

Barriers to Reform in Myanmar: Displacement of Civilians in Kachin State

By Corey Pattison

Over the past year, many citizens of Myanmar¹ have experienced a remarkable political transition. After five decades of oppressive military rule, Myanmar emerged along with several countries of the Arab world as part of what seemed the latest global democratic wave. Yet, for the some 170,000 members of Myanmar's ethnic minorities groups who have been displaced by a sharp increase in violence during the past year,² this period has been but yet another episode in one of the longest-running civil wars in modern history.³ Increasing democratic openings has done little to improve their situation, as they are denied by the state of the fundamental rights that might enable them to benefit.⁴

As part of the transition process, the current regime signed tentative peace agreements with eleven armed groups in 2011 (ICG 2012). Confronted by increased social unrest and renewed calls for autonomy within Myanmar's ethnic minority areas—spurred, perhaps, by the loosening of the authoritarian system—the central government has since responded with increased militarisation, resulting in *de facto* military rule in those areas and further fuelling violent conflict. Based on thirty-seven interviews, primarily with internally displaced persons (IDPs) in three minority areas experiencing recent violent conflict with state military forces—Shan, Kachin, and Rakhine States— this paper describes the precarious situation of ethnic minority groups in Myanmar by examining the displacement of Kachin civilians.⁵ While focusing on and

¹ In July 1989, the ruling military junta changed the name of the state from the Union of Burma to Myanmar, ostensibly to mitigate ethnic tensions within the country. The United States and the United Kingdom, alone, have refused to accept the change as a means of denying legitimacy to the Burmese regime on the basis of, *inter alia*, systematic human rights violations and narco-trafficking. The choice has thus become a proxy for political persuasion. I have used Myanmar in part to escape the politics of names, since it is the more common international and UN usage, and in part because this article posits that major reform is underway as a result of a transformation of the previous regime. The views expressed here are mine, and do not necessarily reflect that of the *Oxford Monitor of Forced Migration*.

² This figure is based on estimates by the United Nations and Human Rights Watch (United Nations News Center 2012; Human Rights Watch 2012).

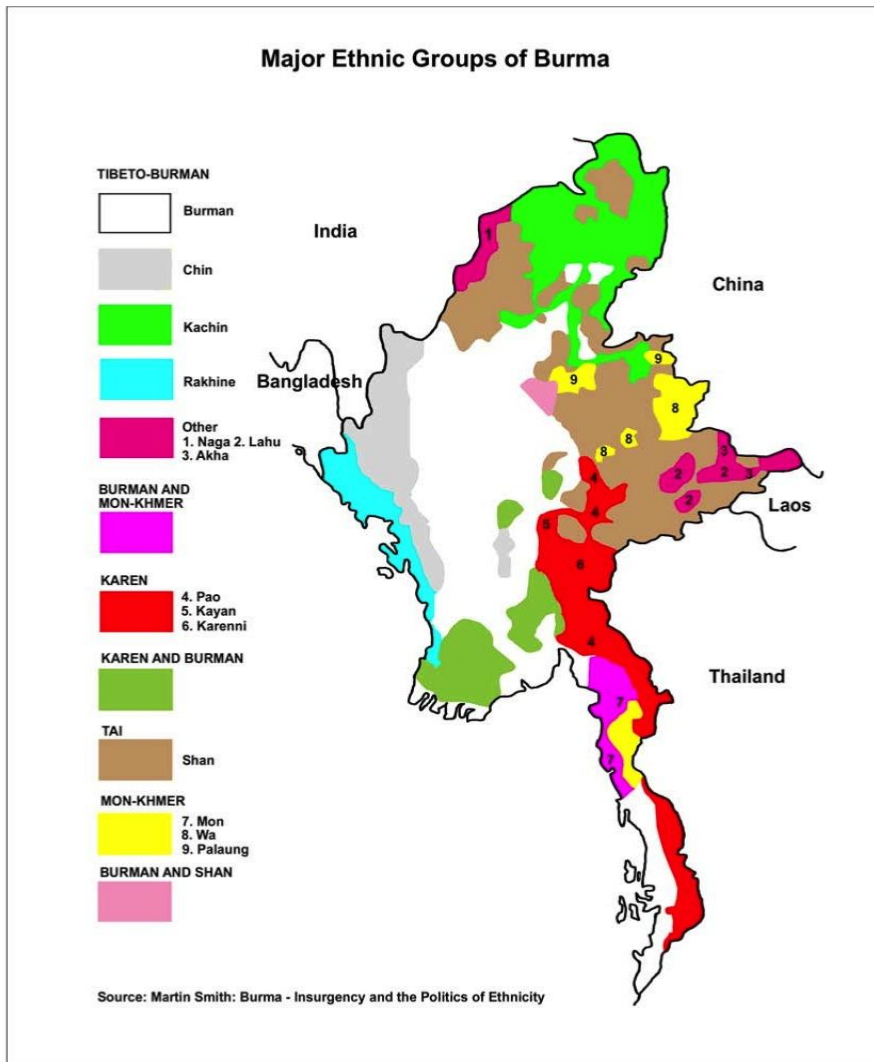
³ Immediately following independence in 1948 from British colonial rule, the central Burmese government was confronted with a number of armed rebel movements, organised along ethnic and Marxist lines, claiming territorial autonomy. These insurgencies spread and intensified with support from foreign actors, including the United States, China, and Thailand. The Burmese government attempted to suppress the challenge militarily, employing particularly brutal force after a 1962 *coup d'état* replaced the civilian government with a military regime led by General Ne Win. The various conflicts, occurring mostly within Myanmar's border regions, have displaced over 400,000 mostly Karen, Shan, and Kachin individuals into Thailand and China, as well as over 300,000 others internally throughout the border regions. In addition, some 29,000 Muslim Rohingya from Western Myanmar reside in UN refugee camps in Bangladesh, although the Bangladesh government estimates that another 200,000 unregistered Rohingya reside in informal communities surrounding the official camps.* Currently, most armed ethnic groups hold an uneasy ceasefire with the Burmese military (*tatmadam*), although these tenuous arrangements periodically regress into violence as they have failed to lead to broader peace agreements. See Steinberg (2001) or Tinker (1957) for further background on Myanmar's post-independence history.

* Refugee figures based on UNHCR data (UNCHR 2012a; UNHCR 2012b).

⁴ For example, many Rohingya individuals (a Muslim minority group) are denied Burmese citizenship due to an 'onerous evidentiary requirement' stipulated by Article 3 of the 1982 Myanmar Citizenship Law (Cheung 2012).

⁵ Research was conducted during May and June 2012 as part of a research project under the Jackson Institute for Global Affairs and the MacMillan Center for International and Areas Studies at Yale University. All interviewees were informed of the purpose and voluntary nature of the interview, as well as how the information would be used.

extrapolating from the Kachin case necessarily generalises some peculiarities of other minority groups, it offers a useful lens through which to view state practice vis-à-vis ethnic minority challenges to state authority in border areas. In the context of Myanmar's fragile transition and troubled civil-military history, the findings suggest disconcerting implications for the future of democracy in the country.⁶



Forced Displacement and Civilian Targeting in Kachin State

In the predominantly Christian Kachin State, in the northernmost part of Myanmar, a government military offensive against the Kachin Independence Army (KIA) has displaced as many as 75,000 civilians throughout eastern Kachin State and across the border into China since a tenuous ceasefire collapsed in June 2011 (Human Rights Watch 2012).⁷ Control of eastern

Interviews were conducted in Burmese, Jinghpo (Kachin), Shan, Ruáingga (Rohingya), in small groups and individually, and included a local translator. Identifying markers have been omitted here for the protection of the interviewees.

⁶ For more on civil-military relations in Burmese history, see Seekings (2002).

⁷ Because research was conducted within Myanmar, this article generally avoids treatment of refugees outside that country. It will be noted here, however, that—in terms of refugee protection—Myanmar is located within a region

Kachin State is divided between the central government and the Kachin Independence Organization (KIO), which administers its territory—in conjunction with the KIA—as a self-governing entity that provides basic social services through parallel health, education, and justice departments.⁸

Speaking with residents of Myitkyina, the provincial capital, it is the provision of basic services that girds their strong and outspoken support for KIO as much as an ethnic affinity. One Myitkyina resident expressed a popular local belief that Burmese military forces were directly targeting service delivery as a form of collective punishment on the local population:

Before [the conflict] electricity was good...it lasted maybe half the day. The KIA controlled a [hydroelectric] dam, and provided us with electricity for no charge. But about five months ago government troops bombed the local power supply. We went without power for two weeks. Now electricity is rare...maybe four hours a day.

Surrounding Myitkyina, a large build-up of government forces has sealed access to KIO-controlled territory, preventing UN and other international aid agencies from distributing much-needed supplies to tens of thousands of IDPs. In response, local religious-based organizations, like the Kachin Baptist Convention (KBC), have transformed themselves into mass emergency-relief providers, serving some 20,000 IDPs in forty-two camps by drawing upon a network of over 300,000 members.⁹

I joined KBC staff on a trip to three IDP camps, ranging in size from approximately 400 to 3,000 persons, laying to the east of Myitkyina, where I encountered terrifying stories of human rights abuses, including targeting of civilians, pillaging and burning of villages, torture, and rape.

Most living in the makeshift camps arrived with nothing, having fled their villages under gunfire after the fighting broke out in June 2011. Some hid in the jungle for more than a month before they arrived in the camp. One Kachin woman described how Burmese soldiers fired upon her and her two children:

When we saw [the soldiers] we ran because we were afraid. They immediately began to shoot at us. We hid in the jungle for two days. It was very wet because it was the monsoon season. When we finally tried to return to the village, the soldiers fired on us again, so we ran into the jungle and hid again. We were too scared to return to the village.

Several accounts described instances of direct targeting of civilian areas. If accurately described, they constitute a clear violation of international humanitarian law under Protocol I of the Geneva Conventions.¹⁰ This Kachin woman described a gruesome scene of unprovoked violence:

of 'some of the least developed refugee legislation and asylum institutions in the world' (Cheung 2012). Recent reports that China, Myanmar's only neighbor that is a signatory to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol, is forcibly returning Kachin refugees to insecure parts of Northern Myanmar underscores the point (Davies 2008; UNHCR 2012c). While over 100,000 displaced persons originating from Myanmar reside in nine UN refugee camps in Thailand, more than 500,000 others have fled to Thailand from Myanmar as illegal migrants, and thus lack access to UN protection or assistance (UNCHR 2012a).

⁸ Based on interviews with KBC staff and Kachin civilians, Myitkyina, May 2012

⁹ Based on interviews with KBC staff, Myitkyina, May 2012.

¹⁰ Article 50 defines who is a civilian and what is a civilian population; Article 51 describes the protection that should be provided to civilian populations: "The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the

Two mortars fell in the village as we were preparing breakfast. We immediately ran out of the village into the rice fields. As we ran, government troops began to fire on us. Bullets were hitting the ground around me.

Many IDPs have been trapped in the camps since the onset of violence, now more than a year ago, unable to return to their homes due to destruction of their property by Burmese forces—described by eleven separate accounts—or out of fear of targeting by government forces operating on an assumption that all Kachin are KIA. This assumption has led to instances of torture of Kachin civilians by government soldiers, as reported by one Kachin man who witnessed the beating of a 22 year-old Kachin man:

They asked him if he was a [KIA] soldier many times. He said no, but they started to beat him anyway. When they tied a plastic bag over his head so he couldn't breathe, some people watching tried to tell the soldiers that he was not KIA. The government troops yelled that we were all part of KIA, and continued to beat him.

Conclusion

Taken together, intentional destruction of civilian property and targeting of civilians attempting to return to their homes represent a pattern of systematic displacement of Kachin civilians by state military forces. Lacking domestic or international legal protections under the 1951 Convention, IDPs in Kachin state demonstrate the extreme vulnerability of ethnic minority individuals as state military forces attempt to manage ethnic conflicts within acceptable levels of violence. The absence of institutional protections may reflect the dark record of Myanmar's past, on which it promises to improve, but refusal to address *current* vulnerabilities suggests the limits of reform, and highlights the more general absence of genuine efforts at national integration. A case in point, the newly created National Human Rights Commission has refused to investigate allegations of human rights violations in Kachin State, claiming that they are 'not appropriate at this present point in time.'¹¹ Such a policy reaffirms the deep-seated and widespread distrust of the state by ethnic minority groups, just as the militarisation of minority disputes reinforces the historical pattern of violence between the two. Social unrest in minority areas presents significant challenges for the transitioning government, but failure to develop legal protections and political solutions threatens to put policy-making back in the hands of the military, with retrogressive implications for the reform agenda.

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civilian population are prohibited', (51) 1977 Protocol I Additional to the Geneva Conventions, entered into force 7 December 1978. Myanmar is a party to the Geneva Conventions, but has not signed the Protocol.

¹¹ Agence France-Presse (2012), originally referenced in Human Rights Watch (2012).

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