

Briefing

Burma

Visit to Kachin State

25 AUGUST-1 SEPTEMBER 2006



Christian Solidarity Worldwide **Voice for the Voiceless**

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Christian Solidarity Worldwide

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25 August - 1 September 2006

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1. Executive Summary

“We have been crying for a long time for someone like you to help us. We felt we had been forgotten. We felt alone.” Those were the words of a Kachin pastor speaking to Christian Solidarity Worldwide (CSW) during a fact-finding visit to Kachin State, Burma.

From 25 August - 1 September 2006, CSW made its first visit to the Kachin people in northern Burma. Although it would appear that the Kachins are not facing the same widespread and very severe human rights violations as other ethnic nationalities in Burma, such as the Karen, Karenni and Shan, nevertheless the Kachins continue to face oppression, restrictions and discrimination. Since a ceasefire was established in 1994 between the main resistance group, the Kachin Independence Organisation (KIO), and Burma’s ruling military regime, the State Peace and Development Council (SPDC), the widespread and systematic use of rape as a weapon of war, the use of human minesweepers, killings and the destruction of villages, crops and livestock seen in conflict areas has diminished, but the Kachins, who are approximately ninety per cent Christian, face restrictions on religious practices, discrimination, land confiscation and human trafficking. Incidents of rape in areas close to SPDC military camps are reported to be “very common”, but few cases are reported or documented because the victims fear repercussions.

Information about human rights violations in Kachin State is very difficult to obtain. In comparison with other ethnic groups in Burma, the Kachins, by their own admission, lack the infrastructure, skills and resources to document and report human rights violations. There is a clear need to train Kachin civil society groups in research, documentation and dissemination skills, so that the lid can be lifted on the realities of the situation in Kachin State. There is also an urgent need for human rights education. As one Kachin told CSW, there is a huge lack of awareness among Kachin people about the concept of universal human rights. That lack of awareness about their basic human rights, and their weakness in research and documentation, has created a situation where, in contrast to the Karen, Karenni and Shan, almost no information about the Kachins reaches the international community.

During this one-week visit to Kachin State, CSW interviewed pastors and civil society groups and obtained first-hand reports of religious discrimination and restrictions, land confiscation, rape and human trafficking. CSW also discussed Burma’s political situation with individuals, in particular relating to the National Convention and the process of

drafting a new Constitution for Burma. It is clear that despite the KIO's participation in the National Convention, Kachins have very little hope that their desire for autonomy and respect for ethnic rights in a federal democratic system will be reflected in the new draft Constitution. There is also no optimism that the referendum, which the SPDC proposes to hold following the completion of the drafting of the Constitution, will in any way be free and fair.

To protect their security, this report does not include any names of people interviewed or locations visited. Further information can be provided by CSW in private briefings to relevant bodies, on a confidential basis.

2. Background

The population of Kachin State is estimated to be 1.2 million. The Kachin Independence Organisation (KIO) was founded on 5 February 1961 by General Zau Seng, and an armed struggle took place for the following 32 years. The catalyst for the revolution was the declaration by Burma's then Prime Minister U Nu that Buddhism would become the State religion. The Kachins, a majority Christian people, were opposed to this and began their struggle in response. However, the primary cause of the KIO's prolonged armed struggle was the decision taken by General Ne Win, who seized power in a military coup in March 1962, to suspend the constitution and reject the concepts of federalism and equal rights for ethnic nationalities, as set out in the Panglong Agreement of 1947. The Kachins had been one of the initiators of the Panglong Agreement, along with the Chins and Shans. The KIO advocates the principle of federal democracy, providing autonomy to all ethnic states within a united Burma.

In 1994, the KIO agreed a ceasefire with the SPDC. Under the terms of the ceasefire, the KIO now controls significant areas of Kachin State, including the border with China. The KIO has also maintained its armed wing, the Kachin Independence Army (KIA). The KIO has been permitted to engage in various business activities, including jade mining, border trade and the leasing of part of the town of Mai Ja Yang to China for casinos and other business.

When the SPDC's first National Convention was convened in 1993, the KIO sent informal observers. In 2004, the National Convention was re-convened and the KIO has attended as a full participant.

3. About Christian Solidarity Worldwide

Christian Solidarity Worldwide (CSW) is an international human rights organisation, specialising in religious freedom. CSW has partners and affiliates around the world, in the UK, USA, France, Norway, Denmark, Hong Kong, Australia, New Zealand and India, and full-time advocacy staff working to inform the UK, US and European Union (EU) in London, Brussels and Washington, DC. CSW has campaigned for Burma for almost two decades, focusing primarily on the persecution of ethnic nationality groups. CSW has conducted many fact-finding visits to the Karen, Karenni and Shan people on both sides of the Thai-Burmese border, and since 2004 CSW has made two visits to the Chin people on the India-Burma border. This visit was CSW's first to the Kachin people on the China-Burma border.

4. Purposes of Visit

- a) To obtain up-to-date information concerning human rights violations, particularly violations of religious freedom, and political developments in Kachin State;
- b) To establish relations with Kachin groups and individuals;
- c) To show solidarity with Kachins;
- d) To deliver small-scale funding for projects in Kachin State;
- e) To explore and identify potential areas of future work.

5. Aid

CSW is primarily an advocacy organisation, but we believe we cannot go to places of conflict, persecution and suffering without providing some financial support to projects in need, particularly those related to human rights research, documentation and advocacy, education, and health care. In Kachin State CSW was able to donate £500 to a civil society group to help them in research and documentation. CSW was also able to donate £294 to a school to provide bedding and mosquito nets for 32 students. We were also able to deliver £500 to a hostel for Kachin children, donated by “Support for the Oppressed People of Burma”. The names of the organisations and schools which received donations have been omitted for security reasons.

CSW also donated books to a library. We visited four schools and discussed future needs with them, and with various other organizations and individuals. There is a major shortage of books in the schools, and CSW has agreed to attempt to send more books in the future.

CSW has also agreed to consider providing training in human rights research and documentation for Kachin civil society groups in the future.

6. Human Rights Violations

According to sources interviewed by CSW in Kachin State, the human rights violations seen in Karen, Karenni and Shan areas, including the widespread destruction of villages, crops and livestock, killing of civilians and the use of human minesweepers, have not occurred on a systematic or widespread basis in Kachin State since the ceasefire was agreed between the SPDC and the KIO in 1994. However, some human rights violations continue despite the ceasefire, albeit in a less violent form, and according to one source the situation has deteriorated since the fall of former Prime Minister General Khin Nyunt in 2004. One Kachin person said: “The SPDC has been very clever in Kachin State. The oppression is not so hard – it is more subtle.” Continuing violations include restrictions on religious freedom, rape, forced labour, land confiscation and forced relocation perpetrated by the SPDC. There is also a major crisis of human trafficking which, while there is no evidence of the SPDC’s direct involvement, the SPDC has nevertheless failed to take any action against.

a) Violations of Religious Freedom – Discrimination and Restriction

According to one Kachin pastor, “there is no religious freedom” in Kachin State. On the face of it this appears an exaggeration, as churches are able to continue to worship openly and are not generally subjected to violent persecution. However, all the sources interviewed by CSW confirmed that the SPDC is pursuing a subtle strategy of ‘Burmanisation’ and ‘Buddhist-isation’, involving restrictions on church activities and construction, discrimination against Kachin Christians, and attempted forced conversion of some Kachin Christian children. “They [the SPDC] hate Kachins and Chins because we are Christians,” one Kachin pastor told CSW. Another Kachin told CSW: “The regime wants Burman Buddhism to dominate. They want all people to be Buddhist. So they discriminate against the rights of other religions.” But, he added, “the religious persecution is not very harsh or aggressive. In Chin State it is more aggressive.” Another source, however, said that the situation was very serious but “people are too afraid to speak out. People are asleep.”

Several sources confirmed to CSW that Christians are denied promotion in Government service. There are no Christians in senior Government or military positions. According to one source, “if a Christian is very smart, they might reach the rank of Major – but no higher”. CSW interviewed a defector from the SPDC, a former Major, who confirmed this and said that the highest rank that can be attained by Christians now is Captain, and that no Christians are accepted into officer training school now. In addition, SPDC soldiers are encouraged to marry Kachin Christian women to convert them to Buddhism and “dilute” their ethnicity and religion and “assimilate” them, the defector confirmed. However, a Burman Buddhist soldier who marries a Kachin Christian woman who does not convert to Buddhism cannot be promoted. The former SPDC Major said: “Burma Army officers are really scared of Christians. They think that when the British colonized Burma, before they left they deliberately converted the ethnic nationalities to Christianity in order to maintain Western influence. The growth of Christianity in Burma, in their eyes, means the growth of Western influence. So they do not trust Christians.”

In another insidious effort to undermine Kachin Christians, the SPDC regularly holds staff meetings and training days for Government employees on Sundays. This includes teachers and doctors. For Christians, Sunday is a day of rest and worship, and so they are faced with a choice: to attend Government staff meetings and training, and miss Sunday church services, or refuse to attend the Government meetings, but risk the termination of their employment. Those who do not attend these Sunday meetings are sacked, and replaced by Buddhists.

During the visit CSW was told of reports from several villages of the destruction of Christian monuments and symbols, including crosses, and of the restrictions on the construction of new churches in Myitkyina and Bhamo, the two major centres of Kachin State. Further details of these incidents are expected to be received by CSW soon.

In October 2005, the SPDC’s Northern Commander, Brigadier-General Ohn Myint, reportedly said in a speech to subordinates that he did not want to see any crosses or other Christian symbols on roadsides in Kachin State¹.

Approval for church meetings and events has to be obtained from the SPDC, and such permission is frequently denied or delayed. In 2003, the Kachin Baptist Convention (KBC) asked the SPDC for permission to hold its Convention, which normally takes place every three years, in Muse. Permission was delayed for several months, until finally the

¹ This information was given to CSW orally by a reliable source, but CSW has not seen the text of the speech or spoken to eye-witnesses.

KBC obtained approval to hold the Convention in a different location, Kutkai. Such delays indicate a deliberate attempt to disrupt and hinder church activities, while not completely preventing them.

CSW received reports on the establishment of 'Na ta la' schools to which Kachin children are recruited by the authorities with the promise of a good education and exemption from tuition fees. Parents without means to pay for education for their children are naturally very attracted by the offer of free schooling. However, once in the school Kachin Christian children are forced to participate in Buddhist worship, punished if they refuse and forbidden to attend church. One such school exists in Bhamo. Approximately 30 children aged between 13-16 attend this 'Na ta la' school. According to two Christian workers, those children who refuse to participate in the morning and evening Buddhist worship are severely beaten. Kachin girls are forced to dress as Buddhist nuns. This is a clear violation of freedom of religion, and appears to be a deliberate attempt to separate Kachin Christian children from their ethnicity, cultural heritage and religion and subtly 'Burmanise' them and convert them to Buddhism.

Between June and August 2006, SPDC Captain Kyaw Win forbade one church from building a function hall, to be used for wedding receptions, Christmas celebrations and other events, until they had a government permit for construction. Captain Kyaw Win ordered the villagers to establish "physic nut" plantations on all the available church land, and warned that if they refused, the SPDC would occupy all the available land including the church compound. Physic nuts are believed to produce oil which can be used as a diesel substitute. It is reported to be one of Senior General Than Shwe's favourite projects.²

In April 2006, leaders of a church in Bhamo received a letter from the municipal government ordering them to stop the construction of a new church immediately. Verbal permission had been granted for the construction of this church by former Prime Minister General Khin Nyunt when requested by the Kachin peace negotiator Rev. Saboi Jum but it appears that permission was rescinded after Khin Nyunt's fall from office. The municipal government told the church that an order had been issued by the Ministry of Religious Affairs prohibiting the construction of new churches or mosques. In contrast, the nearby Buddhist monastery built a three-storey building after the construction of the church had begun, and the monastery faced no restrictions. Similarly, a large Buddhist monastery was built in the summer of 2005 near one SPDC military post in another village. The SPDC forced local Christian villagers at gunpoint to contribute wooden planks for the construction of the monastery.

In 2002, a prayer mountain belonging to the church at Daw Hpum Yang, close to Laiza on the Myitkyina-Bhamo road, was seized by the SPDC and occupied. The cross and prayer room on the mountain-top were destroyed. It is reported that Russian-made rockets have been installed on the prayer mountain, targeting the KIO headquarters in Laiza. It is also reported that construction of the rocket installation base was first carried out by Chinese technicians, who were subsequently replaced by Russians. In the first week of October 2002, one Kachin village and two nearby Shan villages were ordered to build a landing strip for aircraft on the prayer mountain. Two sources independently confirmed that Senior General Than Shwe visited Daw Hpum Yang in December 2005, and Prime Minister General Soe Win and other SPDC ministers have visited at various times since 2002. While this case does not necessarily show religious persecution, as the SPDC probably chose the

² On 18 January 2006, the *New Light of Myanmar* reported the SPDC's policy to promote the production of physic nuts. "Vice Senior General Maung Aye called on officials and local farmers to engage in extended cultivation of physic nut plants, source of bio-fuel", the newspaper reported.

prayer mountain primarily for its strategic location, it demonstrates a profound lack of respect for religious freedom and ethnic cultural heritage on the part of the SPDC.

The proposed “Principles of Religious Organisations” to be included in the draft Constitution prepared by the National Convention (see next section: “Political Developments”) accord Buddhism a unique, primary status. According to the “Principles of Religious Organisations”, the “existence” of other religions – Islam, Christianity, Hinduism and Animist – is recognised. Religious organisations are prohibited from involvement in economic, political and social work, and enjoy the right to worship and practice their religious subject to “law and order, public health and the Constitution”. The State reserves the right to take action against any religion that “misuses” their position to “monopolise” the political system and “create hatred between religious organisations and divide them”, if such behaviour is deemed a “threat”. Such loosely worded provisions create opportunities for continued and indeed increased restrictions on religious freedom.

b) Forced labour

Forced labour continues to be “widespread and regular” in Kachin State, according to several sources, particularly in areas close to SPDC military camps. Villagers in nearby areas are often required to give a “labour contribution”, particularly on Sundays, another deliberate attempt to disrupt Christian activities. Civilians are used to dig bunkers, build barracks and fences around army camps, and clean towns and villages. They face imprisonment and/or fines of up to 100 Chinese Yuan (£7) if they refuse to provide a “labour contribution”.

On 27 May, 2004 SPDC Light Infantry Battalion (LIB) 142 forced villagers from one village to contribute labour to build the army camp. Since 2004, troops from LIB 142 have looted five local villages and killed 33 cows. Local villagers were ordered to plant physic nut plantations without payment, and were refused permission to build a church.

c) Child soldiers

The forced recruitment of child soldiers continues in northern Burma, as in other parts of the country. In Mong Ku district, northern Shan State, over 30-40 children, aged between 15-16 years old, have been forcibly recruited from one township alone in the past two years.

A Major who served in the Burma Army and then defected to the KIO confirmed that there are many cases of the use of child soldiers. After the 1988 pro-democracy demonstrations, the junta decided to expand the army significantly, and this required many more recruits. In his experience, every month each battalion is ordered to recruit at least five new soldiers. If they cannot meet the quota they face a fine. Soldiers go to railway stations, bus stations and other public locations and simply grab whoever they can find. “Sometimes the children are so young that they still pee in the night,” he said. “That gives you an idea of the age of the youngest child soldiers.” They also take elderly men who are not really fit to serve as soldiers. “Many of the recruits are too young or too old to be in the army,” the defector said.

International pressure on the issue of child soldiers has led to some small improvements, the former SPDC Major said. “As a result of international pressure, the SPDC does not let children who are very young go to the front-line anymore. They tell commanders instead to use the children for domestic work in the army camps,” he said.

“But some commanders ignore this and still send young children to the front-line,” he added.

d) Land confiscation, forced relocation and extortion

Land confiscation and forced relocation is widespread in Kachin State, but documentation of such incidents is scarce. Often land confiscation is directly related to religious persecution – a deliberate attempt to restrict religious activities, without explicitly stating this objective.

On 24 December 2005, for example, in the middle of Christmas Eve celebrations, civilian Government officials accompanied by SPDC soldiers delivered a relocation order to residents of one village, in a remote part of Putao district. The villagers, from 30 families, had originally moved to this village from three other villages because it is a more fertile area and therefore better for growing crops. The villagers were ordered to move to another location eight miles away in the mountains, and were ordered to destroy the church building they had constructed.³ According to one source, this was a “direct attack on Christians”.

On 13 April 2005, LIB 438 occupied arable land belonging to villagers and a 40-acre fruit farm (growing oranges and mangoes) belonging to the church pastor in village Y. The military occupied all farms in the village, and built an army camp nearby.

In August 2006, the SPDC’s Northern Commander has been trying to relocate some people from KIO-controlled areas to a new township at the confluence of the Mai Hka and Nmai Hka rivers, tributaries of the Irrawaddy. He wanted to create a new district, but it is an area without a proper road and without adequate communications. Captain Tin Naing of LIB 29 allegedly tried to recruit villagers to sell heroin in the restaurants in the local area. Gambling, drug addiction and prostitution have developed in an area which previously did not experience these problems. The local anti-narcotic police have been corrupted, collecting bribes from local drug dealers.

Bribery and extortion is widespread. On 29 July 2006, it was reported that SPDC soldiers at checkpoints near Gan Dau Yang were extorting money from villagers at gunpoint. The SPDC also demanded money from the churches in Japu, Dabak and Hkat Su villages, promising to provide land from the government for them to build church compounds. No permission from the government for the construction of church buildings has so far been given.

It was reported that local authorities often demand money from both sides involved in legal cases which have already been settled by customary law through negotiation. The SPDC demands payment in order to recognise the settlement.

e) Political Prisoners

In Burma today, there are over 1,100 prisoners of conscience in jail. There appears to be only one known Kachin political prisoner, although there may be others whose cases have not been reported. The case reported to CSW was that of N Lum Janaw, aged 26, from Myitkyina. He was a final year law student at university. In the first week of August 2005, he was returning across the border from China to Kachin State through the checkpoint and was searched. In his luggage the SPDC found video tapes of speeches by Burma’s democracy leader, Nobel Laureate Daw Aung San Suu Kyi, as well as other pro-

³ Photographs of this are available from CSW.

democracy literature and reports on environmental degradation. He was arrested, and then sentenced in December 2005 to three years in prison.

f) Rape

Incidents of rape by SPDC soldiers against Kachin women are reported to be widespread. In areas close to military camps, according to several sources, rape is “very very common”. According to one Kachin, “rape happens in every area where there is an SPDC army camp.” There have been a particularly high number of incidents of rape in the Putao area of northern Kachin State and the Tanai area of western Kachin State, according to one source. However, unlike the Shan Women’s Action Network (SWAN) which published *Licence to Rape* in 2002, and the Karen Women’s Organisation (KWO) which published *Shattering Silences* in 2004, incidents of rape have not been systematically investigated, documented and reported by Kachin women’s groups. This is partly because victims of rape are very reluctant to report the incidents, for fear of repercussions and social stigma. However, it is also due to a lack of training in research and documentation, and resources to produce reports. The lack of reporting of incidents of rape should not be taken to mean that rape is not occurring. Indeed, on the contrary, it appears sadly to be an all too common feature wherever the SPDC goes.

The former SPDC Major who defected to the KIO confirmed to CSW that rape is widespread, and is mostly carried out by officers. When SPDC officers rape a woman, the soldiers follow their example. If reported to higher authorities, cases of rape are sometimes investigated and the accused tried. He recalled a court martial case in Kachin State in which a woman who had been seven-months pregnant went shopping with her sister in Myitkyina and on her way home she and her sister were raped by two SPDC soldiers, who then killed the women and stole their earrings and 150 kyats. However, even if there is a trial, many cases of rape go unpunished, and often the regional commander can protect their soldiers from punishment.

In January 2006, a soldier from LIB 37 in Shwegu, eastern Kachin State, raped a Kachin woman at gunpoint. Holding a gun to her head, he forced her into the jungle where he raped her and then attempted to strangle her. She survived, and the local commander gave her family 50,000 kyats not to report the case. The woman became pregnant and had an abortion.

g) Human Trafficking

The trafficking of Kachin women from Burma into China, often to be sold as “wives” for Chinese men or into prostitution, is widespread and alarming. In 2005, the Kachin Women’s Association Thailand (KWAT) published *Driven Away: Trafficking of Kachin Women on the China-Burma Border*, documenting 63 cases involving 85 women and girls, mostly aged between 14-20 years old, between 2000-2004. About two-thirds of the women came from Myitkyina and Bhamo districts in Kachin State and one third from northern Shan State. Many more cases have gone unreported.

According to KWAT, this year alone more than 50 cases have been reported, mostly of Kachin women from northern Shan State. Since March this year, 12 women have been rescued and returned home. Four of them had been trafficked to the China-North Korea border.

KWAT believes the growth in human trafficking is due to the economic crisis in Burma. Women are lured by the promise of employment opportunities, without realising that they will be sold as “wives” or into prostitution. While there is no evidence of direct

involvement in the human trafficking trade by the SPDC, KWAT argues that human trafficking is occurring because of the SPDC's failed policies and mismanagement of the economy. KWAT emphasised that human trafficking, resulting from poverty caused by the economic crisis, is not a result of economic sanctions placed on the regime by the United States (US) and the European Union (EU). Human trafficking was happening before economic sanctions were introduced. "The root cause is that the SPDC is incapable of economic progress in Burma," said KWAT. The SPDC appears to have taken little or no action to stop human trafficking. When a 13 year-old girl from Myitkyina was sold in China, her parents made a complaint to an SPDC-controlled women's group. They said they could not help. Instead, the KIO, in co-operation with the Chinese authorities, were able to locate the girl and rescue her after four years.

7. Political Developments

The major focus of attention among the Kachin at the moment is the National Convention to draft a new Constitution for Burma. The National Convention, first convened in 1993 and then suspended and re-convened as part of the SPDC's proposed "Roadmap" in 2004, last met between 5 December 2005 and the end of January 2006. It is due to resume for a final session in October 2006, according to a statement from the Chairman of the National Convention's Convening Commission, Lt. General Thein Sein, on September 2. Burma has been without a Constitution since 1988, when the 1974 Constitution was suspended by the military regime. As one Kachin pastor told CSW, "this regime rules not with law, but with notices".

Unlike other ethnic nationality resistance organisations, the KIO has participated in the National Convention since 2004. According to several sources, the National Convention has proven to be exactly what its critics in Burma and the international community feared – simply a rubber-stamp for the SPDC's own agenda. The Kachin have attempted to make proposals for the draft Constitution, but the SPDC has continuously declined to discuss them. The procedures for making proposals at the National Convention were also unclear, and so even if the SPDC had been prepared to consider alternative ideas, there was little mechanism for debate. However, the KIO have little choice but to participate in the National Convention. If they withdrew, it is possible that the ceasefire, which has held since 1994, would be undermined and the SPDC might even respond with military force against the KIO once again.

The National Convention is expected to conclude by the end of 2006. A draft Constitution will then be presented for endorsement by the people in a referendum. No one, however, believes that the referendum will be free and fair. The expectation is that such a referendum will be manipulated by the SPDC and that the people will be intimidated into voting in favour of the regime's draft Constitution. The SPDC is reportedly channeling significant amounts of funding to its civil society "front", the Union Solidarity and Development Association (USDA)⁴, to strengthen its presence in preparation to manipulate both the referendum and the ensuing elections scheduled to be held in 2008.

Without international, independent monitors of the referendum, a proper period of public information, consultation and campaigning, and the freedom to campaign for or against the draft Constitution, the process cannot be deemed to be free and fair. One Kachin said: "We would like the international community to come and closely observe the

⁴ See *The White Shirts: How the USDA Will Become the New Face of Burma's Dictatorship*, published by the Network for Democracy & Development (NDD), 30 May 2006 - <http://www.burmacampaign.org.uk/pm/weblog.php?id=P212>

process of drafting the new Constitution, and compare the process, and the final draft, with the Constitutions of other countries. They should observe whether the new Constitution is beneficial for Burma and for people, especially for the ethnic states and the ethnic people. It would be very helpful if the international community would observe, and comment, on this process.”

For the Kachins, as for all the ethnic nationalities, the protection of ethnic rights is crucial. As one Kachin told CSW, “without considering the ethnic minorities’ rights, there will be no peace in Burma.” However, few people are optimistic that the new Constitution will provide adequate protection or representation for the ethnic nationalities.

The current proposal is that a new legislature will be formed, with two houses – a “House of the People” and a “House of Nationalities”. The Burma Army will control 25 per cent of the seats in both houses. The House of the People will have 440 seats, of which the military will control 110. The House of Nationalities will have 224 seats, of which the military will hold 56. The remaining 168 seats will be divided between the ethnic states and divisions. There are seven ethnic states in Burma – Kachin, Chin, Arakan, Shan, Karenni, Karen and Mon – and seven divisions – Yangon, Mergui, Sagaing, Tenasserim, Mandalay, Bago and Irrawaddy. Each state and each division will have 12 seats. However, in many of the divisions there is a high Burman population. It is possible that a significant number of Burmans could contest and win seats, thus diluting the ethnic minority representation in the House of Nationalities. Candidates for election will require approval by the central Government, so the central Government will retain control of much of State-level government. Under the draft Constitution, the President of the country must have served at least ten years in the military – a clear effort to bar civilian democracy leaders from contesting the election. Additionally, in a clear attempt to disqualify detained National League for Democracy (NLD) leader Daw Aung San Suu Kyi, whose deceased husband was British, the President cannot have been married to a foreigner.

One Kachin man said: “We cannot be hopeful for the ethnic states and the ethnic people. The rights given to ethnic states in the new Constitution will be low. Ethnic people and ethnic states cannot have much hope that they will be granted autonomous rights. The SPDC does not want the ethnic states to become stronger.” According to this source, the SPDC has even considered renaming the ethnic states, depriving them of the name of their ethnicity for the state, but so far this has not been implemented.

The SPDC has become more aggressive towards the KIO in recent years, since the fall of Khin Nyunt. In January this year, in Kachin Independence Army (KIA) Fourth Brigade area, SPDC troops shot and killed 20 KIA soldiers in an entirely unprovoked attack, in violation of the ceasefire. While under the terms of the ceasefire the SPDC has to obtain KIO permission to enter KIO-controlled territory, the SPDC reportedly frequently violates this agreement and enters KIO areas without permission. The SPDC is reportedly attempting to develop its own administrative system of ‘Ya Ya Ka’ (block-level and village-level authorities) within KIO-controlled areas, particularly KIA First and Second Brigade areas where many jade mines are located.

According to one Kachin, the SPDC has “tried everything to weaken the KIO”. While the most violent human rights violations have declined since the ceasefire was established in 1994, and while under the terms of the ceasefire the KIO has been given control of a significant area of land, and is able to benefit from business and border trade, the SPDC has nevertheless continued with a more subtle, but no less serious campaign to weaken and undermine the KIO resistance. In particular, it has adopted its typical strategy of “divide-and-rule”, creating splits among the Kachin which have led to three splinter organisations breaking off from the KIO: the New Democratic Army of Kachin (NDAK),

the Kachin Defence Army (KDA) and a KIO break-away group led by Colonel Lasang Awng which confusingly retains the name 'KIO'.

8. Conclusions & Recommendations

One Kachin summed up the situation with these words: “Our hope is for a political solution in Burma very quickly, because it has been a very long time. It has been a never-ending conflict decade by decade. Health and education are deteriorating rapidly. The problem of Burma has to be solved very quickly. But the SPDC has not shown any changes in attitude. Military, economic and political power is in their hands. The ethnic nationalities are not strong enough to fight them. The situation is very uncertain. The help of the international community, including the United Nations, is strongly needed. We feel very unhappy in our hearts. We cannot sleep soundly. How can we finalise our struggle?”

While political change in Burma must be led by the people of Burma themselves, the international community can and should provide more support and assistance. The United Kingdom in particular owes the Kachin people a great debt, as it does the Karen, Karenni, Chin, Naga and others who fought so loyally and courageously alongside the Allies against the Japanese in the Second World War. Field Marshal Viscount Slim, who commanded the British forces in Burma in the Second World War, writes of the Nagas in his memoir *Defeat Into Victory*, that their loyalty, “even in the most depressing times of invasion, had never faltered. Despite floggings, torture, execution, and the burning of their villages, they refused to aid the Japanese in any way or betray our troops. Their active help to us was beyond value or praise Many a British and Indian soldier owes his life to the naked, head-hunting Naga, and no soldier of the Fourteenth Army who met them will ever think of them but with admiration and affection.”⁵ Similarly, he writes, “the Kachins, Chins, Karens, and other hillmen ... formed the backbone of the resistance movements that grew in strength as the Japanese occupation continued.”⁶ The Kachins reminded CSW during this visit of the legacy of British colonial rule, and the responsibility that the United Kingdom, more than any other country, has to ensure that a lasting political solution, the establishment of federal democracy, is achieved in Burma.

In meetings with different Kachin individuals and groups, CSW discussed the international campaign to bring Burma to the agenda of the UN Security Council, following the publication of the report *Threat to the Peace* commissioned by former Czech President Vaclav Havel and Nobel Laureate Bishop Desmond Tutu and published by the law firm DLA Piper Rudnick Gray Cary in September 2005. Without exception, all Kachins welcomed the initiative. One Kachin, however, emphasized that a UN Security Council resolution, if passed, would only be worthwhile if there is a clear plan of action to implement it if the SPDC fails to comply.

During the visit, CSW had several opportunities to address various groups, and on each occasion the central message we were able to deliver was the need for greater unity, more advocacy, and sustained hope. The need for deeper unity within each ethnic and political group, and greater unity among the different ethnic nationalities and democracy groups, has never been greater. To make progress, the different ethnic and pro-democracy organizations must develop a deeper spirit of unity, including improvements in communication with each other and the international community. Increased international advocacy, particularly on behalf of groups who are unable to speak out themselves, will enhance unity. Even though different ethnic and political groups may have chosen different

⁵ Field Marshal Viscount Slim, *Defeat Into Victory*, p.341-2

⁶ Ibid, p.113

means of pursuing their objectives – some have chosen a ceasefire and engagement with the SPDC, others continue their armed struggle – if those objectives are federal democracy, respect for human rights, equal rights for all ethnic nationalities and the establishment of the rule of law, then those are common objectives around which different groups can unite. The international community should help encourage and strengthen that process.

CSW strongly urges the international community, including the United Kingdom, the European Union, the United States, India and the Association of South-East Asian Nations (ASEAN):

- a) To increase efforts to bring the issue of Burma to the agenda of the UN Security Council and pass a binding resolution calling for meaningful tripartite dialogue between the SPDC, the NLD and the ethnic nationalities;
- b) To develop a clear plan for the implementation of a UN Security Council resolution if the SPDC fails to comply;
- c) To increase pressure on China to use its influence with the SPDC to make progress towards meaningful tripartite dialogue and a transition to federal democracy;
- d) To closely observe and monitor the next session of the National Convention and the resulting draft Constitution;
- e) To put pressure on the SPDC to ensure that the referendum following the National Convention will be free and fair, including an adequate period of public information, consultation and campaigning, and to invite independent, international monitors to observe the referendum process;
- f) To put pressure on the SPDC to stop the continuing human rights violations in Kachin State, including restrictions on religious freedom, rape, forced labour, land confiscation, forced relocation, extortion and human trafficking;
- g) To call on the SPDC to invite the UN Special Rapporteur on Freedom of Religion and Belief to visit Burma, with unhindered access to all areas of the country to investigate reports of religious persecution, restriction and discrimination;
- h) To urge the SPDC to take action to stop human trafficking from Burma.

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