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Indigenous Peoples Work to Raise Their Status in a Reforming Myanmar

*By Micah F. Morton**

EXECUTIVE SUMMARY

- Since 2013, some ethnic minority organizations in Myanmar have adopted the global indigenous peoples' (IPs) label and discourse according to the UN framework as one avenue of empowerment. Myanmar, however, refuses to recognize IPs as a distinct group within the country. In addition, many ethnic minority organizations in Myanmar reject the IP label and discourse for various reasons.
- In claiming IP status, these groups are seeking state recognition of their cultural distinctiveness and particular grievances while further linking themselves to a global IP movement with local emancipatory potential.
- If Myanmar were to recognize IPs in the country according to the UN framework, then it could be held accountable to international legal instruments such as the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Some of the key rights enshrined in UNDRIP relate to issues of territory and self-determination, which have figured prominently in national debates about federalism in Myanmar.
- Those advocating for the adoption of the IP discourse in Myanmar are proposing a combined consociational and federalist approach to national integration.
- While Myanmar has maintained an official position of non-recognition with respect to IPs, certain reform era policies and legislation suggest that in actuality the state has recognized some of their rights as enshrined in UNDRIP.

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INTRODUCTION¹

In March 2015, the self-declared “Coalition of Indigenous Peoples in Myanmar/Burma,” an umbrella organization representing 24 ethnic minority NGOs, submitted a report to the UN Universal Periodic Review session of the Human Rights Council on Myanmar.² In that report, they brought attention to the Myanmar government’s lack of constitutional recognition of “Indigenous peoples” (IPs) and to the violation of their rights as enshrined in the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP).³ In an official statement read to the UN Permanent Forum on Indigenous Issues in New York in May 2016 on behalf of the coalition, Ms. Mai Thin Yu Mon asked the UN to press Myanmar to recognize IPs in Myanmar and grant them meaningful participation in the country’s ongoing reforms.⁴

The IP coalition’s efforts are taking place amidst Myanmar’s transition to democracy and capitalism, a key component of which has entailed the contentious peace process between the national government and numerous Ethnic Armed Organizations (EAOs).⁵ IPs potentially have much to gain and lose as a result of the country’s reforms. While a minority on a national scale relative to the Burmans, IPs are a majority in the country’s natural resource-rich and yet conflict-ridden borderlands.⁶ IPs’ rights to lead secure and peaceful lives, own and manage their lands according to their customary laws, practice their own cultures and languages, as well as meaningfully participate in local and national level political and economic reforms are all at risk.

¹ **Acknowledgements:** This report draws on fieldwork that I conducted in Yangon and Hpa-an, Myanmar from 14-29 March 2017. I am grateful to the following individuals, listed in alphabetical order, that helped to facilitate fieldwork in Myanmar and shape this report into its current form: Ms. Vicky Bowman, Dr. Renaud Egretau, Mr. Hla Doi, Dr. Joseph Hsaw, Mr. Ke Jung, Ms. Khin Moe Kyi, Mr. Khin Zaw Win, Dr. Kyaw Thu Mya Han, Mr. Kyaw Win Tun, Dr. Lin Htet Aung, Ms. Mai Thin Yu Mon, Mr. Mangshang Yaw Bawm, Dr. SiuSue Mark, Dr. Michael Montesano, Mr. Mael Raynaud, Mrs. Moe Thuzar, Dr. Nanda Hmun, Mrs. Naw Ei Ei Min, Mr. Phone Htet Naung, MP Saw Tin Win, Saw Soe Htut, Mrs. Seik Nyan, Dr. Su Mon Thazin Aung, Dr. Sui Khar, Mr. Peter Swift, Mr. Tin Maung Htwe, and Mr. Ye Htut.

² The Burma-Myanmar UPR Forum, “Collective Rights of Indigenous Peoples,” *2nd Cycle Universal Periodic Review: Myanmar UPR 2015*, September 2015. https://www.upr-info.org/sites/default/files/general-document/pdf/upr_advocacy_factsheets_-_myanmar2015.pdf (accessed 11 April 2017).

³ United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, Resolution adopted by the General Assembly, 2 October 2007, A/RES/61/295, <http://www.refworld.org/docid/471355a82.html> (accessed 15 November 2016).

⁴ Ms. Mai Thin Yu Mon is the Co-director of the Myanmar Indigenous Peoples/Ethnic Nationalities Network (MIPENN), Country Program Coordinator of the Chin Human Rights Organization (CHRO), and Youth Representative Executive Council Member of the transregional Asia Indigenous Peoples Pact (AIPP) Foundation.

⁵ While democratic political reforms have taken place post-2011, Myanmar’s transition to a capitalist economic system began much earlier, in 1989 under the military regime.

⁶ IPs comprise an estimated 30-40% of the country’s total population of roughly 51.4 million people as of 2014. In addition, IP-dominated ethnic states encompass some 57% of the country’s total land area. (See Transnational Institute [TNI], “Access denied: Land rights and ethnic conflict in Burma”, Burma Policy Briefing No. 11, May 2013, p. 1.)

If Myanmar were to recognize IPs within the country according to the UN framework, then it could be held accountable to provisions of IP-relevant international legal instruments. To date, one of the most significant IP-relevant legal instruments is UNDRIP,⁷ which Myanmar voted to ratify in the UN General Assembly in 2007 with the understanding that the UN framework of IPs was inapplicable to Myanmar.⁸ Some of the key rights enshrined in UNDRIP relate to issues of territory and self-determination, both of which have figured prominently in national debates about federalism in the 21st Century Panglong Conference.⁹ Dr. Sui Khar of the Chin National Front (CNF) has argued that many of the provisions of UNDRIP overlap with the demands of EAOs in Myanmar, particularly those safeguarding IPs' right to self-determination.¹⁰ The CNF, while small in size, has played a central role in the national reconciliation process.¹¹

While the global IP discourse is generally seen as advocating for special group rights, and has for that reason been rejected by many ethnic organizations in Myanmar who demand their separate and yet equal status within the union as enshrined in the 1947 Panglong Agreement, in actuality the global IP discourse is about gaining recognition of the *special* status of IPs as culturally distinct and yet marginalized groups so that they may overcome their marginalization, maintain their cultural distinctiveness and obtain more *equal* status relative to dominant groups. When the latter demand for special group rights in the interest of greater equality is combined with the earlier mentioned demand for the right to self-determination, albeit in reference to all ethnic groups and states/divisions, it becomes clear, I would argue, that those advocating for the adoption of the IP discourse in Myanmar are proposing a combined consociational and federalist approach to national integration. IP advocates, however, have yet to convince not only the national government, but also a large number of unarmed and armed ethnic organizations to accept the IP label and discourse.

A BRIEF HISTORY OF THE IP MOVEMENT

The national level IP movement in Myanmar first began to formally take shape in 2013 when IP representatives from the transregional Asia Indigenous Peoples Pact (AIPP) Foundation based in Chiangmai, Thailand, facilitated a meeting of local ethnic

⁷ While states are not legally bound per se by UNDRIP, it has nevertheless exerted a considerable amount of moral force since its adoption by the UN General Assembly. At the same time, however, UNDRIP has legal relevance in that it may reflect state obligations under other sources of international law such as customary law and general principles of law (See ILO, "ILO standards and the UN Declaration on the Rights of Indigenous Peoples", http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_100792.pdf (accessed 8 May 2017).

⁸ Myanmar holds that all of its "full" and "rightful" citizens are "indigenous" to the country and further recognizes them as members of 135 official "Ethnic Nationalities" (*Taingyintha lumyo*).

⁹ Peter Swift, email communication, 28 April 2017. The first 21st Century Panglong Conference occurred in August-September 2016 in Naypyitaw. The second conference has just been rescheduled for 24 May 2017, nearly three months later than originally planned.

¹⁰ Dr. Sui Khar, personal communication, 23 March 2017; and SiuSue Mark, "Fragmented Sovereignty" over Property Institutions: Developmental Impacts on the Chin Hills Communities," *Independent Journal of Burmese Scholarship* 1, no. 1 (2016):153.

¹¹ *Ibid*, p. 153.

organizations in Yangon in preparation for Myanmar's inaugural hosting of the 10th ASEAN Peoples' Forum in March 2014.¹² While representatives from ethnic groups in Myanmar such as the Chin, Kachin, and Karen had participated in IP-related UN forums as early as the late 1980s and early 1990s, no such national level coalition came into being until 2013.¹³ Later, during the 10th ASEAN Peoples' Forum, two ethnic organizations, namely the pan-ethnic Promotion of Indigenous and Nature Together (POINT) Organization and Chin Human Rights Organization (CHRO), organized a workshop with AIPP addressing the "Situation of Indigenous Peoples in ASEAN."¹⁴ POINT and CHRO have since played leading roles in coordinating the IP movement in Myanmar by establishing the Myanmar Indigenous Peoples/Ethnic Nationalities Network (MIPENN).¹⁵

The initial decision of organizations such as POINT and CHRO to formally adopt the global IP discourse and label was due to the realization that their specific struggles and demands were similar to those of IPs the world over as enshrined in UNDRIP. In claiming indigenous status, IPs in Myanmar are seeking official recognition of their cultural distinctiveness as well as particular grievances relative to the Burman majority while linking themselves to a global IP movement with emancipatory potential at the local level. IPs in Myanmar are further working to bring international pressure to bear on the Myanmar government to recognize them as IPs and safeguard their rights according to UNDRIP.¹⁶

The IP network's decision to adopt the global IP label and discourse also signifies a willingness on its part to work *within* the state structure of Myanmar to carve out a distinct space of belonging for representing IPs and safeguarding their rights. More importantly, the network's adoption of this particular avenue of empowerment signifies a willingness to place greater trust in Myanmar's post-2010 governments. Contrary to many Asian states' concerns that the recognition of IPs within their borders according to UNDRIP would entail an affront to their sovereignty and encourage separatist movements, in actuality one of the main objectives of IP movements is to press states to acknowledge and rectify the historical oppression and disenfranchisement of IPs as a distinct category of people *within* the existing state framework.

¹² Mrs. Naw Ei Ei Min, personal communication, 24 March 2017; and Ms. Mai Thin Yu Mon, personal communication, 22 March 2017. Mrs. Naw Ei Ei Min, an ethnic Karen, is the Co-director of MIPENN, Director of POINT, and Mekong Region Executive Council Member of AIPP.

¹³ While the development of the national IP movement in Myanmar was made possible by the post-2010 opening of greater political associational space within Myanmar proper, most of the movement's leading individuals and organizations had been working on IP-related issues prior to that time from outside of the country.

¹⁴ See "ASEAN Civil Society Conference Asean Peoples' Forum 2014," *Proceedings of the ACSC/APF 2014*, 21-23 March 2014, Yangon, Myanmar, pp. 82-3. <http://aseanpeople.org/post-conference-report-2014/> (accessed 24 April 2017).

¹⁵ The MIPENN has played a leading role in advocating for state recognition of IPs and their specific rights. The network has similarly called for the adoption of the IP label and discourse among the large number of unarmed and armed ethnic organizations that reject the IP label and discourse for a variety of reasons.

¹⁶ IPs are following a more general trend in post-2010 Myanmar of referencing international standards as a means of legitimating their domestic claims while contributing towards efforts to internationalize the country.

THE CONSTRAINTS AND POSSIBILITIES OF STATE RECOGNITION

Myanmar, which voted to ratify UNDRIP in the UN General Assembly in 2007, has declared that all “full” and “rightful” citizens of the country, inclusive of the majority Burmans, are “indigenous,” thus rendering IP status legally and politically innocuous domestically. In 1989, the then military government under the guise of the State Law and Order Restoration Council (SLORC) officially recognized and recategorized its “indigenous” citizens as members of 135 “National Races” or “Ethnic Nationalities” (hereafter referred to as ENs)¹⁷ that are claimed to be equal members of the nation and afforded certain rights to political representation.¹⁸ Full citizenship is granted exclusively to members of those groups that can prove a historical presence in “Burma” before the start of the first Anglo-Burmese war in 1824.¹⁹ It is precisely due to their lack of recognition as one of the official 135 ENs that the Rohingya have been denied citizenship status in Myanmar.²⁰

Official state claims of equality with respect to ENs, however, mask the perpetuation of real and perceived inequalities within Myanmar along the lines of ethnicity. These claims of equality are a denial of the relative political, economic and sociocultural dominance of ethnic Burmans, who, compared to non-Burmans, have benefited from certain privileges on the basis of simply being Burman.²¹ This denial of Burman dominance along with the official recognition of Burmans and non-Burmans alike as ENs have made it especially difficult for those claiming IP status in Myanmar to be recognized as a particular group of ENs, namely IPs.

Three additional issues further complicate the situation. First, some ethnic organizations in Myanmar, specifically those associated with autonomous movements, oppose claiming IP status as it would further denote the recognition of their sub-national status within Myanmar.²² Second, other groups are reluctant to identify as IPs given the label’s conventional association with “primitive, forest dwelling tribes.”²³ Third, the complex and

¹⁷ In Burmese, “*Taingyintha lumyo*.” I have chosen to follow the MIPENN in translating this term as “Ethnic Nationalities” (ENs).

¹⁸ SLORC’s recategorization of ethnicity from a prior focus on the British colonial construct of eight “big races” to the post-colonial construct of 135 “ethnic nationalities” has been widely critiqued as a policy of divide and conquer as well as Burmanization.

¹⁹ Ashley South, *Ethnic Politics in Burma: States of Conflict* (London: Routledge, 2008, pp. xv).

²⁰ Nick Cheesman, “How in Myanmar ‘National Races’ Came to Surpass Citizenship and Exclude Rohingya,” *Journal of Contemporary Asia*, 47, no. 3 (2017):461-83.

²¹ See Matthew Walton, “The ‘Wages of Burman-ness:’ Ethnicity and Burman Privilege in Contemporary Myanmar,” *Journal of Contemporary Asia* 43, no. 1 (2013):1-27.

²² Two examples of EAOs currently holding this position would be first, the Kachin Independence Organization (KIO) and their armed wing, the Kachin Independence Army (KIA), and, second, the National Socialist Council of Nagaland-Khaplang (NSCN-K). Ms. Mai Thin Yu Mon informed me, however, that during the first 21st Century Panglong Conference held in Naypyitaw in August-September 2016, a number of EAO representatives explicitly referred to themselves via this reworked label of “indigenous peoples” (“*htanay taing yin tha*”), in line with the UN discourse on indigeneity.

²³ Ashley South notes that ethnic elites in Myanmar have tended to “prefer the term ‘ethnic nationality’ ” to “ethnic minority,” on the premise that the former term “confer(s) more political status and legitimacy on the groups in question” (South, *Ethnic Politics in Burma*, pp. xv, 218-9).

sensitive nature of ethnic politics in Myanmar makes any claims to “special status” on the basis of ethnicity problematic, as officially all “full citizens” are “indigenous” and afforded “equal” rights as members of the eight major “ethnic races” and 135 “ethnic nationalities.” Indeed, some ethnic organizations have cautioned that ENs who work to claim a distinct status as IPs might only be further marginalized, and possibly lose their EN status, and thus legal and political citizenship altogether.²⁴ In addition, many ethnic organizations have long advocated not for special but rather separate and equal ethnic rights.

ROUNABOUT RECOGNITION OF IPS?

While Myanmar’s military and quasi-civilian governments have maintained an official position of non-recognition of IPs as a distinct community of ethnic minorities within Myanmar and according to the UN framework,²⁵ certain post-2008 and especially post-2010 reform policies and legislation suggest that regardless of the lack of recognition of IPs the state has in actuality recognized some of their rights according to UNDRIP, albeit not necessarily in a manner that is exclusive to IPs.²⁶ Myanmar’s roundabout recognition of IPs as ENs has afforded IPs some political bargaining power in relation to the state, especially in comparison to the positions of IPs in other parts of Asia.²⁷ Indeed, some ethnic organizations have argued that under Myanmar’s present circumstances, identifying as ENs rather than IPs “is a politically strategic move” that affords them the greatest amount of rights according to national laws.²⁸

This bargaining power is in theory most strongly reflected in the military’s 2008 constitutional recognition of the rights of ENs, inclusive of ethnic Burmans, meeting certain demographic criteria on scales from the township to national, to first, representation in various levels of the legislature, and, second, the right to apply for their own “Self-Administered Zone/Division.”²⁹ In spite of the aforementioned roundabout constitutional recognition of IPs as ENs, the IP network has expressed concern that the 2008 Constitution first, neither mentions IPs as a distinct group nor recognizes their collective rights and customary land practices, and, second, stipulates that, “the Union (of Myanmar) is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the Union.”³⁰

²⁴ See CORE, “Excluded: Burma’s Ethnic Nationalities on the Margins of Development & Democracy,” Core, December 2012, pp. 23-4. <http://www.burmalibrary.org/docs15/Excluded-en-red.pdf> (accessed 12 April 2017).

²⁵ It could also be argued that the government has recognized IPs, just not as IPs, and not in relation to the UN framework, but rather as ENs in relation to the specific legal and political context of Myanmar.

²⁶ Dr. Sui Khar, personal communication, 23 March 2017.

²⁷ Ms. Mai Thin Yu Mon, personal communication, 22 March 2017.

²⁸ See CORE, “Excluded,” pp. 23-4.

²⁹ *Constitution of the Republic of the Union of Myanmar*, 29 May 2008. (Naypyitaw: Printing & Publishing Enterprise, Ministry of Information).

http://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf (accessed 18 April 2017).

³⁰ *Constitution of the Republic of the Union of Myanmar*, Chapter 1, Article 37, p. 10. See The Burma-Myanmar UPR Forum, “Collective Rights of Indigenous Peoples.”

More recent policies and legislation coming out of former President Thein Sein's Cabinet, however, have in theory sought to address some of these concerns.³¹ First, in February 2015, after a roughly three year-long process of debate and limited public consultation, Parliament issued the "Ethnic Rights Protection Law" (ERPL).³² The ERPL contains provisions for safeguarding the rights of IPs, albeit as ENs, to their distinct cultural identities, some degree of participatory development, and further political representation at the national level via the establishment of the Union Ministry of Ethnic Affairs (UMEA).³³ The IP network has since come to view and work with the UMEA as an advocate for promoting IPs' rights in relation to Naypyitaw and the general public. To date, however, the UMEA's official mandate is unclear and its capacity remains limited due to staff and budget shortages.³⁴

The IP network has especially welcomed one specific article in the ERPL that, in their reading, not only recognizes IPs as a distinct group in Myanmar but also safeguards their right to "Free, Prior and Informed Consent" (FPIC) in the case of large-scale development projects proposed in their localities of residence.³⁵ The internationally recognized right to FPIC was initially framed and articulated in reference to IPs exclusively. In recent years, however, it has been more widely applied to local communities across the board, regardless of whether or not they are recognized as IPs.³⁶

The ERPL also contains an important provision calling for the safeguarding of ENs' rights to "teach and learn in their own language and literature without prejudice to the education policy of the State."³⁷ This provision is an explicit attempt to redress the longstanding Burmanization of the national education system dating back to at least 1962 and the rise of ultra-nationalism under General Ne Win. The actual implementation of this provision,

³¹ President Thein Sein led Myanmar's first post-2010 quasi-civilian government from 30 March 2011 - 30 March 2016.

³² The Myanmar Parliament, "Ethnic Rights Protection Law 2015," The Pyidaungsu Hluttaw Law No. 8, 2016, The 7th Waxing of Taboung, 1376 M.E. 24th February 2015, Unofficial English translation by the Chin Human Rights Organization (CHRO), 2016.

³³ Roughly one year later, on 30 March 2016, U Nai Thet Lwin, an ethnic Mon politician and former vice-chairman of the Mon National Party, was sworn in as the NLD-led government appointed inaugural Union Minister of Ethnic Affairs in Naypyitaw.

³⁴ Hein Ko Soe, "The state of ethnic affairs," *Frontier Myanmar*, 14 July 2016. <http://frontiermyanmar.net/en/the-state-of-ethnic-affairs> (accessed 19 April 2017).

³⁵ The Myanmar Parliament, "Ethnic Rights Protection Law 2015," Chapter 4, Article 5. In terms of IP recognition, this specific article uses the Burmese language term, "*Htanay taing yin tha*," which the IP network has adopted as its official translation of "Indigenous peoples" in Burmese. The government, however, has first, to date only officially used this term once, and, second, translated it into English as "Local Ethnic Nationalities" and not "Indigenous peoples." In addition, in actuality the article refers to the rights of "*Htanay taing yin tha*" to be granted Free, Prior and Informed *Consultation*, not *Consent*, in the case of large-scale development projects planned in their localities of residence.

³⁶ In Southeast Asia, however, there is an ongoing debate among IP advocates as to whether or not the right to FPIC should be applied equally to any and all local communities affected by large-scale development projects, regardless of whether or not they are recognized as IPs (Ian Baird, email communication, 21 April 2017; and Peter Swift, email communication, 28 April 2017).

³⁷ The Myanmar Parliament, "Ethnic Rights Protection Law 2015," Chapter 3, Article 4b.

however, has been constrained due to a lack of carry-over into national educational policies and inadequate funding.

Finally, in January 2016, Parliament issued a National Land Use Policy (NLUP), which recognizes and calls for the protection of the customary land rights and practices of ENs, inclusive of the controversial practice of rotating or shifting cultivation, which is widely understood as a distinctly IP issue.³⁸ An entire section of the policy is devoted to the “Land Use Rights of Ethnic Nationalities.”³⁹ The policy’s explicit recognition of and call for the protection of shifting cultivation is notable, given the widespread denigration of this practice as an inherently “inefficient,” “unproductive,” and “destructive” form of “slash and burn” cultivation.⁴⁰ Of further note is that the drafting of the NLUP involved a total of 79 public consultations held between November 2014 and June 2015, including 17 government-led consultations and 62 Civil Society Organization-led consultations held in 43 townships.⁴¹

Since the issuing of the land policy in January 2016, the IP network has urged the government to develop actual legislation that fully recognizes the rights of ENs to first, land tenure security, and, second, their traditional land tenure systems in accordance with section eight of the policy. “Land rights,” the network holds, “are inseparably linked to the right to self-determination, and are therefore of fundamental importance for indigenous peoples in Myanmar.”⁴² In brief, while acknowledging that the 2016 NLUP signals a significant development towards the recognition of IPs’ rights to land tenure security and to practice their traditional land tenure systems, the IP network further recognizes that current land

³⁸ The Republic of the Union of Myanmar, “National Land Use Policy,” National Land Resource Management Central Committee, January 2016.

<http://extwprlegs1.fao.org/docs/pdf/mya152783.pdf> (accessed 20 April 2017).

³⁹ Ibid, Part 8, pp. 29-31.

⁴⁰ In a 2015 report, POINT notes that shifting cultivation is the primary agricultural method used in the Kachin, Kayah, Kayin, Chin and Shan States (POINT, “Shifting cultivation in Myanmar: Case studies from Southern Chin State and Bago Division,” POINT, August 2015). The prevalent position of the Forest Department, however, is that shifting cultivation is the main cause of deforestation in the country and should therefore be eradicated. This position was most recently reiterated in two land reform laws issued in 2012 – namely the Farmland Law and the Vacant, Fallow, and Virgin Land Management Law, which “essentially introduced titling-based tenure reforms to create a land market, in large part to support (Naypyitaw’s) drive to increase land-based investments (SiuSue Mark, “‘Fragmented sovereignty’ over property institutions,” p. 133). These two laws threaten not only IPs’ rights to land tenure but also their customary land practices, especially shifting cultivation. First, article 116 of the Farmland Law by-laws altogether calls for the cessation of shifting cultivation. Second, the Vacant, Fallow, and Virgin Land Management Law “grants the state the right to confiscate ‘fallow’ or ‘vacant’ land for commercial purposes such as large-scale land concessions and leases” (POINT, “Shifting cultivation in Myanmar,” p. 8).

⁴¹ See Eben Forbes, “Civil society participation in land policy making: The innovative experience of Myanmar’s pre-consultation on the National Land Use Policy,” *MRLG Capitalization Note Series #2* (Vientiane & Yangon: Mekong Region Land Governance, Land Core Group and Loka Ahlinn, 2017, pp. iii-iv, 4, 23-4).

⁴² MIPENN, “Protect our land, protect our rights,” Statement of the Myanmar Indigenous Peoples/Ethnic Nationalities Network On the Occasion of the 22nd International Day of the World’s Indigenous Peoples, Yangon, 9 August 2016 (in Burmese and English).

laws, such as the 2012 Farmland Law and Vacant, Fallow, and Virgin Lands Management Law, explicitly work to “undermine and eliminate” shifting cultivation, and it remains to be seen if and how shifting cultivation will be recognized in national legislation.⁴³

CONCLUSIONS

Since its inception in 2013, the fledgling IP movement in Myanmar has struggled to work within the constraints of the dominant state discourse of ENs to carve out a distinct space of belonging for IPs. The movement’s advocates generally feel that at present the government and larger public, inclusive of numerous ethnic minority organizations, are not ready to listen to their arguments for claiming distinct legal and political recognition for IPs. As a result, the IP network is reluctant to either adopt an official definition of IPs in Myanmar or clearly delineate who is and isn’t indigenous.

In the meantime, the IP network is working to support IPs’ rights more broadly in the critical areas of land tenure, participatory development, and cultural identity. Their efforts in this regard have borne some fruit as evidenced in certain policies and laws enacted by Myanmar’s post-2010 governments. It remains to be seen, however, as to whether or not these generally pro-IP policy and legislative reforms will be carried through in the form of actual legislation and practice. Finally, based on my reading, while those advocating for the adoption of the IP discourse in Myanmar are proposing a combined consociational and federalist approach to national integration, this view is only shared by a small number of ethnic organizations that are directly involved in the national reconciliation process.

⁴³ POINT, “Shifting cultivation in Myanmar,” p. 8. See footnote 40 above for more details on the 2012 Farmland Law and Vacant, Fallow, and Virgin Land Management Law.

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