



HPG Working Paper

Protecting civilians in the Kachin borderlands, Myanmar

Key threats and local responses

Ashley South

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About the authors

Ashley South is an independent author, researcher and consultant, working mostly on Myanmar/Burma and Mindanao. He is also a Research Fellow at Chiang Mai University in Thailand.

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Humanitarian Policy Group
Overseas Development Institute
203 Blackfriars Road
London SE1 8NJ
United Kingdom

Tel. +44 (0) 20 7922 0300
Fax. +44 (0) 20 7922 0399
Email: hpgadmin@odi.org
Website: www.odi.org/hpg

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Acronyms

AA	Arakan Army
BGF	Border Guard Force
CSO	Civil society organisations
DSW	Department of Social Welfare
EAO	Ethnic armed organisation
EU	European Union
FBR	Free Burma Rangers
FPNCC	Federal Political Negotiation and Consultative Committee
HPG	Humanitarian Policy Group
IASC	Inter-Agency Standing Committee
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IRRC	IDP and Refugee Relief Committee
LGBT	Lesbian, gay, bisexual or transsexual
KBC	Kachin Baptist Convention
KDA	Kachin Defense Army
KDG	Kachin Development Group
KIA	Kachin Independence Army
KIC	Kachin Independence Council
KIO	Kachin Independence Organisation
KMSS	Karuna Myanmar Social Services
KWA	Kachin Women's Association
MHF	Myanmar Humanitarian Fund
MNDAA	Myanmar National Democratic Alliance Army

MPC	Myanmar Peace Centre
NAB-B	Northern Alliance Brotherhood-Burma
NCA	Nationwide Ceasefire Agreement
NDA-K	New Democratic Army-Kachin
NGO	Non-governmental organisation
NLD	National League for Democracy
NRPC	National Reconciliation and Peace Centre
ODI	Overseas Development Institute
PCG	Peacetalk Creation Group
RANIR	Relief Action Network for IDPs and Refugee
RCSS	Restoration Council of Shan State/Shan State Army-South
SSA	Shan State Army
SSPP	Shan State Progress Party
TNLA	Ta'ang National Liberation Army
UNHRC	United Nations Human Rights Council
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
UPC	Union Peace Conference
UWSA	United Wa State Army
UXO	Unexploded ordnance

Executive summary

The breakdown of a 17-year ceasefire in Kachin State, Myanmar, in June 2011 led to the displacement of well over 100,000 civilians and the collapse of trust between large sections of the civilian community and the Myanmar government and Army. In the absence of an adequate national response, and with the government blocking international humanitarian access to vulnerable communities, Kachin civil society groups have taken the lead in assisting and protecting their own people.

Based on 68 interviews and focus group discussions, this HPG Working Paper explores the conflict dynamics in Kachin State, and the strategies of local protection actors, identifying the challenges they face and how other actors are contributing to or obstructing these efforts. The study is part of a Humanitarian Policy Group (HPG) research project on ‘Cross-border networks and protection in conflict: values, systems and implications’. This multi-year project explores the overlaps and differences between local and international concepts of protection, and how borders impact on and influence the ways that communities respond to protection threats during armed conflict.

The Kachin conflict and humanitarian crisis

According to the United Nations Human Rights Council’s Fact-Finding Mission (UNHRC, 2018), Amnesty International (2017) and other sources (documented in this report), the Kachin conflict is characterised by widespread and systematic breaches of international human rights and humanitarian law, particularly – but not exclusively – on the part of the Myanmar Army. These include arbitrary arrest and torture, extrajudicial executions and disappearances, forced labour, indiscriminate shelling of civilian areas, forced recruitment, destruction of property, denial of free movement, clearance of villages and restrictions on humanitarian access. A particular concern in this and other conflicts in Myanmar is widespread land-grabbing, including by well-connected (particularly Chinese) companies and the Myanmar Army.

The main non-state armed actor in Kachin State, the Kachin Independence Organisation (KIO), is both a source of protection and sometimes also a threat. The KIO’s armed wing, the Kachin Independence Army (KIA), has been accused of killing and forcibly recruiting civilians. However, many civilians and CSOs regard the KIO as the main actor protecting Kachin national and cultural identity, and safeguarding the rights and liberties of civilian communities. Although both the Myanmar Army and the KIA have significant economic interests in the conflict in Kachin, it is driven primarily by politics and the grievances of minority communities.

Local protection networks

The government has largely failed in its responsibilities under national and international law to protect and support vulnerable citizens affected by armed conflict. As the Myanmar authorities have increasingly restricted access for international humanitarian and human rights actors, local Kachin actors have provided important and often life-saving assistance and protection to vulnerable civilian communities. Many of these activities are described in this report – although some have had to remain confidential in order not to expose local actors to potential suppression. This is particularly the case in relation to activities conducted cross-border from neighbouring China.

Local protection strategies in the first instance consist of the often brave and ingenious actions of conflict-affected communities. These include negotiating local humanitarian space with armed power-holders, and when such strategies are ineffective the process of flight itself – i.e. displacement – is often undertaken by communities and individuals as a self-protection strategy. Families and communities move to camps and camp-like settings in KIO- or government-controlled areas depending on their political and clan-based networks and allegiances. Some people also move to government-controlled areas in order to access better education and economic opportunities, or cross temporarily into China for work, drawing on cross-border ethnic ties to obtain greater safety.

Kachin protection networks extend through and between clan-based segments of society, crossing borders of ethno-linguistic identity. Local humanitarian actors often act quickly, and with bravery and finesse, negotiating the release of civilians held captive by the Myanmar Army and arranging safe passage of civilians to relatively well-established and semi-permanent internally displaced persons (IDP) camps. Churches and other civil society organisations (CSOs) play an important role in transporting IDPs to camps, particularly in KIO-controlled areas. Religious leaders traverse the frontlines between the Myanmar Army and KIA positions to build better relationships between different sectors of an at times fragmented community. The clergy are commonly respected by the Army and government officials due to their perceived equivalence to Buddhist monks, allowing them to work across frontlines of conflict. Churches also organise volunteer teachers in IDP camps and provide psychological support and spiritual fellowship, as well as humanitarian advocacy and assistance. Several CSOs have case management systems to identify and support the most vulnerable individuals in IDP camps. Ingenious local initiatives by CSOs fill gaps and provide aid tailored to local conditions. Kachin CSOs have also carried out important research and advocacy work on issues such as land rights, empowering local communities in their interactions with power-holders and the implementation of community-based peace-building initiatives. Particularly important in this respect is the Joint Strategy Team (JST), which brings together nine CSOs to coordinate aid and advocacy activities. The KIO also provides a range of services in IDP camps, including camp management and hospital referrals.

The local protection networks and actors described in this paper do important and often inspiring work, much of which could not be reproduced by international actors even if they had better access. Nevertheless, international agencies still have several key roles to play. These include supporting (including funding, and sometimes training) local protection actors – a ‘localisation’ of humanitarian response that is already under way. Advocacy by international actors on behalf of conflict-affected Kachin communities should include pressing the government and the Myanmar Army for access for international humanitarian and human rights actors, in particular to KIO-controlled areas. This is especially important in a context where the Myanmar government and Army have been increasing restrictions on (international and local) access to vulnerable conflict-affected communities.

Maintaining humanitarian access can contribute towards local and international protection efforts, and also demonstrate to IDPs, the government and the Army that the international community has not forgotten the Kachin crisis. There is a perception within the Kachin community that the attention of international actors is mostly focused elsewhere in Myanmar (for example on Rohingya communities in and from northern Rakhine State). Furthermore, China’s reluctance to engage with international aid agencies or the global humanitarian agenda has meant that armed groups operating – and civilians living – in the northern borderlands adjacent to China have received far less international attention than their counterparts in south-east Myanmar.

International donors should continue to give adequate levels of funding in order to provide sufficient protection and assistance to Kachin IDPs, allowing CSOs to respond in the most appropriate and creative manner. However, local actors cannot be expected to cover all aspects of humanitarian protection, and international organisations have a crucial role to play. More fundamentally, the government of Myanmar and the Myanmar Army should be reminded of their responsibilities to protect civilians from the effects of armed conflict, and provide assistance in safety and dignity.

In the context of the Rohingya crisis, which has isolated the government and the Army from the international community, the authorities have been largely unreceptive to international engagement regarding the Kachin conflict and resulting humanitarian crisis. Given the Myanmar authorities’ relative lack of engagement with international partners on these issues, it remains imperative to support local stakeholders, including the CSOs whose work is documented and analysed in this report.

Ultimately, sustainable solutions to these issues can only be achieved through a negotiated political settlement to decades of armed ethnic conflict in Kachin State, and elsewhere in Myanmar. There are no ‘humanitarian solutions to political crises’: only when the Myanmar government and Army are willing to engage in negotiations towards a just and equitable political settlement can these conflicts, and attendant humanitarian suffering, be resolved. This in turn will require an acknowledgement of the importance and legitimacy of ethnic grievances and aspirations for self-determination on the part of the predominantly Burman, urban-based elites that have long dominated the Myanmar government and military.

1 Introduction

1.1 Background

The breakdown of a 17-year ceasefire in Kachin State, Myanmar, in June 2011 led to the displacement of well over 100,000 civilians and the collapse of trust between large sections of the civilian community and the Myanmar government and Army (the Tatmadaw). In the absence of an adequate national response, and with the government increasingly blocking international humanitarian access to vulnerable communities, Kachin civil society groups have taken the lead in assisting and protecting their own people. This report explores the conflict dynamics in Kachin State and the resulting protection threats faced by civilians, as well as the response strategies of local protection actors, and how other actors are contributing to or obstructing these efforts.

This case study is part of Humanitarian Policy Group (HPG) research on cross-border networks and protection in conflict. This multi-year project explores the similarities and differences between local and international concepts of protection, and the implications for relations between informal and formal protection networks and actors.

1.2 Methodology

The primary research was conducted in Myanmar in June 2018. The research team visited Mai Ja Yang, Laiza and nearby KIO-controlled areas, including several IDP camps, the Kachin State capital of Myitkyina and its environs (including IDP camps), the national capital Yangon and Chiang Mai. This report focuses on Kachin State and bordering areas. It does not consider the situation in northern Shan State in detail. It focuses primarily on the protection of those who have been forcibly displaced by the armed conflict and does not, due to limited access and information, consider in detail those who have not or have not been able to flee the violence.

The researchers conducted 68 in-depth interviews and focus group discussions with IDPs in government and KIO-controlled areas, members and leaders of CSOs, political party leaders, KIO and Kachin Independence Army (KIA) officials, international non-governmental organisation (NGO) and UN personnel and local and international scholars. In total, several hundred individuals were engaged through the research process. The research team conducted semi-structured interviews, in local

Box 1: What does ‘protection’ mean in the context of humanitarian action?

International humanitarian organisations (including UN agencies, international NGOs and the Red Cross/Red Crescent Movement) have adopted a common definition of protection as ‘all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. HR law, IHL, refugee law)’ (IASC, 1999: 4; see also Caverzasio, 2001: 19). Adopted by the Inter-Agency Standing Committee (IASC) in 1999, this definition was originally developed by the International Committee of the Red Cross (ICRC) in its search for a common standard on protection work. It ‘encompasses efforts pursued by humanitarian actors in all sectors to ensure that the rights of affected persons and the obligations of duty bearers under international law are understood, respected, protected and

fulfilled without discrimination’ (IASC, 2016). Protection activities are varied, ranging from the provision of legal aid and advice, facilitating the evacuation of civilians from conflict areas and mine-risk education to designing water and sanitation programmes that reduce exposure to sexual and other violence. A global protection cluster was established in 2005 to coordinate the protection work of international humanitarian organisations, but challenges remain in ensuring the coherent interpretation and application of the IASC definition, securing the requisite strategic leadership from country-level humanitarian leaders and ensuring appropriate coordination with other international actors engaged in conflict or crisis situations, including peacekeepers and peacebuilding and development actors (Niland et al., 2015; GPC, 2017; Fast, 2018).

languages with translation, with some interviews in English. Interview questions focused on perceptions of protection threats and actors, on local and other protection networks and the implications for relationships between local and international humanitarian and aid communities (see Annex 1 for a list of research questions). Secondary data was obtained through a desk review of grey and academic documents (as indicated in the Bibliography).

1.3 Caveats and mitigation

The main challenge in undertaking the research for this case study was the need to operate in a low-profile manner along the Chinese border, and to respect the confidentiality and personal security of local stakeholders in the area. Unavoidably, this has led to some interesting findings being omitted from the report. Because of the sensitivity of some issues, a number of interviewees requested that their participation be off the record. Research about and with those affected by conflict requires a high degree of trust and strong relationships, and sensitivity to

the need to protect the identity and activities of local stakeholders working in complex environments. To mitigate safety risks and encourage frankness, quotations in this report are not attributed to specific individuals. For the same reason, the report does not identify specific locations (e.g. particular IDP camps) that were visited, or when.

The report begins by outlining the recent evolution of the political environment in Myanmar and conflict dynamics in Kachin State, including the current status of the conflict, its key protagonists and the root causes and drivers (Chapter 2). Chapter 3 analyses the wider humanitarian consequences of the conflict and the protection threats faced by affected communities in Kachin State. Chapter 4 explores the roles of local protection actors, including affected communities and CSOs, and how their strategies are supported or obstructed by the state, neighbouring China and international humanitarian agencies. Finally, the report outlines key conclusions and recommendations for strengthening support for these self-protection strategies.

2 Armed conflict in Myanmar: conflict dynamics and humanitarian consequences

2.1 Myanmar in transition?

Relations between Myanmar's central government and the country's diverse ethnic communities have been problematic since the pre-colonial period (South, 2010). Myanmar (or Burma, as the country was known until 1989) became independent from Britain in 1948, and in the decades since the country has experienced protracted armed conflict, with widespread insurgency by armed ethnic groups as well as communist and pro-democratic forces, and often brutal counter-insurgency operations by the Myanmar Army. The consequences have been devastating, both in terms of the direct impact on the lives and livelihoods of people and communities across the country, and in terms of national political and economic development.

Since 2011, the political situation has altered dramatically, with the first signs in years that political transformation may be possible. The transitional military-backed government led by President U Thein Sein (between 2011 and 2016) instigated a programme of political and economic reform that included ceasefires with ten of the country's 11 largest ethnic armed organisations (EAOs). These ceasefires focused mostly on south-east Myanmar, culminating in a Nationwide Ceasefire Agreement (NCA) signed by eight EAOs together with the President, senior government leaders and the Tatmadaw Commander-in-Chief in October 2015. At the same time, however, fighting elsewhere in the country was escalating, particularly in Kachin and northern Shan States. As noted by the International Crisis Group (ICG): 'such conflicts

are usually accompanied by grave violations of human rights by all belligerents' (ICG, 2016: 5). In 2011, the Tatmadaw launched an offensive against the KIO in these areas, breaking a 17-year ceasefire and displacing more than 100,000 civilians. Smith (2016: 78) asks whether 'the Kachin people and region [were] deliberately targeted for suppression ... or was the ceasefire failure caused by a series of coincidental but progressive events in which there is no single pattern of blame? There will probably never be a simple answer'. The proximate cause of renewed fighting was a Tatmadaw attack against KIA positions near the China-backed Dapein hydropower project. This was the latest in a series of Tatmadaw provocations, against which the KIO/KIA had previously not retaliated.

Following elections in 2015 and the formation the following year of a government led by Aung San Suu Kyi's National League for Democracy (NLD), hopes were raised of the possibility of democratic reforms and long-term peace. However, the NLD was not a signatory to the NCA, making continuity in the peace process problematic. Furthermore, under the 2018 Constitution the Tatmadaw controlled 25% of Union and State/Region Parliaments, and three key ministries with extensive security and administrative responsibilities. In her role as State Councillor, Aung San Suu Kyi has stated that the resolution of decades-long armed conflicts between the government and the Army and EAOs was a key priority, and in May 2017 the NCA signatories took part in a Union Peace Conference (UPC) that endorsed the first 37 principles of a Union Peace Accord. However, the UPC did little to address the demands of leaders of ethnic groups¹ for a federal solution to Myanmar's conflicts. Violence

1 Ethnic elites in Myanmar have generally preferred to identify their communities as 'ethnic nationalities' rather than 'ethnic (or "indigenous") minorities'. The official term is 'national races' (*taingyintha*). Ethnic nationality designation is believed to grant greater political status, invoking the idea of ethnic nations rather than marginalised minorities. However, regarding ethnicity as an uncomplicated given raises questions of how to fit complex realities of lived experience and shifting identities within predetermined categories of belonging.

in Kachin State continued to escalate. Meanwhile, the government came under renewed international pressure relating to the widespread and systematic violations perpetrated by the Tatmadaw against the Rohingya population in Northern Rakhine State, as a result of which some 700,000 civilians have fled to neighbouring Bangladesh, where more than a million people are now displaced. Three years after Aung San Suu Kyi's historic election victory, Myanmar's border areas are in deep crisis, with peace more remote than ever for many of the country's ethnic populations.

2.2 Armed conflict in Kachin State

2.2.1 Status of the conflict and key protagonists

The main EAO operating in Kachin State is the KIO and its armed wing, the KIA.² Established in 1961,³ the KIO is one of the largest and most influential EAOs in Myanmar. At least since the mid-1970s, it has been committed to federalism as the ultimate political solution to Myanmar's protracted conflicts. In February 1994 a ceasefire was agreed between the KIO and the military regime that seized power in 1988 (KIO Releases Statement, 2012; South, 2010). Although the ceasefire effectively held for 17 years, it did not result in a political settlement to the conflict. Rather, many stakeholders and observers saw the ceasefire as being economically beneficial to KIO and KIA leaders, with a subsequent erosion in the organisation's authority and legitimacy.⁴ Other concerns include the spread of drugs (particularly heroin, but also methamphetamines) and increased militarisation, with the Tatmadaw building a large number of bases across Kachin State.

The ceasefire eventually broke down on 9 June 2011. By August, fighting had spread to Kachin-populated areas of neighbouring northern Shan State, including Kokang and Ta'ang areas, where ceasefires agreed with the previous military government have also collapsed. President U Thein Sein announced a unilateral ceasefire on 18 January 2013, but the

Tatmadaw largely ignored this directive, indicating where authority over military and security matters actually lies in the country's governance structures under the 2008 Constitution.

The breakdown of the ceasefire and escalating violence has been fuelled largely by tensions over the KIO's refusal to accept a proposal to transform its armed wing into a Border Guard Force (BGF), and the government's subsequent rejection of KIO attempts to form a political party to contest the 2010 elections. The BGF ultimatum stemmed from a demand by the military government in the lead-up to the 2010 elections to transform the KIA and the armed wings of other ceasefire groups into militia forces under the Tatmadaw. While the KIO/KIA refused, the New Democratic Army-Kachin (NDA-K) (which split from the Communist Party of Burma in 1989 and agreed a ceasefire) had little choice but to accept transformation into BGF Battalions. The role of the NDA-K in the Kachin conflict requires more discussion than is possible here, but it should be noted that conflicts between the KIO and BGF (and other Tatmadaw-aligned militias) mirror and exacerbate clan-based tensions within the Kachin community. The Union Election Commission subsequently refused to register three Kachin political parties (one led by the former KIO Vice-Chairman) to contest the election. Shortly thereafter the government declared the ceasefire null and void, and began referring to the KIA/KIO as an insurgent group (Smith, 2016: 85–88). The decision of Myanmar's then dictator, Senior General Than She, to deny the KIO-backed party the right to field candidates in the 2010 elections led many Kachin nationalists to conclude that there was no likelihood of achieving their goals through 'above-ground politics'.

The conflict has been further complicated by the emergence of additional armed groups, most of which are allied to the Tatmadaw (e.g. Shan-ni and other 'people's militias', or *Pyithusit*). In neighbouring northern Shan State the number of armed actors has also increased with the creation of the Ta'ang National Liberation Army (TNLA), the Arakan Army

2 The KIO is led primarily (although not exclusively) by Jinghpaw Baptists (Durable Peace Program, 2018: 8). However, not all KIO leaders are Jinghpaw: the previous KIO Chairman, Zawng Hkra, is Lawngwaw, and Major-General Sumlut Gun Maw is Zaiwa (Duwa Mahkaw Hkun Sa, 2016: 331).

3 Other Kachin armed groups include the ex-communist NDA-K and ex-KIO Kachin Defense Army (KDA). Both split from the KIO and agreed ceasefires with the government in 1989 and 1991 respectively (Smith, 2016: 65).

4 Woods (2016: 133) observes that the Kachin ceasefires of the early 1990s 'sparked a logging frenzy'. Based on NGO reports, Ho Ts'ui-p'ing (2016: 179) notes that post-ceasefire political economies in Kachin State 'created serious problems with deforestation, contamination by over-mining, forced population movements, trafficking of women and other human rights abuses, along with serious drug and AIDS problems'.

(AA)⁵ and the Shan State Army/Shan State Progress Party (SSA/SSPP), all of which are engaged in armed violence.⁶ The Restoration Council of Shan State/Shan State Army-South (RCSS) – an NCA-signatory EAO – later joined the Tatmadaw in fighting against the TNLA, seemingly in exchange for control of territories north of its normal area of operations.

In northern Shan State the KIA (or at least its 4th and 6th Brigades) is part of the Northern Alliance Brotherhood-Burma (NAB-B), together with the TNLA, AA and Myanmar National Democratic Alliance Army (MNDAA) – all excluded from the NCA in 2015. The Northern Alliance made its military debut in late November 2016, when it attacked a string of towns and government outposts in northern Shan State along the border with China (Institute for Security & Development Policy, 2018: 42). The Northern Alliance is primarily a military grouping, but the KIO, TNLA, MNDAA and AA are also part of the Wa-led Federal Political Negotiation and Consultative Committee (FPNCC), established in April 2017, reportedly at Chinese behest.⁷ Joining the FPNCC has arguably provided the KIO with greater leverage in negotiating with the government, through membership of a bloc representing up to 80% of EAO troops in the country. However, this has been at the cost of some key KIO demands, such as the inclusion of international monitors in any peace settlement, which presumably is against China's strategic interests.

2.2.2 Root causes and drivers of armed conflict

One of the main drivers behind armed conflict in Kachin State is a political economy worth possibly billions of US dollars per year. Particularly focused on the jade trade (and also rare earths), the economies of this armed conflict are highly significant for both sides. Interviewees for this research indicated that the main driver of the military's engagement in the area is the desire of key Tatmadaw field commanders to extend their control over lucrative enterprises in conflict zones, including logging and mining operations (which provide very substantial informal payments to local power-holders).

Control over these natural resources is also a significant driving factor for the KIO/KIA, with

commanders of the KIA also accruing considerable personal wealth as a result (see for example Global Witness, 2015). Analysing the 17-year KIO ceasefire, Woods (2016) has described 'the commercialisation of counter insurgency', whereby previous battlefield enemies were brought into often cosy economic relations in the context of exploiting borderland resources. Woods observes that: 'military-state building in Burma's ceasefire areas is rooted in the *territorial* expansion of state agencies and their military branches, facilitating claims to authority and power over land, resources and people' (ibid.: 115). As Woods has shown, militarised penetration of Myanmar's restive borderlands is often accompanied – or accomplished – by financial arrangements and extractive industries benefiting both state and ex-insurgent hierarchies, and bringing previously (semi-) autonomous areas under state (or Tatmadaw proxy) control. For example: 'the granting of a logging concession by the Burmese Northern Divisional Military Commander to a Chinese company politically reconfigures the territory where the concession is located, closing off access to and use of that resource by other non-state authorities' (ibid.: 118). This 'corporative plunder' (ibid.: 131) ranges from local enterprises, through national-level companies to the activities of international and multinational corporations, and includes both licit and illicit business (such as drug production).

Despite the importance of these economic interests, the conflict in Kachin State is primarily political in nature. Kachin human rights grievances, and aspirations for political self-determination, have long been suppressed by a central government and military dominated by elites from the Bama majority community. Before 2011, there was a continuum of opinion among self-identifying Kachin people, ranging from those who felt themselves to be ethnic nationality citizens of the Union to others espousing various types of federalism – and a few outright secessionists. The resumption of armed conflict since 2011 has undermined Kachin trust in the government and the peace process, and even in the idea of a 'Union' of Myanmar. As a result, there has been a surge in support for Kachin nationalism, aiming for complete autonomy or even independence for 'Kachinland'. Although this would

5 The Rakhine population in Kachin State has increased significantly in recent years, including through migration to jade-mining areas; several of these young men subsequently joined the AA.

6 The KIA's 4th and 6th Brigades operate in northern Shan State. The 6th Brigade was established in 2016 to operate in Kachin areas of Shan State where the KIA had not been a significant presence since the arrival of the Communist Party of Burma in these areas in the 1970s. The KIO played a significant role in establishing both the TNLA and AA.

7 The FPNCC includes the non-ceasefire KIO, TNLA, MNDAA, AA, SSPP and the United Wa State Army (UWSA) and National Democratic Alliance Army (Mongla) ceasefire groups.

be very difficult to achieve given the geopolitics of the region (i.e. China's presumed lack of support for outright Kachin independence), such sentiments and demands cannot be easily dismissed (South and Lall, 2016; McLaughlin and Seng, 2018).

2.3 China's engagement

China is a major strategic partner of Myanmar. During the long years of military dictatorship between 1962 and 2011, the Chinese government offered diplomatic protection to the country (particularly through its veto on the UN Security Council) as part of a patron–client relationship.⁸ The dynamics of China–Myanmar relations have shifted considerably since 2010–11, when the U Thein Sein government successfully sought better relations with the West (particularly the United States).⁹ However, since 2016 the increasing international criticism of the NLD government – and of the Tatmadaw – has provided an opportunity for China to reassert its diplomatic support for the government (Sun, 2017: 3–4). Politically, China is keen to see that ethnic unrest is contained inside Myanmar and does not spill over into its Yunnan border regions, where many of the ethnic groups seeking more autonomy or even independence in Myanmar have significant presence. It is also concerned about the possibility of international engagement on its border in response to such fighting. As a result, China has often responded strongly to outbreaks of violence in border areas, including forcibly returning refugees to Myanmar (for example, in August 2012, from Ruili (Sun, 2017: 171)). China has unofficially allowed aid across the border into IDP camps in KIO-controlled areas, but this should be seen as part of a self-interested strategy aimed at ensuring that displaced people (and the problems they are perceived to bring) stay out of China.¹⁰

China's strategic interests are also economic. China regards Myanmar as a major part of its 'Belt and

Road Initiative' connecting Yunnan to the Indian Ocean. This involves a road link and dual oil and gas pipelines from the port of Kyaukpyu in Rakhine State on Myanmar's west coast through northern Shan State, passing through areas where the KIA and Northern Alliance allies operate. Plans are also under way to develop Chinese projects potentially worth tens of billions of dollars, including a proposed high-speed train line to Mandalay, Kyaukpyu and Yangon. The Chinese private sector also has interests in Kachin State and the north, mostly in natural resource extraction and mono-plantation agriculture (e.g. banana farms), often built on land from which civilians have been forced to flee. Numerous private, unofficial and sometimes illicit economic and social ties exist between private Chinese companies and groups in Kachin State. China's support for EAOs often takes the form of private Chinese business activities, but with Beijing's blessing or knowledge.

The Chinese government seems to have reservations about the KIO, which has not always been supportive of Chinese interests (Han, 2016: 151).¹¹ Rather, it has actively sought close ties with Western countries and organisations, making attempts to involve the US in peace negotiations as an observer. This strategy has been unsuccessful, and in recent years the KIO has seen little option but to move closer to China. Chinese government relations have been closer with the UWSA, whose ethnic Wa and Chinese leaders are closely aligned with Chinese interests and culture.¹²

2.4 The peace process in Kachin State

A series of peace talks between the government, the Tatmadaw and the KIO have taken place since late 2012. Until 2016, negotiations were often brokered by the semi-official Myitkyina-based Peacetalk Creation Group (PCG), led by local Kachin

8 For a recent discussion, see US Institute for Peace (2018). For a more comprehensive examination, see Maung Aung Myoe (2011).

9 Several Kachin informants told the researchers that they prefer the Trump regime, with its anti-Chinese rhetoric, to the Obama administration, which is regarded as having been 'far too close to a government which is trying to kill the Kachin'. As one IDP teacher put it: 'the Western world has abandoned Kachin IDPs, if they really cared for us, they would speak out against the abuses of the Myanmar government and Army'.

10 Fortify Rights (2018) documents China's support for Myanmar government and army restrictions on aid to KIO-controlled areas along the border. This is a 'red line' issue for China, which is concerned that international (Western) aid agencies should not have access to strategically important border areas.

11 For example, the KIO publicly opposed the Chinese-backed Myitsone dam (suspended in September 2011). Pressure against the Myitsone project ramped up after urban-based (Burman) CSOs got involved; until then, this had been a relatively 'niche' Kachin concern.

12 Like the KDA-K, the UWSA was formed following a mutiny in the China-supported Communist Party of Burma in 1989.

businessmen, and the government's Myanmar Peace Centre (MPC).¹³ However, the NLD-led government has largely ignored the Peacetalk Creation Group and disbanded the MPC, replacing it with the National Reconciliation and Peace Centre (NRPC), which many commentators (and interviewees) consider ineffectual (South et al., 2018). The Chinese government has brokered several rounds of talks between the KIO and Myanmar authorities since 2013, but an agreement remains elusive.¹⁴ Key KIO leaders were closely involved in the EAO team that negotiated the NCA, although eventually the KIO declined to sign, citing a lack of confidence in the agreement and a lack of inclusiveness.¹⁵ The signatory EAOs still aim to bring non-signatory

groups into the NCA as the government ('Opening Speech by the Chairperson', 2017) and Tatmadaw (Global New Light of Myanmar, 2017) have made clear that they see this as the only way into the peace process (a position the FPNCC strongly opposes). The KIO was invited as an observer to subsequent sessions of the UPC, renamed the 21st Century Panglong Conference by the NLD government (including the May 2017 and July 2018 sessions). Other members of the FPNCC also participated, although the alliance continues to reject the NCA as currently formulated. The FPNCC's participation was engineered by China, following some last-minute behind-the-scenes negotiations and shuttle diplomacy. China's overall strategy remains intentionally opaque.

13 The Peacetalk Creation Group was established on 29 November 2011, according to a PCG leader 'because we couldn't just stand by and watch the suffering of our people'.

14 Following talks in May and October 2013, the KIO and the government agreed to establish pilot projects in four areas between Myitkyina and Bhamo, for refugee return and rehabilitation. However, the agreement was never implemented.

15 The government and Tatmadaw refused to allow the TNLA, MNDAA and AA to join the NCA.

3 Protection threats and risks

Decades of armed conflict and violence, restricted access to humanitarian assistance and under-investment in or disruption to essential services have had a devastating impact on the civilian population in Kachin State. In 2018, the UN and its partners estimated that approximately 127,000 people were in need of protection and humanitarian assistance, including shelter, water and sanitation, health, nutrition, education and food security.

3.1 Widespread and systematic violations of international law

Widespread and systematic breaches of international human rights and humanitarian law have been committed, primarily by the Tatmadaw, but also by EAOs in Kachin State. In March 2018, the UN Human Rights Council's Fact-Finding Mission documented violations of international law conducted 'in flagrant disregard for life, property and well-being of civilians' (UNHRC, 2018). The Mission's findings

Box 2: Humanitarian indicators

- 127,000 people in Kachin State are in need of protection and humanitarian assistance, including 105,629 who are affected by food insecurity.
- 91,000 people in Kachin State remain displaced in camps and camp-like settings; 76% of the displaced are women and children.
- Almost 39,000 displaced people are in areas beyond government control, where international actors have limited access but local humanitarian organisations continue to operate.
- 96,079 people in Kachin State lack access to effective healthcare services.
- 91,739 people in Kachin State are in need of improved shelter.
- 124,903 people in Kachin State are in need of basic water and sanitation services.

echoed those of a report by Amnesty International (2017), which detailed arbitrary arrests and torture, extrajudicial executions and disappearances, forced labour, indiscriminate shelling of civilian areas, forced recruitment, destruction of property, denial of free movement (and arrests of IDPs and other civilians not possessing government ID cards), clearances of villages and restrictions on humanitarian access (particularly since the assumption of power by the NLD-led government in 2016) – all by the Tatmadaw. The Fact Finding Mission also highlighted patterns of sexual violence perpetrated by the Tatmadaw, including abduction, rape and gang rape, forced marriage and other forms of sexual violence against women, as well as sexual violence against men 'as a means of torture, including to obtain information or confessions' (UNHRC, 2018: 12; Trocaire and Oxfam, 2017).

Both the Fact Finding Mission and Amnesty International also documented 'frequent' abuses by EAOs, including the abduction and killing of civilians, forced recruitment,¹⁶ the use of child soldiers and forced taxation of civilians. The Fact Finding Mission recommended further investigations of abuses by EAOs (UNHRC, 2018: 13). Some Shan-ni leaders have expressed dissatisfaction at Kachin nationalists' domination of the ethno-political narrative in Kachin State, and have accused the KIA of ignoring or violating the rights of non-Kachin communities in the state. Allegedly encouraged and funded by the Myanmar Army, Red Shan politicians have organised demonstrations protesting against the reported forced recruitment of young Shan men into the KIA (Weng, 2014). In May 2017, some 2,000 ethnic Lisu gathered in Myitkyina to demand the KIA end alleged atrocities against their community. The Lisu National Development Party led complaints that the KIA had killed several Lisu civilians, and demanded the return of their bodies (Khin Oo Tha, 2017; Nyein Nyein, 2017).

Those remaining in areas of armed conflict – unable or unwilling to flee – reportedly face acute risks of violence, including forced labour (for the Tatmadaw) or forced recruitment (into the KIA or other armed groups). Civilian communities in conflict-affected

¹⁶ According to an international NGO worker: 'KIA conscription is difficult to gauge, but mostly seems to be voluntary; the Myanmar Army and some other EAOs are far worse in terms of forced conscription'.

areas of Kachin State also face widespread livelihood challenges, and (particularly for people living in upland areas, remote from urban centres) very limited access to even basic health and education services. In general, the situation and needs of civilians living in or immediately adjacent to areas of armed conflict, but who have not fled, are not well understood.

Landmine contamination remains a serious concern, with high numbers of casualties from land mines (Free Burma Rangers, 2018a) and unexploded ordnance (UXOs).¹⁷ Although the problem is nationwide, with nine out of Myanmar's 14 States and Regions experiencing landmine contamination, Kachin and Shan States are most affected. Between January and December 2016, 41 people were killed and 120 injured nationwide (including 33 children) in incidents involving landmines and UXOs, with 42% of incidents in Kachin State and 38% in Shan State (Department of Social Welfare and UNICEF, 2017: 15; Free Burma Rangers, 2018a).

3.2 Forced displacement

3.2.1 Patterns of displacement

Forced displacement has long been a feature of the armed conflict in northern Myanmar. Prior to 1994, during the earlier phase of armed conflict, it was not uncommon for civilians forcibly displaced by violence to spend periods of time hiding in the hills and forests close to their original settlements. The Tatmadaw's 'Four Cuts' (*pyat-ley-pyay*) counter-insurgency policy targeted civilian communities considered sympathetic to co-ethnic armed groups, perpetrating widespread and systematic human rights abuses (including murder, rape, looting and other well-documented violations) to terrorise civilians and drive them either into government-controlled relocation sites or into hiding in the jungle. Following the 1994 KIO ceasefire most of these people were resettled, either in their original villages or in new settlements, with support from Kachin CSOs and some international donors (South, 2010).

Since 2011, renewed violence, particularly perpetrated by the Tatmadaw, has once again forced tens of thousands of civilians to flee their homes. Accurate figures on the number of Kachin IDPs are difficult

to obtain due to the dispersed nature of the camps and displacement settings, many of which are not accessible to aid agencies. In mid-2018, local Kachin CSOs estimated that there were at least 120,000 IDPs in 167 camps across Kachin and northern Shan States (HART, 2018). More recent UN figures estimate over 97,000 IDPs in 140 camps and 'camp-like' (more informal, often temporary) settings in Kachin State alone (UNOCHA, 2018). Almost half of IDPs live in areas beyond government control, where international actors have very limited access (UN and Partners, 2017: 12). There are at least a further 15,000 Kachin IDPs in northern Shan State.¹⁸

Many of the IDPs in Kachin State were forcibly displaced by government military operations in Tanai (or 'Danai') Township in July 2017, and later that year in Mogaung Township. On several occasions, particularly in Tanai and Bhamo Townships, civilians were cut off by military offensives and counter-offensives. Some of these communities were eventually given safe passage through government security checkpoints, following negotiations on their behalf by religious leaders (see below). In the first half of 2018 the conflict intensified further, resulting in the highest number of IDPs yet, according to UN officials interviewed for this research. A new round of fighting between 26 and 30 April 2018 prompted another 2,500 civilians to flee (HART, 2018). Since then Mogaung Township and Injang Yang Townships have been particularly affected, with most new IDPs coming from these areas (Free Burma Rangers, 2018b; 2018c).¹⁹ According to interviews with international and local aid agencies, recent population movements have been exacerbated by the worsening food security situation in Njang Yang and some parts of Tanai. Further violent clashes between the KIA and allied EAOs and the Tatmadaw were reported during the 2018 rainy season, mostly in northern Shan State (Free Burma Rangers, 2018d).

We don't want to be IDPs but in our home village the Myanmar Army is so violent that we don't feel safe. We had to run to the forest, where we were scattered and eating roots in the jungle. Then the local KIO and village leaders gathered us together, and found a safe place for us.

– IDP woman in a KIO-controlled camp

17 According to the government's Ethnic Affairs Minister (quoting figures from the Myanmar Red Cross Society), Shan and Kachin States have the highest number of landmine fatalities in Myanmar (www.bnionline.net/en/news/shan-state-kachin-state-record-highest-number-landmine-fatalities).

18 Oxfam (2016) contains a breakdown of Kachin IDPs by township.

19 Free Burma Rangers (2018c) includes an overview of flood-induced displacement in Hpakant Township.

In addition to internal displacement within Myanmar, an estimated 7,000–10,000 people were forced to flee across the Chinese border to Yunnan province following the outbreak of violence in 2011 (Human Rights Watch, 2012). Many initially sought refuge in Jingpo villages, whose people reportedly made them welcome, but young people and women in particular are vulnerable to exploitation in the labour market or to human trafficking. Most of these refugees were forcibly repatriated by the Chinese authorities in August 2012. The research for this study indicates that some families continue to send their children across the border, often to stay with relatives, for security and better economic opportunities, despite the risks involved.

3.2.2 Protection threats in camps

Unlike earlier experiences of displacement, many of those who have fled since 2011 have sought safety in established camps and camp-like settings with minimal basic services, mostly provided by local organisations. This research indicates that, after arriving at camps in either location, displaced people have continued to be subject to a range of threats to their safety and dignity.

Camps are very crowded, with many families often sharing a single structure (a kind of bamboo and plastic longhouse, allowing very little privacy and frequently very noisy). These shelters are often unsanitary and in need of repair (UN and Partners, 2017: 12). Access to education is inadequate, resulting in diminished development and learning opportunities for young people (*ibid.*). Since 2012, over 2,000 graduates from KIO high schools have not been able to sit government matriculation exams. Several informants said that access to education was one of the main reasons why increasing numbers of families are moving from IDP camps in KIO areas to those under government control. However, although IDP children in government-controlled areas are able to access state schools outside the camps, numerous interviewees reported that these children are marginalised and treated as second-class (or ‘illegal’) students by teachers and education authorities.

The dire situation in the camps undermines people’s dignity and long-term psychological wellbeing, as well as having a detrimental effect on the social fabric of displaced communities. There are related concerns about attitudes towards and the prevalence of gender-based violence (*ibid.*). Domestic violence seems to have increased as cramped living conditions and protracted displacement exacerbate household tensions. Survey data indicates that there has also been a rise in the number of IDPs who agree that husbands

are justified in beating their wives (*ibid.*). As one CSO leader put it: ‘the psychological deterioration of IDPs is a remarkable and sad phenomenon’.

Violence relating to the armed conflict itself continues to affect safety and security inside the camps. According to the JST, a coalition of Kachin CSOs, there have been ‘escalations of military operations and the use of airstrikes and heavy artillery in close proximity to IDP camps and populated areas’ (JST, 2018b). This has forced many IDPs to flee onward to other camps or settlements or across the border into China. On 11 January 2017, 4,600 IDPs were forced to flee their camp in the Nagyang area, but were turned back at the border by Chinese security forces (Weng, 2017). In early 2017, over 60 Tatmadaw aerial and artillery bombardments accompanied security crackdowns in northern Shan State, especially in Muse Township (Free Burma Rangers, 2017), resulting in over 160 civilian deaths and the destruction of houses and public buildings (including a church and a school).

As recent research by Oxfam and partner CSOs indicates, IDPs in KIO-controlled areas have generally experienced a decrease in security over the past two years, with human trafficking and drug addiction issues (and an epidemic of heroin overdoses and AIDS-related deaths) compounded by a breakdown in community structures and social protection mechanisms (Durable Peace Program, 2018). There are also reports of forced recruitment of adults and children, sexual and gender-based violence and risks relating to landmines and UXOs. Similar threats are faced by IDPs in camps in government-controlled areas. Many IDPs in these areas also lack official documentation, making it difficult to access (albeit limited) state services, land and property (see below).

The increasingly protracted presence of IDPs on their periphery has also placed great stress on host communities and their own limited resources. Tensions between IDPs and host communities are fuelled by the adoption of local land necessary for housing and infrastructure for IDPs, and by IDPs foraging and cultivating outside their camps (RANIR, 2016). Local aid workers reported a number of occasions where IDPs and host communities had come into (non-violent) conflict, but tensions were largely handled and defused by local religious authorities.

Residents of IDP camps in all locations have very limited livelihood options because of overcrowding

and lack of access to agricultural land or employment opportunities. While some IDPs in camps along the border (in KIO-controlled areas) have access to precarious livelihoods in China, many of the IDPs and CSOs interviewed for this study spoke of the impact of joblessness on displaced people's long-term wellbeing. This makes already vulnerable communities highly dependent on aid supplies. The psychological impact of long-term displacement, particularly for a community already traumatised by conflict and violence, was highlighted as a major concern by a number of local informants interviewed for this research. Compounding their deteriorating psychological wellbeing is a prevailing lack of hope in a peaceful resolution to the conflict. Most IDPs have very limited knowledge or information about the peace process, and even fewer opportunities to participate in any related processes, and the perception is growing that affected communities, including women, are not being included in political discussions (ibid.: 28–34). This, together with people's personal experiences of violence, is likely to deepen the fear and suspicion with which many Kachin now view the central authorities: according to Durable Peace Program (2018) data, all IDPs (particularly those in KIO areas) consistently identified the Myanmar Army as the most serious threat to civilian safety.

3.3 Land rights and return

Land rights are integral to durable solutions, including return, for communities displaced by the conflict in Kachin State. For Kachin and other upland communities in Myanmar, land is important as an economic asset and in relation to livelihoods, but also has a high social and cultural significance and is a key element of identity. According to research by the Durable Peace Program (2018), carried out by Kachin CSOs, the majority of IDPs were engaged in agriculture prior to their displacement, and owned land through (mainly) customary tenure or informal purchase. The Durable Peace Program notes that, while they would like to return to their land, this is impossible due to continuing armed conflict and the presence of armed actors and landmines.

Widespread testimony (including by many of those interviewed for this research) describes how the Tatmadaw has looted and destroyed villages, both during attacks against civilian communities and once the local population has fled. Often, attacks are followed by the appropriation of villagers' land, either for the use of (often Chinese-owned)

agriculture companies, or sometimes to be settled by outsiders brought in by the Tatmadaw (as happened reportedly in the Nam San Yang/Dabak area between Myitkyina and Bhamo, where Tatmadaw families have been settled in ten abandoned villages). Few people in rural areas have proper land documentation (government officials often refuse to issue documentation for KIO-controlled or conflict-affected areas), which is particularly problematic for communities engaged in customary (swidden/rotational, 'slash-and-burn') farming, or who have lost their documentation during their flight. Land tenure insecurity also presents non-displaced civilians remaining in conflict-affected areas with serious challenges in securing and maintaining their ancestral lands. Numerous military checkpoints and arbitrary restrictions on free movement have also reduced the accountability and oversight of actors appropriating land owned by IDPs. Like other Kachin civilians, IDPs tend to have limited knowledge of national laws and little capacity to engage the national authorities. Such concerns are particularly urgent following parliament's amendment to the 2012 Fallow and Virgin Land Law, on 11 September 2018. As a result, farmers in remote areas face displacement from their ancestral lands and the further weakening of customary land tenure rights. In many cases, IDPs are unaware that their land has been appropriated until it is too late for them to intervene.

It should not be assumed that all displaced people want to return 'home', particularly in cases of multiple displacement (where individuals or families have been moved on numerous occasions), and as time goes on. Often, despite the non-voluntary nature of forced migration, IDPs gain access to schools and other services, and sometimes also livelihood options, which they would not want to forfeit by returning to remote locations. Such considerations have implications for the protection of vulnerable communities during a prolonged armed conflict.

After the villagers flee, we see new pagodas [built by newcomers, after the original Christian inhabitants had fled], sparkling in the villages where people used to live.

– Kachin teacher

Despite the obvious challenges in terms of access to land and property rights and the ongoing armed conflict, the government is pressing for the return of IDPs to areas of origin (Global

New Light of Myanmar, 2017). In June 2018, the Department of Social Welfare (DSW) issued a statement announcing that it was working towards a ‘national strategy’ for the closure of all IDP camps in Myanmar, including those in Karen and Kachin areas. Subsequently, residents of several IDP camps in government-controlled areas came under pressure to return to their original villages, or to hastily constructed sites in government-controlled areas (where issues of land ownership and long-term livelihood security have seemingly not been thought through).²⁰ Following government pressure, in mid-June 2018 authorities at Tang Hprae persuaded 450 displaced people from three of the camp’s 19 source villages to return to their original settlements (Joint Strategy Team, 2018b). The area in question remains subject to frequent armed conflict, and no guarantees were given regarding returnees’ physical, livelihood or food security (Weng, 2018a). According to a member of the Kachin State parliament: ‘the IDPs receive very little from the government. The government meanwhile ignores the Myanmar Army’s ethnic cleansing, and is embarrassed about the IDP situation so they try to push for them to return’.

Many informants in this research highlighted patterns of intimidation of IDPs by the government. These included a campaign since June 2018 (seemingly led by the military-controlled General Administration Department) to photograph and collect data from IDPs, without explaining why – a procedure experienced by vulnerable camp populations as highly threatening. Many interviewees in this research said that the pressure to return has compounded negative perceptions and fears of the central government among Kachin communities.

A ‘durable solution’ to the Kachin humanitarian crisis is unlikely without a political settlement to decades of armed conflict, or at least a credible and sustainable ceasefire (Humanitarian Country Team, Myanmar, 2015). As one female IDP put it: ‘if the war stops, the IDPs can go home’. In the meantime, it is premature to promote return from the IDP camps. Displaced people should retain the right to voluntarily return (UNOCHA, 1999; 2004), and IDPs in many locations, both under the control of the government and the KIO, make regular trips back to their original settlements to check on the situation there and keep an eye on any remaining assets (particularly land). Meanwhile, government strategy seems to be to deny the need for IDP camps, perhaps out

of embarrassment at its failure to protect citizens from state armed forces or to provide adequate assistance or protection to displaced communities.

3.4 Restricted humanitarian access

Restricted access to IDP communities for international and local humanitarian organisations has been a consistent problem throughout the current phase of the conflict. Since May 2015, in the context of an escalation in Tatmadaw attacks on KIO positions, the UN and its humanitarian partners have been denied the necessary Travel Authorisations to visit IDP sites in government-controlled areas. Since April 2016, the government and Tatmadaw have prohibited international humanitarian organisations from taking food and other relief supplies into areas beyond government control (UN and Partners, 2017: 12).

As well as restricting access for international humanitarian organisations, the government and Tatmadaw in 2018 sought to obstruct the operations of Kachin CSOs. On 21 May, the Kachin State Minister of Border Affairs and Security (a Tatmadaw Colonel) wrote to the Kachin Baptist Convention (KBC) warning against any further efforts to provide assistance in areas of KIO control or influence (specifically Border Posts 6 and 8). Named KBC personnel were threatened with prosecution under the Unlawful Associations Act (Weng, 2018b). In a private communication, Tatmadaw personnel have indicated that the threat extended to all Kachin CSOs and INGOs, which several informants interpret as an attempt to divide the community from the KIO. The move has had a dampening effect on CSOs’ willingness and ability to travel to the most hard-to-reach IDP camps, and to cross the frontlines into KIO-controlled areas.²¹ A very senior KIO official told researchers that: ‘the government and Myanmar Army are putting pressure on the IDPs in order to push the KIO to the negotiating table; they are spreading lies that humanitarian aid is diverted to the KIA, which is absolutely not true’. The pressure being placed on CSOs in this regard was further illustrated when 15 KBC aid workers were arrested by the Tatmadaw on 24 October 2018 near Nam Sang Yan IDP camp on the Burma–China border (a

20 Confidential source (29 June 2018).

21 In June 2017, the Myanmar Army dropped leaflets around Danai town warning civilians to leave or potentially face criminal charges for ‘cooperating with the terrorist group KIA’ (Hkun Lat, 2017).

‘crime’ punishable under the Unlawful Association Act). They were only released after concerted advocacy on the part of local civil society and political actors (see below).

Restrictions on the movement of humanitarian personnel hinder the provision of impartial and neutral humanitarian aid, as well as limiting the protection activities of humanitarian organisations. Humanitarian access is increasingly impeded by the government and state armed forces, in

a context where the Tatmadaw often fails to distinguish between civilians and combatants and often regards local aid agencies as aiding the KIO (Amnesty International, 2017; Fortify Rights, 2018). Arguably, given the long-standing problems around humanitarian access to vulnerable communities in Kachin State, the UN and other international organisations could have done more, and acted earlier, to support local organisations which do have (albeit also increasingly restricted) access to conflict-affected civilian populations.

4 Protection actors and their response strategies

Civilians in Kachin State are faced with multiple and complex threats to their lives and livelihoods. These are caused primarily by the Tatmadaw's military operations, but also by the increasingly guerrilla-style tactics of the KIA and other armed groups, as well as more peripheral actors such as China. Local protection actors, including affected communities themselves, their community-based organisations, CSOs and faith-based groups are adopting strategies to respond to or mitigate these threats. Support from international aid agencies for these local protection efforts includes some good practice, but it also fluctuates and, as discussed below, has generally been considered inadequate by the people it is intended to assist.

4.1 Self-protection strategies

4.1.1 Ethnic identity of Kachin communities

Understanding how affected Kachin communities have sought to mitigate the threats they face from the ongoing armed conflict is intrinsically linked to an understanding of their ethnic and social structures, behaviours and history. It is also linked to how they understand 'protection' – many Kachin IDPs consider protection of their ethnic identity (and communal assets such as land and culture) as important as physical protection and access to internationally guaranteed rights.

Ethnic identity among the Kachin and among Myanmar's many other ethnic minority groups is highly fluid, with self-identification as 'Kachin' influenced by or adapted to local social and political factors, including armed conflict, largely as a process of personal or group development or survival. As an 'ethnic group', the Kachin comprise six ethnic sub-groups, with the Jinghpaw historically dominant. These segments are tied together by dialect and by their

majority Christian faith (both Baptist and Catholic). The history of Kachin and other ethnic groups in northern Myanmar and southern China is interlinked and inter-dependent, with the administrative borders created by states over the last few centuries often creating artificial divisions between them.

Kachin society is clan-based, with complex links between different segments, and family lines are celebrated and reproduced through traditional practices and a rich oral culture. Connections within and between Kachin communities – including those constructed through re-imagining the boundaries between different sub-groups – constitute an important element of social capital,²² which has been mobilised by local actors to protect and reproduce the Kachin nation/s during periods of conflict and crisis. These networks of community are key to the spirit of Kachin resilience.

A striking element of Kachin protection networks is the way in which they extend through and between clan-based segments of society, crossing borders of ethno-linguistic identity to knit the nation into a complex whole. Kachin social networks traverse internal borderlands and the sometimes vague frontlines of conflict, and borders between different conceptual and identity categories (Fast, 2018). Multi-linguistic Kachin society, with its branches and lineages, demonstrates a deeply 'networked' conception of nationality.²³ As Sadan (2013: 427) puts it, Kachin society is characterised by 'informal spaces within which debate and consensus building could take place ... that have historically functioned beyond, although not entirely disconnected from, those formal structures associated with both the state and the nation'. For many civil society actors, the protection of Kachin national and cultural identity is a key concern.

22 Putnam (1993: 167) uses the term 'social capital' to refer to 'features of social organisation, such as trust, norms, and networks, that can improve the efficiency of society by facilitating coordinated actions' For Putnam (p. 171), trust is a key element of social capital, with community bonds relying on expectations of reciprocity.

23 Thanks to Nbyen Dan Hkung Awng, Director of the School of Arts and Social Sciences, for this insight. According to Dan Hkung: 'conflict drives polarisation, and "othering" of groups seen as different; we need to revolutionise our understanding of ethnicity and nationality, and celebrate the diversity and nuance of Kachin society'.

4.1.2 Demographics and ethnic politics in Myanmar and China

Understanding the complexity of local stakeholders, as both threats and sources of protection, requires an excursion into geography, demographics and ethnic politics, and how these are related to the China–Myanmar borderlands. Kachin State, the northernmost and second-largest state in Myanmar, with a population of about 1.7 million, borders India and China. During the pre-colonial era (and to a degree in the colonial period and since), the borders between the three countries were largely non-existent, with upland communities like the Kachin spreading along mountain ridges and valleys, rather than adhering to the national boundaries imposed much later. This led to the development of distinct yet inter-linked and inter-dependent societies, economies and cultures.

Demographic statistics for Myanmar are contested: the official designation of 135 ‘national races’ (*taingyintha*) recognised by the government is considered deeply problematic as they represent arbitrary and externally imposed categories of identity derived from colonial-era classifications (Cheesman, 2017).²⁴ Nevertheless, it is generally estimated that non-Burman communities make up at least 30% of the Myanmar population.²⁵

Ethnicity is a fluid category, subject to re-imaginings over time and/or in different contexts. Work on the relationship between Kachin and Shan communities in upland Burma in the 1950s (Leach, 1954) indicates how the two groups shade into each other depending on local socio-economic and political factors. There also remains controversy regarding who is a Kachin, how and why. This affects how ‘local’ actors might be perceived and defined. The Kachin in Myanmar are commonly divided into six sub-groups: Jingphaw,

Zaiwa, Lawngwaw (or Lhaovo), Lisu, Lachik (or Lachid) and Rawang-Nung (with some Nung demanding recognition as a separate group). However, in neighbouring Yunnan province the Jingpo National Minority (minzu) includes Zaiwa (the largest Kachin group in China), but not the Lisu (or Rawang). There are also about 10,000 Singpho (Jingphaw) in north-east India.²⁶ Kachin dialects are branches of the Tibeto-Burmese language family.

Kachin identity has evolved over the last two centuries under the leadership of mostly Jingphaw elites (Kiik, 2016: 212). In the past half-century, the great majority of Kachin in Myanmar (although not in India or China) converted to Christianity – particularly (but not only) the Baptist and Roman Catholic churches. The mainstream Baptist Church in Myanmar is organised into different ethnic conventions; the predominantly Jingphaw-led KBC is regarded as more staunchly – and, according to the government and Tatmadaw, more ‘narrowly’ – nationalist than the Catholic Church, with its universalist doctrine.²⁷ However, such assessments must be treated with caution given the government’s longstanding practice of using ethnicity and religion to divide and spread dissent within minority communities. Indeed, in the modern history of Myanmar the country’s ethnic minority (or ‘nationality’²⁸) communities have experienced domination by majority Burman nationalist elites that first captured the armed forces (in the 1950s) and then the state (through the 1962 military coup). Since at least the 1960s, the militarised and centralising state has seemed bent on consolidating the ‘Burmanisation’ of culture and history – suppressing diverse ethnic identities and imposing a centralising and assimilationist idea of Myanmar, based on the language and traditions of the Bama majority (Houtman, 1999).²⁹

24 For a survey and discussion of citizenship in Myanmar, see South and Lall (2018).

25 The CIA’s *World factbook* estimates: Burman 68%, Shan 9%, Karen 7%, Rakhine 4%, Chinese 3%, Indian 2%, Mon 2%, other 5% (www.cia.gov/library/publications/the-world-factbook/geos/bm.html).

26 The most comprehensive study of Kachin history and ethnicity is Sadan (2013).

27 Kiik (2016: 216) observes that the KBC is at the forefront of the politicisation of ethnic identities among Kachin communities, compared to the multi-ethnic Catholic Church.

28 Most ethnic politicians in Myanmar prefer the official ‘nationality’ designation, which confers greater political status and implies recognition of the major groups as founders of a multi-ethnic union. This is particularly the case for groups like the Kachin, who lay claim to their own state.

29 Cheesman (2002: 18–20) notes: ‘the state asserts that all “national races” share both a common origin and sense of identity ... The current regime encapsulates this principle in an ambiguous concept of ‘Union Spirit’ ... It was only with the advent of British colonial rule that the national brethren “became like strangers” due to malicious divide-and-rule policies ... The state has constructed a “traditional” public life that places Burman culture at the core and links other cultures together around the periphery ... Sanitised images of the eight principal “national races” are daily woven into state media’.

The central government has yet to release ethnic data gathered in its 2014 census, perhaps in recognition of the deeply flawed methodology used (ICG, 2014). But there are estimated to be one million Kachin dialect speakers in Myanmar, with perhaps half that number in China. It is not certain that Kachin speakers constitute a majority of the population of Kachin State, which also contains Shan (and Shan-ni or Tai Leng/Red Shan), Burmans, Gurkhas, Chinese, Nagas and people of Indian/South Asian descent. Many tens of thousands of Kachin people live in neighbouring northern Shan State, the majority of whom are Jingphaw, often living alongside T'ang (Palaung) and Shan populations.

Kachin nationalists sometimes seek to downplay the complexities of their ethnic identity in order to promote the 'Wunpawng myusha' (Kachin nation). Nevertheless, some leaders of the Lisu, Rawang and Shan-ni communities have longstanding grievances with perceived 'Jingphaw domination' (to quote one interviewee);³⁰ some Catholics have also expressed disquiet regarding how Baptists tend to dominate the Kachin nationalist movement. Nevertheless, at least within the core of Kachin society, levels of solidarity and mutual support are strong, with signs of growing mutual tolerance between Baptists and Catholics.

4.1.3 Self-protection strategies and tactics

Kachin communities have adopted a number of strategies aimed at protecting themselves from the effects of the conflict. The act of fleeing is itself a primary strategy of self-protection and preservation, and has been adopted many times by Kachin families and communities over previous decades. In the past, as noted above, Kachin people sought safety in the jungle, waiting 'in hiding' for short periods for the violence to pass before returning home. However, since 2011 this strategy has not been feasible as violence has been more prolonged and intense. During the initial period of flight to jungle areas, displaced villagers often share food and other resources. Sometimes, other nearby civilians provide short-term assistance, in the form of food or shelter. Usually, this is organised by local religious leaders. Church-based networks are also crucial in providing information to displaced communities about the safest places to seek refuge.

Most of those fleeing fighting have then quickly sought refuge in formalised camps or more informal camp-like settings. Most appear to have followed their co-religionists in seeking safety either in government-

or Kachin-controlled areas, settling in different sections of camps based on their villages of origin, with the aim of achieving some form of community-based protection for themselves. The research indicates that IDPs tend to choose their destination based on several factors, including the existence of family (or clan) connections with people in the destination IDP sites, friendly or unfriendly prior relations with the local political authority (KIO/KIA or government), and their strong preference to flee together with their fellow villagers, to follow local religious leaders and seek refuge in church compounds – patterns also documented among Karen IDPs in south-east Myanmar (South and Jolliffe, 2015). In general, IDPs are more likely to live with co-religionists in government-controlled areas, where most camps are in church compounds (and sometimes monasteries), than in Kachin-controlled areas (where camps are not generally located on church grounds). These patterns of co-religionist displacement and relocation reinforce the religious dimensions of Kachin nationalism. Thus, patterns of civilian protection serve to shape and reinforce social identities, which can in turn be mobilised, including for recruitment by armed groups.

More generally, given the complex nature of the armed conflict, many families have long hedged their bets by having members in one or more EAOs, as well as sometimes also serving in the Tatmadaw or government-aligned militias (Smith, 2016: 60). Networks extending across the frontlines of conflict, and across boundaries between different groups and communities, are key to understanding the realities of protection in Kachin.

In terms of livelihoods, most IDPs have very limited options. In an effort to find income, people of working age in the camps in Kachin-controlled areas regularly cross over into China to work as agricultural labourers in areas adjacent to the border, or move further inside Yunnan province to obtain work in factories. Those with national identity documentation can acquire temporary border passes, but are vulnerable to arrest if they overstay.

There is growing awareness among Kachin CSOs of the problems faced by marginalised communities among the displaced population – for example, physically disabled people. However, very few interviewees expressed interest in or knowledge of the problems that may be faced by lesbian, gay, bisexual or transsexual (LGBT) or other sexual or identity-related sub-groups. A strong Christian culture

30 Sadan (2013: 449) questions 'the degree to which various sub-groups in this borderworld feel that they should subordinate themselves to this (Jingphaw) model and feel free to express their own symbols and traditions'.

contributes much towards the social capital of Kachin communities. However, these values often entail conservative social mores. Both international and national stakeholders should be wary of valorising local protection agencies without being aware of the possible negative aspects of non-liberal conventions and values.³¹ There are also reports of threats being made by some Kachin nationalists against people who complain about abuses by the KIA. Some coping mechanisms adopted by conflict-affected populations are extremely risky, including sex work, and vulnerable people seeking refuge in drug abuse.

4.1.4 Cross-border community support

As discussed earlier, relationships between Jingpo communities in China and the Jingphaw people of Kachin State stretch back centuries, to a time when national boundaries were notional at best. These community links continue to play an important role in the protection of Kachin IDPs, both in providing material support and undertaking advocacy on their behalf. Local cross-border protection strategies have also included working with traders, churches and CSOs (and a small number of international agencies and donors), to provide health and other services to conflict-affected communities in Myanmar. Much of this (mostly internationally funded) work has been conducted either 'below the radar' of Chinese state security or with the Chinese authorities turning a blind eye.

We Jingpo in China are the same as Kachin from Myanmar, but we have different governments; therefore, we love and support our family members from the other side of the border.

– Chinese Jingpo interviewee

In terms of bringing regional attention to the plight of their fellow populations across the border, the Jingpo in China have undertaken a number of initiatives. For example, on 10 January 2013 (the official Kachin State Day in Myanmar) over 1,000 Jingpo nationals gathered at the Nabang border checkpoint opposite KIO-controlled Laiza to protest at the Tatmadaw's bombing of Kachin civilians the previous month, and to demand that Chinese authorities allow civilians fleeing the conflict across the border, and that the Chinese authorities advocate with the Myanmar government to stop the assault on Laiza. Subsequently,

Chinese Jingpo academics and local government officials publicly expressed similar concerns. Such acts of solidarity demonstrate the growing connections between Kachin communities in China and Myanmar, often mediated through traditional manau festivals (which are re-imagined and performed in relation to changing social and political contexts in China and Myanmar) (Sadan, 2013: 430–530; Ho Ts'ui-p'ing, 2016: 193–97). Indeed, Chinese Jingpo informants talked about their solidarity and fellow-feeling with brethren across the border in Myanmar.

4.2 Faith-based groups and other local civil society actors

Kachin CSOs are the primary providers of assistance and protection to displaced Kachin civilians. The roles of faith-based agencies such as the KBC and the Roman Catholic Karuna Myanmar Social Services (KMSS) are particularly noteworthy, together with a range of secular organisations.³²

4.2.1 Faith-based groups

As noted earlier, the majority of Kachin are Christian, and faith-based groups associated with the two main denominations, the Baptist and Roman Catholic churches, their leaders and networks have played a significant role in protecting civilians from the effects of the armed conflict. Several Kachin IDPs talked about the protective role of the church, which some people saw in terms of pastors' sacred mission of care and redemption. Through their intimate connections with and within communities, they have been able to facilitate transportation of newly displaced families to camps, particularly in Kachin-controlled areas, with groups like Metta, BRIDGE and WPN responding quickly to reports of new displacements. For example, on 4 November 2018 local church leaders, together with the Peacetalk Creation Group, negotiated the release of 15 civilian aid workers detained by the Myanmar Army nearly two weeks previously.

Church-based relief organisations such as the KBC and KMSS, along with independent Baptist and other church organisations, have also directly provided emergency assistance and basic services to IDPs in government- and Kachin-controlled areas. For example, the Catholic Diocesan Emergency Relief team has responded to emergency situations more

31 For a discussion of non-liberal approaches to protection in south-east Myanmar, see South (2012) and South et al. (2012).

32 The Bishop of Myitkyina calculates that 65% of Catholic CSOs' funding comes from international donors, and the rest from church congregations.

quickly than other aid actors (including international agencies), and is often first on the scene to provide spiritual support and distribute short-term aid (mostly with funds collected in church on Sundays). Churches have also played an important role in facilitating access for IDPs to some minimal educational services, with teachers being sent as volunteers by churches to remote communities in the first instance, and then fleeing with those same communities into the camps. Church leaders have played a critical role in humanitarian diplomacy, negotiating with the Tatmadaw and other conflict parties to facilitate the movement of civilians out of conflict zones.

This engagement by faith-based groups is, according to interviews conducted for this research, based on spiritual solidarity and Christian fellowship, as well as a spirit of humanitarianism. Often, faith-based relief workers take great political and physical risks in working across the frontlines of conflict, engaging with both the Tatmadaw and KIA officials on the ground.

They appear to have been able to play this role because, as religious leaders interviewed for this research suggest, the Tatmadaw and government officials seem to respect the clergy (especially Catholic priests) largely because they associate their status with that of Buddhist monks (who are also celibate). But crucial as their support is, the protection role that faith-based groups can play is limited – by the nature of the armed conflict, by the tactics of conflict actors (all of whom have displayed little regard for the protection of civilians) and by the nature of their role as ‘volunteers’ reliant on funding from collections in churches or from the diaspora.

4.2.2 Other civil society organisations

Other Kachin civil society actors and organisations have also played a critical role in protection of conflict-affected populations. In response to large numbers of IDPs fleeing the resumption of armed conflict in Kachin and northern Shan States, local NGOs and CSOs have provided emergency and longer-term aid. Kachin civil society groups have

Box 3: Emergence of Kachin civil society organisations

The 17 years of relative peace that followed the 1994 ceasefire enabled conflict-affected Kachin communities to take the lead in their own rehabilitation (with assistance from the KIO), and a strong and dynamic civil society sector emerged (Smith, 2016: 76). Kachin CSOs, including national NGOs, faith-based organisations and the aid wings of armed groups, played important roles in assisting and protecting conflict-affected civilian communities, including helping to resettle 10,000 IDPs between 1994 and 1996 (ibid.: 60). Among the best-known NGOs to emerge at this time were the Metta* and Shalom (or Nyein – ‘peace’ in Burmese) Foundations, which work primarily on community development and peace-building. Both originated in the Kachin community, but grew to encompass well-funded nationwide networks. The roles of civil society groups in Kachin politics, and in development and humanitarian affairs, became significant in part because the international community, including international aid actors, did relatively little to support the rehabilitation of Kachin communities in the 1990s. As Smith (2016: 76) notes, during these years ‘most donor aid went to support refugees and anti-government groups along the Thai border’ as part of a wider policy of sanctions imposed by international actors to pressure the Myanmar military regime into reform.

Historically, unlike Thailand, China has been much less open to international aid agencies, and the global humanitarian/interventionist agenda. This has meant that EAOs operating – and civilians living – in the northern borderlands adjacent to China have received far less international attention than their counterparts in south-east Myanmar. While Kachin activists and aid workers have understandably sometimes seen this as a disadvantage, such relative isolation has arguably led to the development of greater self-reliance among the Kachin community and its CSOs. Kachin civil society is marked by relatively high levels of participation on the part of women, and a number of leading civil society actors are female. Since 2011, there has been a widespread perception among Kachin civil and political society that the broader national peace process should not move forward too quickly while the KIO conflict remains unresolved. More broadly, civil society actors felt excluded from the peace process, which (perhaps inevitably) consisted primarily of negotiations between armed actors: the government (and Myanmar Army) and EAOs, most of which were based in south-east Myanmar

* By 2011, Metta was working in over 250 war-affected communities in Kachin State (most of which have since become displaced), as well as many other parts of the country (Smith, 2016: 76–77).

also been prominent in peace advocacy, including through the Kachin Peace Network.³³

Led initially by the Metta and Shalom/Nyein Foundations³⁴ and the Baptist and Catholic churches' relief and development wings, a nine-member JST was established in 2013 to improve aid coordination and effectiveness and advocate with the international community. The JST has received funding from the European Union (EU) and other donors, mostly channelled through international NGOs. Much of the work undertaken by the JST and other CSOs (including WPN, BRIDGE, the Relief Action Network for IDPs and Refugees (RANIR), the Kachin Development Group (KDG), the Kachin Peace Network and the Kachin Women's Association (KWA)),³⁵ has to remain confidential in order not to expose sensitive initiatives to undue risk. Several CSOs reported that they had faced security constraints limiting their ability to respond to the needs of IDPs. One international observer noted the strong ('near monopoly') role of the JST in presenting information and shaping narratives and understandings (particularly among the international community) regarding conflict-affected Kachin communities.

Activities undertaken by Kachin CSOs include transport of IDPs to camps, distribution of food and non-food items, targeted nutrition of vulnerable people, management of health services, support to camp management, livelihoods activities (including skills training) in and outside of camps, public health education, child protection, water and sanitation, mine risk education and community empowerment activities. Several CSOs (including the KBC and KMSS) also have case referral systems to identify and support the most vulnerable individuals in camps. For example, identified pregnant and lactating women are targeted with additional nutrition and medicines. However, as discussed earlier, CSOs face a range of restrictions on their work. Some have reported having to stop programmes, for example water and sanitation and health activities in KCA IDP camps due to lack of funding; some have been threatened with arrest and prosecution; and some have faced physical restrictions on their ability to reach populations in need.

Kachin civil society groups have also established local ceasefire monitoring teams. These have attempted to provide early warning of armed clashes and document human rights violations. However, they have not been accepted or acknowledged by the Myanmar government or Tatmadaw, adding to local frustration about the failure of peace-building in northern Myanmar. Supporting community-based ceasefire monitoring could be an important element in ensuring and demonstrating that any future peace agreement in Kachin is viable and sustainable, as well as providing an entry-point for grassroots participation in the peace process. At present, CSOs are limited in their ability to monitor ceasefire violations due to the lack of official recognition and limited funding.

A number of CSOs and other actors have undertaken advocacy locally and nationally to raise awareness of the plight of IDPs and facilitate their access to power-holders. For example, Lahpai Seng Raw, Metta founder and winner of the 2013 Ramon Magsaysay Award ('the ASEAN peace prize') consolidated her role as the leading voice of ethnic civil society in Myanmar, advocating a just end to the conflict and more equitable relations between international donors and Myanmar civil society. The Kachin CSO RANIR has conducted research on and advocacy for IDPs specifically in Kachin. Its June 2016 report contained important advocacy messages focusing on the experiences and voices of displaced people (some of which are adapted below). Another CSO, BRIDGE, has also undertaken important research and advocacy, for example in relation to the crisis of land rights in Kachin, and working to better equip communities to engage with power-holders (reportedly easier in relation to the KIO than the Myanmar government). Beyond such organised civil society actors, in the early days following the resumption of armed conflict several locally well-known celebrities (actors, musicians, models) visited the camps, in part to boost their social media profiles, but also helping to communicate the plight of IDPs. The motivations of Kachin CSO activities have been described in terms of 'affinity ties' that cross boundaries between groups, as well as countries (Ho, 2016; 2018).³⁶ The inter- and intra-communal relations that characterise Kachin society are a key aspect of social capital, and

33 In 2016, a separate North Shan Humanitarian Response Team was established, including some JST members.

34 Shalom supports camp management in 20 non-KBC/KMSS camps, and is responsible for conflict sensitivity analysis, as part of an Oxfam consortium; other Shalom services to IDPs include legal support, and trauma and healing services.

35 The KWA is the KIO's women's wing. It coordinates early childhood centres in 87 IDP camps.

36 Ho (2016) 'considers how webs of connection bridge people from different social worlds and engender affinity ties that can be mobilised to nurture caring relationships ... The situation of Kachin internally displaced people in camps at the China–Myanmar border directs attention to how geographical and geopolitical constraints deter international humanitarian assistance yet provide opportunities to engage a different set of humanitarian actors ... mobilising affinity ties enables Kachin humanitarian workers to leverage the citizenship resources of empathetic Chinese nationals to negotiate humanitarianism constraints at the China–Myanmar border'. See also Ho (2018).

help to explain this community's resilience in the face of decades of repression by the Myanmar state.³⁷

Reportedly, CSOs' accountability mechanisms are often quite weak: in cases of reported protection incidents, the confidentiality and dignity of the survivor is not always respected, and there are issues with regard to the safety and dignity of IDPs in the construction and design of water and sanitation infrastructure. For example, IDPs report feeling unsafe in camps due to poor or no lighting, broken or missing locks and no privacy coverings in bathing spaces.

Like their Karen and Mon counterparts on the Thai border, Kachin CBOs based along the Chinese border are characterised by variety of relationships with EAOs, ranging from the KIO's relief wings (especially the IDP and Refugee Relief Committee) to more independent community-based and activist-oriented groups. Kachin relief and resistance activities reflect the resurgence of a strong cultural and political identity, particularly among the younger generation, as a direct result of and response to intensified Tatmadaw violence and repression. For example, young people held demonstrations and marches in Myitkyina in 2016 and 2018, demanding an end to the war and the protection of civilians; several activists were arrested (Kronholm, 2016; Chit Min Tun, 2018).

4.3 The KIO – de facto local authority and service provider

Like many EAOs in northern Myanmar, the KIO and its armed wing has over time come to control large geographic areas, in the KIO's case in central and eastern areas of Kachin State bordering China, as well as pockets of territory along the Indian border and in northern Shan State. For several decades, the KIO has overseen a de facto form of independence in the areas under its control, exhibiting state-like qualities including providing a range of welfare or social services to local communities. This role has been facilitated by access to substantial revenues from extraction of natural resources and other trade, as discussed earlier. The KIO has historically been able to devote (or persuade its Chinese and/or Kachin

business partners to designate) significant funds to building schools and roads, hydropower projects and other infrastructure in its areas of control (especially in the towns of Laiza and Mai Ja Yang, on the China border), and in zones of 'mixed administration', where KIO and Tatmadaw authority overlap.³⁸

Since the renewal of fighting in 2011, the KIO has played an important role in coordinating support for displaced families and communities. The IDP camps in KIO-controlled areas are effectively managed by the KIO's IDP and Refugee Relief Committee (IRRC), established in 2011. Most aid to IDPs in these locations is coordinated by the IRRC, which has offices at the central, regional and local levels. Many of the health services (including nurses) in Kachin-controlled areas are provided by the KIO, with referrals to KIO hospitals in Laiza and Mai Ja Yang (this is considerably more difficult in remote camps), and sometimes to medical facilities across the border in China. In terms of education, the KIO administers 167 schools (including eight high schools and 17 middle schools), with over 22,000 students. Some schools have seen their pupil numbers double since 2011 with the influx of IDPs. Many of these services are provided to non-displaced civilians remaining in conflict-affected areas, as well as to IDPs.

As noted above, the government and Tatmadaw have claimed that aid provided to Kachin IDPs is diverted to support the KIO. However, several (local and international) informants stated during this research that the KIO has actually provided more in terms of financial, material and human resources than any possible benefit it could derive from aid diversion. The government has not provided evidence to support claims of aid diversion by the KIO.

Available research also suggests that relations between the KIO – as a de facto local authority – and local conflict-affected communities are relatively positive. The Durable Peace Programme (2018: 39–40) reports that IDPs in Kachin-controlled areas have better links to local KIO authorities than to local government officials in government-controlled areas. This is so both in terms of service delivery (with nearly three-quarters of IDPs in Kachin-controlled areas feeling that local authorities support their needs, compared to just 38% in government-controlled areas) and the perceived approachability of local power-holders. IDPs

37 Thanks to a peer reviewer for these observations.

38 The KIO is a political vanguard party, with the government of Kachin areas being administered by the Kachin Independence Council (KIC), which administers departments including education, health, and agriculture, each with their respective bureaucracies and training centres.

in KIO-controlled areas also reported feeling safer than those in government-controlled areas.³⁹

The KIO has an important role to play in ensuring that the KIA adheres to international human rights and humanitarian law. This is particularly relevant given Kachin activists' and aid workers' criticism of the Myanmar Army's abusive behaviour. However, no information was available during the research to indicate what, if any, advocacy the KIO has undertaken with the KIA on its legal responsibilities as a conflict party to protect the civilian population.

4.4 The role of international aid agencies and their relations with local protection actors

4.4.1 Limited international humanitarian operations

As noted above, international aid agencies have been subject to widespread physical and bureaucratic restrictions on their access to conflict-affected communities in Kachin State, in both government- and Kachin-controlled areas. As a result, the role that international aid agencies have been able to play in the protection of civilians in these areas has been limited. To varying degrees, international agencies have engaged in advocacy with the government – for example, in order to gain access to vulnerable communities. However, in most cases this seems to have had limited impact.

Since the resumption of fighting in 2011, the UN and other international humanitarian aid agencies have sought access to affected populations. However, despite publicity at the time – resented by some local actors, who feel that their own roles are under-appreciated in comparison to relatively ineffective but high-profile international missions – UN-led convoys have had only intermittent success in crossing the frontlines of conflict between government- and KIO-controlled areas, with the most recent in April 2016, and the first in December 2011 (UN News, 2013; Martov, 2016). As of October 2018, the UN in Myanmar was consulting stakeholders with the aim of developing a Strategic Framework for Kachin and northern Shan States, within which individual agencies would have the flexibility to undertake programming as part of a joint strategic intervention.

A key development, aimed at creating a more holistic and integrated political, peace and humanitarian

engagement in Myanmar, is the appointment of a new UN Special Envoy, and the establishment of a small resident political mission for Myanmar in late 2018. While the focus will primarily be on the Rakhine response, the envoy has emphasised that the Kachin and northern Shan State conflicts are also part of her remit. This may provide a higher level of formal international engagement, with the aim also of gaining more access for local and international humanitarian actors, as well as enhanced informal dialogue with China.

Questions of confidentiality mean that the work of those few international aid agencies operating across the border from China cannot be discussed in detail. These international NGOs operate in a low-profile manner, mostly with local (Chinese and Kachin) personnel. One group that was willing to go on the record, the Free Burma Rangers (FBR), acts in Christian solidarity through the use of small teams, usually seconded from the local EAO, that operate across conflict-affected areas of Myanmar, providing medical care to newly displaced communities, disseminating reports on the situation in remote and conflict-affected areas and providing basic public health education.

4.4.2 'Localising' the response

In general, given increasing government restrictions on humanitarian access, international aid agencies have limited roles in providing protection directly to displaced communities. Rather, their most important added value often lies in supporting local partners that do have access (though not unimpeded) to vulnerable communities. While most local CSOs interviewed for this research expressed sincere appreciation for the efforts of international aid agencies, they also felt that most were not engaging with them as equal partners, and that many were failing to provide the kind of support required.

The degree to which international organisations (particularly UN agencies) are interested in engaging with CSOs appears to depend to a significant degree on the attitudes of individual staff. Several informants said that they felt international staff failed to recognise CSOs' capacities, or their ability to understand and deal with risk and uncertainty on the ground. Several local interviewees talked about international organisations' insistence on branding their aid. One senior CSO official suggested that donors could help protect CSOs by removing aid agency logos from food and non-food items intended for IDP camps. In this way, it is less likely that relief

39 On the politics of EAO legitimacy in Myanmar, see South (2017); see also South et al. (2018).

items would be identified and delivery obstructed, as non-branded items would be regarded as traded goods passing between merchants on either side of the frontline (and into China). Several CSO staff endorsed the growing trend among international aid organisations of providing cash support to IDPs rather than in-kind items, including food, particularly in remote areas where rice is difficult to transport (due to logistics, and the likelihood of Tatmadaw checkpoints blocking supplies).

Access to funding was a major concern among CSOs interviewed in this research. There were calls for more funding for local organisations on a flexible basis, to be used depending on emerging needs on the ground, rather than according to predetermined aid agency and donor agendas and log-frames developed often many months previously. Several CSO interviewees complained about the inflexibility and bureaucracy of international funding via international aid agencies. For some CSO workers, this is illustrated by an insistence that CSO ‘partners’ provide some funds in advance, only to be reimbursed following cumbersome bureaucratic procedures. As one CSO director put it: ‘international organisations look down on us locals; they want to pay by instalments because they don’t trust us’. There is an understanding that such procedures may be commonplace for international aid agencies, but CSOs often lack the cash reserves to work like this. Kachin civil society leaders, such as the previously mentioned Metta Foundation director Seng Raw and other JST members, have publicly pushed back against donor policies that they see as unhelpful.

Some CSOs also reported that, since 2014–15, donors and international aid agencies have been pushing their local CSO partners to adopt more targeting of humanitarian aid. While in principle many CSO interviewees understood the need to prioritise assistance to the most vulnerable, especially during a period of declining aid flows, several commented that they felt this agenda was being driven by international donors with limited understanding of the situation on the ground. Similar concerns were raised by CSOs in relation to donors’ shift towards supporting the rehabilitation and transition of displaced communities, rather than humanitarian support for ongoing basic needs.

Several CSOs also expressed concerns about what they perceive as the ‘projectisation’ of humanitarian response. Respondents felt that CSOs’ engagement came out of

an organic, community-oriented (or networked) sense of communal identity, but that international aid approaches (and donor demands) were necessarily based around shorter timeframes, and tended to reconfigure local initiatives in terms of ‘projects’ rather than ongoing interventions. As the CSOs explained, these constraints can seriously undermine their ability to undertake protection work through their long-term and deep community relationships.

Other grievances expressed by CSOs engaged in this research included that international aid agencies, which provide the bulk of funding (together with churches and the diaspora community), have frequently taken credit for the efforts of their local partners. For example, RANIR and KDG contributed the bulk of research to more than one report by UN agencies, but they felt that their role was not (or was under-) acknowledged in the final publications. Several Kachin CSOs complained of international aid organisations spending little time in the field (admittedly, because of government restrictions), but issuing reports and statements that gave little credit to the local organisations doing most of the work and taking the biggest risks (politically, and in terms of physical safety). As one prominent local relief worker put it: ‘INGOs and donor agencies don’t seem to trust CSOs, and always want to tell us what to do’.

The ‘localisation’ of support to Kachin IDPs has been a necessary strategy, but it has also been a victim of its own success, making it hard to sell the urgency of the Kachin humanitarian crisis in Western capitals. Kachin CSOs are considered by most international observers to have provided a crucial humanitarian response, somewhat taking the edge off demands for the engagement of international humanitarian agencies. However, support for a wide range of humanitarian activities remains essential if Kachin IDPs are to be properly protected. Furthermore, IDPs, particularly in Kachin-controlled areas, are feeling increasingly isolated, and that they have been forgotten by the international community.⁴⁰ There is also a perception locally that international funds for the Kachin humanitarian crisis are declining. For local stakeholders, this is seen in part as a competition for donor funds with the higher-profile situation in Rakhine State and of the Rohingya community, as well as crises elsewhere in the world.

There are examples of positive support and partnership by international aid agencies. The

40 CSO concerns of abandonment by the international community were somewhat mitigated by the August 2018 findings of the UNHRC’s *Report of the independent international fact-finding mission on Myanmar* (2018), which focus to a degree on the situation in Kachin State (as well as the Rakhine crisis).

EU-funded Durable Peace Program and the Myanmar Humanitarian Fund (MHF)⁴¹ (supported by the EU) allows CSOs to respond to humanitarian emergencies within 24 hours. International NGOs such as Oxfam and Trocaire are credited with doing much to support their local partners, both in terms of training and funding, and supporting local–international advocacy partnerships aimed at securing improved protection for conflict-affected populations.

4.5 The Myanmar government

Under national as well as international laws, conventions and standards, the Myanmar government has a responsibility to protect and provide basic services to conflict-affected civilians, including those displaced within its national borders. However, as the research reported here illustrates, the government is failing to provide basic services, in conditions of safety and dignity, to the communities affected by the armed conflict in Kachin State. It is also actively preventing access for other actors that could provide assistance. As one religious leader put it: ‘the government doesn’t help IDPs, only the church does’.⁴² A prominent Kachin politician said that: ‘Aung San Suu Kyi doesn’t care about us; she has no sympathy for Kachin suffering’.

A female Kachin State Democracy Party MP in the Kachin State parliament (*bluttaw*) has played an important role in advocating for greater government support to and protection of IDPs, with some success. Despite the danger, she visited constituents after they had been forced to flee their villages, and advocated with state service providers to ensure that IDPs received at least some assistance, including basic relief supplies and access to education. This is a rare example of local agency, on the part of a strong female Kachin leader who was able to mobilise limited support for IDPs from the Kachin State Education Office.

Government aid to the IDP camps has mostly been provided through the DSW. But even in easily accessible areas (for example on the edge of Myitkyina), this has been largely piecemeal and ad hoc. The DSW and the State Councillors office have, for example, provided funds to support vocational schools and train teachers from the IDP camps. Crucially, the Myanmar government has done little or nothing to hold the Tatmadaw to account for its reported breaches of international humanitarian and human rights law. While the Myanmar Army is independent of the government under the 2008 Constitution, many Kachin interviewees nevertheless expressed frustration that government leaders (and particularly Aung San Suu Kyi) had not spoken out on their behalf, let alone sought to hold those military commanders responsible for abuses to account within national judicial systems.⁴³

4.6 China

Civilian protection in Kachin and northern Shan States is unlikely to succeed without a shift in approach from the Chinese regional (Yunnan) and central governments (Myint U, 2016). China is emerging as a humanitarian actor internationally, and is also increasing its funding.⁴⁴ As a third-party state, China has responsibilities under international law – both treaty and customary law – with regard to the protection of civilians in Kachin State from widespread and systematic human rights abuses.⁴⁵ However, as noted above, it has *refouled* Myanmar civilians attempting to flee into China to escape the conflict, despite a well-founded fear of persecution and violence. That said, the government (particularly the Yunnan provincial authorities) has allowed local aid agencies and Chinese Christian and Jingpo communities to operate across the border, to support IDP camps in Kachin-controlled areas, with most relief items supplied by local Chinese merchants (Ho Ts’ui-p’ing, 2016: 197).

41 The MHF is an OCHA-managed country-based pooled funding mechanism. See www.unocha.org/myanmar/about-mhf

42 The next day we visited a camp in a government-controlled area and asked IDPs if they had received anything from the government; we were told: ‘nothing but some poor-quality rice and a few random relief items, soon after we arrived’.

43 In October 2018, the State Councillor did visit an IDP camp in Myitkyina: see <http://www.mizzima.com/news/myanmar-state-counsellor-visits-idp-camps-boarding-school-kachin-state>

44 See, for example, www.mizzima.com/news/myanmar-state-counsellor-visits-idp-camps-boarding-school-kachin-state

45 This includes responsibilities in relation to its position as a High Contracting Party to the Geneva Conventions of 1949 and as a State party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

5 Conclusions and recommendations

This research has explored the self-protection and local protection strategies adopted by Kachin communities and faith-based and civil society organisations to mitigate the threats presented by the resumption of armed conflict in northern Myanmar. It documents the range of capacities and coping or protection strategies adopted by affected communities to reduce the threats to their physical, material and legal safety posed by all sides in this conflict. The research shows how, drawing on their historical, social, ethnic and religious characteristics – as well as past decades of experience of armed conflict – the Kachin civilian population in northern Myanmar have demonstrated great resilience. They have navigated the complexity of an armed conflict that is fuelled by political, economic and strategic agendas, in which they have been given no opportunities for engagement in any political process, and which – with the exception of a few actors – has largely been ignored by the international community.

This research also sought to consider what impact boundaries – physical, conceptual, religious, ethnic and social – may have on local and self-protection strategies. While the international administrative boundaries between states (in this case, between Myanmar and China) are relevant, notions of border-crossing are not limited to traversing international boundaries, but include the dynamics of internal borderlands, the shifting front-lines of conflict, and borders between different conceptual and identity categories.

Foremost among the self-protection strategies documented in this research – and reflecting historical patterns of behaviour – has been the process of flight to areas of relative safety, with families settling temporarily in IDP camps across local geographic and political boundaries, in their search for protection and access to basic services. Most displaced Kachin families sought to maintain their ethnic, religious and cultural communities, settling in camps where their pre-existing networks existed, or were recreated. Adapting to the shifting dynamics of armed conflict over several decades, many families have also ‘hedged

their bets’, with different individual family members associating themselves with multiple political and/or armed factions, even the Myanmar military, enabling a degree of self-protection as the frontlines and nature of conflict actors shift over time.

The efforts of local faith-based and civil society actors in northern Myanmar have been instrumental in mitigating some of the threats to safety and security of displaced populations. In doing so, local aid workers have crossed geographic, political and religious divides. These actors have negotiated and facilitated safe passage for displaced populations across conflict frontlines, established local ceasefire monitoring mechanisms, and sought to build better relationships between different sectors of a fragmented community (e.g. across boundaries of faith). Clan and family networks across the international border in China have long been important, and the strength of these ties is evident in the efforts of Chinese ethnic Kachin and Christian communities to mobilise support, provide aid and demand the protection of their brethren across the border in Myanmar. Unfortunately, however significant and determined these local efforts are, they have often proven ineffective in protecting Kachin civilians from the effects of the armed conflict. For those who have been able to flee areas of intense fighting, their safety in camps is not guaranteed, living conditions are often dire and their prospects of return are slim.

There are also some risks and downsides to these local and self-protection efforts. The impact of the conflict on Kachin social values has also been marked, with some indications of an increased prevalence and tolerance of domestic violence, and the faith values on which much community spirit is based may include non-liberal social mores, including in relation to sexual orientation. In addition, self-protection strategies have included engaging in the black labour market on the Chinese border and pre-arranged marriages to Chinese nationals.

The international humanitarian community has largely been thwarted in its efforts to provide protection and

assistance to conflict-affected Kachin communities, due to severe restrictions imposed by the Myanmar authorities. While international agencies have provided financial and capacity-building support to local actors that can reach affected communities, these efforts have not always been optimal. The short-term, projectised approaches adopted by many international humanitarian organisations have reproduced traditional donor-implementing partner relations, rather than more equal relationships based on mutual exchange of knowledge and experience, aimed at securing a better response to the protection and assistance needs of affected communities. While such observations are not new, they are disappointing given the global commitments on ‘localisation’ that were made at the World Humanitarian Summit in 2016.

Furthermore, the research suggests that international humanitarian organisations have fallen short in advocating for better protection for the Kachin civilian population – both to the Myanmar authorities and Army and to armed groups, including the KIA. The research uncovered few examples of advocacy – public condemnation or quiet diplomacy – with the Myanmar authorities and Army on their responsibilities under international humanitarian and human rights law, and still less evidence of any advocacy with armed groups on their legal responsibilities to protect civilians. In the absence of physical access, greater investments in such advocacy by international organisations could counter the growing sense among affected communities that they have been forgotten by the wider world. Crucially, such advocacy could potentially bring about some change in the behaviours of the conflict parties, as indicated by a number of interviewees.

Such advocacy is within the remit and responsibilities of international humanitarian organisations. This notwithstanding, it is clear that the primary responsibility for protecting the Kachin civilian population lies first and foremost with the Myanmar authorities and Army, and with armed groups including the KIA. Unfortunately, rather than working towards a durable (political) solution to armed conflicts in Kachin and northern Shan States, the government has been putting pressure on civilians to leave IDP camps – perhaps out of embarrassment at its failure to protect citizens from the state’s armed forces, or to provide adequate assistance or protection to displaced communities. It is important that national and international advocacy focuses on the importance of maintaining spaces of refuge and asylum, until a

comprehensive solution is found to armed conflict in Myanmar. In the meantime, given that substantial conflict resolution seems as far away as at any time since fighting resumed in Kachin areas, it is vital to focus on de-escalation and the protection of civilians.

Recommendations

To the Myanmar government and Army

- The Myanmar government and Army should meet their international legal responsibilities to protect the civilian victims of armed conflict. Most immediately, the Tatmadaw should cease attacks on civilian communities, and grant international humanitarian access to the victims of conflict.
- Durable solutions to humanitarian crises in Kachin and northern Shan States are impossible without a negotiated political settlement to the conflict. Until then, it is too early to promote a transition to large-scale recovery and development activities. Moreover, while the principle of voluntary return should be respected, it is too early to push for IDP return until there is a durable solution to the conflict. Therefore, the government should protect IDPs’ rights, and desist from closing IDP camps.
- To be regarded as credible, any ceasefire with the KIO/KIA should include monitoring arrangements, and provisions to protect civilians’ rights. It should also ensure the withdrawal of Myanmar Army troops from at least some positions that currently threaten civilian populations.
- The government should issue clear directives to prohibit the misappropriation of IDPs’ land, particularly for commercial plantations or for military purposes. A rights-based procedure should be established to return confiscated land to civilian families and communities; where restitution is not possible, justly calculated compensation should be provided.⁴⁶

Local–national–international interactions

- In both public and private settings, diplomats, donors and international aid agencies should continuously remind the government and Tatmadaw of their obligations, duties and responsibilities under national and international law to protect the safety and dignity of civilian populations.
- They should engage with provincial and central authorities in China, to encourage a supportive environment for CSOs and other local

46 Use the *Pinheiro Principles* (UNOCHA, 2007) to work for restitution of and/or compensation for land and property unfairly taken from IDPs.

actors working with displaced civilians in the borderlands.

- In Kachin State, humanitarian responses start with communities and CSOs, which are embedded in communities. Local initiatives – including community-based activities (e.g. food and information sharing) – are often established before the arrival of outside actors; CSOs are usually best-placed to assess risks associated with their work in conflict areas.
- In KIO-controlled areas, the UN and INGOs should coordinate with the IRRC in order to avoid overlap and duplication of relief activities.
- Donors should provide flexible funding, so that local actors can respond quickly to meet protection and assistance needs in a flexible and creative manner. Build on the experience of the MHE, including establishing guidelines for the quick release of funds to CSOs.
- Identify, support and expand examples of good practice (including, but not only, as described in this report), adopting an appreciative inquiry approach.

As much as possible, resist temptations to ‘projectise’ organic local responses, by insisting that local initiatives conform to international (preconceived) frameworks of planning and implementation. Support local protection response cultures and mechanisms, without co-opting them.

- Raise awareness of sexual and gender-based violence, including in IDP camps and support victims. Advocate on behalf of the rights of religious and sexual/identity-oriented minorities.
- To protect aid supplies, donors should consider removing brands and logos from relief items, in order to send these more easily across the frontlines of conflict and international borders.
- In order to support local humanitarian negotiators and advocacy on the ground, provide adequate funding to local human rights and media organisations and cite their reports when engaging with the government and the Myanmar Army.
- The KIA must comply with its responsibilities under international humanitarian law, and the KIO has a critical role to play in ensuring this compliance.

Bibliography

- Amnesty International (2017) *All the civilians suffer: conflict, displacement, and abuse in Northern Myanmar* (www.amnesty.org/en/documents/asa16/6429/2017/en/)
- Caverzasio, S.G. (2001) *Strengthening protection in war: a search for professional standards*, 31 December. Geneva: ICRC
- Cheesman, N. (2002) 'Seeing Karen in the union of Myanmar' *Asian Ethnicity* 3(2): 18–20
- Cheesman, N. (2017) 'How in Myanmar "National Races" came to surpass citizenship and exclude Rohingya' *Journal of Contemporary Asia* 47(3): 461–483
- Chit Min Tun (2018) '5,000 rally in Myitkyina to call for pause in fighting' *The Irrawaddy*, 5 February (www.irrawaddy.com/news/5000-rally-mytikyina-call-pause-fighting.html)
- Department of Social Welfare and UNICEF (2017) *Strategic workplan 2017: mine risks working group Myanmar* (<http://themimu.info/sector/mine-action>)
- Durable Peace Program (2018) *Endline report: Kachin, Myanmar* (<https://reliefweb.int/report/myanmar/durable-peace-programme-endline-report-kachin-myanmar-may-2018>)
- Duwa Mahkaw Hkun Sa (2016) 'The founding of the KNO and the development of a diaspora activist network' in M. Sadan (ed.) *War and peace in the borderlands of Myanmar: the Kachin ceasefire, 1994–2011* (pp. 330–360). Copenhagen, Denmark: NIAS Press
- Fast, L. (2018) *Crossing boundaries in protecting civilians: mapping actors, insights and conceptual spaces* (www.odi.org/publications/11171-crossing-boundaries-protecting-civilians-mapping-actors-insights-and-conceptual-spaces)
- Fortify Rights (2018) 'They block everything': avoidable deprivations in humanitarian aid to ethnic civilians displaced by war in Kachin State, Myanmar (www.fortifyrights.org/downloads/They_Block_Everything_EN_Fortify_Rights_August_2018.pdf)
- Free Burma Rangers (2017) *Northern Burma update: Burma Army divides Kachin*, 18 January (www.freeburmarangers.org/2017/01/18/northern-burma-update-burma-army-divides-kachin/)
- Free Burma Rangers (2018a) *Burma Army laying landmines in civilian areas*, 23 June (www.freeburmarangers.org/2018/06/23/burma-army-laying-landmines-civilian-areas/)
- Free Burma Rangers (2018b) *Help for the Kachin displaced by Burma Army attacks*, 30 June (www.freeburmarangers.org/2018/06/30/help-kachin-displaced-burma-army-attacks)
- Free Burma Rangers (2018c) *War, flooding, and the civilians impacted in Northern Burma – June Report*, 3 July (www.freeburmarangers.org/2018/07/03/war-flooding-civilians-impacted-northern-burma-june-report)
- Free Burma Rangers (2018d) *Clash summary: battles continue in Northern Shan State throughout August*, 13 September (www.freeburmarangers.org/2018/09/12/clash-summary-battles-continue-northern-shan-state-throughout-august/)
- Global New Light of Myanmar (2017) 'The greetings extended by Commander-in-Chief of Defence Services Senior General Min Aung Hlaing'. Global New Light of Myanmar, 25 May (www.globalnewlightofmyanmar.com/the-greetings-extended-by-commander-in-chief-of-defence-services-senior-general-min-aung-hlaing/)
- Global Witness (2015) *Guns, cronies and crops how military, political and business cronies conspired to grab land in Myanmar* (www.globalwitness.org/en/campaigns/land-deals/guns-cronies-and-crops/)
- GPC (2017) *Centrality of protection in humanitarian action: GPC 2017 review*
- Han, E. (2016) 'Borderland ethnic politics and changing Sino–Myanmar relations' in M. Sadan (ed.) *War and peace in the borderlands of Myanmar: the Kachin ceasefire, 1994–2011* (pp. 149–168). Copenhagen, Denmark: NIAS Press

- HART (Humanitarian Aid Relief Trust) (2018) *Joint Strategy Team (JST) update on the Humanitarian Situation in Kachin State: 14 – 28 May 2018* (www.hart-uk.org/news/jst-update-kachin-state/)
- Hkun Lat (2017) 'After military threats, Tanai villages left deserted' *Frontier Myanmar* (<https://frontiermyanmar.net/en/after-military-threats-tanai-villages-left-deserted>)
- Ho, E. L.-E. (2016) Mobilising affinity ties: Kachin internal displacement and the geographies of humanitarianism at the China–Myanmar border' *Transactions of the Institute of British Geographers*, 42(1): 84–97 (DOI: 10.1111/tran.12148)
- Ho, E. L.-E. (2018) 'Interfaces and the politics of humanitarianism: Kachin internal displacement at the China–Myanmar border' *Journal of Refugee Studies* 31(3): 407–425 (<https://doi.org/10.1093/jrs/fey017>)
- Ho Ts'ui-p'ing (2016) 'People's diplomacy and borderland history through the Chinese Jingpo Manau Zumko festival' in M. Sadan (ed.) *War and peace in the borderlands of Myanmar: the Kachin ceasefire, 1994–2011* (pp. 169–201). Copenhagen, Denmark: NIAS Press
- Houtman, G. (1999) *Mental culture in Burmese crisis politics: Aung San Suu Kyi and the National League for Democracy*. Tokyo, Japan: Tokyo University of Foreign Studies, Institute for the Study of Languages and Cultures of Asia and Africa (www.burmalibrary.org/docs19/Houtman-1999-Mental_Culture_in_Burmese_Crisis_Politics.pdf)
- Human Rights Watch (2012) 'Isolated in Yunnan: Kachin refugees from Burma in China's Yunnan Province', 25 June (www.hrw.org/report/2012/06/25/isolated-yunnan/kachin-refugees-burma-chinas-yunnan-province)
- Humanitarian Country Team, Myanmar (2015) *Ending displacement: finding durable solutions for displaced persons in Kachin and northern Shan States* (http://earlyrecovery.global/sites/default/files/kachin_and_ns_ds_strategy_final_0.pdf)
- Humanitarian Policy Group (2017) *From the ground up: understanding local response in crises – Integrated programme proposal 2017–2019* (www.odi.org/projects/2870-hpg-integrated-programme-2017-19-understanding-local-response-crises)
- IASC (1999) *Protection of internally displaced persons. Policy paper*. 1 December
- IASC (2016) *IASC Policy on protection in humanitarian action*. 21 September
- Institute for Security & Development Policy (2018) *A return to war: militarized conflicts in northern Shan State* (<http://isdpeu.org/content/uploads/2018/05/A-Return-to-War-Print-V-w-cover-21.05.18.pdf>)
- International Crisis Group (2014) 'Counting the costs: Myanmar's problematic census' *Crisis Group Asia Briefing* 144
- International Crisis Group (2016) *Myanmar's peace process: getting to a political dialogue, briefing No. 149* (<https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>)
- Joint Strategy Team (2018a) *Seven years of war, violation of human rights, forced displacement and human suffering in Kachin and northern Shan States* (<https://progressivevoicemyanmar.org/2018/06/09/seven-years-of-war-violation-of-human-rights-forced-displacement-and-human-suffering-in-kachin-and-northern-shan-states/>)
- Joint Strategy Team (2018b) Update on current humanitarian situation in Kachin State: new attacks on civilians on 3rd – 24th April 2018. More civilians attacked and displaced (<https://progressivevoicemyanmar.org/2018/04/24/update-on-current-humanitarian-situation-in-kachin-state-new-attacks-on-civilians-on-3rd-24th-april-2018-more-civilians-attacked-and-displaced/>)
- KIO Releases Statement (2012) *Kachin News*, 17 January (<http://kachinnews.com/news/2216-kio-releases-statement-to-all-citizens-of-burma.html>)
- Khin Oo Tha (2017) 'Ethnic party accuses KIA of killing Lisu people' *The Irrawaddy*, 28 April (www.irrawaddy.com/news/burma/ethnic-party-accuses-kia-of-killing-lisu-people.html)
- Kiik, L. (2016) 'Conspiracy, God's plan, and national emergency: Kachin popular analyses of the ceasefire era and its resource grabs' in M. Sadan (ed.) *War and peace in the borderlands of Myanmar: the Kachin ceasefire, 1990–2011* (pp. 205–235). Copenhagen, Denmark: NIAS Press
- Kronholm, A. (2016) In Burma's north, thousands protest continuing low-grade war. *The Washington Post*, 9 October (www.washingtonpost.com/world/asia_pacific/in-burmas-north-thousands-protest-continuing-low-grade-war/2016/10/09/e3632e12-8bdc-11e6-bff0-d53f592f176e_story.html?noredirect=on&utm_term=.a1eec1e93a6c)

- Leach, E. (1954) *Political systems of highland Burma: a study of Kachin social structure*. London: G. Bell & Son
- Martov, S. (2016) 'UN blocked from delivering aid to Kachin refugees' *The Irrawaddy*, 21 December (www.irrawaddy.com/news/burma/un-blocked-from-delivering-aid-to-kachin-refugees.html)
- Maung Aung Myoe (2011) *In the name of Pauk-Phaw: Myanmar's China policy since 1948*. Singapore: Institute of Southeast Asian Studies (www.researchgate.net/profile/Maung_Myoe/publication/272092749_In_the_Name_of_Pauk-Phaw/links/54dac63d0cf261ce15cdf6bd/In-the-Name-of-Pauk-Phaw.pdf)
- McLaughlin, R. and Seng, J.J. (2018) *Exploring complexity: a systemic analysis of social cohesion in Kachin State*. Yangon, Myanmar: RAFT Myanmar
- Myint U, Thant (2016) 'Why Burma must reset its relationship with China: paradoxical as it may sound, Burma's democratic transition cannot succeed without Beijing' *Foreign Policy* (<http://foreignpolicy.com/2016/01/12/why-burma-must-reset-its-relationship-with-china/>)
- Ministry of Information (Republic of the Union of Myanmar) (2018) *Workshop on national strategy for closure of IDP camps* (www.moi.gov.mm/moi:eng/?q=news/14/11/2018/id-13719)
- Nyein Nyein, (2017) 'Lisu people protest KIA violence' *The Irrawaddy*, 22 May (www.irrawaddy.com/news/burma/lisu-people-protest-kia-violence.html)
- Niland, N., Polastro, R., Donini, A. and Lee, A. (2015) *Independent whole of system review of protection in the context of humanitarian action*. May. NRC
- Opening Speech by the Chairperson (2017) Opening Speech by the Chairperson of the NRPC and State Counsellor of the Republic of the Union of Myanmar Her Excellency Daw Aung San Suu Kyi at the ceremony to mark the 2nd anniversary of the signing of the Nationwide Ceasefire Agreement (www.statecounsellor.gov.mm/en/node/1101)
- OXFAM (2016) *Durable peace program baseline report* (https://d1holjzkgk5247a.cloudfront.net/myanmar.oxfam.org/s3fs-public/file_attachments/Durable%20Peace%20Programme%20Baseline%20Report.pdf)
- Putnam, R. (1993) *Making democracy work: civic traditions in modern Italy*. Princeton, NJ: Princeton University Press
- RANIR (Relief Action Network For IDP And Refugee) (2016) *Community-led peacebuilding in Kachin State: findings and recommendations* (http://themimu.info/sites/themimu.info/files/documents/Report_Community-Led_Peacebuilding_in_Kachin_Findings_Recommendations.pdf).
- Sadan, M. (2013) *Being and becoming Kachin: histories beyond the State in the borderworlds of Burma*. London: OUP/British Academy
- Smith, M. (2016) 'Reflections on the Kachin ceasefire: a cycle of hope and disappointment' in M. Sadan (ed.) *War and peace in the borderlands of Myanmar: the Kachin ceasefire, 1994–2011* (pp. 57–91). Copenhagen, Denmark: NIAS Press
- South, A. (2010) *Ethnic politics in Burma: states of conflict* (2nd ed.). London: Routledge
- South, A. (2012) The politics of protection in Burma: beyond the humanitarian mainstream. *Critical Asian Studies*, 44(2): 175–204
- South, A. (2017) "Hybrid governance" and the politics of legitimacy in the Myanmar peace process' *Journal of Contemporary Asia* 48(1): 50–66
- South, A., Harragin, S., Corbett, J., Horsey, R., Kempel, S., Fröjmark, H. and Carstensen, N. (2012) *Local to global protection in Myanmar (Burma), Sudan, South Sudan and Zimbabwe* (<https://odihpn.org/wp-content/uploads/2012/01/networkpaper072.pdf>)
- South, A. and Lall, M. (2016) 'Language, education and the peace process in Myanmar' *Contemporary Southeast Asia*, 38(1): 128–153
- South, A. and Lall, M. (eds) (2018) *Citizenship in Myanmar: ways of being in and from Burma*. Singapore: ISEAS
- South, A. and Jolliffe, K. (2015) 'Forced migration and the Myanmar peace process' *New Issues in Refugee Research, UNHCR* (www.unhcr.org/54f588cb9.pdf)
- South, A., Schroeder, T., Jolliffe, K., Mi Kun Chan Non, Sa Shine, Kempel, S., Schroeder, A. and Naw Wah Shee Mu (2018) *Between ceasefires and federalism: exploring interim arrangements in the Myanmar peace*. Yangon, Myanmar: Covenant Consult

- Sun, Y. (2017) *China and Myanmar's peace process*. United States Institute for Peace (www.usip.org/sites/default/files/SR401-China-and-Myanmar-Peace-Process.pdf)
- Trocaire and Oxfam (2017) *Life on hold: experiences of women displaced by conflict in Kachin State, Myanmar* (https://reliefweb.int/sites/reliefweb.int/files/resources/lifeonhold_trocaireoxfam_june2017_digital.pdf)
- UNHRC (2018) *Report of the independent international fact-finding mission on Myanmar* (www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportoftheMyanmarFFM.aspx)
- Unlawful Associations Act must be withdrawn: Kachin Leaders* (2018) BNI multi-media group (www.bnionline.net/en/news/unlawful-associations-act-must-be-withdrawn-kachin-leaders)
- UN News (2013) *Myanmar: first UN aid convoy in 20 months reaches displaced in eastern Kachin state, 10 September* (<https://news.un.org/en/story/2013/09/448622-myanmar-first-un-aid-convoy-20-months-reaches-displaced-eastern-kachin-state>)
- UNOCHA (UN Office for the Coordination of Humanitarian Affairs) (1999) *UN guidelines on internal displacement* (https://interagencystandingcommittee.org/system/files/guiding_principles_on_internal_displacement.pdf)
- UNOCHA (2004) *Guiding principles on internal displacement* (<https://www.unhcr.org/en-my/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>)
- UNOCHA (2007) *Handbook on housing and property restitution for refugees and displaced persons: implementing the 'Pinheiro Principles'* (www.ohchr.org/Documents/Publications/pinheiro_principles.pdf)
- UNOCHA (2018) *Myanmar: IDP sites in Kachin state (as of 31 May 2018)* (<https://reliefweb.int/map/myanmar/myanmar-idp-sites-kachin-state-31-may-2018>)
- UN Secretary General (2018) *Report of the Special Representative of the Secretary-General for children and armed conflict* (www.un.org/ga/search/view_doc.asp?symbol=A/73/278&Lang=E&Area=UNDOC)
- UN and Partners (2017) *Interim humanitarian response plan, January-December 2018* (<https://reliefweb.int/report/myanmar/2018-interim-humanitarian-response-plan-myanmar>)
- United States Institute for Peace (Senior Study Group) (2018) *China's role in Myanmar's internal conflicts* (www.usip.org/sites/default/files/2018-09/ssg-report-chinas-role-in-myanmars-internal-conflicts.pdf)
- Weng, L. (2014) 'Shan families demonstrate at KIO office over forced recruitment' *The Irrawaddy*, 14 May (www.irrawaddy.com/news/burma/shan-families-demonstrate-kio-office-forced-recruitment.html)
- Weng, L. (2017) Kachin IDPs return to camps after being denied entry at Chinese border. *The Irrawaddy*, 13 January (www.irrawaddy.com/news/kachin-idps-return-to-camps-after-being-denied-entry-at-chinese-border.html)
- Weng, L. (2018a) '400 returned IDPs facing food shortages in Kachin State' *The Irrawaddy*, 9 July (www.irrawaddy.com/news/burma/400-returned-idps-facing-food-shortages-in-kachin-state.html)
- Weng, L. (2018b) 'Main Kachin aid group ordered to halt humanitarian work in rebel-held areas' *The Irrawaddy*, 14 June (www.irrawaddy.com/news/main-kachin-aid-group-ordered-halt-humanitarian-work-rebel-held-areas.html)
- Woods, K. (2016) 'The commercialisation of counterinsurgency: battlefield enemies, business bedfellows' in M. Sadan (ed.) *War and peace in the borderlands of Myanmar: the Kachin ceasefire, 1994–2011* (pp. 116–124). Copenhagen, Denmark: NIAS Press

Annex

Research questions

Protection

- What are the specific protection threats experienced by communities? Who are the actors threatening communities?
- What are the political-ideological and political-economic drivers of conflict and vulnerability?
- How do Kachin conceptualise protection for their communities back home? What are their priorities? What are their motivations when seeking to enhance or undermine the protection of affected communities?
- To what extent does trust/loyalty play a role in enhancing protection in Kachin State? Can communal loyalty play an adverse role? What is the situation and status of potentially marginalised sub-groups?
- Are there common interests (an economy?) around protection? How do they negotiate a potential clash between values and interests?
- What role does identity (social, religious, ethnic, gender) play in determining protection outcomes for different groups? Are there specific categories of affected communities that are excluded from protection activities? Or that are excluded as a result of cross-border/cross-communal actions?

Networks

- What is the nature (identities and interests) and form of networks of Kachin communities, and how has the crisis affected them?
- How have those networks sustained themselves? What kind of, if any, exchanges are carried out across borders?

- What roles do they assume in designing and upholding local rules and mechanisms in times of war? What contributions do such rules make to the protection of civilians? What contributions might these actors make to the internationally recognised protection framework?
- How are cross-border networks structured from within? How/where do they locate themselves in relation to international humanitarian actors?
- How do these informal networks interact with communities affected by conflict? What are the protection outcomes of their actions?
- What are the relationships between Kachin communities, CSOs and armed and political actors – and how do these influence the framing of protection issues, and outcomes?

Implications

- What are the contributions, positive or negative, of cross-border networks to the protection of civilians in conflict?
- Where are the opportunities for formal humanitarian actors to work with local actors and communities to contribute to the protection of civilians in conflict specifically, and adherence to IHL more broadly (even if understood through local customs and norms)?

The project will examine the following sub-research questions:

What are the implications of the role of cross-border networks for humanitarian organisations, and how do or should the two interact? What are the specific issues in relation to donors (including funds raised by local communities/diaspora)?

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Humanitarian Policy Group
Overseas Development Institute
203 Blackfriars Road
London SE1 8NJ
United Kingdom

Tel. +44 (0) 20 7922 0300
Fax. +44 (0) 20 7922 0399
Email: hpgadmin@odi.org
Website: www.odi.org/hpg

Cover photo: A mother cradles
her child inside the Tat Kone
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