning around 4 or 5 am. The Burmese soldiers got wind of the move and set off in pursuit of the Shan. The Burmese shot some of the Shan soldiers when they tried to cross the road. The two sides fought for a time and a lot of Burmese troops died. After that the army moved in more soldiers to attack the Shan unit. They sealed off the area of our village and wouldn't let people or vehicles pass. The result of the fighting was trouble for the villagers. We didn't have a place to live. We didn't have food. We had to give up so much, almost our lives. Now we're not that different from the dead. Since we've come to Thailand illegally, we never know when we might be arrested and sent back. We have no security in our work. We have no safety in our lives.

Shan woman who had been forcibly relocated in Mongpan Township

¹⁴⁰ Article 17(1), *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)* of 8 June 1977. The UN Guiding Principles on Internal Displacement also instruct governments and other actors on the ways to reduce displacement and, where it occurs, to minimize the negative effect it has on the affected populace and to secure the rights of IDPs. The Guiding Principles draw on existing international law where available and therefore in line with Protocol II also discourage the forced relocation of the population.

village or village tract chief to relocate his or her community within a period of a matter of hours to up to thirty days to a site anywhere from miles away to neighboring communities a short walk away. Soldiers frequently threatened to burn down the homes of or shoot anyone who refused to move. In some cases they did burn homes and as mentioned above there are many reported cases of murder committed by the armed forces. After receiving the order, the head of the village then typically called a community meeting during which the order was read or otherwise conveyed to the villagers (a common method of transferring public information in communities in Shan State where many people are illiterate in the official language of Burmese).

Upon the day of the move, villagers had to gather their belongings and transport them to the new site. Burmese troops paid no regard to the welfare of the villagers. Displaced persons interviewed by HARP reported no instance in which soldiers or any government official assisted civilians in the transfer of their belongings. In most cases, troops simply issued the order and left the villagers to find their own means of transportation. The Burmese government furthermore failed to assess and plan for the special needs of vulnerable groups. Children, the elderly, the ill, and the physically impaired were forced to walk if they did not own a bullock cart or tractor or could not rent one.

Because villagers moved unassisted, were often given little time to organize, and frequently did not own any form of transportation, they were left with only those possessions they could carry on their backs. The displaced related to the research teams many accounts of soldiers destroying or looting those household items, food, and livestock left behind. Some speculated that this was done to deny insurgents shelter and sustenance while concurrently discouraging relocated families from returning to their homes.¹⁴¹ Other people believed that the soldiers were just taking what they wanted from the homes. Like forced relocation, looting is also an act forbidden under the international laws of war. Article 4 of Protocol II absolutely prohibits the pillage of civilian belongings, be they private or belonging to the state. Principle 21(3) of the Guiding Principles on Internal Displacement is equally uncompromising on this issue but more explicit. It states, "Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use."

The pattern of neglect continued once the displaced reached the relocation sites. The economic and humanitarian conditions in these sites will be addressed in greater detail in Chapter 7 below.

¹⁴¹ Article 4(2)(G) of Protocol II of the Geneva Conventions prohibits the pillage of civilian property and Principle 21 of the Guiding Principles on Internal Displacement which also prohibits the pillage of the property of displaced persons and requires the protection of property left behind upon displacement.

At the time we moved, the Burmese soldiers didn't order us to move, but it was impossible to stay in the village. After just one day after the fighting [between SSA -S and government forces], hundreds of soldiers from other government bases swarmed the area. They questioned and beat a number of village headmen. Several of the chiefs were badly injured, including the head of our village. Right after the fighting, he was quickly moved into the town. The Burmese troops still managed to track him from our village to the town where they took him for questioning and beat him. I heard that he had been struck many times. In this atmosphere, the villagers decided to move quickly to the main town. We had to hurry to relocate everything - those with ox carts and Itan tractors used them to transport their belongings.

Why did we have to move? We didn't have a choice. Our village was full of Burmese soldiers. Whatever they wanted to do, they did. Whatever they wanted to take, they took. It was like they had already decided we were guilty and would punish us as they liked. I don't know how to explain it. After the battle, we villagers knew what would happen to us, so we decided to move to the town. We had from 6 am to 6 pm to move our things; outside of that time period, no one was allowed to move in or out of the village. When we were moving our things, we had to pass a police checkpoint on the outskirts of the town. When they saw us coming, instead of sympathizing, instead of helping us, the police charged each cart 500 kyat to pass into the town.

Displaced woman from Mongpan Township

Though the pattern is not a focus of this report, in some instances, the internally displaced likely fled into areas firmly under the control of the Burmese government which lay outside of but proximate to the conflict zone, such as the main towns and townships west of Taunggyi and to the capital itself. Some of these townships offer the state's main tourist draws. Kalaw is a former cool highland retreat for former colonial administrators while Yawngshwe (Nyaungshwe) borders the famous Inlay Lake. Though HARP researchers interviewed no one who had fled to these aforementioned townships or to other states or divisions in Burma, sources from Taunggyi confirmed that displaced villagers had fled to the city, though by 2003 their numbers had reportedly dwindled.

One of the motivations for moving to these areas may have been that in larger cities, villagers were less likely to be called for forced labor or portering duties (see below) because of the higher population over which duties were spread and the distance from large-scale infrastructure projects and the conflict areas where workers were in demand. The local economies moreover potentially offered more opportunities for work. For villagers who did not have family members living in these areas, though, the relative expense and potential lack of information about those places would almost certainly have presented obstacles to a move.

5.3 TO SPECIAL ADMINISTRATIVE AREAS

Some villagers fled into the territory of groups under ceasefire. In southern Shan State, the PNO has had since 1991 nominal control over Special Region-6, with its headquarters in Ho Pong Township, while the SSNPLO continued to operate in parts of Hsihseng, Mawmai, Hopong, and Mongpan townships farther south toward the border with Karenni (Kayah) State. Unlike the territory under the control of the United Wa State Army, *Tatmadaw* battalions have been able to travel without prior clearance through both areas and do not disarm when entering. Nevertheless, some villagers moved into these places for relative safety since government troops were reportedly less abusive because they did not hold absolute authority and because it was supposedly easier to earn a living there.

Researchers spoke with over a dozen ethnic Pa-O villagers who had been living in Karenni (Kayah) State's Loikaw Township but who moved into the SSNPLO area of Hsihseng Township after being forced from their homes by a Burmese army battalion in 1996. They explained that they were told to move to a site along the main road, but once they saw the location, they decided to move to the SSNPLO's area in Shan State. A number had relatives living in the area, but others said they simply came because Hsihseng offered better work opportunities. Six hundred thirty nine Karenni families also reportedly fled relocation and attacks in Karenni State to Shan State to stay with Karenni relatives and villagers there.¹⁴² In Shan State itself, Pa-O civilians from Mawmai Township whose

¹⁴² BERG, 2000, p. 61.

villages had been relocated or destroyed moved into the Hsihseng area. In Hopong Township, Pa-O farmers affected by the 1998 relocation in the eastern part of the township, moved into areas under the control of the PNO in the western part.

5.4 TO REMOTE AREAS

Not everyone moved into administered areas. Some people refused to move to the relocation sites, while others initially moved to the sites but eventually found they could not survive there away from their fields and primary source of income. Some villagers subsequently took the dangerous risk of hiding in forests, in the hills, and on relatively inaccessible river islands. Nearly all lived in simple, split bamboo forest huts in near primitive conditions with little or no access to education and healthcare services. The existence of free fire zones made life in the forest particularly difficult for those persons who fled forced relocation. For fear of discovery, many of the internally displaced chose to live in small groups of three or four households and all had to take precautions not to be discovered during army sweeps, a situation that saw most of them move several times over the course of their displacement. Some of the persons interviewed had survived in hiding in extremely difficult circumstances for over five years.

LIFE IN THE FOREST

In my old village, there were about forty Shan households. Everyone farmed. Before the Burmese soldiers forced us to move, I had enough to live. I didn't have to worry about what I was going to eat or where I was going to live. I was happy. After they pushed us out, we had to live in hiding and flee them constantly. If we didn't get away, they would take you to porter for them.

My village was far from the main town [Kunhing]. Shan soldiers passed by now and then, but they didn't live in the village. The Burmese soldiers, however, accused our village of being an SSA-S village. The truth is that it's unrelated. It's more like they want to destroy the villagers. Whether there are Shan soldiers or there aren't Shan soldiers has nothing to do with us villagers. It depends on the Burmese military government. Why do they allow Shan soldiers to exist? We villagers don't want them. We want to live peacefully, happily, and comfortably.

The soldiers came and pushed us to the town of Kengkham at the end of May 1996. Soldiers from Sai Khao delivered the written order to the village at around 11 in the morning. It stated that they would be back in two days to call us to the new site. Once we heard the order, the villagers prepared to move. We ran away at night. Those with money went to Kunhing or Kali or fled across the border to Thailand.

I went with a group that went into the forest. I went there because I did not have enough money to move into the towns and didn't have enough to come to Thailand. I had to suffer in the forest. I lived there from the time they pushed us out until I just came to Thailand. I think it was around nine years [actually around six].

While I was in the forest, I lived with my family of seven people [himself, wife, and five children] and two three year old children. We grew rice for ourselves. Each year we didn't get much rice and we didn't have enough rice. I had to eat rice with taro, potato, and bananas because if we cultivated a lot the soldiers would find us. We had to live quietly. We cooked our rice in the evening when the mist lowered and the Burmese slept. If we cooked during the day, the soldiers would see the smoke and find us. I made sure to keep enough for the kids. I was afraid that they'd cry. Sometimes the children cried for rice. We had to let the children eat first. The adults just had to do without.

During the time that we worked, the older children looked after the younger ones at the huts, but if the older child was sick, we had to take the young one along to the fields. The sick one would sleep in the hut. Our fields weren't far from the huts. Eleven of us lived in three huts.

While we lived in the jungle, I had to buy medicine, cooking oil, onions, cigarettes, candles, salt and snacks at Kali town a day's walk away. I slept there for two nights because my legs would ache after all the walking. I always had to rest at least one night. I got money by picking coconuts and betel nut to sell in Kali. I got about 300 kyat each time. Some people took fish to sell. We bought things with our money. Sometimes we didn't make any profit, but still we had to try.

Local terrain, however, dictated where and to what degree this type of displacement and coping strategy was possible. The majority of persons interviewed by HARP who said that they had spent time in hiding came from Kunhing Township, which still had some forest and river islands to offer cover for the IDPs. The neighboring areas of the Kengtaung region of Mongnai Township, Kesri, and Nam Zarng are also hilly and somewhat more forested. Those areas, however, were being logged extensively in 2003, a development which will over time limit the areas in which IDPs can hide. Other more developed places, especially in the townships near the state capital, reportedly did not offer sufficient cover for villagers to conceal themselves from army patrols.

5.5 To CAMPS IN SHAN STATE ARMY-SOUTH HELD AREAS

Some villagers fled to areas under the nominal control of the SSA-S. The SSA-S since its emergence in 1996 has never controlled much territory. Since 1999, the SSA-S held three main points along the border with Thailand the first at Loi Tai Laeng, the second in an area across from Baan Terd Thai in Thailand's Mae Fah Luang District, and the third at Pieng Luang. IDPs settled nearby each of these sites in areas situated between the rebel outposts and the nearby border. The largest IDP camp, across

After a little over a year in hiding, the Burmese soldiers located our huts. At that time I was out working in the fields and a child was staying at the hut. When we heard that Burmese troops were about, we hid deeper in the forest. The soldiers burned down our huts.

During the time I spent in the forest, I had to run from Burmese patrols almost every month. Every time an army patrol entered the area, the villagers in hiding would pass news of its movement along to each other. We had to take special precautions when soldiers were in the area. We couldn't eat. We couldn't sleep. We feared that they'd find and kill us. I put together rice, salt, beans, and cigarettes in a shoulder bag, ready in case I had to flee.

In order to survive, we raised some chickens and pigs. Raising chickens wasn't easy because the roosters would crow. We had to dig a hole and put the rooster in it. We were afraid the soldiers would otherwise hear it crow. In the area I lived in there were about ten school aged children when I left. They were only from the group that fled with me, but there are many others that I didn't have contact with. Some have gone back to the towns, others have come to Thailand, but many still need help. I hadn't heard of anyone who came to help them.

As for health, no group came to help us. If a child became ill, the parents gave him or her whatever medicine they had on hand. It didn't matter if they knew what the medicine was for, only that they had something to give the child. If the condition worsened and nothing more could be done to help, then it was just left to the child's karma.

I know of one person who died because he didn't have enough food. He didn't have a wife or children and was quite old. He just had to wait for his relatives to bring him food. When his relatives lost interest in him, no one helped him, so he died two years ago. Other than that man, I know of three people who died of disease over the past three years. They just contracted normal fevers. The people who come live in the forest have to take care of themselves. In addition to the danger we face from the soldiers, we also have to contend with deadly diseases.

I did hear of one group that included a Westerner that distributed medicine and money, but it didn't reach us and I didn't go looking for them. After that, I waited for them to come again, but they did.

The truth is I lived like that for many years and didn't know how many more I'd have to continue living like that. My children, who were living in Thailand, felt sorry for me so they came and brought me to Thailand [in April 2002]. I can now eat and sleep comfortably. The only problem I have here is that I don't have an [identity] card, so I'm afraid of the police.

Sixty-three year old Shan man from Kunhing Township

from Mae Fah Luang District, sheltered nearly 2000 persons by December 2003. At that time, the SSA-S still administered the Loi Tai Laeng camp and the one across from Mae Fah Luang. The displaced at Pieng Luang had moved onto Thai territory.

Though the SSA-S may hold some very limited territory, the current strategic reality is that were it to devote the appropriate level of resources, the *Tatmadaw* could go virtually anywhere it liked in eastern Burma. This reality has serious implications for the safety of the internally displaced. Along the border, the *Tatmadaw* and the UWSA have held positions within a short march of each of the three main SSA-S bases. In other contested areas farther south, such as the Karen IDP sites of Mae La Pho Hta, Mae Phya, and Htee Wa Doh, the government forces attacked concentrations of IDPs, apparently in part because bases of armed groups were located nearby or, in some cases, armed opposition soldiers were living in the IDP camps. Mae Phya was a camp of about 1,200 villagers in Karen (Kayin) State across from Suan Pheung District of Thailand's Ratchaburi Province. Mae La Pho Hta, which at one time sheltered over 4,000 villagers, was also in Karen (Kayin) State, but just north of the Thai border town of Mae Sot. Htee Wa Doh formed a section of the Mon returnee/IDP site of Holokhanee. The three camps were ultimately attacked by the Burmese army, forcing the villagers to flee into Thailand and to other points along the border inside Burma. Attacks on IDP sites directly or as a part of an offensive on SSA-S positions, therefore, remained a distinct possibility, and, indeed, likely. One procedure the SSA-S set up to safeguard the safety of civilians in such situations was a process of advanced warning of impending military operations that would allow villagers enough time to evacuate to Thailand. The Thai government reportedly has said it would not obstruct the movement of refugees on to Thai territory during such a military offensive.

5.6 To THAILAND

For tens of thousands of civilians from southern Shan State, the least worst "solution" was to cross the border into Thailand. When they could no longer cope with conditions inside Burma, many displaced villagers gathered what little resources they had and made the trip across the frontier to Thailand where nearly all worked as undocumented migrant workers.¹⁴³

Because of the expense involved, the trip to Thailand was not something everyone could undertake. Many refugees paid for transportation to the border as passengers on the numerous trucks, vans, and other public transportation that plied the road routes between the townships in the center of the state and the border. The cost of transportation included fees which had to be paid at the numerous check points along the way. The refugees faced another layer of costs when they paid to cross the border. Some of the displaced were smuggled across the river in inflated tire tubes, others walked across, while still others were brought by vehicle. The total amount that people had to pay to move from their home townships to Thailand ranged from 10,000 to 30,000 kyat. Villagers took loans from friends and neighbors or sold some of their livestock and/or belongings to raise the required funds. Refugees reported, however, that at several relocation sites many people who wanted to come to Thailand could not because they did not have resources to make the trip.

Several hundred Shan refugees made their way to Camp 1 in Mae Hong Son Province, but that number represents just a mere fraction of the estimated one hundred thousand plus persons who took refuge outside of the camps throughout the provinces of northern Thailand. No official refugee camps, however, existed north of Mae Hong Son's Muang District at the time of writing. Though as of January 2003 some 120,000 refugees had been registered in around a dozen camps stretching from the province of Mae Hong Son in the north to Ratchaburi in the south, the Thai government continued to reject all recommendations to establish refugee camps in Chiang Mai and Chiang Rai. Regional sources estimated that the population of displaced persons from Shan State in Thailand in 2002 to be in excess of 100,000 persons, most of whom fled Burma at the onset of mass relocation in 1996. In reality, the total could be much higher since the NGOs which made the estimate counted mainly ethnic Shan refugees, not the Pa-O, Lahu, and other minority groups found scattered throughout

¹⁴³ The situation of refugees from Shan State in Thailand is discussed in greater detail in Section 7.1 below.

CHAPTER 6

VIOLENCE AND ABUSE: THE COUNTER-INSURGENCY ENVIRONMENT

The environment created by the conflict and the strategies pursued by the belligerents acted as fundamental constraints to villagers' safety, livelihood, and overall quality of life. The issues addressed in this chapter constitute both a cause of primary and secondary flight and the conditions with which many IDPs, especially those living in hiding, have had to cope.

Violence and abuse were commonplace during the years following the surrender of the MTA and emergence of the SSA-S. Much of the grief caused the populace of southern Shan State derived from the actions of the Burmese army, but it has been the nature of combat in southern Shan State that has helped to determine the tactics adopted. The dependence to some extent of the SSA-S and its predecessors on villagers for food, funds, recruits, and intelligence — and the willingness of many locals to provide these strategic assets - meant that the civilian population found itself thoroughly entangled in the armed conflict, thereby becoming a target of the government's counter-insurgency measures.

GOVERNMENT COUNTER-INSURGENCY TACTICS AND THEIR IMPACT ON CIVILIANS

| TACTIC | IMPACT |
|--|---|
| Military offensives | Portering, displacement |
| Depopulation and other populace and resource control operations | Displacement, restrictions on movement, curfews, socio-economic dislocation |
| Free fire zones | Summary executions, detention without trial |
| Mining (Land Mines) | Injury, death |
| Investigation, breaking insurgent network | Torture, detention without trial |
| "Hearts and Minds" programs, construction, upgrade, and repair of infrastructure | Forced labor and displacement |

Irrespective of the strategic imperative in the field, rules and norms codified in international humanitarian and human rights law define explicitly the manner in which unarmed civilians should be treated by combatants in such situations. While they may be subject to investigation and legal prosecution for crimes allegedly committed against the state, under no circumstances can villagers' support of the armed opposition be used to justify many of the all too frequent violent and oppressive tactics employed by the *Tatmadaw*.

6.1 TARGETING OF INTERNALLY DISPLACED PERSONS AND OTHER CIVILIANS

The killing of internally displaced civilians in southern Shan State by Burmese soldiers remained among the most serious problems of the area. In some instances, local military authorities warned civilians that should they return to their farms following forced relocation, they could be killed. This warning was part of the Burmese army's reported practice of demarcating as free-fire zones sectors where armed opposition groups were found or believed to be active.

Despite these warnings, the inability of the displaced to secure adequate food supplies in forced relocation sites forced villagers in some instances to risk returning to restricted areas to grow crops or forage for food. Once the IDPs depleted their food stocks, family members ventured back to their home villages in the free-fire zones to harvest rice, fruit, and vegetables; tend to fields; and search for lost animals. In some cases, the risk paid off with food for the risk taker's family or items that could be sold in the towns. But in other cases, the villager wound up dead.

Army patrols that discovered people in their fields or deserted villages were frequently reported to have opened fire on the villagers, especially if those people attempted to flee (which given their experience with Tatmadaw troops, they tended to do). The Shan Human Rights Foundation recorded 664 alleged killings in 1997, some of which happened in massacres.¹⁴⁴ Other reports identified some of the same cases, though figures have varied for some incidents. In the SHRF data, Kunhing Township registered the highest number of killings at 319 persons in what appeared to be a spate of reprisal killings.¹⁴⁵ The Karen Human Rights Group wrote of two other alleged massacres in 2000 - nineteen persons in January and twenty-five in February, both in Kunhing Township. In the first case, the villagers had been issued passes to return to their homes, but were nevertheless reportedly killed by Burmese troops for entering into the restricted zone.¹⁴⁶ In a report in 2000, Amnesty International documented ten cases of killing of civilians by soldiers in southern Shan State. In some instances the villagers were caught in their fields, but in others they were killed because they were suspected of giving food to insurgents.¹⁴⁷ Killings and attacks on civilians have been documented since the 1996 forced relocation and continued to be reported on a regular basis in 2003.¹⁴⁸

6.2 TORTURE

Though Articles 330 and 331 of the Burmese Penal Code of 1957 prohibit torture during interrogation, Amnesty International in 2000 reported that "torture and ill-treatment have become institutionalized in Myanmar."¹⁴⁹ Even after they had been removed from the "black areas" where they were more likely to be accused of aiding the insurgents, IDPs remained at risk of being tortured. Officials in Shan State interrogated and tortured some villagers to extract information about insurgent troop movements and alleged civilian support for the SSA-S. Villagers have described methods of torture that included the rolling of logs or other heavy, cement or metal rollers over the shins; burning; and, beating.

In one case, a 54-year-old Shan internally displaced man interviewed by HARP said he had been tortured twice when soldiers suspected that he had contacted SSA-S troops. In December 2001, "Lung Chaw" was taken from his field to the local military base. Soldiers covered his head with a plastic bag and beat him with a bamboo cane. "They thought I had been to a general meeting with the Shan rebels at their Loi Tai Laeng base. But I told them that I hadn't," the man explained. He was held incommunicado without trial with two other men in a room in the back of a local bank for nearly three months. When he reached home he found that his family thought he had died and had already held a funeral ceremony for him. Soldiers detained "Lung Chaw" again in March 2002. He said he was tortured by five soldiers at the military base, his interrogators dripping hot, melted plastic on his body and then once again beating him with a bamboo cane. They also used a heavy roller on his shins that pulled away strips of his skin, the scarring from which remained at the time of the interview. After the torture, the soldiers detained him in the back of the same bank for nearly three months. ¹⁵⁰

Torture also occurred in the context of forced labor. As will be discussed below, Burmese soldiers frequently rounded up local villagers to carry their rations, munitions, and other supplies during

¹⁴⁴ SHRF, 1998, p. 8.

¹⁴⁵ Ibid., p. 14-15;

¹⁴⁶ Karen Human Rights Group, *Exiled At Home: Continued Forced Relocations and Displacement in Shan State* (Bangkok: KHRG, April 5, 2000) p. 17. That attack was reportedly witnessed by a porter who later escaped to relate the incident to other villagers.

¹⁴⁷ Amnesty International, *Myanmar: Exodus from the Shan State* (London, 2000) pp. 6-8.

¹⁴⁸ See, for instance, Karen Human Rights Group, *Killing the Shan: The Continuing Campaign of Forced Relocation in Shan State*, (Bangkok, May 23, 1998); Amnesty International, *Myanmar: Update on the Shan State*, (London, June 1999); Karen Human Rights Group, *Exiled at Home: Continued Forced Relocations and Displacement in Shan State*, (Bangkok, April 2000); and, the monthly newsletters of the Shan Human Rights Foundation in which killings have been reported consistently over the past seven years.

¹⁴⁹ Amnesty International, *Myanmar: The Institution of Torture*, (London: Amnesty International, December 13, 2000) p. 1, Electronic version <http://web.amnesty.org/ai.nsf/print/ASA160242000?OpenDocument>.

¹⁵⁰ HARP interview, Fang District, Chiang Mai Province, Thailand, December 11, 2002.

sweeps of the local village tracts or for longer maneuvers. Soldiers in some cases physically abused porters if they could not keep pace with the column. Amnesty International in 2000 documented a case of a man from Kunhing Township whom soldiers tortured when he became fatigued and stopped to rest. The troops "pressed the crossbar of a yoke on his neck until he lost consciousness."¹⁵¹

6.3 SEXUAL VIOLENCE

In June 2002, the Shan Women's Action Network (SWAN) and the Shan Human Rights Foundation (SHRF) released a widely circulated report that documented 173 cases of alleged rape against 625 women between 1996 and 2001. International NGOs such as Refugees International and Earth Rights International, as well as the US Consulate in Chiang Mai, supported the report with their own independent investigations and findings.¹⁵² The US and EU governments condemned the SPDC for the behavior of its troops and called for an immediate impartial investigation. The SPDC accused SWAN and SHRF of being in league with the SSA-S to conduct a smear campaign against the government.¹⁵³ The SPDC, nevertheless, sent a team to investigate the allegations, but in late August 2002 it reported to the diplomatic community in Rangoon that it had found no evidence of widespread rape. The full report of the investigation was not made public.

In an October press conference in Bangkok, UN Special Rapporteur on the Situation of Human Rights in Myanmar Paulo Sergio Pinheiro suggested that an independent investigation would be needed to verify the allegations raised in *License to Rape*. In an earlier mission to Rangoon he made similar recommendations to the government stating that the investigation could be undertaken by the government itself or a neutral international organization and suggested that he could organize a team under his office to conduct the investigation. Pinheiro reportedly planned to raise the issue on his March 2003 trip to Burma, but the special rapporteur abruptly cut that trip short when he discovered a bugging device attached to the underside of a table in the room where he was interviewing a prisoner. Following his November 2003 trip to Burma, he again called for an independent investigation of abuses in Shan State. As of early December 2003, no independent investigation had taken place.

The release of the SWAN/SHRF report did have other consequences, though. Since the resumption of its activities in Burma in 1998, the International Committee of the Red Cross (ICRC) had tried to secure a presence in the conflict-affected areas of the country. This field presence was gained bit by bit through all ICRC activities in southeast Burma (Mon State, Karen State, and Tenasserim Division in particular), in Eastern Shan State, and in the visits to detainees all over the country. The situation moved forward following the release of the SWAN/SHRF report. The ICRC received permission in late 2002 to open an office in Taunggyi and to begin humanitarian operations in a number of conflict affected townships east of Taunggyi. The ICRC had earlier established an office in the eastern Shan State hub of Kengtung (Kyaingtaung) from which it was able to visit local prisons and operate health programs in a limited number of remote villages in Mong Ping Township between Kengtung and Taunggyi.

During an ICRC delegation's visit to Shan State in November 2002, the government claimed that the ICRC was conducting a counter investigation into allegations raised in *License to Rape*. The ICRC flatly denied that it was or would carry out such an inquiry.¹⁵⁴ While under its international mandate the ICRC does assess the living and security conditions of the civilian population (including the question of rape) in the context of armed conflict, it does not make information it collects available to the general public. Its approach is to engage those responsible in a dialogue - to report violations of

¹⁵¹ Ibid., p. 11.

¹⁵² See Refugees International, "Burmese Army Uses Rape as a Weapon in Ethnic Conflict," October 2002.

¹⁵³ See for instance the opinion piece in the government run newspaper: Thiri, "Beware of the concoctions," *The New light of Myanmar*, August 12, 2002. The accusation is repeated in a number of other government statements and letters. The aforementioned opinion piece even links the SWAN/SHRF report to a plot hatched with the connivance of the Thai (the SPDC calls the Thai "Yodaya").

¹⁵⁴ Statement from Michel Ducraux, Head of the International Committee of the Red Cross Delegation to Myanmar, November 5, 2002.

international humanitarian law to the responsible government or armed opposition group and monitor progress toward improving the situation. This is a global ICRC approach in conflict-affected countries to assess and, subsequently, it is hoped, improve the living and security conditions of the civilian population trapped in the midst of war.

6.4 RESTRICTION OF MOVEMENT

When armed forces wish to limit contact with and the flow of supplies to a guerrilla force, they typically place restriction on the movement of the local populace. A section of a book on counter-insurgency measures written by an American army officer as a sort of introductory manual to counter-insurgency operations has this to say this about control of the civilian populace:

Populace and resources control operations include curfews and blackout, travel restrictions, excluded or limited access areas, and a registration and pass system. MPs [Military Police] are also authorized to declare that selected items or quantities of items, such as weapons, food, and fuel, are contraband.¹⁵⁵

International human rights law also recognizes situations in which restrictions may be placed on the populace. Article 12(3) of the 1966 International Covenant on Civil and Political Rights says these restrictions are valid when they "are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others."

Travel restrictions were in place in some areas prior to the forced relocation operation, but they became more restrictive and covered a greater area after the population was pushed into the towns. In most of the southern Shan State forced relocation sites, the Burmese army prohibited the civilians' daily movement beyond a specified perimeter of the town and enforced nightly curfews. These orders were almost always backed by explicit threats to shoot or detain anyone found outside the designated area or to detain persons discovered outside their homes during curfew hours. As earlier stated, while detention can be a legitimate legal punishment for convicted violators of a military order, shooting or killing of civilians is not.

The specific distance a villager was able to travel outside of each town depended largely on local circumstances at a given time. In 1999, military commanders in Kho Lam barred residents from traveling beyond one mile of the town, while in Kunhing town people were permitted to travel only two miles outside of the town, but were at times prohibited from going beyond one hundred yards. In early 2001, restrictions at Kunhing town were relaxed to the degree that villagers could move freely within a three mile radius.

Persons who wished to travel between larger towns or, where it was permitted, to their home villages needed to secure a pass from the local authorities. In Mongnai town in 2001, villagers had to purchase a 100-150 kyat travel permit from the local army unit in order to pass one of two main gates from the town. The troops there allowed civilians to travel between large towns but otherwise prohibited undocumented travel to a five-kilometer perimeter.

Besides the daily movement outside of the relocation sites, the army enforced strict curfews. Villagers could not travel outside of the towns between dusk and dawn (when insurgents tend to be operative and mobile); some were even prohibited from stepping outside of their homes, turning on a light (blackouts), or talking after a certain time of night. For example, villagers in Kho Lam in early 2000 could not leave their homes, turn on the lights, or talk after seven in the evening. Soldiers patrolled the village and threatened to shoot anyone found breaking the rules. In January 2001, residents of Kunhing could not travel outside the town after 6 p.m. and had to turn off their lights by

¹⁵⁵ CSM James J. Gallagher, USA (Ret.), *Low-Intensity Conflict: A Guide for Tactics, Techniques, and Procedures* (Mechanicsburg, PA: Stackpole Books, 1992) p. 176. In Gallagher's book, the responsibility for populace and resource control rests with military police, not combat troops.

10 p.m. Once again, villagers violating the restrictions ran the risk of being labeled collaborators and suffering the associated consequences.

6.5 THE DANGER OF LANDMINES

Unlike the conflict affected areas of Karen State, Mon State, and Tenasserim Division, Shan State, at the time of writing, had not seen extensive use of mine warfare, though localized mining was reported. Anti-personnel landmine injuries in this region, therefore, were comparatively low. This did not mean, however, that injuries and deaths were nonexistent. A doctor affiliated with cross-border medical programs reported that medics had treated mine injuries among IDPs, mainly in Kunhing Township. Kunhing, as earlier reported, was one of the areas in which the SSA-S was especially active in its attacks. Kunhing's location as the dividing line between the SSA-S and the territory of the Shan ceasefire groups led one observer to speculate that the apparently higher use of mines in the area could be an attempt by the government to block communication and contact between the various Shan groups. Paths to the Monghsu gem mines were also reported to be mined so that smugglers and miners without a government permit would be discouraged from trying to enter the area. Mining around the Salween River was also believed to be an attempt to limit the movement of SSA-S troops back and forth across the waterway. In October 2003, a Thai general reported that materials for the Salween dam project could not be sent to Burma and, therefore, work on the dam could not begin in earnest because the area around Tasang was heavily mined.¹⁵⁶ The general, however, claimed that Burmese troops had begun demining activities in the area.

On the use of landmines by parties to the conflict, the Landmine Monitor of 2002 reported that the government produces and deploys landmines, while the SSA-S, WNA, PPLO, UWSA, and SSNPLO deploy land mines in their areas.¹⁵⁷ No information was available on PNO practices. The SSA-S claimed that it only used landmines to defend its base areas along the Thai-Burma border.¹⁵⁸ The government had not publicly explained its practices to the Landmine Monitor research staff.

Few figures are available on the number of landmine survivors or fatalities in southern Shan State. One organization familiar with the situation along the border claimed in mid 2003 to know of 84 amputees in the vicinity of Homong (Homein) in Mongpan Township, but it was not known when they had suffered their injuries, where, and in what context.¹⁵⁹ The Shan Health Committee based on the Thai-Burma border reported nineteen confirmed mine-related injuries and seven deaths for 2001 and fourteen injuries and five deaths for 2002. This data, however, was limited only to the cases the committee became aware of, mainly through cross-border work.

Assistance to landmine survivors in conflict affected areas as of 2002 remained limited. The Landmine Monitor reported the availability of government assistance as follows:

Survivor assistance continues to be marginal due to the neglect and impoverished state of the medical system in Myanmar. A mine survivor who received medical treatment in Myawaddy governmental hospital said it had cost nearly 100,000 kyat (around US\$105); being unable to pay, he sent sacks of rice harvested from his farm instead. Military casualties from within the Burmese Army are eligible to receive treatment in military hospitals in Myanmar, although some have reported having to wait unless they pay a bribe.

¹⁵⁶ Subin Khuenkaew, "Minefield delays goods on way to Buram," *Bangkok Post*, October 6, 2003.

¹⁵⁷ See International Campaign to Ban Landmines, Land Mine Monitor: 2002, (ICBL, 2002), Electronic version <http://www.nonviolenceinternational.net/seasia/Mb/Lm2002.htm>. See also the table at the Nonviolence International web page, *Survey of Non-State Armed Groups in Southeast Asia*, http://www.nonviolenceinternational.net/seasia/Mb/Nsag_Survey.htm, May 2002.

¹⁵⁸ International Campaign to Ban Landmines, *ibid*.

¹⁵⁹ Discussion with social worker, August 2003.

Physical rehabilitation and prosthetics are available to landmine survivors within Myanmar through the National Rehabilitation Centers (NRC), provided they can travel to the workshops. The ICRC runs a joint program with the NRCs to provide rehabilitation and prosthetic devices at five centers, two of which are run by the Ministry of Defense and three by the Ministry of Health. There are two centers in Rangoon, and one Mandalay, Maymyo, and Yenanthar.[80] The Myanmar Red Cross registers and refers amputees to the centers while the ICRC covers the costs of transport, lodging, and food during the time needed for a fitting.¹⁶⁰

Of the ICRC programs mentioned above, the rehabilitation and prosthetic center closest to southern Shan State was located in Mandalay.

Cross-border medical relief teams and village level medics were trained to perform victim survival procedures, but due to the limited number of these teams and the large area that they were responsible for, the probability that a team would be in the area when a survivor needed emergency assistance was quite low.¹⁶¹ As of 2003, SSNPLO medics were not trained or equipped to treat landmine related injuries.

6.6 CONSCRIPTION AND RECRUITMENT OF CHILD SOLDIERS

In October 2002, international independent rights monitor Human Rights Watch (HRW) released to date the most comprehensive study of the situation of child soldiers in Burma. The organization concluded that Burma may have the highest number of child soldiers in the world.

In terms of numbers of child soldiers, the *Tatmadaw* had far more children in its army than any armed opposition group. HRW estimated that as many as 70,000 of the armed forces' 350,000-plus soldiers could have been under the age of 18.¹⁶² This figure did not include those conscripted or recruited into the village militia, the *pyithu sit*, that are tasked with protection of the village and night patrols. In a letter to HRW, the government denied that it had child soldiers in its forces and said that, indeed, recruiting children was a violation of the Defense Services Act, under which the offender can be penalized with court-martial and up to seven years' imprisonment.¹⁶³

Later in October 2002, the government came under yet more pressure when UNICEF released a report on the use of child soldiers in East Asia and the Pacific that included the case of Burma.¹⁶⁴ That report, though it included brief testimony from child soldiers from Burma and provided an overview of general regional trends, did not delve into explicit details of the condition of child soldiers within the government or armed opposition forces.

On the side of the SSA-S, HRW in its report quoted from a document issued by the SSA-S following its annual People's Seminar in February 2001 in which the SSA-S raised the minimum age of service from 15 to 18. The item read "every able man between the age of 18 to 45 must serve in the army for one 5-year term."¹⁶⁵ HRW concluded the section on the SSA-S with the following assessment:

Since the formal change in policy of February 2001 or possibly earlier, it appears that boys under eighteen are no longer being conscripted or actively recruited and some of

¹⁶⁰ Ibid.

¹⁶¹ Nonviolence International, *The Landmine Crisis: Burma and Anti-Personnel Landmines: A Humanitarian Crisis in the Making* (Bangkok: Nonviolence International, Undated Electronic Copy) <http://www.nonviolenceinternational.net/seasia/Mb/Crisis.htm>.

¹⁶² Human Rights Watch, 2002, p. 106.

¹⁶³ Ibid., p. 213.

¹⁶⁴ United Nations Children's Fund, *Adult Wars, Child Soldiers: Voices of Children Involved in Armed Conflict in the East Asia and Pacific Region*, (Bangkok: UNICEF, 2002).

¹⁶⁵ Human Rights Watch, *"My Gun Was As Tall As Me:" Child Soldiers in Burma*, (New York: Human Rights Watch, October 2002) p. 118.

those who come forward to volunteer are being sent to schools. However, the evidence available suggests that some boys under eighteen are still being accepted into the SSA-South and that there may still be as many as several hundred child soldiers, most of whom are not being used in direct combat roles.¹⁶⁶

In early 2003, the SSA-S began to accept women in its ranks. No one interviewed by HARP, however, was aware of girl soldiers working with the SSA-S. Data was not available, though, on roles other than combatant girls might play in the organization.

On the side of advocacy, a number of international and local NGOs and UN agencies have called for demobilization, rehabilitation, and reintegration of child soldiers as well as for legal penalties to be pursued against those government and other armed groups that continued to recruit child soldiers. The Coalition to Stop the Use of Child Soldiers, for instance, engaged armed opposition groups based along the Thai-Burma border in an ongoing discussion the child soldier problem and some of the potential actions that these groups might take to reduce the number of child soldiers still in their forces. The SSA-S to some extent has participated in that process, though as of 2003 it denied the presence of child soldiers among its ranks.

At the global level, the UN system slowly developed tools that could be used to discourage the recruitment of child soldiers. In 2002, the Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict and the Rome Statute of the International Criminal Court came into force. The former set the age limit for compulsory recruitment and direct participation in hostilities at 18 years while the latter classified the conscription, enlistment or use in hostilities of children under 15 as war crimes. Within the UN Security Council system, Security Council Resolution 1379 (2001) urged UN member states to "consider appropriate legal, political, diplomatic, financial and material measures, in accordance with the Charter of the United Nations, in order to ensure that parties to armed conflict respect international norms for the protection of children." The Secretary General in his November 2002 report to the Security Council on children and armed conflict highlighted the situations in Afghanistan and four African countries, but included Burma only in a separate group of countries not on the immediate watch list.¹⁶⁷ In January 2003, however, the Security Council agreed to look into the cases of twenty countries not on the watch list. The council agreed that UN experts would monitor progress in Burma. The Security Council resolution, however, did not state what would be done in response to violations, only that it would "consider taking appropriate steps."¹⁶⁸

6.7 FORCED LABOR

Strategic planners among the Burmese army have at least recognized the need to win over the local populace, as is evidenced by the government's aforementioned Border Area Development. Counter to the objectives of this program, the implementation of the program and other develop projects, instead of winning the "hearts and minds" of the population, often created further hardship for the villagers thereby having the opposite effect.

The army for decades has utilized people for two main types of work: construction/maintenance and portering. Persons subject to this first category of work (portering will be addressed in a sub-section below) were pressed into crews to work primarily on infrastructure projects - roads, railways, irrigation works, and army-run plantations - and to maintain army camps. Interviewees from Mongkeung Township described the various jobs they had to do in early and mid 2002 for troops based at the Doi Awn military camp. In January, seven women went to work on the battalion's fields; in February, another group was forced to build a fence along the base perimeter; and, in May, a group of women

¹⁶⁶ Human Rights Watch, 2002, p. 120.

¹⁶⁷ See *Children and Armed Conflict: Report of the Secretary General*, United Nations, November 26, 2002.

¹⁶⁸ Casey Kelso, "Opinion piece: UN steps up action on child soldiers," Amnesty International, February 11, 2003.

had to dredge a smelly, trash-filled, 50-meter-long trench used to drain dish water from the camp.¹⁶⁹ Everyone interviewed from that area in mid 2002 agreed that forced labor was ongoing at that time with villagers having to commit on average around three to four days per month to government projects.¹⁷⁰

To requisition workers, local army commanders issued an order to the village head, demanding a specific number of persons for a specific date. The head was then responsible for selecting the laborers and usually required each family under his/her administration to send one "volunteer." If a family was unable to send someone to work, it had to hire a replacement for around 500 kyat per day. In some cases the worker did not have the option of employing a replacement.

Anyone who failed to report for duties, however, could be detained at the army base and/or be beaten. In one area, an interviewee said that the soldiers penalized absentees by adding an additional day of work to their load.

My husband went to cut timber in September 2001. The village headman told him to go. A total of four men went that day to cut trees. I think the order came from the army base at Ton Hung. Order to cut trees come very often - sometimes for posts, other times for tables, and still other times for homes. On that particular day the wood was for posts and the tree fell and crushed my husband.

Talking about the death of my husband pulls up strong emotions - it's like it just happened yesterday.

Nobody did anything for us after he died. Both the village headman and the army were closed mouthed about the whole affair - they didn't say a word about it officially. The headman did come to me to say that he wanted to help, but he just didn't know how. He didn't dare bring the case to the military, to blame them for forcing my husband to go work, because they have power and guns. In the end, the headman and army blamed my husband for agreeing to go. My husband died in the forest and was buried in the forest. After that it was like nothing had happened. People continued to work for the troops, just not as often. The next time the headman came to tell me to work, though, I refused. I said, "The last time, my husband went and died. Not a thing came of his death. If anyone wants to complain, let them. I don't want to go anymore."

Woman describing the death of her husband and father of their young son. The man was killed in September 2001 in Kunhing Township when while cutting logs to be used to make posts for the nearby army base a tree fell on him. The family received no compensation for his death.

Persons falling ill or injured during work typically went untreated. If they were working for more than one day, the villager had to find the means to treat himself/herself.

6.7.1 Portering

Portering is an exceptionally abusive category of forced labor. The Burmese army, however, has claimed that it cannot function in the field without porters. Forced portering, a government document argued, "is also a practice employed in countries where motorable road access is poor or nonexistent and when the armies are not mechanized."¹⁷¹ The area in which the army has had to pursue the SSAS is hilly and in some places thickly forested with few roads or open spaces for helicopters to land and take off. As a consequence, troops relied on civilian porters to carry their loads, a duty the government felt was part of a Burmese citizen's patriotic responsibility:

¹⁶⁹ HARP Interviews S065, May 31, 2002; S066, June 1, 2002; and, S067, June 1, 2002.

¹⁷⁰ This number of days is a decrease from the number of days reported by former IDPs to a HARP researcher from 1999-2001. At that time, many people said they had to work up to 15 days out of the month on government projects, an economically crippling situation.

¹⁷¹ Myanmar Information Committee, *Political Situation of Myanmar and Its Role in the Region*, Rangoon, 2000 (?), p. 24 (www.myanmar-information.net/political/politic.htm)

[I]n order for the government troops to be able to protect and secure those areas effectively it became necessary for the local villagers in the area to help provide the troops with much needed logistic support. Without the logistic support in the jungles the government troops cannot fight effectively to win the battles for the local population. It is, from the nation's point of view, a national obligation of the citizens of the country to help those who volunteer to sacrifice their lives in defending and safeguarding the country's national security.¹⁷²

The same government document goes on to explain the way in which army units supposedly requisition porters:

In the employment of porters the government troops have to request the village chiefs in the area to provide a certain number of able bodied men. These men when reaching the next village will be replaced by a new group of fresh men. But complication does arise when there are not enough men in the next village or if there are no other villages in the area.¹⁷³

The reality was that porters were often rounded up from nearby villages. Troops seized them in the midst of their fieldwork and came to villages at night to collect porters when men were more likely to be at home and unable to flee. Porters were forced to work anywhere from three days for circuit patrol of a specific group of villages to over one month on longer offensives. They went unpaid and faced particularly harsh conditions in the field. Porters had to carry heavy loads that included any combination of soldiers' clothes, food, weapons and ammunition over mountains and through malarial forests. Food and medicine were often scarce. Many porters were beaten or killed when they tired under their burdens or weakened from sickness and/or lack of food.

6.7.2 Forced Labor and Displacement

For the villagers of southern Shan State, forced labor was a problem in their home areas and once they were relocated. Once at the *relocation site*, though, the displaced became a captive labor force for the *Tatmadaw*, compelled to work on all manner of projects. Soldiers had forced nearly every person interviewed by HARP to work following relocation. Impoverished families were particularly hard hit by the practice. Many of the relocated farmers were working for a daily wage. Forced labor ate into the time that productive members of the family could have used elsewhere. Because they had meager financial resources in many cases they did not have the means to hire someone to substitute for them.

Aid workers familiar with the Pa-O *special administrative areas* claimed that villagers sheltering there were not always immune to demands for forced labor and portering. For example, people living in the townships of Hopong, Nam Sam, and Hsi Hseng were forced to build parts of the Hsi Hseng-Shwenyaung railroad between 1993 and 2000.¹⁷⁴

Villagers who had lived in *remote areas* stated that one of the reasons they decided to risk a move into the forest was to avoid demands for forced labor at the relocation sites. Once the situation in the towns became too severe, they fled. In the forest, people could not be requisitioned for labor on infrastructure projects but they could be taken for portering duties if found in their fields.

Internally displaced persons living in *sites near the SSA-S bases* obviously were not subject to government demands for labor since they were not under the authority of the Burmese government there.

¹⁷⁴ Communication with social welfare workers, August 27, 2003.

¹⁷² Ibid, p. 25.

¹⁷³ Ibid., p. 26.

A Porter's Story

I regularly had to work for the Burmese soldiers. For three years, I portered for them off and on, sometimes once a month, sometimes twice. Just before I came to Thailand [in early April 2002] I had to go with the soldiers for fifteen days. I had to porter for a unit from Battalion 43 based at Mong Biang. I went with around sixty soldiers - two commanders had three-stars, another one two-stars, and three sergeants. The officers moved around a lot, so I don't know what their names were. There were other porters from about nine villages, twenty-one Shan and six Palaung.

I had to carry forty cans of condensed milk. If I had to calculate the weight, I'd say it was around 35 kilograms. I had to put the cans in a fertilizer sack and then tie it up in a bath towel so that I could carry the load like a shoulder bag. Some people had to carry RPG (rocket propelled grenade) rounds. They strapped the grenades to a stick to carry between two men. Some others carried the actual RPGs. Other men had to carry the soldiers' clothing.

We had to carry our loads to Phamon Mountain. We traveled along a mountain path to get there. At some points we had to go down on our hands and knees to move forward. If we moved too slowly, the soldiers kicked us or, if not that, struck us with sticks. I saw the soldiers kick one of the Palaung porters. The soldiers killed a fifty-year-old porter from my village. He'd been with the troops for several days, but he just couldn't continue. The troops beat and kicked him down the mountain slope. It was a mountain just a day's walk from my village. After he died, his relatives didn't know where to go to file a complaint.

Before we left for the trip, we had to pack enough provisions for fifteen days of travel. We packed rice, cooking oil, chili, and salt. Instead of providing for us, the troops actually asked us for food. When we ran out of supplies, I had to go to the commander to ask for rice. I received just enough to keep me alive. I never ate my fill.

When we slept, the soldiers slept around us [so we couldn't slip away during the night]. They were especially wary when we neared a town because they thought we might try to escape. Once we were deep in the forest, they relaxed their guard because they knew we wouldn't be able to find our way home if we tried to run. We had to travel for five days along steep slopes before we arrived at the point of delivery where another group of soldiers was stationed on a hill. From what I understood, we were re-supplying a unit based deep in the forest along the border [with Thailand] where provision could not be delivered by vehicle.

On the way back, we didn't travel empty handed. We had to carry tins of oil. I think I traveled a total of fifteen days with that group of soldiers. Every time I had to porter it was for columns from Camp 43. The soldiers would send orders to our village head and then the head would inform a number of villages about the requisition. We went once per month. If we couldn't go ourselves, we had to hire someone for 1500 kyat per day. If I had hired someone to replace me in my last trip, I would have had to pay more than 15000 kyat. There was no way to refuse. If you didn't go, soldiers would come to the village and arrest you. I don't know of anyone who ever refused.

If I hadn't come to Thailand I'm sure I'd still have to work for them. I never heard that the soldiers would stop using villagers to work for them.

6.7.3 The International Response to Forced Labor

The use of forced labor by the SPDC is in contradiction with Burma's obligation as a signatory of International Labour Organization (ILO) Convention 29, which bans the practice in all but specific circumstances related to emergencies, prison labor, and "normal" civic obligations.¹⁷⁵

¹⁷⁵ The 1930 International Labour Organization Convention (ILO) No. 29 Concerning Forced or Compulsory Labour, which Burma has ratified, prohibits the use of forced labor with the exception of compulsory military service, normal civic obligations, work by convicted persons under the direction of public authorities, emergency situations (war and natural and man made disasters), and minor communal service in the direct interest of the community. The 1957 ILO Convention No. 105, which Burma has not signed or ratified, prohibits the use of forced labor for purposes of economic development.

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The work conducted by villagers - road building, camp maintenance, construction of religious structures, sentry duties, and portering - falls well outside normal civic obligations. An ILO Commission of Inquiry in 1998 found the SPDC to be in violation of its obligation under Convention No. 29 and recommended, among other things, that the government:

- amend or repeal the Village and Towns Acts that form the legal basis for forced labor in domestic law,
- order an immediate end to the practice, enforce that order, and permit independent verification of compliance.

On October 27, 2000, just prior to an ILO meeting that would decide whether to recommend punitive measures against Burma, the SPDC ordered all authorities to stop using forced labor.¹⁷⁶

In spite of the government directive, forced labor continued throughout many parts of the country. In a 2001 press release that denounced the SPDC for failing to enforce its own order, Human Rights Watch recounted a case in which a Shan farmer had been forced to work on a military base in January 2001.¹⁷⁷ In its response to the release faxed to the *Associated Press*, the SPDC called into doubt that the incident involving the farmer had ever taken place and went on to claim that the case would have been reported to the local authorities and that "appropriate legal action would have been taken against those who breached the existing rules." When the government issued its October 2000 directive it claimed that it had been widely circulated. During the course of this research, however, only five persons had heard of the order, suggesting a very low level of awareness. This is somewhat understandable for persons living in hiding in remote areas where access to official information was obviously limited only to times the displaced visited the towns and when someone who had visited a town reported news upon return to the hiding place. But given the efficiency in which orders for forced labor were passed through the public information system, it is confusing as to why so few people were aware of the change in policy. HARP researchers were also told of no instance in which a government official was investigated, tried, or punished for alleged requisition of labor.

¹⁷⁶ Ministry of Home Affairs Order, "Prohibiting Requisition of Forced Labour," No. 1002(3)/202/Oo4, October 27, 2000. See also Ministry of Home Affairs Order, General Administration Department, "Prohibiting Requisition of Forced Labour," No. 100/112-6/Oo 1, October 28, 2000;

¹⁷⁷ Human Rights Watch, "Burma Violates Own Ban in Use of Forced Labor," March 7, 2001.

In 2002, after several years of negotiation, the ILO was able to station an officer in Rangoon whose duty it was to monitor developments related to forced labor, though it was unclear to what extent the person was able to travel independently and to which areas. Following the May 30, 2003, attack on National League for Democracy (NLD) leader Aung San Suu Kyi's caravan near the town of Depayin in northern Burma and the subsequent *de facto* house arrest of the NLD's top leadership and other members, the ILO suspended its activities.

Despite international pressure and advocacy, interviewees as detailed above confirmed that as of the end of 2002 the requisition of labor was ongoing. Reports by other organizations revealed that it continued in 2003.¹⁷⁸

¹⁷⁸ See, for instance, Earth Rights International, *Entrenched: An Investigative Report on the Systematic Use of Forced Labor by the Burmese Army in a Rural Area* (Chiang Mai: Earth Rights International, June 2003).

CHAPTER 7

THE IMPACT OF Internal DISPLACEMENT

Displacement almost always has a profound impact on household and community social and economic systems. Assets are lost, economic networks destroyed or disabled, and services disrupted. The effect felt by the villagers of southern Shan State was no less.

7.1 THE IMPACT ON LIVELIHOOD

The most obvious affect displacement had on villagers was the separation of the people from their household level economic assets: land, tools, seeds, and livestock. Without these and with only rudimentary but often no aid forthcoming from authorities and aid organizations, the villagers were left with few other resources they could utilize to cope with displacement. As will be seen below, for some, this lack of resources further hampered their access to public healthcare and education services as well as food. For some, conditions forced them to move once more into dangerous restricted areas or across the border to Thailand.

7.1.1 In Forced Relocation Sites

In all instances, farmers evicted from their homes suffered a significant loss of economic assets. Most of the displaced found it impossible to transport the bulk of their belongings from their homes to the relocation sites. They lost produce, livestock, and seeds, as well as tools, clothing, and other household items. In some cases, villagers attempted to return to their homes to recover some of these items and bring them to the new site, but this involved a high degree of risk because since they could be detained or killed if discovered in the restricted areas. Even when they managed to make their way to their homes, they did not always find their belongings, since some had been looted or destroyed. With no one to watch them, animals also wandered away from the home the home village.

Sometimes hungry animals grazed on or trampled crops, destroying them before they could be harvested. IDPs reported that some animals had been killed and eaten by Burmese troops without compensating the owners.

Securing sufficient cultivable land presented one of the first major challenges once they were in the relocation sites and had identified some sort of shelter. In their home villages, though plots were reportedly small, farmers usually had enough land to sustain their families, albeit with shortages at times and with meager, if any, savings. IDPs forced to the relocation sites, which usually lay on the outskirts of large towns, had to purchase or rent a new piece of land, live on a military allotted plot, or take shelter with friends or relatives. Because the area's original residents already occupied much of the prime cropland close to the towns, the newcomers were not always able to secure a cultivable plot. Even in cases where land was available, most villagers did not have enough money to purchase a new plot and therefore were living on parcels much smaller than what they had lived on at their homes. In a few places, the military assigned a plot of land to the family, usually only large enough for a small shelter. If the IDPs wanted land sufficient to grow crops, they again had to purchase it.

Adding yet more weight to the already overburdened IDPs, because of their proximity to the military bases, villagers were often forced to work for the army (see section on forced labor above for details). Forced labor was especially onerous for female headed households. A family typically had to send only one person to work, usually a man, but in cases where there was only one adult member, that person often had to go. This meant that if that one person was trying to care for a family by working for daily wages, that person's house received no earnings for that day (while in cases where two

adults were present, at least one could be earning some money while the other worked for the soldiers). The loss of a day's wages for families surviving hand-to-mouth only confounded their efforts to cope. In some cases, parents sent their children to work for the troops so that the adults could continue with paid labor.

Villagers nevertheless tried to make do in their difficult circumstances through a number of coping strategies. Many hired themselves to local farmers or others in need of labor around the town. The local wage rate, in many cases, however, was depressed by the influx of hundreds, and in some cases thousands, of displaced persons. The presence of so many new workers with a limited number of available jobs, villagers claimed, created a situation in which they could not find work or in which the work that they did find was for too little pay. Compounding the lack of earnings, the influx of IDPs who were no longer producing on their farms apparently pushed up the cost of food and other necessities at the relocation sites by increasing demand while reducing supply.

As another strategy to cope with displacement and the lack of income, many of the IDPs stayed with relatives, and, in some cases, helped them with the family farms or other work. As the period of displacement dragged on, some of the displaced began to see themselves as a burden. Some former

IDPs said that when they failed to earn enough money to cover their expenses, they sought employment in Thailand, since they did not want to be a liability for their relatives. IDPs who could not find food or money in other ways begged. Fortunately for the displaced, Burmese society is generally a charitable one, so neighbors and sometimes strangers shared their food.

Other IDPs sought alternative ways to cope with the lack of food and money. Some eventually slipped back to their old fields to work in secret, while others scavenged for roots, wild vegetables, or other forest products that they could eat and/or sell in the market. Both coping strategies, however, were dangerous.

As previously mentioned, during the early years of relocation, the military strictly controlled the movement of villagers back into the rural areas. Even travel between the main towns initially required a pass.

As for food, we had to buy everything. But we didn't have work, so we didn't have money to take care of our families. So many people were begging in the market. Many of those begging were children, around one hundred of them. When a car passed by, these kids would run in a flock behind it to ask for food. Sometimes car owners would buy candies to hand out to the children.

Twenty-two year old man describing the situation he and other villagers faced following relocation.

By 2002, the army had allowed greater freedom of movement in parts of southern Shan State. Displaced farmers could request a permit to work at their home fields for a stretch of one to ten days. Once the pass expired, they needed to return to the relocation site to request a new one. Most of the people who took advantage of this system maintained a home in both places - at the relocation site and the field. This pass system was in place through much of southern Shan State at the end of 2002, but was still subject to sudden suspension when local army units were attacked. In such cases, battalions also refused to recognize the pass issued by another unit and were reported to have attacked some villagers as reported in Chapters 5 and 6 above.

7.1.2 In Special Administrative Areas

The IDPs who moved into the special administrative areas interviewed for this research were mainly farmers who had gone to live with their relatives. Those coming from Karenni (Kayah) State said that they had come for economic reasons - that the ceasefire areas offered better "business opportunities," meaning that it was easier for them to farm or secure another regular source of income there. The relative stability of the special administrative areas meant that if the IDP could secure adequate amounts of land, then they could lead a relatively normal life in these areas. Some of the Pa-O IDPs also had relatives in the two areas that they could rely on for help in the transition from flight to a more settled lifestyle.

7.1.3 In Remote Areas

Though villagers were removed from the daily pressures of the town and proximity to the Burmese army, securing a source of regular earnings while hiding in remote areas was extremely difficult and often ultimately proved impossible.

Because the hiding places lay in "black areas," villagers suffered from an unrelenting sense of insecurity that severely constrained their ability to cultivate. Farmers were able to grow some food, but they needed to take precautions so that their fields would not be discovered. If soldiers did come across a field with no one around, the worst they generally did was destroy the crop. If, however, they happened upon people working in those fields, those villagers potentially faced interrogation, forced portering, detention, or shooting without question. One interviewee who had lived in a forest in Kunhing Township said that in 2001, while he and two other villagers were going to check on their fields, they ran into an army patrol. The soldiers took the two other villagers prisoner and shot at the interviewee as he fled.

Despite the risks involved, the IDPs managed to grow some of what they needed, but had to find ways to supplement their diet and purchase other necessities. If the hiding spots were close enough, a member of the IDP family took part of their produce to sell in the town market. IDPs also foraged for wild vegetables and other forest produce to trade in the markets. They brought back food that they could not grow, medicine, and other necessary materials. Other than this very meager income, IDPs living in hiding had no other reported source of earnings.

The need to hide also limited the IDPs social and community assets. Because they tended to live in small groups with only limited means of communication, social structures that existed in the village did not function here. They IDPs benefited little and often not at all from the networks and relationships that had been built in their home villages.

7.1.4 In Camps for the Internally Displaced

Persons taking shelter in the camps, because the sites rest within walking distance of the Thai-Burma border, had access to the orchards and vegetable fields on the Thai side that demand a steady flow of inexpensive labor (see next section). Social networks have appeared to have been built between these sites and the larger population of displaced from Shan State on the Thai side. The IDPs in these sites potentially have links to their home townships, but military outposts of both sides that guard approaches to the camps pose an obstacle to travel into Shan State.

7.1.5 In Thailand

Though this report does not cover the situation of displaced persons taking shelter in Thailand, cross-border movements as they relate to earnings warrant a brief discussion here. When displaced persons from Shan State in Thailand were asked why they crossed the border, the first answer many typically gave was something along the lines of "I could not earn a living at home," or "I could not take care of my family." These answers are telling. Though as described above the displaced were clearly subjected to persecution, the ultimate cause of their move to Thailand was related to livelihood, especially the inability to find sustainable and sufficient income. When interviews are carried a step further than that initial question, however, it quickly becomes apparent that the reasons why these people are unable to make a living are integrally related to forced relocation and other SPDC policies. IDPs described a common pattern:

1. Villagers were relocated;
2. They lost many of their economic assets (land, livestock, seeds, and crops);
3. They tried to work, scavenge, and beg to make a living,
4. But gradually they sold off the belongings they brought with them to the relocation site;
5. Once they exhausted nearly all of their resources, they sold the remainder or borrowed money from neighbors or friends to purchase transport to Thailand to look for work.

Even the ways most of the interviewees traveled to Thailand gave the appearance of labor migration more so than refugee flight. Though the villagers had to pass multiple armed checkpoints, as long as villagers could pay a bribe of 1,000-3,000 kyat, the Burmese security forces for the most part allowed them to pass with little more than a few questions about their destination.¹⁷⁹ Profiteering by state officials manning the checkpoints along the route was so institutionalized that the bribe was typically included as a part of the bus fare. Many displaced persons used local busing services to travel to border towns at which they paid a smuggler to help them to cross safely and, sometimes, to help them find work.¹⁸⁰

The exception to unobstructed travel was for young, single women, traveling alone. As part of the government's effort to combat trafficking of women into the commercial sex industry, soldiers and police at the checkpoints at times prohibited young women from passing. One of the major checkpoints where the interviewees said this happened was the one located just before the Tasang Bridge, one of the few points where vehicles can cross the Salween River in southern Shan State and at which traffic must therefore bottleneck before moving on to the border. Permanent checkpoints were located on the road just before reaching the bridge on both ends and were usually supplemented by one or more temporary checkpoints. Men without national identity cards also reported being stopped at this point. Interviewees explained that persons who were stopped at the checkpoint did one of three things. First, some returned home, but they were unable to recover the money they had paid to reach the border. Second, some people paid a bribe in addition to the "standard fee" to pass the checkpoint. Third, some people did not have enough to make the trip back to their homes or to pay for forward travel, so they remained in the area. One man who did not have a national identity card or enough money to pass the checkpoint reported that he had to stay in the area for months before saving enough money to travel to the border. The majority of the displaced utilized one of the first two options.

Once in Thailand, since refugees from Shan State found it near impossible to access official camps and because many were supporting family members who were still living in Burma or who had accompanied them, they accepted the dirty, difficult, and dangerous jobs that the Thai reportedly no longer wished to do (or for which employers were unwilling to pay the Thai enough to do). In the case of Chiang Mai, Chiang Rai, and Mae Hong Son, the provinces into which the majority of persons from Shan State crossed, the displaced picked fruit and cared for orchards, harvested vegetables, worked on construction sites in low-skilled and semi-skilled jobs, and worked in the service industry in restaurants, hotels, and as domestic servants and commercial sex workers.

Because of the proximity of the conflict-affected areas to the Thai border, some of the refugees had relatives living in villages on the Thai side. This was particularly the case of the highland communities such as the Lahu, Pa-O, Lisu, and Akha. In such cases, refugees took shelter in their relative's villages and drew upon the support networks there to cope with displacement.

Many refugees returned home to repatriate remittances (as cash or materials), visit relatives or immediate family members (for those who did not bring their families with them), or just for a holiday. The lunar new year holiday celebrated in mid-April, was a popular time for the refugees to return to Burma. Many other internally displaced persons, after seeing what their relatives, friends and neighbors were able to earn and carry back from Thailand accompanied the refugee when he or she returned to Thailand. In this fashion, the network and pool of refugee workers extended and grew. Interviewees reported, however, that still many other people living in the forced relocation sites wanted to come to Thailand, but that they did not have enough money to make the trip.

¹⁷⁹ Checkpoints were reported to be operated by the army, police, and/or the United Wa State Army.

¹⁸⁰ One IDP who was traveling with a woman who was making her second trip to Thailand said that woman and her friends went off in a different direction when it was time to cross the border, implying that she was familiar enough with the area that she did not need to pay a smuggler to help her cross or to find a job in Thailand.

Unlike migrant workers, however, many refugees brought their entire families to Thailand, including young children and the elderly. Similar to traditional practice in Burmese villagers, older persons who were unable to do hard manual labor, often cared for the young children. Since for the most part these refugees did not have access to the level of relief aid received by those in the refugee camps, many of their needs were not sufficiently addressed, or, in some cases, went unmet altogether.

7.2 HEALTH

The disease burden borne by the people of Burma is a major social and economic constraint. Other than the IDPs mentioning that people had suffered certain ailments during the emergency phase of the relocation, HARP did not seek to document through primary research the particular health problems that IDPs faced.

The IDPs themselves did not identify major cases of malaria, though some said that members of their community or family had died from fever. Some of the IDPs who took shelter close to the Thai border were able to seek treatment at clinics on the Thai side. Backpack medics also treated some malaria sufferers inside the country, but the medics were too few to make a considerable impact. The WHO launched a Mekong region-wide program to combat malaria, tuberculosis, and HIV/AIDS in border areas, but it had not yet initiated major programs in the conflict-affected areas of southern Shan State. Though former IDPs provided a few anecdotes about cases of diarrhea following displacement, HARP found no data specific to the disorder's incidence in southern Shan State.

Given the health problems documented in Chapter 4, it is likely that at a minimum, many of these problems persisted during displacement, and, in reality, may have become worse.

7.2.1 HIV/AIDS

The HIV/AIDS situation in Shan State has arisen from a complex mix of commercial sex work, cross-border migration (during which men are infected and then pass the disease on to their girlfriends or wives), intravenous drug use, unsanitary medical injections, rape, and a lack of information/awareness. Armed conflict presumably has added yet another variable to this already complicated equation.

A study drawing on Save the Children's experience in conflict areas worldwide suggested four main ways in which war contributes to the spread of HIV:

- Conflict affected villagers sell sex as a means of survival;
- Violence breeds violence: Soldiers and civilians accustomed to living in violent environments do not hesitate to resort to sexual violence;
- Knowledge is limited: Because normal communications breakdown, knowledge of the means of transmission of HIV/AIDS is limited,
- Services breakdown: Among other effects, villagers lack access to education and health services, and government funds are spent on the military. Conflict can destroy education, health, and communication services.¹⁸¹

Each of these points had relevance for the state of HIV/AIDS infection in the conflict-affected areas of southern Shan State. The poverty caused by forced relocation created circumstances in which women and girls could have been compelled to enter the sex industry. An extensive market for commercial sex workers has existed just across the border in Thailand. Studies have already shown that Burmese women in general have been heavily recruited and trafficked into Thai brothels and related sex businesses. Burma too has its own commercial sex industry into which displaced women could have been trafficked or recruited. In southern Shan State, the Monghsu mine area was said to have hundreds of women employed there to provide sex services to the miners and other employees.

¹⁸¹ Save the Children, *HIV and Conflict: A double emergency*, (London : Save the Children, 2002).

In an alarming statement on the potential for the spread of HIV/AIDS at this site, one interviewee who used to work at the mines claimed that it was easier to find drugs there than a condom.¹⁸²

Violence may also play a part in the transmission of HIV. The SWAN report documenting the rape of over a hundred women in Shan State by Burmese soldiers raises further questions about sexually transmitted disease and the spread of HIV, especially given the reportedly high levels of infection within the Burmese armed forces.

Though HARP did not survey informants to determine their level of knowledge about HIV and AIDS, given the isolation of some of the IDPs in remote areas, it is likely that they did not have access to information on prevention and care. In Thailand, the Migrant Assistance Project broadcast on Thai national radio in Shan language programs that sought to provide information on HIV/AIDS. MAP and the Shan Women's Action Network also printed materials in various minority languages for distribution in migrant communities in northern Thailand and other parts of the country. Migrants moving back and forth between Thailand and their homes may have been able to take some of this information with them or at least conveyed the messages to others, though there was no evidence to suggest that this was happening at the time of this report.

The breakdown of services and the low level of funding allocated to health and education in Burma have been discussed above. Specific to the HIV/AIDS problem, township level hospitals, especially in remote areas, were hard pressed to cope with important issue of blood safety.¹⁸³ Many of these hospitals simply did not have the resources to improve their practices (though, only the largest hospitals apparently were even able to store blood).

Overall, there is a need for more and higher quality information about the relationship in Burma between HIV/AIDS, conflict, and displacement.

7.2.2 Immunization

Government health workers were able to access conflict-affected areas to vaccinate children, though coverage was not universal. Several IDPs who had lived in forced relocation sites reported that government health workers gave vaccinations to children under five twice per year. Persons from special administrative areas reported the same practice. Clearly families taking refuge in remote areas did not benefit from these programs nor did they even see state health workers unless a trip to a serviced town or village coincided with one of two annual national immunization days.

7.3 FOOD SECURITY AND NUTRITION

Many former internally displaced persons reported having trouble securing enough food during their time in the towns or in the wilderness. In some cases, Burmese soldiers destroyed their fields, uprooted or cut down fruit trees, and slaughtered, stole, or scattered livestock. Many villagers tried to carry what food they could to the relocation sites, but most were constrained by the number of days they were given to move and by their lack of a means to transport their crop. In nearly all cases, animals were left behind.

7.3.1 In Forced Relocation Sites

In the early years of the forced relocation campaign, villagers were prohibited from traveling outside a specified perimeter around the village. Travel between main towns was allowed, but return to the villages was not. Lacking money while at the same time having to purchase food at higher town prices, many villagers were forced to slip back to their villages to harvest or cultivate new crops and tend to animals. Given that many of these same areas were free fire zones, the search for food involved great risk. Many of the people interviewed for this report related stories of friends, neighbors, or relatives who had returned to their home villages only to be discovered by an army

¹⁸² HARP interview, August 2003.

¹⁸³ *United Nations Response to HIV/AIDS in Myanmar: From Joint Plan to Action: 2001-2002*, (Yangon: United Nations, 2001) p. 13.

patrol. The soldiers took some as porters; detained, questioned and tortured others; and shot at, and in some cases killed, still others.

As previously mentioned, later, when the military became more comfortable with the situation in the villages, farmers were allowed to return to their homes to work their fields. IDPs had to request a pass from the local military camp or from their village headman that could be used for five to ten days. Most respondents said that they had to pay a fee of fifty to one hundred fifty kyat for each pass. When the pass expired, villagers had to return to the relocation site to apply for another.

No technical assessment of levels of malnutrition was conducted during this study. The Multiple Indicator Cluster Survey of 2000 does indicate, however, that moderate and severe malnutrition was a problem throughout Burma.

None of persons interviewed by HARP suggested that the government provided any food aid in the emergency or protracted stages of displacement. Indeed in some places the government confiscated IDPs' food and rationed it back to them in small quantities. The government does however have a department that is tasked with providing relief to persons who are suffering the effects of natural disasters and armed conflict. The Relief and Resettlement Department of the Ministry of Social Welfare, Relief, and Resettlement has reportedly provided aid to relocated villagers in other states. For example, a government publication states that the department had met the "basic needs of victims from reassembled villages who had to move away from original villages due to insurgency" in Chin State.¹⁸⁴ The same document claims that the department provided "necessary assistance including rice and construction materials to victims of insurgency" from Langkher Township in southern Shan State and Phasaung Township in Karenni (Kayah) State.¹⁸⁵

Some food aid was provided in the early stages by civil society organizations, but it reached only a small portion of the affected population.

7.3.2 In Special Administrative Areas

From what little information HARP had on the food situation in special administrative areas, it appeared that most IDPs grew some of their food and purchased the rest. A group who fled to Hsihseng Township said that they had to go to the market in Hsihseng town for food (rice in particular was often mentioned) and that the price there was nearly double of what they paid in their home area in Karenni State. IDPs who had relatives in the area to which they fled said their family members gave them some food. No one spoke of government assistance.

7.3.3 In Remote Areas

People living in hiding found it difficult to secure enough food. They grew some and gathered other products in the forest. They could not always care for animals for fear that they would be discovered should the animals make noise when a Burmese army patrol was in the vicinity. Periodic restrictions on the transport of food to rural areas also meant that villagers trying to bring food items into the forest risked arrest if caught by a patrol or searched at a checkpoint.

7.3.4 Vitamin A Deficiency

While IDP children living in forced relocation sites and special administrative areas would have had an opportunity to receive supplements provided by the government and UNICEF, those who had fled with their families into the forests could not have received the supplements unless they happened to be in a main town at the time of their distribution. In 2003, the Shan Health Committee based on the Thai-Burma border began to provide vitamin A supplements to IDPs camps located near SSA-S areas while cross border relief teams did the same farther inside the country in the same year.

¹⁸⁴ Ministry of Information, *Nation-Building Endeavours: Historic Records of Endeavours Made By the State Law and Order Restoration Council*, Vol. III (Rangoon: Ministry of Information, July 1999) p. 334.

¹⁸⁵ Ibid.

7.4 ACCESS TO SAFE WATER AND SANITATION

In what is a recurring pattern, there was no evidence to suggest that Burmese authorities took steps to plan for IDP access to sources of safe drinking water or for the disposal of human waste.

7.4.1 Access to Safe Drinking Water

Most of the interviewees who had lived *in relocation sites* reported having to go to nearby streams to fetch water, while some others were able to use villagers' wells. One Shan woman who had been relocated to Kho Lam in Namzang Township said that she had to walk about two kilometers to draw drinking water from the community well.¹⁸⁶ A man relocated in Mongnawng gathered water from the river that ran through the village, a particularly unsafe source of drinking water.¹⁸⁷ Another man said that at the relocation site in Mongkeung, he took drinking water from the local canal and nearby river. None of the above respondents treated their water before they drank it.

In *special administrative areas* the IDPs said they drew their drinking water from wells or the local streams. No clear pattern of how they treated the water emerged from the data.

In *remote areas*, IDPs gathered water at the closest available source. Some reported that the closest source of water was over an hour's walk away, while others lived on river islands close to running water, though river water was generally viewed as unsafe by health workers. Here again, no one reported boiling the water before it was consumed.

Only a fraction of all of the persons interviewed said they boiled or otherwise treated their water. One Shan relief worker explained that the Shan believed that since the water in Shan State was clear, that it was safe to drink. He explained that though they did not treat it before storage, many Shan drank copious amounts of tea during the day, and therefore did not consume much unboiled water. The same worker said that in other cases, however, some families stored drinking water in clay containers so that it would stay cool and refreshing during the day. This water went untreated.¹⁸⁸

Though no cases were reported by the interviewees, the distance people had to travel to get water potentially exposed women to sexual violence (See protection section of Chapter 6 above).

7.4.2 Sanitation

Despite the government's reported commitment to this sector of development, none of the interviewees who had lived *in relocation sites* reported government assistance in latrine construction. One IDP from Monghsu reported that public health officials for the two years (2000-2002) before he came to Thailand had instructed villagers, including IDPs, on how to construct a proper covered pit latrine.¹⁸⁹ For persons living with family members, this was not an issue since they used preexisting facilities. IDPs living in new shelters, however, were forced to cope. Some said that because they had no latrine, they used the nearby forest or overgrown areas. Most eventually built a shallow traditional pit latrine, consisting of two boards placed over a hole.

Pa-o medics explained that in the SSNPLO *special administrative area* they combined sanitary latrines promotion with the twice-per-year child immunization programs run by public health officers.¹⁹⁰

¹⁸⁶ HARP Interview S029, Fang District, Chiang Mai Province, Thailand, April 24, 2002.

¹⁸⁷ Interview S028, Date?

¹⁸⁸ Telephone discussion with Shan community worker, May 12, 2003.

¹⁸⁹ HARP Interview S004, Fang District, Chiang Mai Province, Thailand, March 14, 2002.

¹⁹⁰ Interview with Pa-O health worker, June 9, 2003.

7.5 ACCESS TO HEALTH SERVICES

The emergency stage of any mass population movement is often the most critical. The influx of thousands of people into conditions of overcrowding, no or inadequate sanitation facilities, and poor quality shelter can lead to outbreaks of disease that contribute to higher than average levels of mortality and morbidity. Children, the elderly, and persons with weakened immune systems are especially vulnerable. Recognizing the need for urgent health planning in emergencies, the Guiding Principles on Internal Displacement state that authorities should ensure that the displaced receive satisfactory conditions of health and hygiene.¹⁹¹

The health situation outlined in Chapter 4 and this chapter shows that health problems in southern Shan State are serious even during "normal" times or once the emergency stage has passed. The availability and access to health services, nevertheless, remained a major problem for the internally displaced.

7.5.1 In Forced Relocation Sites

No one interviewed in the course of this research received any medical assistance during the initial stages of the move.¹⁹² Villagers were forced to relocate without government support, being left on their own to build shelters and establish new communities at the relocation sites. Though no detailed data was available on the health impact of the forced relocation, in a number of cases, former IDPs reported anecdotally that the many of the newly displaced persons at their sites suffered from fever, stomach cramps, and diarrhea. Several persons interviewed claimed to have witnessed IDPs from their community, in some cases family members, die from these untreated symptoms.

During the forced relocation, communities from small villages were most often relocated to larger settlements, some of which were the location of their area's major hospital. Qualified doctors also ran private clinics in these more populated township centers. Despite their proximity to these services, many IDPs found themselves still unable to use the facilities because they had lost their main source of livelihood - farming. Since the Burmese public and private health system depended largely on patient payment of fees (i.e. treatment was not subsidized), IDP villagers could not fully utilize the greater range of services found in the new sites.

Medical assistance by private organizations was also wanting. No United Nations or INGOs were able to target the specific needs of IDPs during the emergency stage or afterwards. One respondent said she had seen a group of "NGO" workers come to the relocation site to distribute food, medicine, and cash to IDPs living there. That person was unsure of the origins of this group other than that it came from Thailand and was led by a Shan. Nearly all of the respondents, however, said that no one had helped them.

Owing to the above-mentioned range of factors nearly all of the IDPs interviewed, therefore, continued to utilize the services of traditional healers, who had relocated with the village or came from the host community.

7.5.2 In Special Administrative Areas

When the PNO and SSNPLO reached their ceasefire agreements, the government gradually built up the health infrastructure in their respective areas, even though the territory remained partially under the control of the armed groups.

In the PNO area in Hopong Township, there was one hospital run by a chief medical officer and two medics. The head of the hospital has trained local villagers to work in their communities. Backpack medics from Thailand also reportedly have provided care in some areas.

¹⁹¹ *Guiding Principles on Internal Displacement*, Principle 7(2).

¹⁹² Reference here is only to those persons who were forcibly relocated and established new communities at sites where the government could have provided assistance. It does not refer to persons who fled into the forest or who went to live with family members.

The SSNPLO has operated a small, eight-bed hospital near Hsihseng at Nawnghtau town where the organization has been based.¹⁹³ The group also deployed minimally trained rural health workers to villages within its area.¹⁹⁴ The health workers volunteered their services, but they lacked the basic equipment and knowledge to assess most illnesses or nutritional problems.

In both areas, where backpack medics could not treat a problem, the patient was referred to the PNO or SSNPLO hospital. IDPs sheltering in Hsihseng Township, however, said they depended largely on the local government clinic for treatment of illness.

One problem with services available in these areas identified by a social worker based on the Thai-Burma border was the prevalence for Burmese doctors to use glass syringes and steel needles for injections. This practice saves on expenses but can lead to the spread of some communicable diseases, such as Hepatitis B and HIV/AIDS.¹⁹⁵

7.5.3 In Remote Areas

Persons living in the forests were more isolated and frequently lived far from any medical facilities. In those instances where the IDPs lived in groups of only two or three families, the "community" did not even have access to a traditional healer. Under these conditions, IDPs had to treat themselves, take the often long and/or dangerous trip to the township center for treatment in a clinic, health center, or hospital, or go without care.

Here again, IDPs spoke of a group that provided assistance to displaced villagers who were living in the forest, though none of the interviewees who had lived outside of the relocation sites had personally received such assistance. The medics and other cross-border workers in these units receive training along the Thai-Burma border and then spend months traveling around southern Shan State. They treat patients for malaria, diarrhea, and minor injuries, among other common ailments, distribute food, and provide a small amount of cash assistance.

7.5.4 In IDP sites

The Shan State Army-South reportedly has not provided civilians with regular health care. The SSAS troops at times escorted and provided for the security of backpack medic and mobile clinic teams that operated out of the border area, while the SSA-S ran their own army clinics in their base areas.

7.6 EDUCATION

Because of years of neglect and lack of state access to some areas, education services were already limited in much of southern Shan State. Displacement and armed conflict further disrupted the studies of thousands of children throughout the rural areas.

7.6.1 In Forced Relocation Sites

As was the case with health facilities, many villagers interviewed for this study claimed that though schools were more readily available at many of the relocation sites because those sites often lay in the township center, they did not have the financial means to pay for admission fees. Education in Burma is supposed to be free, but in reality parents often need to bribe the school administration or teachers to assure that their children are admitted. The lack of earnings that many IDPs experienced meant that children from displaced families did not have consistent access to education, even though schools were in almost every case operational in the township centers.

¹⁹³ The hospital is known by locals as the SSNPLO hospital.

¹⁹⁴ Dr. Ni La Tan ran the health worker program. She reportedly received medical training at the old Democratic Alliance of Burma headquarters at Mannerplaw (under Dr. Kya Ban Nyo), with Dr. Cynthia Maung, and at the Communist Party of Burma base at Pangsang.

¹⁹⁵ Communication with social worker, August 27, 2003.

For those who valued education, families sought to cope with the problem in a number of ways. Some IDP boys were ordained as monks, thereby giving them access to a traditional religious education. Some young monks were reported to have traveled as far away as Rangoon to continue their studies in famous temples there. Some Burmese temples too offered more extensive lessons than those found in local ones, so boys traveled outside of Shan State to study, even though they were not ordained as monks. For example, one Pa-O youth interviewed for the study went to distant Sagaing Division for high school studies because he was able to reside and study at the temple there.

Parents with the financial means have also sent children to public and private schools outside of the conflict-affected areas to Taunggyi, Mandalay, and Rangoon, among other places.

At present [2002], there are about twenty kids who aren't studying in my village. I haven't seen anyone help them even though these children come from extremely poor families who are in need of aid. Those with money have either moved to the main towns or are in a good enough position to send their children to school.

Nineteen year old woman from Mongkeung Township

Both of the aforementioned educational options are also ways in which families protected their children. One young

man said that his parents sent him to study in Taunggyi in part to protect him

from being conscripted by the Mong Tai Army, when it was still active.¹⁹⁶ A teenage girl said that her mother had sent her twelve-year-old brother to be ordained as a novice to protect him from being taken for village militia training by the army.¹⁹⁷

Some families sent their children across the border to Thailand to enter Thai schools. Here again, the ability to do so appeared to depend largely on a family's financial resources. Thai schools accepted these students, but the children did not receive official documentation recognizing the completion of their studies unless they had by some means secured a Thai national identity card.

For those persons who moved out of the conflict-affected areas of southern Shan State, some might have had access to community learning centers (CLCs). In 1994, building on its experience elsewhere in the region, UNDP introduced the concept of the community learning center to Burma under the Education Project of Phase I of its Human Development Initiative Programme (HDI). The education project targeted the poorest areas of eleven townships in Burma. By the end of 2001, there were a total of 32 CLCs in five townships of southern Shan State (Kalaw 6, Nyaung Shwe 7, Pindaya 6, Pinlaung 6, and Ywangan 7).¹⁹⁸ None of these was located in the region's war zones, though because of their proximity to contested areas, each township likely hosted populations of IDPs who may or may not have benefited from the CLC programs.

7.6.2 In Special Administrative Areas

The situation in the PNO and SSNPLO ceasefire areas resembled that of the relocation sites. In these areas government schools were operational. From 1989 to 2002, the SLORC/SPDC constructed in Pa-O areas 36 primary schools, 15 middle schools, and 5 high schools.¹⁹⁹ In some cases, the political/armed groups cooperated in school construction. For example, in 1996-97, in coordination with government, the PNO set up the Basic Educational Middle School (B.E.MS) in Hamsue and Basic Educational High School in Kyauktalone, Taunggyi Township, both of which were linked to government education system. Recent reports, however, suggested that those schools, like many others in Burma, did not have enough teachers and materials (tables, chairs, stationary, etc.) for the children.²⁰⁰

¹⁹⁶ Interview GOO1, Fang District, Chiang Mai, Thailand, January 2002.

¹⁹⁷ Interview G004, Fang District, Chiang Mai, Thailand, November 2002.

¹⁹⁸ Jorn Middelborg, *Myanmar: The Community Learning Centre Experience*, (Bangkok: UNESCO, 2002) p. 7.

¹⁹⁹ Ministry of Information, *Myanmar Facts and Figures, 2002*, (Ministry of Information: Yangon, 2002), p. 228. The table presented in the book does not note in which Pa-O area the development has taken place - that of the PNO, the SSNPLO, or both.

²⁰⁰ Correspondence with Pa-O relief workers, August 27, 2003.

Whether a child could attend school depended, depended on the family's ability to overcome the constraints mentioned in the section on education in Chapter 4.

7.6.3 In Remote Areas

Because they lived in small groups, sometimes only as family units, and because the IDPs so feared discovery, schools in hiding were virtually non-existent. Parents in some cases took it upon themselves to instruct their children, but researchers heard of no instance in which regular studies were conducted. Many of the children traveled with their parents to the fields to help work or to care for younger siblings. If there was someone to look after the younger children, they stayed in the area of the shelter.

When our village was attacked we fled into the forest. We didn't have a school out in the forest; the children couldn't even play like normal kids. They had to keep quiet since we were afraid that the government troops might hear them and find our hiding spot.

Displaced woman whose family had been hiding in a forest.

7.7 THE QUESTION OF HUMANITARIAN ACCESS

The Guiding Principles on Internal Displacement call on governments to assist the internally displaced and where they do not have the ability or will to do so, to allow others to do it. As noted above, the SPDC provided little aid to the IDP population. At the same time, the international community and local organizations also were unable to provide aid. Only a patchwork of humanitarian and development initiatives existed as of 2003, little of which targeted the needs of IDPs. Sectoral and geographical coverage remained largely scattered.

Part of the problem arose from the question of whether aid organizations could provide explicit aid to IDP populations. The government as of 2003 had not acknowledged that there were internally displaced persons in the country, but, at the same time, HARP researchers were not aware of any organizations that had requested government permission to initiate programs with displaced communities. The reluctance to ask for permission to work with a sensitive population like IDPs, may be because some groups fear the government response, mainly that the SPDC could shut down their other projects, which benefit hundreds and sometimes thousands of other people in need. Another part may relate to the question of what can and cannot be funded. Several of the main donor countries, the United States being the main one, are reluctant to fund activities that might lend legitimacy to the SPDC and therefore have restricted their aid to activities that do not pass government agencies. Debate on this issue has also involved questions of how aid might support the government's forced relocation program by allowing it to sustain depopulation for longer periods instead of permitting the villagers to return home.

In part in order to assure donors that their programs take account of the sensitive political environment in Burma and, in part, for the benefit of the SPDC, to state clearly that they are not a foreign policy tool of donor countries, a group of international NGOs drafted and signed in 2000 a code of conduct that establishes principles to which they agree to adhere (See text of the agreement in Appendix 3). The document stresses the principles of humanitarian need, non-discrimination, sustainability, accountability, and independence.

Despite these questions and restriction, some international aid organizations, UN agencies, and domestic NGOs were able to run programs in conflict-affected townships and adjacent areas. While these programs did not explicitly target the internally displaced, the IDPs likely benefited from some of the interventions. Programs that target the poorest strata of the populace in conflict-affected townships and places to which IDPs have been forced to move or flee will reach some of the IDPs.

Programs initiated inside Burma, however, were unlikely to have reached IDPs hiding in remote areas or sheltering in camps proximate to SSA-S bases. In the absence of aid, a parallel system developed.

7.7.1 Cross-border relief

Where there is need not being addressed officially, cross-border relief often moves in to fill the gap. Cross-border assistance is difficult to discuss openly because it has not been sanctioned by the Thai or Burmese governments and because it must operate with a degree of secrecy due to the risks posed to aid workers who travel in areas patrolled by Burmese army units.

In spite of the great demand, little humanitarian aid has crossed the border. Some goes directly to the populations of internally displaced persons living on the border. As discussed above, mobile medical and relief teams have delivered some health assistance and food aid to families living in remote areas farther inside the country.

Supplies of cross-border assistance have been limited for a number of reasons. First, travel in the affected areas is dangerous. Landmines, army patrols, and banditry each have posed deadly risks to aid workers. Indeed, three cross-border health workers were killed between 1996 and 2003.

I heard of a group of westerners that sent aid to IDPs through Shan workers. They distributed money to the people living in the forest. I heard it one family received 3000-5000 kyat, depending on whether the family was large or small. They also distributed medicine. I still haven't heard of the Burmese government distributing aid.

A second reason was that the programs received only limited funding. Some governments prohibit unofficial cross-border assistance. For others, the apparent lack of accountability of the programs has posed a barrier. Relief aid delivered across the border has been difficult to monitor in terms of actual delivery and impact. Health teams in southern Shan State went for months without reporting back to Thailand. In conflict areas, there is also always a degree of suspicion over the siphoning of funds away from civilian beneficiaries by armed groups. Because delivery of services has been difficult in Shan State, relief teams at times had to travel clandestinely with the assistance of armed opposition groups. Sacks of rice also could not be readily transferred across the border due to their weight and the distance that needed to be traveled on foot. Cross-border relief workers, therefore, delivered food aid in the form of cash assistance so that IDPs could purchase supplies in the nearest market. Again, the delivery of cash in a conflict area, though it was done through relief workers trusted by the home organization on the Thai-Burma border, raises all sorts of questions, particularly whether all of the cash goes to the intended recipients.

Unfortunately, the situation in Burma has not allowed for independent monitoring or evaluation of clandestine aid activities. The relief agencies involved in cross-border assistance also have not as of the time of this report drafted or signed a code of conduct for working with internally displaced persons in conflict-affected areas.

CHAPTER 8

A WAY FORWARD?

PROTECTING LIVES, RESTORING LIVELIHOODS

The combination of armed conflict and displacement has robbed hundreds of thousands of villagers in southern Shan State of their livelihood. Already relatively poor farmers were made poorer by being forced to move away from their fields. Even when they were allowed to return, the risks in the home communities were such that many people abandoned their plots to seek employment and relative safety in Thailand. Others returned to their fields without permission or fled forced relocation from the outset, eking out an existence in the few remaining forests of the area. Still others sought the relative safety of the special administrative areas of the ceasefire groups.

Villagers employed a number of strategies to cope in these adverse conditions - working for minimal wages, foraging, begging, and depending on the kindness and generosity of relatives, friends, and strangers. Still, life was difficult.

Because the Burmese social service system depends in large part on the ability of the client to pay, the denial of a sustainable livelihood further barred the displaced from already limited access to health and education services. Food security posed real problems for those IDP families that had insufficient land to grow enough crops and/or who did not have enough money to purchase supplies at the market, though the stalls there were full.

But what are the ways forward? Undoubtedly, villagers would benefit from aid. IDPs need assistance to cope with the fundamental disruption of their lives displacement represents, while those permitted to return to their homes will need help in reestablishing themselves and in the transition to a normal way of life.

But the true way forward is for the SPDC to recognize its responsibility to its people, establish conditions in which civilians can live in safety, and guarantee to those who would help access to displaced and other conflict-affected populations. An essential first step for the government to take would be to ensure that the armed forces no longer target civilians and that forced relocation as a counter-insurgency tactic ends. Concerted international advocacy and diplomacy must seek to move the SPDC in this direction.

The following section provides more detailed recommendations on how to change Burma's "disabling environment" to an enabling one for the internally displaced. Though HARP recognizes that long term political, legal, economic, and social reform are a necessity, those broader issues are not addressed in the recommendations. Instead, we have presented measures that could be taken to improve the immediate condition of the internally displaced of southern Shan State.

PROTECTION FROM VIOLENCE

Protection from violence is in many instances a matter of survival. Sustainable return through which villagers are able to reestablish themselves socially and economically in their home villages will remain an elusive goal as long as returnees are faced with killings, beatings, and other severe violations of their rights. If however villagers can return to their homes in safety, they will with some assistance likely be able to secure sustainable forms livelihood.

To the State Peace and Development Organization

- *Stop immediately extrajudicial killing of civilians.*

Given the pressing food and economic needs of the displaced, the government must recognize that many people have returned secretly to farm and that this action should not be automatically interpreted as support for the Shan State Army-South and its allies. Minister of Defense Senior General Than Shwe should issue a statement to all armed forces units reversing the restricted area policy. Senior General Than Shwe should also state clearly that mistreatment of civilians will not be tolerated and that anyone found committing violations will be punished according to the law.

- *Invite a delegation from the Office of the United Nations High Commissioner for Human Rights to conduct a fact finding mission in southern Shan State.*

The special rapporteur urged the government to allow an independent investigation of the allegations presented in the report *License to Rape*. In his November 2003 visit to Rangoon, he once again raised the issue of a fact finding visit. The SPDC at the time of publication of this report had not yet made a decision on the request. If it were to happen, the team must have free access to the area, be able to interview people in confidence, and be assured that interviewees would face no repercussions.

- *Investigate allegations of abuse committed by soldiers and bring to justice any persons found guilty of committing abuses.*

One of the problems villagers noted in their interviews was that soldiers acted with impunity in conflict-affected areas. Most former IDPs said they were afraid to even report a violation and in those few cases where someone said they did, little or no action was taken. In order to create a safe environment the government must seek to address immediately and effectively this fundamental justice problem.

- *Issue clear travel passes that are respected by all army units.*

All villagers should be allowed to return freely and safely to their homes, but given that the pass system will at least for the short term continue to operate, it should be standardized and passes issued by one office or army battalion must be respected by all units at all times.

FORCED RELOCATION

Forced relocation has been one of the main sources of displacement in southern Shan State for the past seven years and a major disruption to villagers' lives and livelihoods. The government, however, has done little to help villagers cope with this problem; indeed, in many cases it has itself dispossessed them of their homes and economic assets. The government must address this policy and administrative problem immediately.

To the State Peace and Development Council

- *End the forced relocation of villagers.*

Depopulation as a method of combating the armed opposition must cease. Armed forces planners, through a institution such as the military think tank the Office of Strategic Studies, should rethink the so-called "Four Cuts" strategy to create a counter-insurgency strategy that takes into account the strategic reality, addresses root causes of the conflict, and respects the rights of civilians living in conflict-affected areas.

- *Permit villagers to return to their places of origin in safety and with dignity.*

The government must issue the appropriate directives to all authorities concerned that return is permitted and that officials should assist in the return where needed. International and local observers should be permitted to accompany returnees to monitor conditions and be granted access to returnee sites to provide aid where it is needed.

LIVELIHOOD

The main way in which to restore villagers' ability to care for themselves would be to return them to their farms under conditions of safety. The SPDC as noted earlier would need to take the lead role in establishing these conditions by allowing return and prohibiting violence against civilians.

To the State Peace and Development Organization

- *Invite a United Nations team to conduct a needs assessment for internally displaced and other conflict-affected villagers*

While studies such as this one provide some information on the situation of internally displaced persons, better assessments are needed inside the country. The government could take a step toward better addressing the needs of its population by inviting the United Nations to send an assessment team to southern Shan State. The mission could take place with government cooperation, such as with the Relief and Development Department, or could be done independently. That mission should seek whenever possible to include the participation of the affected community.

To the International Community

- *Where and when appropriate, assist villagers in the transition to a sustainable livelihood.*

Many internally displaced persons have lost their principal economic assets and will need help in the reconstruction of their homes and restoration of their farms. If organized, stable return proves possible, micro-credit and material assistance may be able to help address transition and reconstruction needs.

- *Provide skills training for those who are unable to return*

In some cases, people may not be able to return to their homes in the near future. This part of the population could benefit from skills training that would better enable them to earn a living in the new economic environment of the main towns.

FORCED LABOR

To the State Peace and Development Council

- *Circulate the order banning the requisitioning of labor by government officials.*

The SPDC directive, if enforced, would serve as an adequate temporary measure to outlaw the practice until legal reform, namely the repeal of the parts of the Villages and Towns Acts that sanction the practice, can be achieved. The government must circulate this information in Burmese and ethnic minority languages through all state and private media, including newspapers, radio, and television. The government should also seek to post the order prominently at village and ward public notice boards.

- *Describe the mechanism/process through which villagers can file complaints.*

In addition to the posting of the text of the order, the government should also set out in writing the process for filing a complaint about an abuse. Preferably, cases should be filed with an organization other than the military, since it is the army that is often the main offender. Plaintiffs should be allowed to submit complaints anonymously so as to provide some measure of protection against retribution.

- *Investigate complaints and report the findings of cases.*

In order to address the environment of impunity, the government should investigate complaints filed with its offices and publicly report the findings. A basic set of indicators might include the numbers of complaints, ongoing investigations, and decisions acquitting or convicting offenders. Reports could be issued through the public media and be submitted to the International Labour Organization.

- *Allow independent monitoring of the situation in all areas.*

To compliment the government system, the International Labour Organization and other independent bodies should be permitted to monitor the implementation of the government directive. In order to accomplish this, monitors should be allowed to travel freely, unaccompanied by government staff, to all areas where their travel would be secure. The monitoring team should be allowed to conduct interviews in private and in confidence. There must be no punitive repercussions for persons who provide information to the team.

HEALTH AND NUTRITION

Health sector reform, including the provision of services and access to services by Burmese villagers will remain an issue for many years to come. Some interventions to assist displaced villagers, however, may prove possible in the short term.

To All Armed Groups

- *Allow freedom of movement for national immunization days and combine the delivery of other services with those already offered on those days.*

The government should allow villagers to move freely prior to, during, and after national immunization days. All armed groups should promise to suspend troop movements and attacks on agreed upon dates so villagers may safely access these vital services.

To International Aid Organizations

- *Expand area based health assistance*

The expansion of areas based aid applies to all categories of need for the internally displaced. Internally displaced persons in government controlled areas, such as forced relocation sites, and special administrative areas would benefit from programs that seek to address poverty in southern Shan State. Because they have available little in the way of economic resources and work opportunities, the majority live within the poorest strata of society in the main towns. Interventions that target the poor would likely benefit many IDP families along with needy members of the host community.

WATER AND SANITATION

- *Provide displaced families with technical and material assistance for the upgrade of water and sanitation facilities*

This recommendation will affect internally displaced persons living in readily accessible areas. For person living in forced relocation sites and special administrative areas, effort should be made again to address water and sanitation needs of the local population in each township center (if access is granted) of which the IDPs would be one sub-group. These activities are being undertaken by some international and local relief and development organizations already, so the existing program format could be extended to include conflict-affected areas. Returnees when they return should also be given assistance in setting up new or upgrading old facilities.

- *Disseminate information on sanitation, safe sources of drinking water, and water treatment*
- Information pamphlets on proper sanitation, safe sources of drinking water, water purification, and the consequences of consuming unsafe drinking water should be circulated throughout the communities of displaced persons through available channels. For instance, in some areas information campaigns are combined with child and adult immunization days. This procedure could be standardized for all areas. Training could also be given to traditional healers who could then pass on the knowledge to the village. Mobile medics might be able to carry some information on securing water in difficult circumstances to persons hiding in the forest, but because of the medics' need to maintain mobility, they face limits on the amount they can carry and the length of time they can stay in any one area.

On the Thai side of the border, information could be distributed to members of the migrant worker community who fled from the conflict-affected areas in the hope that at some point in the future they would transfer this knowledge to their home communities.

EDUCATION

As with healthcare, there are many macro level issues that need to be addressed to improve Burma's education system. Some of the main ones concern budget allocation, quality and quantity of teachers and support staff, and instruction in local languages.

To the State Peace and Development Council

- *Provide financial assistance to displaced children*

The data suggests that the inability of displaced children to attend school stems largely from the family's lack of money. They either do not have enough money to pay for school related fees and tutoring or they need the older children to help look after the young ones or to help earn money for the family. The government should therefore provide these families with some financial assistance to meet education needs.

- *Provide adequate allowances for teachers working in conflict-affected areas*

Though just assuring that teachers receive their base is a problem in much of Burma, adding financial and other incentives for teachers working in conflict areas might help to guarantee an increase in staff numbers at local schools.

- *Allow subjects other than literacy and religion to be taught in local temples*

Many interviewees told HARP researchers that their children studies in temple school when available because of their relatively low cost, proximity (located in the village), and language of instruction. The government should strongly consider permitting an increase in the range of subjects (including technical/vocational ones) that can be taught in the temples by qualified monks or lay persons, particularly in under-serviced areas, which many of the townships covered by this study were.

To the International Community

- *Assist children to access the formal education system*

International aid organizations should seek to expand their education assistance programs to children living in poor communities in accessible townships. In this way, aid will reach some displaced families. Measures should be taken to ensure that children who themselves or whose parents do not have national identity cards should not be excluded from the benefits of these programs.

- *Support informal education and community learning centers*

The Shan Literacy and Culture Committee and the Pa-O Literacy and Culture Committee have developed long-standing networks for the teaching of local languages. Following a more detailed assessment of their capacity, these and similar networks should be supported and enhanced where possible and advisable.

- *Support education for children in camps for internally displaced persons*

Children living in camps along the Thai border should not be excluded from access to education. Before significant support is extended to existing programs, aid agencies will need to give careful consideration to the potential for these areas to come under attack from government forces. One alternative would be to allow schools to relocate inside Thai territory and for children to cross into Thailand to pursue their daily studies. Given the logistics involved in transporting children to and from school each day, however, this may not prove feasible.

CHILD SOLDIERS

To All Armed Groups

- *Demobilize, rehabilitate, and reintegrate child soldiers*

The government should as a first step formally or privately acknowledge the presence of child soldiers within the national armed forces, including village militias and armed groups in ceasefire. With the cooperation of qualified international and domestic organizations, it must then demobilize, rehabilitate, and reintegrate into society all child soldiers. This process would require among other steps a survey of the scope of the problem and a needs assessment.

- *End recruitment and conscription of child soldiers*

The government must ensure that no units recruit, conscript, or accept volunteers who have not reached the age of eighteen. The SPDC should circulate to the heads of all units the relevant clauses of Burmese law that state that soldiers must be eighteen years old with a description of penalties to which officers found to have violated the law would be subject.

To the State Peace and Development Council

- *Reschedule the visit of the Special Representative of the Secretary General for Children and Armed Conflict*

The visit of the special representative postponed due to the political crisis of May 2003 should be rescheduled as soon as possible.

- *Sign and Ratify the Optional Protocol on the Involvement of Children in Armed Conflict (Optional Protocol II)*

To Armed Opposition Groups and Armed Groups in Ceasefire

- *Acknowledge and adhere to the principles of Optional Protocol II*

Armed opposition groups and ceasefire armed groups, while they cannot as non-state actors become signatories of Optional Protocol II, should issue a written declaration pledging to adhere to the requirements set out in Optional Protocol II. They should then adjust their internal policies, issue a directive of clarification to their commanders, and bring to justice persons violating the policy. In cases where policies already exist, they should be enforced.

To the International Community

- *Advocate for and support the demobilization, rehabilitation, and social reintegration of child soldiers. Urge the government and other armed groups to stop recruiting and/or conscripting child soldiers*

Governments, United Nations agencies (particularly UNICEF which has a mandate for the protection of child soldiers) should advocate for the end of recruitment and/or conscription of child soldiers and should urge the government to begin demobilization, rehabilitation, and social reintegration program. Donor countries should be prepared to encourage and support financially what has the potential to be a massive undertaking.

LANDMINES

Landmines and improvised explosive devices have some utility in the type of low-intensity conflict characteristic of southern Shan State. These explosives, however, are indiscriminate when selecting their victims. If mine fields are left unmarked, which in most cases they are, civilians often suffer much of the impact.

To All Armed Groups

- *Stop the production and deployment of anti-personnel landmines and/or improvised explosive devices.*

The government, its allies, and the armed opposition must recognize the deadly risks landmines and improvised explosive devices pose to civilians and cease their use as a weapon of war. If they insist on continuing with their use, then minefields should be clearly marked with easily recognizable symbols of danger. Areas that are commonly used by civilians and civilian property should never be mined.

- *Increase the level of mine awareness.*

Though this has been done to some extent inside Burma and along the border, IDPs would benefit from more information. Persons living in remote areas are particularly at risk because of their presence in mine-affected areas and their lack of information. Creative ways should be sought to improve the awareness of this group to the risks posed by mines and the areas that are considered dangerous. Likewise, information on dangerous areas could be gathered with the assistance of the displaced and other local villagers.

To the State Peace and Development Council

- *Begin the demining of mine-affected areas.*

As has proven the case in other mine-affected countries in the region, demining is a time consuming and costly process. The government must take this issue seriously and begin to clear as many areas as possible.

- *Allow aid agencies access to mine survivors.*

Local or international aid agencies should be allowed to assist mine survivors in southern Shan State. At present, the ICRC program in Mandalay is the nearest center for the design and fitting of prosthetic limbs. For many needy persons in southern Shan State, Mandalay is too far. At a minimum, another center should be established in Taunggyi, and even there some survivors may require help in meeting the cost of transportation. International aid agencies should also explore the potential of providing services in other sites proximate to the conflict-affected areas, including on the Thai side of the Thai-Burma border.

- *Sign and ratify the 1997 Mine Ban Treaty and amend domestic law accordingly.*

To the Armed Opposition Groups

- *Pledge the group's commitment to adhere to the provisions of the 1997 Mine Ban Treaty.*

To the International Community

- *Provide technical assistance on demining*

Countries and agencies with demining experience should offer assistance to the government and armed opposition groups.

- *Support the development and distribution of mine awareness materials*

Along the lines of other information materials mentioned in the recommendations, information should be disseminated to the different populations of internally displaced persons through the appropriate mechanisms.

- *Support training of medics to treat landmine survivors*

Medics who work in mine-affected areas should be trained in the treatment of landmine injuries and

be equipped to do so. These medics may operate inside the country or in cross-border operations. The priority must be placed on those health workers whose goal it is to aid civilian survivors. The Mae Tao Clinic run by Dr. Cynthia Maung and the Trauma Care Foundation Burma have conducted basic training sessions for village level medics who can help victims survive. More of this type of training should be offered to village health workers in Burma.

AREAS FOR FUTURE RESEARCH

Given that so little is known in depth about the problems faced by the internally displaced in southern Shan State and other parts of Burma and that this report is primarily an overview of the main issues, there were some topics that were left un-addressed and others that went were not fully analyzed. Among the list of obvious topics that were not researched are the psycho-social impact of displacement, the affect displacement has had on society and culture (particularly the movement of highland or rural farmers into larger towns where the ethnic and/or religious composition of the local population may be different from the place of origin), and the maternal/reproductive health issues faced by displaced women. There are many others. With the need for more information on the situation of civilians in Burma's conflict-affected areas, HARP recommends two directions future research could take:

- ***Take a sectoral and/or geographic approach to future needs and impact assessments***

As this study attempted to provide an overview of the condition of IDPs in southern Shan State, it could provide only a cursory review of the various ways in which livelihood and related issues were impacted by war. A deeper study of the strategies the internally displaced employ to cope with health problems, for instance, would provide relief workers with better data on which to base interventions. Likewise, more scientific studies might lend themselves to more informed programs. Geographically, this study on the level of just a part of the state proved to be somewhat unwieldy. Researchers should try to gather better data disaggregated by township and might consider focusing on townships that have suffered disproportionately or where information could feed into and inform ongoing programs for protection and assistance of civilians.

- ***Broaden studies to include conflict-affected villagers in general***

Villagers residing in many of Burma's conflict-affected areas but who have not been displaced face many of the same problems faced by IDPs. Living in their homes provides these people in some cases a greater variety of resources to draw on to cope with the challenges, but they nevertheless have great need. Little though is understood about their current conditions as research on the impact of conflict on civilians in Burma has largely focused on the plight of internally displaced persons. An interesting complementary study would document the impact the influx of great numbers of IDPs has had on the host communities and/or the needs of the members of those communities.

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Appendix II

| RESTORATION COUNCIL OF SHAN STATE | | | | | | |
|---|---|---|--|-----------------------------------|---|----------------------------------|
| Chairman: Col. Yawdserk General Secretary: Sai Tern Sang | | | | | | |
| Shan State Army Commander: Col. Khurn-ngern Chief of Staff: Maj. Siri Maj. Awng Moeng | Education Nang Khurh Hsen | Foreign Affairs Sai Tern Sang | Alliance Affairs Sao Ood Kesi | Information Htoon Nnoud | Leadership Institute Sao Siri | Inspection Sao Yawdfah |
| | | | | | | |
| | TACTICAL FORCES (MOBILE) | | | | | |
| | Brigade 727 (Mongton) Maj. Ternkhurh | Brigade 759 (South of Loilem-Htakaw Highway) Maj. Khamleng | Hso Kharn Fah Column Maj. Kawsanla | | | |
| | Brigade 756 (Mongton) Maj. Khurhlao | Brigade 241 (Border) Ltc. Khun Jaw | Kawnzoeng Column Maj. Wanli | | | |
| Brigade 757 (Border) Maj. Nawserk | Brigade 198 (West of Mongkeung) Ltc. Sanwi | Khungsang Tonboong Column Maj. Khiaofah | | | | |
| Brigade 758 (North of Loilem-Htakaw Highway) Ltc. Moengzuen | Kengtung Front (Tachilek) Ltc. Kawnzuen | | | | | |
| DEFENSIVE FORCES | | | | | | |

APPENDIX III

OPEN LETTER TO PARTIES INTERESTED IN HUMANITARIAN ASSISTANCE TO BURMA/MYANMAR JUNE 2000

International Non-governmental Organisations (INGOs) currently operating in Burma/Myanmar have developed a Joint Principles of Operation (JPO) for Humanitarian Assistance. These principles have been developed to clarify the role and ethical principles of INGOs working in Burma/Myanmar at this time. The intended audience of the JPO is the Government of Myanmar, foreign governments, current and potential donors, INGOs inside and outside of the country, UN agencies, and other interested parties.

There is without question a need for humanitarian assistance to Burma/Myanmar. Some in the international community have raised doubts, however, about the ability of organizations to undertake such assistance at this time due to the political situation in the country. While recognizing this debate, INGOs who adhere to these principles are confident that we have developed and maintain a high level of ethical and effective programming that the complex operating environment demands. INGOs have been operating in Burma/Myanmar for nearly a decade. Although initially our programs were small in number and scope, they are reaching larger numbers of individuals every year, and by 1999 INGO programming had reached millions of beneficiaries in all fourteen states and divisions.

As we have become more experienced, our strategies and interventions have improved, and we have become ever more convinced that we can and should be in the country. We also recognize the critical importance of maintaining high operational and ethical standards while minimizing the potential negative impact of our presence given the unique situation in the country. Accordingly, over the last year a group of INGOs currently working in Burma/Myanmar has identified common principles under which we all operate. Just as there are many successful development strategies that effectively achieve humanitarian assistance objectives, there are variations in how organizations operationalise these principles. However, all INGOs listed below adhere to these common fundamental principles that, while reflecting the unique situation of Burma/Myanmar, are based on principles and protocols widely recognized in the international relief and development field.

The following organizations have participated in the development of the attached principles and agree to abide by these principles while undertaking humanitarian assistance programs in Burma/Myanmar. Individual organizations may choose to produce supplementary documents to these principles to further explain their operations in Burma/Myanmar while other organizations may choose to let these principles speak for themselves.

**JOINT PRINCIPLES OF OPERATION
OF INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS (INGOS)
PROVIDING HUMANITARIAN ASSISTANCE TO BURMA/MYANMAR
JUNE 2000**

1. HUMANITARIAN IMPERATIVE

INGOs recognise that the right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle that should be enjoyed by all citizens of all countries. When we give humanitarian assistance it is not a political or partisan act and should not be viewed as such. Our primary motivation for working in this country or in any other country in which we work is to improve the human condition and alleviate human suffering.

2. NON-DISCRIMINATION

INGOs follow a policy of non-discrimination regarding ethnic origin, sex, nationality, religion, sexual orientation, political orientation, marital status or age in regard to the target populations with whom we work.

3. RESPECT FOR CUSTOM AND CULTURE

INGOs respect the local culture, religions and traditions of the people of Burma/Myanmar.

4. INDEPENDENCE

INGOs are agencies that function independently from all governments, government controlled/organised bodies, and political parties.

INGOs set independent policies, design our own programmes and use implementation strategies which we believe are in the best interests of the humanitarian needs of individuals, families, and communities of the target population and, ultimately, in the best long-term interests of the people.

While INGOs operate in Burma/Myanmar with permission from the host government, we do not implement the policies of the host government nor are instruments of foreign policy of donor governments, except in so far as these policies coincide with the independently set policies of the INGOs.

INGOs select where we work based on our organisational mandate, our independent assessment of need and organizational capacity.

INGOs do not knowingly allow ourselves to be used to gather information of a political, military, or economically sensitive nature for governments or other bodies that may serve purposes other than those purposes that are strictly humanitarian.

INGOs provide funds and project materials directly to project beneficiaries. INGOs do not provide funds or materials directly or indirectly to government departments or parastatal organizations for project implementation.

INGOs work with organizations that are determined to be independent non-governmental organizations, which may include religious and cultural groups, business associations, and others.

INGOs recruit and hire staff independently of any outside influence.

5.MONITORING AND ACCOUNTABILITY

INGOs are accountable to donors and beneficiaries and adopt and implement necessary monitoring mechanisms to ensure all assistance reaches the intended target beneficiaries.

INGOs are prepared to discontinue assistance if we become unable to implement and/or monitor our programmes in an ethical and effective manner.

5.1 Financial Accountability

INGOs consider themselves stewards of our donors' funds and accept that responsibility with the utmost seriousness.

INGOs have monitoring and control systems in place to ensure that our financial resources and assets are used solely by and for our intended project beneficiaries and are not diverted by the government or any other party.

INGOs seek to maximise the financial impact of our programmes. For example, INGOs seek to obtain the best rate on the exchange of foreign currency, as determined by each organization's financial policies and by market conditions.

INGOs have financial audit systems in place that verify all financial expenditures.

5.2 Accessibility

INGOs work directly with and have direct access to project beneficiaries and their communities to assess, evaluate and monitor projects.

6. RIGHTS-BASED PROGRAMMING AND ADVOCACY

INGOs respect fundamental human rights as defined by the United Nations and our programs take a constructive approach to advocate for rights of individuals as consistent with program objectives in the communities where we work.

INGOs seek to promote an environment in which fundamental human rights are respected through a variety of means. INGOs balance the importance of our advocacy activities with the importance of our operations.

7. CAPACITY BUILDING

INGOs seek to operate in a way that supports civil society and builds the capacity of human resources in the country.

INGOs are committed to enhancing the capacity of local community-based organizations

INGOs are committed to enhancing the capacity of individuals working within our individual organizations, across a wide variety of skills, including technical skills, critical thinking, problem solving and leadership skills.

INGOs are committed to enhancing both the technical and organizational capacities of our beneficiaries.

INGOs foster understanding amongst our staff members and between staff members and our target populations, recognizing the importance of reconciliation and understanding amongst Burma/Myanmar's diverse peoples.

8. SUSTAINABILITY

INGOs employ a diverse set of strategies with a long-term goal of achieving sustainable impact in our programming. Sustainability can be defined in a number of different ways, including the long-term impact of a specific intervention following the closure of a project, continued financial viability of an institution, or capacity built within the community, within the local community-based organizations or among staff members. Different INGOs may employ different definitions and different methods, but all of us consider sustainability of paramount importance and strive to achieve it.

9. INGO CO-OPERATION

INGOs exercise mutual respect for each agency's mandate, methodology, independence and self-determination.

INGOs practice transparency and confidentiality in engaging in a regular dialogue with one another regarding these principles and encourage one another to maintain the highest possible level of ethical programming.

INGOs encourage and support additional INGOs entering the country to develop and undertake responsible ethical programming to provide needed humanitarian assistance.

INGOs encourage donor agencies to significantly increase funding for ethical and responsible humanitarian assistance activities within the country.