

Crisis in Shan State

On 13th March 2011 the dictatorship in Burma broke a 22 year long ceasefire agreement with the Shan State Army – North. 3,500 Burmese Army soldiers took part in a military offensive in north-central Shan State, an area with a population of 100,000. Sixty-five clashes were reported in the first three weeks of the dictatorship breaking the ceasefire. Civilians are being targeted in the military offensive, with mortar bombs fired at civilian villages. Abuses committed by the Burmese Army include arbitrary execution, arbitrary detention, torture, looting, rape, forced relocation and forced labour. These abuses are violations of international law.

More than 3,000 people have been forced to flee their homes. Many are hiding in the jungle.

Local community organisations are calling on the international community to condemn the attacks, and take action to persuade the dictatorship to implement an immediate nationwide ceasefire. They are also calling for humanitarian assistance, including cross-border aid, which, because of aid restrictions by the dictatorship, is the only way aid can be delivered in some areas.

Background to ceasefires

Since 1989 Burma's dictatorship has signed ceasefire agreements with around 17 different armed organisations in Burma. However, under the new 2008 Constitution, the Burmese Army is the only permitted armed organisation allowed in the country. The organisations with ceasefire agreements took part in the National Convention which drafted the principles of the Constitution. Every single one of their proposals which would grant some level of autonomy to ethnic states, and protection for ethnic rights and culture, were



rejected by the dictatorship. (A detailed analysis of this is available in Burma Briefing No 11, Burma's New Constitution, Denying Ethnic Rights, published by Burma Campaign UK.)

Ceasefire organisations were ordered to place their armed wings under the control of the Burmese Army, as a Border Guard Force or Burmese Army controlled militia. Their political wings were told to apply for permission to take part in the rigged election held in November 2010, where at best they could hope for a handful of seats in a powerless, rubber stamp Parliament. Not surprisingly, most ceasefire groups rejected this ultimatum.

Since 2009 the dictatorship has issued repeated deadlines by which ceasefire groups must submit to being absorbed into the Burmese Army.

Most groups ignored these deadlines, instead calling for dialogue. In August 2009 the dictatorship launched an offensive against the Myanmar National Democratic Alliance Army (MNDAA), of the ethnic Kokang group in Northern Shan State. Around 30,000 refugees fled into neighbouring China to escape the attack. The MNDAA was defeated, and a proxy organisation put in its place.

The attack against the Kokang, considered by some as a soft target which could secure the Burmese Army an easy victory, was seen as a warning to those ceasefire groups refusing to become a Border Guard Force. Following this offensive, the Burmese Army continued to build up troops in Shan State, but there was no other major violation of ceasefire agreements until 8th November 2010, when the Burmese Army launched an offensive against Brigade 5 of the Democratic Karen Buddhist Army (DKBA) in Karen State. This Brigade had refused to follow the rest of the DKBA into being placed under the control of the Burmese Army. To date, the might of the Burmese Army has been unable to defeat the 400 soldiers of this Brigade.

The breaking of the ceasefire with Shan State Army – North on 13th March is the third time in the past two years the dictatorship has broken a ceasefire agreement. It is also threatening to break all other ceasefire agreements. This would lead to large scale conflict from Mon State, Karen State, and Karenni State, to Shan State and Kachin State. The result would be a major humanitarian crisis and a massive escalation in human rights abuses against civilians, as the Burmese Army targets civilians in conflict. Burma Campaign UK has been warning of this danger for years, but the international community has ignored the danger of Burma slipping into widespread civil war.

Recent history of Shan State

In 1947, when Burma was about to get independence from Britain, a historic conference was held at Panglong in Shan State between ethnic leaders and the Burmese Government. At the conference it was agreed that some ethnic peoples would enjoy full autonomy and the right to secede after ten years. However, this agreement was never honoured.

About the Shan:

- Shan State is the biggest of Burma's seven ethnic states.
- The population of Shan State is approximately 8 million people, of which around 4 million are ethnic Shan.
- The Shan are ethnically related to the Thai and have a similar language. The Shan call themselves "Tai". "Shan" is a Burmese language term.
- Shan State is rich in natural resources, such as gems, minerals and teak. Large hydro-electric dams are also planned for the state.
- Buddhism is the main religion.
- The main livelihood of Shan people is agriculture.
- There are several ethnic minority groups in Shan State, including Akha, Kachin, Lahu, Palaung, Pa-O, and Wa.

The first Shan armed opposition group was formed in 1958 to fight for autonomy and fundamental rights for the Shan people. Some of these groups, including the Shan State Army – North, later made ceasefire agreements with the dictatorship. The Shan State Army – South continued armed struggle.

In 1996, the attacks by the Burmese Army in Shan State intensified and the dictatorship forcibly relocated over 300,000 villagers from central and southern Shan State to military-controlled areas. In most cases the villagers were given only three or five days notice, and the villagers were threatened with violence if they did not move.

During the relocation, villagers were beaten, tortured, killed and raped. There was mass use of forced labour. Thein Sein, the new President of Burma, was one of the regional Burmese Army commanders in Shan State at this time.

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In 2002 the Shan Human Rights Foundation and Shan Women's Action Network published the groundbreaking report, 'Licence to Rape', revealing the scale of the use of rape as a weapon of war against ethnic women.



Internally displaced children queue for lunch at an orphanage in Shan State, near the Thai border.

About the Shan State Army – North

The Shan State Army (SSA) is the armed wing of the Shan State Progress Party (SSPP). North is added to the name to differentiate it from the Shan State Army – South, which does not have a ceasefire agreement with the dictatorship. The SSA was founded in 1964, and the SSPP in 1971. The political goal of the SSPP is for there to be an autonomous Shan State within a Federal Union of Burma. The SSA agreed a ceasefire with the dictatorship in 1989. In April 2010 the SSA split into two groups, one group agreed to become a militia under control of the Burmese Army, while the other refused. It has been estimated that the SSA has a total of 5,000 soldiers. Brigade 1 of the SSA, which has refused to be placed under control of the Burmese Army, is estimated to have up to 3,000 soldiers.

Gas Connection

The area of Northern Shan State where fighting is now taking place is where a proposed gas pipeline will run from the giant Shwe Gas Project. This project will pump gas from offshore of Arakan State, through Burma, to China. China is also proposing the construction of an oil pipeline as well, which could transport oil from the Middle East and Africa. Over the next thirty-years it has been estimated the project and pipelines will earn the dictatorship around \$30bn.

Abuses Committed Against Civilians

The Shan Human Rights Foundation has documented the serious human rights abuses being committed by the Burmese Army in Shan State since it broke the ceasefire. These include:

Shelling of civilians:

On 13th March the Burmese Army fired mortars at Wan Nam Lao village, hitting a temple and killing four novice monks and injuring two other villagers. In another attack 11 villagers were injured by mortars.

Forced labour:

Villagers are commonly being forced to act as porters and guides for the Burmese Army. They are made to carry military equipment and food supplies. In one instance on 18th March 50 women were forced to carry military supplies to Loi Larn mountain for the Burmese Army.

Forced Relocation:

200 families in four villages in Kun Hing Township were told to move to a new village or face their villages being burnt down.

Looting:

Burmese Army soldiers have been looting food, livestock, medicines, blankets, money, cars, and other valuables from villagers. They have also taken farmers oxcarts for transport. On some occasions food that cannot be carried away is destroyed rather than being left behind for villagers.

Arbitrary Detention:

Ten youths from Nam Lao village were tied up and detained at a house by soldiers from the Burmese Army. They were accused of not reporting SSA-N troop movements.

Torture:

The most common form of torture used by the Burmese Army has been severe beatings. One woman in Kesi Township was tied up for a week as punishment for her brother allegedly leading an attack against the Burmese Army. One boy tortured was just 16 years old and was reportedly covered in blood.

Human Shields:

In some cases those people used as forced labour are used as human shields, being made to walk in front, in the middle, and behind the Burmese Army soldiers, to prevent attacks on them, as they know the Shan State Army – North does not want to injure civilians.

Gang-Rape:

Several cases of gang rape by Burmese Army soldiers have already been reported. On 21st March in Nam Lao village, Nang M, a 30 year-old woman, was gang raped by a large number of soldiers. She died immediately after being gang-raped. Another woman was gang-raped in the same village on the same day.

Two women from Wan Pa Tab village were also raped, the exact date is not yet known.

On 23rd March Burmese Army troops from Light Infantry Battalion 291 and Infantry Battalion 33 gang-raped Nang B on a road outside her village. She is 19 years old.

On March 26th a 25 year-old mute woman from Wan Mai Kai village was gang-raped by soldiers from Light Infantry Battalion 147.

Arbitrary Execution:

On 19th March 2011 the Burmese Army accused Sai Ar, a 28 year-old mute, of assisting Shan troops, and shot him dead.

Full details of these cases are available on the Shan Human Rights Foundation website:
<http://www.shanhumanrights.org/>

NOTE: Given the difficulties in obtaining information from this area, the true scale of abuses is likely to be much higher.

International Law

The abuses committed by the dictatorship since they have broken the ceasefire with the Shan State Army – North constitute war crimes and crimes against humanity. They are violations of international law, which require an international response. The UN Special Rapporteur on Burma has repeatedly called for a UN Commission of Inquiry into possible

war crimes and crimes against humanity in Burma. He has stated that the failure of the international community to act provides the dictatorship with a sense of impunity.

Burma Campaign UK has argued that the establishment of a UN Commission of Inquiry would help end that sense of impunity. The prospect for the first time that there might be consequences for these serious breaches of international law, and that military commanders may be held to account for their actions and the actions of the troops under their command, may in turn help to reduce the scale and severity of some of these abuses.

This is especially urgent in the context of the dictatorship breaking ceasefire agreements, and the escalation of human rights abuses which inevitably follow. The abuses taking place in Shan State now are an example of this.

Danger of Major Increase in Conflict and Abuses

The breaking of the ceasefire with the Shan State Army – North has already led to a significant increase in human rights abuses and humanitarian problems. However, the Shan State Army – North, with some estimates that they have up to 3,000 soldiers, is one of the smaller armed groups in Shan State.

There has also been an increase in Burmese Army troops in the area in Southern Shan State where the Shan State Army – South is based.

Shan State is also home to the United Wa State Army (UWSA). This is the largest and best equipped ethnic Army in Burma, with estimates of 25,000-32,000 soldiers. The UWSA has also been threatened with military attack if it does not submit to placing its soldiers under control of the Burmese Army. The UWSA has also refused to do so.

The Kachin Independence Army (KIA) also has soldiers in Northern Shan State, and has been given the same ultimatum.

If the dictatorship breaks its ceasefire agreements with the UWSA and KIA, the fighting will be on a scale much greater than has been seen so far.

The consequences will include a human rights and humanitarian crisis which will spill over into neighbouring countries.

Given the increasing likelihood of this happening, it is astonishing that the international community is taking no serious action to prevent it, or to prepare for the humanitarian consequences.

Recommendations

Governments, the European Union, and the United Nations, should make public statements and private representations condemning the dictatorship for breaking ceasefire agreements.

Governments, the European Union, and the United Nations, should call for a nationwide ceasefire, and actively work to negotiate such a ceasefire.

European countries and the European Union should increase aid to civilians affected by conflict, including increasing cross-border aid, which is the only way for aid to reach some areas.

The European Commission should stop cutting aid to refugees from Burma who are in camps in Thailand. Other governments should increase their financial support for refugees in these camps, where rations are being cut.

The international community has repeatedly stated that the solution to the problems in Burma lie in tripartite dialogue between the dictatorship, the mainstream democracy movement, and ethnic groups. However, no serious effort has ever been made to secure such dialogue. Efforts to secure such dialogue should be a top priority for the international community in its engagement with the dictatorship.

Shan political leaders, and all political prisoners, should be released from prison so that dialogue can take place.

Further information:

Shan Women's Action Network:
<http://www.shanwomen.org/>

Shan Human Rights Foundation:
<http://www.shanhumanrights.org/>

Corridor of Power, Shwe Gas Movement, 2009.

Media release from Burma Campaign UK, April 2010, International Community Ignores Danger of Burma Sliding Into War:
<http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/international-community-ignores-danger-of-burma-sliding-into-war/16>

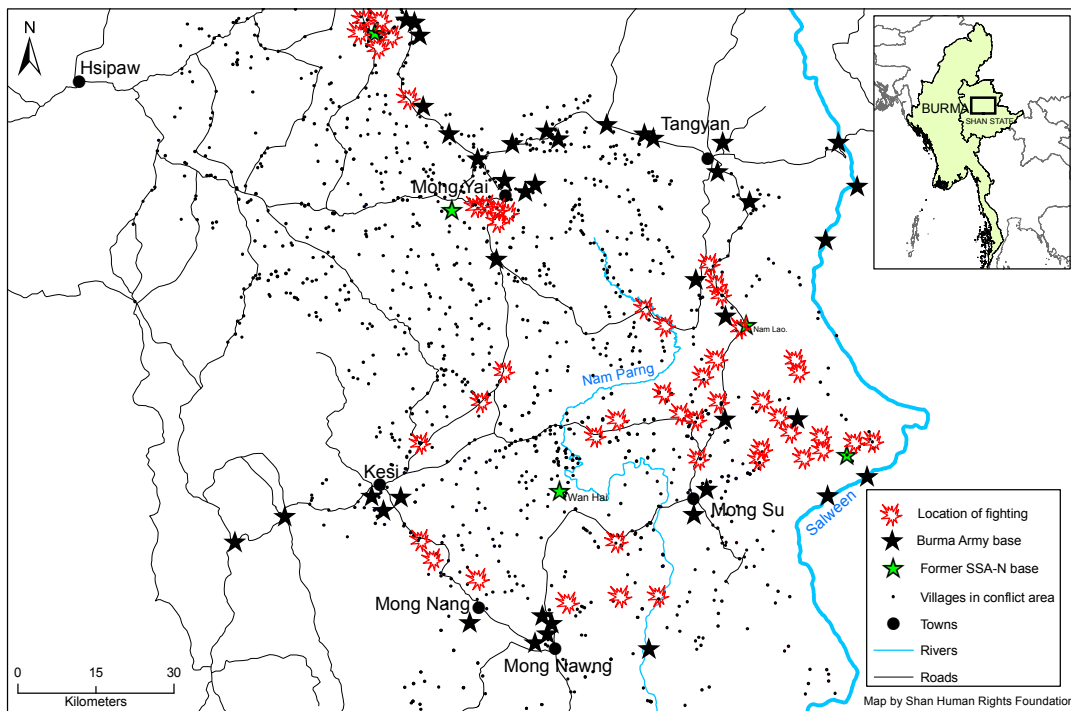
Burma Campaign UK - Burma Briefing No 11, Burma's New Constitution, Denying Ethnic Rights:
<http://www.burmacampaign.org.uk/index.php/news-and-reports/burma-briefing/title/burmas-new-constitution-denying-ethnic-rights>

Burma Campaign UK provides briefings on a range of issues relating to Burma and the international response. These are available at:
<http://www.burmacampaign.org.uk/index.php/news-and-reports/burma-briefing>

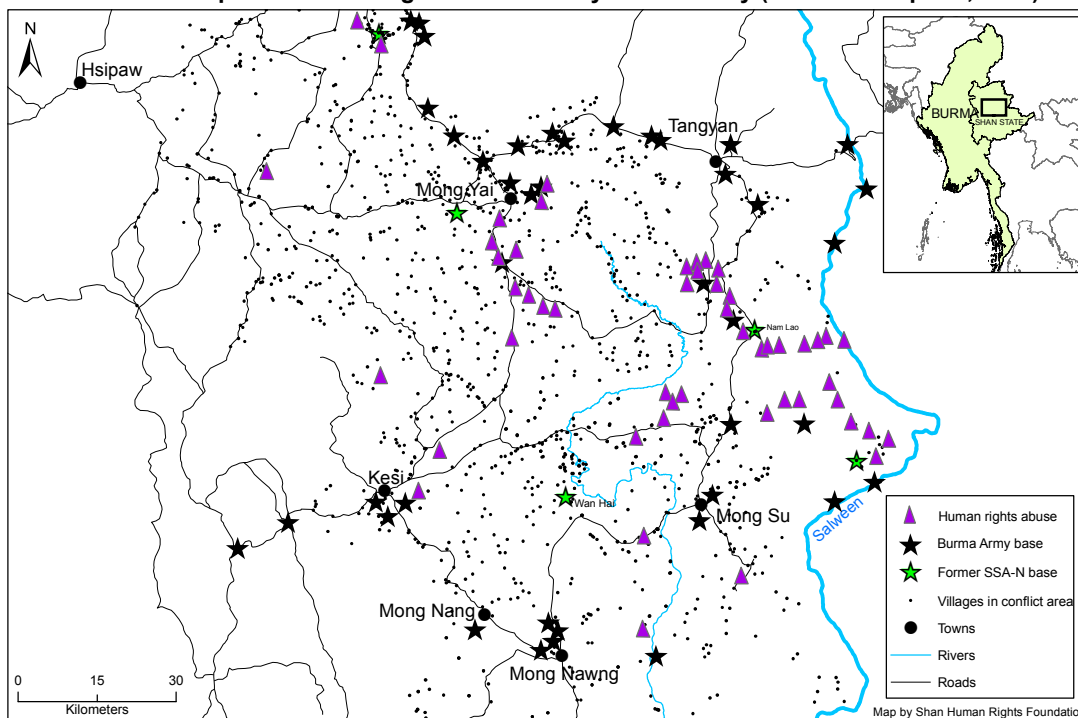


This girl had to flee Burma Army attacks and now has to live in a camp for internally displaced people in Shan State, near the Thai border.

Burma Army offensive against Shan State Army-North (March 13 - April 6, 2011)



Location of reported human rights violations by Burma Army (March 13 - April 6, 2011)



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