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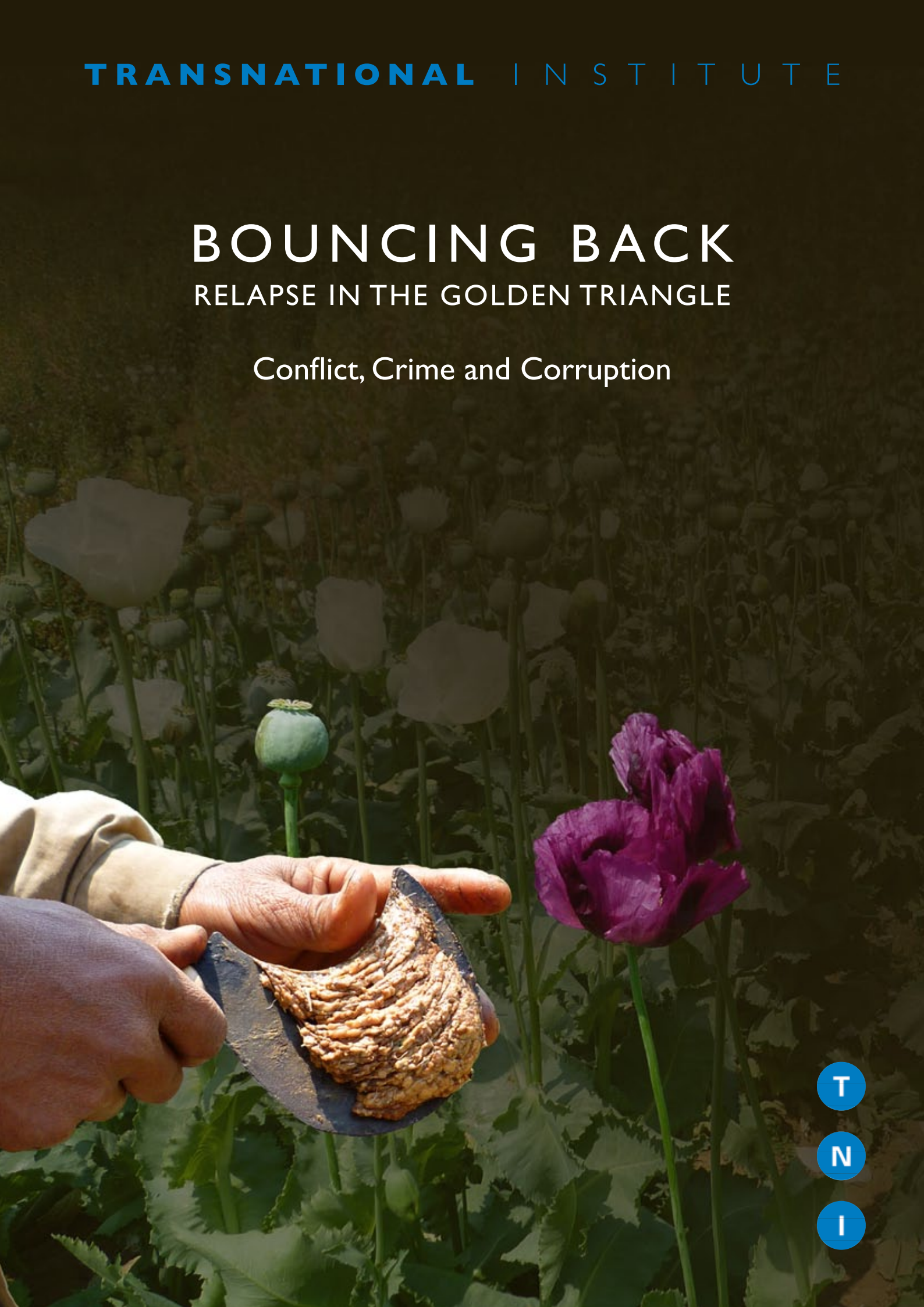
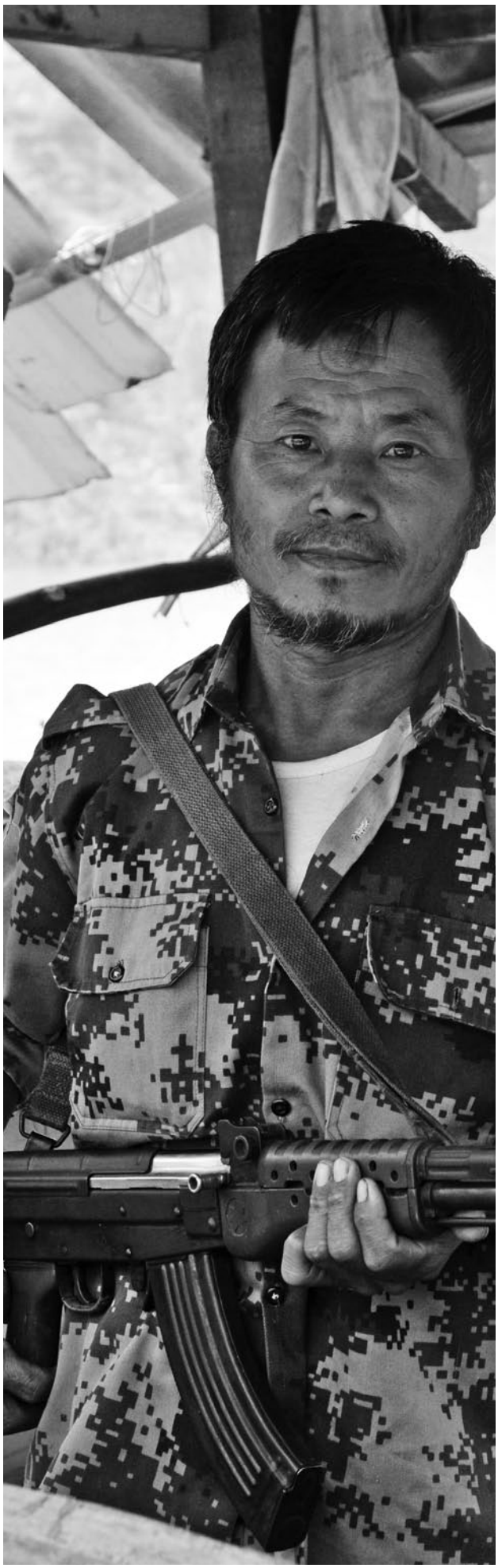
RELAPSE IN THE GOLDEN TRIANGLE

Conflict, Crime and Corruption





Conflict, Crime and Corruption

"Observers almost always blame the armed ethnic rebels as the main culprits when talking about the drug trade. A case in point is the upsurge in drug production and rising number of seizures by law enforcement agencies in Thailand, Laos and China during the past few years. Predictably, a number of experts have concluded that the ceasefire groups, especially the Wa, which have spurned Nay Pyi Taw's call to forget their self-rule ambitions and become Burma Army-run Border Guard Forces (BGFs), are furiously churning out more drugs to sell and buy weapons to fight. However, such analysis ignores a number of glaring details."[1]
SHAN

The relations between drug, conflict, crime and corruption are complex. The international drug control system has failed to prevent the existence of a huge and growing illicit drug market. At the same time, it has helped to create the conditions for large criminal groups and drug syndicates to operate in a situation already rife with ethnic tensions and conflict, weak governance and conflicting international geo-political interests. The existence of a profitable illicit drug market has exacerbated conflict and stimulated corruption, crime, violence and human rights violations.[2] The ASEAN goal to make Southeast Asia drug free by 2015 has put further pressure on member states to achieve quick results, leading to heavy-handed zero-tolerance approaches and a focus on law enforcement.

The system has also contributed to the criminalisation of large numbers of vulnerable and marginalised communities. These include drug users trying to sustain their habits, small drug traders and farmers growing opium poppy and cannabis as a livelihood and for traditional use. International pressure has resulted in repressive national drug policies that have often targeted political adversaries while providing space for allies to engage in illegal activities. At the same time there has been a tendency to blame the region's drug problems on drug 'kingpins', 'kings of opium' and 'narco-trafficking armies' rather than addressing corruption and seriously investigating illegal transactions that come dangerously close to the higher echelons of power in the region.

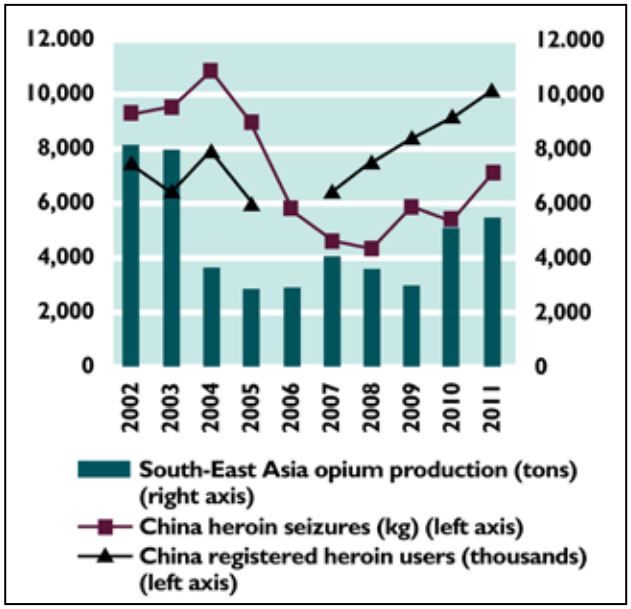
The 'war on drugs' has focused on reducing supply by trying to wipe out production by eradicating crops in producer countries rather than addressing domestic problems related to drug use. US supported eradication campaigns – especially in Latin America and Afghanistan – have been militarised, leading to human rights abuses and contributing to greater conflict. Between 1985 and 1988 the USA also supported the Burmese government in carrying out aerial spraying of opium fields in Shan State using the herbicide 2,4-D (a major ingredient in the infamous Agent Orange). It also provided helicopters to be used in drug control efforts, although the national army used these mainly for military campaigns against ethnic

armed opposition groups. US support for both ended in 1988 after the regime's bloody crackdown on the pro-democracy movement.[3]

China's version of the drug war suffers the same problem. Drug production in neighbouring countries is considered a security threat. In Burma, China put pressure on ceasefire groups to ban opium cultivation and the production of heroin and methamphetamines in order to stop the flow of drugs across the border. The current Chinese opium substitution programmes in Burma and Laos have further marginalised vulnerable communities by pushing them off their lands to make way for large-scale agricultural concessions controlled by Chinese entrepreneurs and local authorities.[4] It is therefore not surprising that the supply-side approach has failed, and has only caused more conflict and violence. There has been no decline in global opium cultivation and also methamphetamine production has increased in the region.

The continuing political and armed conflict in Burma and Northeast India has destabilised and marginalised ethnic upland communities, driving them further into poverty. Some of these communities have reverted to cultivating opium as a means to survive. Over the years, the drug trade and insurgency politics have become increasingly intertwined. Almost all parties to the conflicts in drug producing regions have in some way been involved in or profited from the drug trade. This is especially the case with government-backed militias in Burma. In the 2010 elections, some of their leaders were elected to regional and national parliaments as representatives of the pro-military Union Solidarity and Development Party (USDP). There are concerns about drug money flowing into the coffers of political parties in the region, particularly in Thailand.[5] As in the case of Thailand, it is possible that as the political system opens up in Burma, the holding of office provides further opportunities for corruption and abuse of power.

Opium production in Southeast Asia and heroin seizures and use in China, 2002-2011



Source: UNODC, World Drug Report 2013.

It is time to promote an alternative agenda in order to realign the focus of 'security' away from enforcement and repression as a way to address the symptoms and towards a 'human security' agenda that looks into root causes and social solutions and puts more emphasis on good governance, social and economic development and human rights.[6] Furthermore, it is important to start a discussion on alternative policies aimed at reducing the worst consequences of conflict, crime and corruption. This will require a critical analysis of the impact of drug control and law enforcement on conflict and crime, including its unintended consequences, and an open debate on potential drug policies that are more effective and less costly – not only in terms of resources but also for human security and community health and wellbeing.

The Failure of US Spraying of Poppy Fields in Burma *

By Sophie Broach

In 1985, Burma produced more opium than any country in the world. Violence and anarchy in eastern Burma had severely inhibited efforts to combat rampant illicit production. The military government claimed it had nearly managed to eliminate opium poppy fields in places under its control,[7] and that the vast majority lay in areas of the Shan and Kachin States where it had little authority. Aerial eradication seemed to offer the unprecedented possibility to wipe out the opium poppies flourishing in this area. In 1985, the USA entered into a cooperative agreement with Burma to launch such a programme, supplying Burma with crop-dusting aircraft and the herbicide 2,4-D.

Driven by the political need to open this new front in the war on drugs, the Reagan administration willingly ceded control over the spraying programme to the Burmese government, a move that previous administrations appear to have considered too risky. The US State Department publicly admitted concern about its "limited influence" over the Burmese aerial spraying programme only after it had already ended.[8] Burma consistently rejected US offers to assist in monitoring, refusing to allow US officials to join spraying operations or visit sprayed areas. Consequently, to check on the programme's progress, the State Department used secondary information collected on the distance flown by the planes, the flow rate of the herbicide, and even, most tenuously, Burma's requests for spare parts for the planes. The State Department relied heavily on Burma's own reports on the impacts of the continued aerial eradication, despite the fact that it was taking place in areas where Burma's military was carrying out egregious human rights abuses.

An environmental impact review had concluded the programme's adverse effects would probably be minimal as long as Burma carried out the spraying according to US stipulated guidelines. However, reports on the improper implementation of the program and consequent devastation began to filter out of the tightly censored country. Although the US State Department claimed that Burma dropped leaflets and made radio broadcasts to issue warnings before spraying,[9] accounts from rebel-held territory suggest locals were rarely, if ever, informed about the potential dangers of the herbicide. Journalists and ethnic minority leaders on the ground claimed that 2,4-D wiped out villagers' crops and livestock. They also relayed stories of people suffering from dizziness, coughing, watering eyes, vomiting and even dying after the planes left.[10]

In spite of such reports, the US administration refused to re-examine the efficacy of the programme or consider the possibility that it was not being carried out according to US guidelines. The State Department simply argued that it had no concrete evidence that the spraying programme had harmed local people or that Burma had exaggerated eradication statistics.

Instead, US officials in charge of representing US counter-narcotics efforts constantly heralded the endeavour in Burma as an enormous victory. The director of the Drug Abuse Policy Office declared it to be "one of the most successful narcotics control initiatives underway anywhere in the world".[11] Meanwhile, the spraying proved to have no discernible impact on overall heroin exports. In fact, Burma's opium yield rose from an estimated 350 metric tons in 1985 to 1,280 tons in 1988.[12] When the programme ended, because of the concerns over the army's violent crackdown on the pro-democracy movement in 1988, Burma remained the world's largest source of opium, producing nearly half of global supply.

The impact on opium production, then, played no part in how the USA measured success. In supporting the spraying programme, the architects of US drug policy were measuring something less tangible: the outward show of US commitment to prosecuting the war on drugs. As the State Department subsequently explained, aerial eradication in Burma helped the US administration express its commitment to fighting opium at the source.[13] Thus, the symbolic value of the programme's existence outweighed considerations of its ineffectiveness in reducing world opium supply or its harmful impacts on opium-growing farming communities.

** This is a summary of the history thesis presented by Sophie Broach at Yale University: "Attacking the roots of the heroin epidemic: The failures of U.S.-supported herbicide spraying of opium poppy fields in Burma".*

Drugs and Conflict in Northeast India

For decades, both Burma and India – currently the region's main poppy cultivating areas – have been plagued by internal conflict. In Northeast India, conflict and underdevelopment have contributed to drug consumption and production, and are hampering access to treatment, care and support for drug users. Obstacles include curfews imposed by the national government, as well as punitive actions taken by armed opposition groups against drug users, and discrimination and stigmatisation among the local population.

The states of Manipur and Nagaland in Northeast India have a troubled relationship with the central government in New Delhi. In 1947, when the country achieved independence, states in Northeast India also declared themselves independent. In response to the national government's rejection of their demand, local groups began an armed struggle. Since then, a violent civil war has raged in the region. The Assam Rifles were sent to Manipur and Nagaland to control the uprising. Since 1958 the Armed Forces Special Powers Act (AFSPA) has been in force, giving the army unrestricted powers to arrest, search, and shoot to kill, with immunity from prosecution. The Act has led to grave human rights violations. Several reports draw attention to the escalation of violence, torture and extrajudicial killings by the Armed Forces and the state police, and recommend that it should be repealed. After appointing a committee to review the Act, the government subsequently failed to disclose its report and the recommendation to repeal it.[14] In 1997 the National Socialist Council of Nagaland-IM (Isak-Muivah faction) and the central government agreed on a ceasefire, resulting in a significant reduction of violence in Nagaland. The truce has been extended several times, but as yet no sustainable peace agreement or political solution addressing the grievances and aspirations of the NSCN-IM have been reached, and sporadic fighting continues. There are a large number of other armed groups in Northeast India, and conflict in the region has far from been resolved.

As shown in the previous chapter, Northeast India is a major opium producing area. Different ethnic groups in Manipur, Nagaland and Arunachal Pradesh cultivate poppy. Communities living in isolated and undeveloped areas grow opium in the upland areas. Besides being a cash crop, it is used as a medicine and also plays a cultural and traditional role. There are several links between drug consumption and production and the conflict in Northeast India. "Opium cultivation here is a very recent thing", says one local NGO worker in Manipur. "It happened because people find it difficult to find their livelihood any other way. Kuki people are planting it. They live from hand to mouth, and with poppy they can get some money. Generally they can harvest about 2–3 kg of opium per year. The fields are far away, they have to walk several hours. Opium

cultivation is in areas where there are so many problems, and insurgency."[15]

The government accuses the armed opposition groups of being involved in the drug trade as a means to finance their armies. At the same time government officials have been accused of corruption and involvement in trade in heroin and ATS precursors.[16] "There is no evidence that armed groups are involved in the drugs trade", says a local NGO worker. "But everyone knows that money and guns go together. The armed groups need money for guns. But there are others who are the drug dealers."[17] According to a representative of another local NGO: "Drugs and conflict are all mixed up. There are more than 20 armed groups [in Manipur]. The Indian government claims that armed opposition groups are involved in the drug trade to finance their struggle. Armed groups claim the government of India is bringing drugs down here."[18]

The conflict hinders appropriate responses and limits access to treatment and harm reduction services. It has also further isolated the region from the rest of the India, preventing much-needed socio-economic development and the opportunity for opium farmers to find alternative livelihoods.

Drugs and Conflict in Burma

The decades-old civil war in Burma and the failure of the government to address ethnic conflict has greatly contributed to the country's drug-related problems. Burma is an ethnically diverse country, with non-Burman ethnic minorities comprising about 40% of its estimated 56 million inhabitants. Ethnic minorities in Burma have long experienced marginalisation and discrimination. Armed rebellions began at the country's independence in 1948. The situation deteriorated after the military coup in 1962, when minority rights were further curtailed. Most of the poppy growing regions are in conflict areas in Shan State, Kachin State and Kayah State.

The local population, consisting mainly of ethnic minority groups who cultivate upland rice, have suffered greatly as a result of the fighting. A significant part of the population in these areas – on whom the ethnic armed groups depend for intelligence, food, taxes and recruits – rely on opium as a cash crop. The adoption of a strong anti-opium policy by these ethnic armed groups would also bring them into conflict with potential allies against the government. Over the years, most armed groups in Shan State have relied on income from the opium trade, either by taxing farmers (mostly in kind), providing armed escorts for opium caravans and sanctuaries for heroin laboratories, or by setting up toll gates at important trade routes to Thailand. In the process, some of the armed groups became more committed to the opium trade than to their original political objectives.

Since 1989, most of the ethnic armed opposition groups signed ceasefire agreements with the then military government. The larger groups include the Kachin

Billboard with Wa leaders in UWSA capital Panghsang

Camp for internally displaced persons in KIO territory in Kachin State

Independence Organisation (KIO), the Shan State Army-North (SSA-N) and United Wa State Army (UWSA). In many border areas, the ceasefires subsequently brought an end to the fighting, curtailed the most serious human rights violations, and created a more favourable environment for community development. The main shortcoming of this first wave of ceasefires was the lack of an inclusive peace process and subsequent political dialogue to build national peace and reconciliation. The agreements were limited to military matters and did not address any political issues. The groups were allowed to retain their arms and control their territory and were encouraged to engage in business.

The ceasefires had several negative consequences, as the end of the fighting allowed for larger-scale and unsustainable economic projects. The uncertainty of the situation gave rise to illegal logging, mining, gambling, drug and human trafficking and other black-market activities. The armed groups still needed to find sources of income to finance their organisations and armies. As the central government was unable and unwilling to provide the necessary resources, the ceasefire groups sought other ways to finance these needs.[19] Since the government restricts access to legal trade and business, ceasefire groups came to rely in part on 'illegal' economic activities.

The Tatmadaw (the national armed forces) has been cunningly switching alliances and support according to circumstances. Following the ceasefire agreements, the government reversed its policy of allowing militia groups to be involved in the drug trade. A 2002 US State Department publication reports that: "According to military intelligence officials, with peace now prevailing in most of the countryside and the government no longer in need of the local security services these groups provided, steps are now being taken to slowly scale back their privileges, including the right to grow and traffic in opium."[20] Instead, when maintaining the ceasefires was a priority for the military government, these ceasefire groups were allowed to engage in the drug trade relatively undisturbed.[21]

The main ceasefire groups accused of involvement in the production of and trade in drugs are the UWSA and the Myanmar National Democratic Alliance Army (MNDAA) in Kokang and the National Democratic Alliance Army (NDAA) in the Mongla region, all located along the border with China in Shan State.[22] The Kokang, Wa and Mongla regions were also the main opium cultivating areas in the Golden Triangle. Following international pressure, especially from neighbouring China, all of these groups imposed opium bans, which are strictly enforced.[23] Historically, another significant force in the drug trade in Shan State was the Mong Tai Army of Khun Sa, which splintered following its 1996 'surrender-ceasefire'.

Following decades of war and isolation, the ceasefire groups such as the UWSA hoped to gain international recognition and support to develop their impoverished regions. These groups officially banned the production of and trade in heroin and methamphetamine, mainly due to Chinese pressure. Nevertheless, they continued to be accused of involvement in production of heroin and especially of having switched to large-scale methamphetamine

production. In January 2005 the US Department of Justice announced the indictment of eight UWSA leaders on charges of trafficking heroin and methamphetamine, and the UWSA is described as one of the world's largest heroin-producing and trafficking groups.[24]

"The opium ban was mainly because of pressure from the Chinese", said a representative of the Mongla group. "They tell us 'you started the drug ban quite early, so why are there so many drugs coming into China from your area?'"[25] The Thai government has accused the UWSA, which also controls a huge stretch of territory along the Thai border, of flooding the Thai market with ATS.[26]

As explained below, however, few of the conflicting parties in Burma's Shan State can claim to have clean hands in relation to the drug trade. Placing all the blame on one side of the conflict has usually been driven by political considerations rather than being based on impartial investigations, and ignores the realities on the ground. Many groups produce heroin and ATS, including government-backed militias. "It is very difficult to get rid of the drug problem in Shan State", said a former member of a ceasefire group in northern Shan State. "It is probably the area with the most armed groups in the country. The majority need money to support their armed struggle and drugs are probably the source of income for most of these groups to acquire arms, ammunition, uniforms, and food."[27]

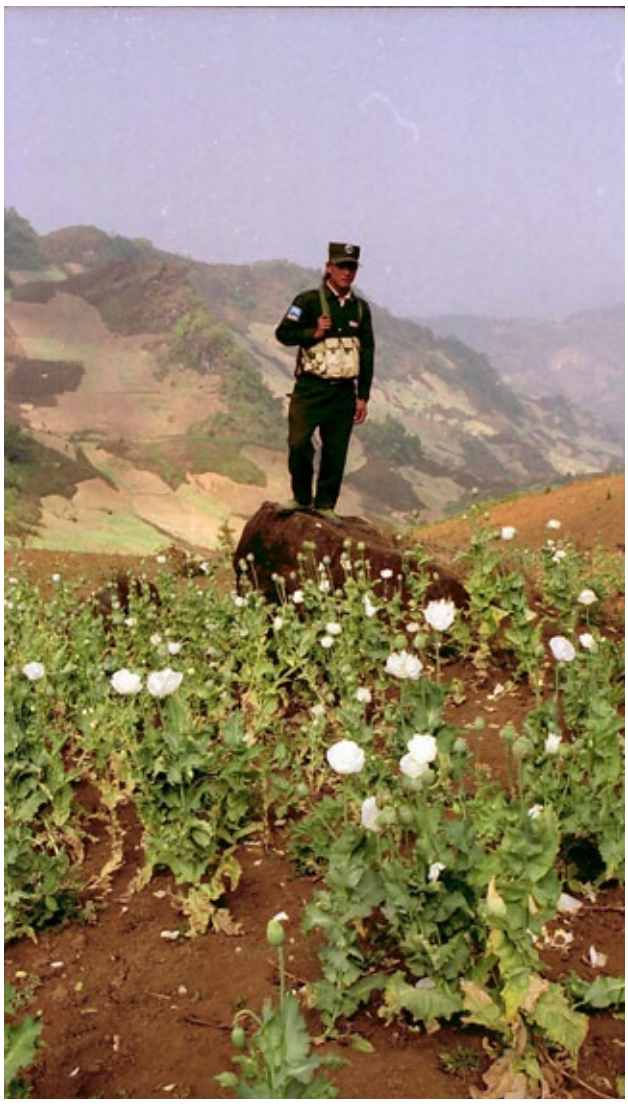
According to a local NGO worker in southern Shan State: "People have limited access to land due to the unstable political situation. People also have to pay a lot of taxes to all the conflict parties: the government, armed groups and militias. People are food insecure, with a food gap in some areas of four to six months per year. Their livelihood is not stable. So the easy way is to grow poppy."[28] Another local NGO representative in southern Shan State adds: "Due to decades of conflict in this area, people find it very difficult to have food security. This area in southern Shan State is complicated because there are many armed groups. If we deal with one armed group, we have to be careful with the other groups. These are among the reasons why poppy cultivation is growing bigger and bigger now, it is very popular in this area."[29]

The increase in opium cultivation in southern Shan State and Kayah State since 2006 is also related to conflict and a worsening economic situation. "There is a lot of opium cultivation in southern Shan State and Kayah State because of the unstable political situation", said a local NGO representative. "It is a very difficult area because of the ongoing conflict, and the only thing people can grow there is opium, which is easy because it is a mountainous and isolated area. The lower prices of other crops they could produce as alternatives and the connections with opium buyers who offer a good price also stimulate cultivation."[30] Another local NGO worker in southern Shan State added: "Because of the conflict, the poor soil quality, and the lack of jobs, people have to struggle a lot, so they grow opium. Opium cultivation increased because of the decreasing prices of other crops they could grow, such as garlic, while at the same time the price of opium is up."[31]

In the past, successive military governments have pursued a policy of the political exclusion of ethnic nationalities and militarisation of ethnic areas, which has exacerbated ethnic conflict. A new political system was introduced in Burma in 2011. Following the adoption of a new constitution in 2008 and national elections in November 2010, the State Peace and Development Council (SPDC, the name of the military government) was dissolved, and a new military-backed government was inaugurated in March 2011, headed by President Thein Sein, a former general and ex-SPDC member. Since the end of 2011, the new quasi-civilian government has concluded peace talks with all of the country's major ethnic armed opposition groups. With some important exceptions, the talks appear to be an important first step towards achieving national peace and reconciliation. By February 2012, initial peace agreements had been reached with most ethnic armed opposition groups.

Manpang Militia member in northern Shan State

Nevertheless, the continuing conflict in the Kachin State and northern Shan State in 2013 demonstrate the continuing need for a lasting peace settlement. There are four main armed opposition groups active in these areas,[32] of which two already have a new ceasefire agreement, but the Tatmadaw has continued offensive operations against all of them. "Signing a ceasefire agreement is not real, there



UWSA soldier in poppy field before the opium ban

is still fighting going on", says a representative of an ethnic Palaung organisation. "Ethnic armed groups do not believe the government, there is a long history and they made promises in the past. In 1991 they also told the Palaung armed group to sign a ceasefire first and political dialogue will come later, but until now it has not happened."[33]

Ending the civil war is important to bring about peace, political stability and sustainable economic development. The new ceasefire talks initiated by the Thein Sein government appear to be a welcome breakthrough, but they have not yet led to a political dialogue and the government has yet to address ethnic grievances and aspirations. The failure to do so will make prospects for peace, democracy and development grim. As long as conflict, poverty and underdevelopment continue unabated in ethnic upland areas, it is unlikely that opium cultivation and the production of heroin and ATS will end.

Militarisation and Conflict Management

The Burma Army's strategy of concluding ceasefires with some ethnic armed opposition groups while continuing to fight against others, and also supporting a large number of militias, follows a long and consistent pattern. Given the country's turbulent internal history, successive military governments have focused on 'managing' conflict as opposed to attempting to resolve it. Rather than seeking a political solution through dialogue and peaceful means, the Tatmadaw's strategy has been to contain and divide armed groups both internally (creating and/or stimulating internal splits and breakaway groups) and externally (trying to weaken unity and alliance building by pursuing different policies towards different groups). Instead of an all-out military offensive, the Tatmadaw has preferred to take on groups individually, focusing on weakening them by military, political and economic means. These breakaway groups have been subsequently pushed to accept militia status. This strategy of stimulating a wide range of armed groups has further contributed to a high level of militarisation in the country. Inevitably, the civilian population has suffered most, especially in areas where various armed groups are present.

As part of its counter-insurgency strategy, the Tatmadaw has stimulated and supported the creation of a large number of militias. First launched in the 1960s under the name 'Ka Kwe Ye', the militias were created to counter the threat posed by insurgent groups and, since the end of the 1960s, also the China-backed Communist Party of Burma (CPB). The militia programme has gone through several phases and gone under different titles, but still exists. The Ka Kwe Ye programme was abandoned in 1975, as most groups were more preoccupied with the opium trade rather than fighting the CPB. This included the Kokang Ka Kwe Ye led by Lo Hsing-han and the Loi Maw Ka Kwe Ye led by Khun Sa, who refused to give up arms and went underground. They later both surfaced at the Thai border and became known as the 'Kings of Opium'.[34]

The Ta Moe Nye Militia in Kutkai Township was formed in the 1960s and supported the government in fighting the CPB. Its leaders established a close working relationship with the subsequent SPDC chairman Senior General Than Shwe when he was serving as a Tatmadaw officer in northern Shan State, supplying guides and large numbers of mules and horses for army operations. "We never paid them for it, but there was an understanding that they would get something in return", says a retired army officer who was on active duty in the region at the time. "These militias were involved in opium and heroin production and they sent convoys to Lashio. We let them through, and we knew they were transporting drugs."[35]

The Tatmadaw continued to use militias as part of its counter-insurgency strategy. By the 1980s these were known as Pyi Thu Sit (People's Militias Force). Other new Pyi Thu Sits were formed by breakaway groups from Khun Sa's Mong Tai Army (MTA), such as the Manpang Militia in northern Shan State and the Nayai Militia and the Homong militia in southern Shan State. The Tatmadaw has also supported the formation of new groups, such as the

Rebellion Resistance Force (RRF) in the northern Kachin State, which challenged both the KIO and New Democratic Army-Kachin (NDA-K) presence in the strategic N'mai Khu area. The Tatmadaw provided all weapons and other essential supplies.[36]

In 2009, the then SPDC military government caught most observers by surprise by suddenly demanding that all ceasefire groups in Burma be transformed into Border Guard Forces (BGF). This would effectively break up the groups into separate units of 326 soldiers, divorced from their existing ethnic administrations and military structures. Each BGF would include 35 members of the Burma Army, including one of the three commanding officers in each unit. After several deadlines passed, only some of the smaller groups accepted the BGF proposal, such as the NDA-K in Kachin State. Most of the larger armed groups such as the KIO, SSA-N and UWSA rejected it, pointing out that the plan failed to address their political grievances and aspirations. The army told militias that they did not have to become BGFs and could continue to exist as they were.[37] The formation of BGFs created another layer of armed groups with a separate status, further complicating the conflict in Burma.

The Tatmadaw also applied pressure on a number of smaller ethnic armed opposition groups to accept either militia or BGF status and thus abandon politics. In northern Shan State, the Palaung State Liberation Front was disarmed and became the Mantun Militia in 2005 and the Kachin Defence Army (KDA) became the Kaungkha militia in 2010. According to KDA leader Matu Naw, the army told him to choose between becoming either militia or a BGF. "I think if we turned into BGFs we would be under the command of the Burma Army. Under militia status we can still support our community."[38] In November 2009 the Tatmadaw told several of the armed ethnic opposition groups such as the Kayan New Land Party, the Karenni National Solidarity Organisation, and the Karenni National Peace and Development Party in southern Shan State and Kayah State to accept militia status. Others were coerced to become BGFs, such as the Karenni Nationalities People's Liberation Front and the NDA-K, which broke up into two separate BGFs each.

The militias are intended to act as buffer between the Tatmadaw and armed ethnic opposition groups, and to deny the latter access to territory, resources and population. Militias are directly under Tatmadaw control and are allowed to do business and to tax the local population and trade passing through their checkpoints. Many of them have become heavily involved in the drug trade, especially in recent years (see section below). Their status and size varies, ranging from only 10–20 men to groups with hundreds of soldiers. The large ones in northern Shan State include the Pansay Militia in Namkham Township, the Manpang Militia in Tangyan Township, and the Ta Moe Nye and the Kaungkha Militias in Kutkai Township.

Almost all militia commanders are of ethnic minority origin, and their soldiers are local ethnic people, including Kachin, Shan, Wa, Palaung and local Chinese. The

KIO soldiers near China border

Signboard of RCSS/SSA liaison office in Taunggyi

Tatmadaw do not allow militias to become involved in opposition politics, thereby neutralising potential ethnic political resistance. The militia groups are not included in the current peace process and are unlikely to join in any future political negotiations. According to the 2008 constitution there can be only one national army in the country (the Tatmadaw), but there is a special provision that allows for the Tatmadaw to create and use militias.[39] "The government tells us to protect our area and prevent other groups from entering", said a member of the Manpang Militia. "Our main task is to protect our area and to support the functioning of the government. We have no idea about our future status, but it did not change with the 2008 constitution. I think it will go on forever."[40]

According to a senior Shan opposition leader: "There are over 100 militias in Shan State alone. They are making a lot of money. But according to the rules, they are not allowed to do politics."[41] Militias have, however, been used to support government policies, and some militia leaders have become MPs for the military-backed USDP and hold seats in regional and national parliaments. Some have been accused of drug trafficking.[42]

Role of Militias in the Drug Trade

There is significant evidence that the government-backed militias in Burma are heavily involved in producing opium and heroin. TNI research shows that the principal areas in which opium is cultivated in northern Shan State are also where militias are mainly located. These include Namkham Township (Pansay Militia), Kutkai Township (Ta Moe Nye Militia and Kaungkha Militia), Theingie Township (Kaungkha Militia) and Tangyan Township (Man Pang Militia). The Tatmadaw also has a presence in all these areas, and as stated earlier, the militias are under its direct command.

A case in point is the Pansay Militia in Namkham Township, led by Kyaw Myint, a former Kuomintang (KMT) member. "Opium cultivation is now mostly in Namkham area", says a representative of a local Palaung organisation. "This is near the area of the Pansay militia, so they can grow easily. Militia groups such as the Pansay Militia are also involved in heroin and yaba production. Before the 2010 election, the Pansay militia leader let opium farmers grow poppy to get more votes."[43] Other reports also mention militia leaders allowing farmers to cultivate poppy in return for electoral support and say that opium is being used for political influence.[44]

A senior police officer claims that the production of heroin is mainly carried out in the Mong Khyet area in northern Shan State, where the Manpang and Kaungkha militias are based. According to him, little or no heroin is produced in southern Shan State or Kachin State.[45] Other sources, however, have documented heroin production in various parts of eastern Shan State.[46]

The Tangyan-based Manpang Militia broke away from Khun Sa's Mong Tai Army (MTA) in 1991, and is led by Bo Mon, an ethnic Wa. This is a key opium growing region. "Before we were opium traffickers", says a militia member. "When we split from Khun Sa we became a militia. We set up a company called 'Triple A', and tax farmers and cattle passing through our area. We also produce coal, set up a factory and we own one petroleum filling station in Lashio. We also encourage people to grow opium so we can tax them."[47]

Militia territory has dual administration comprising the militia and the central government, and both rule the area. "The militias do their business and control the area, but the government general administration is also there", said a government official based in northern Shan State. "We need to inform the militias beforehand every time we enter their area. There is the Manpang Militia in the north and the Mong Ha Militia in the south. This is an opium growing region, and during the cultivation and harvest time we are not allowed to enter. They say, 'We need to take care of your security'. From November to February it is difficult to go there."[48] While the militias are under control of the army, the police comes under the responsibility of the Home Ministry, and the latter also claims not to have easy access to militia territory. "Sometimes there were drug cases in these areas in northern Shan State, but it is difficult for us to enter", said the senior police officer quoted above. "And if we entered, they already had previous information we were coming."[49]

Clearly, security matters have been of paramount concern for the Tatmadaw, and temporary military allies – in particular the militias and to some extent the BGFs – have been allowed to produce and conduct trade in opium and heroin virtually undisturbed. According to the 2012 US State Department report: "The GOB [Government of

Burma] policy of folding ethnic armed groups into quasi GOB-controlled BGFs complicates anti-narcotics efforts as BGFs are often complicit, if not active protectors, of illicit drug production and trafficking. Loosely-controlled remote territories and GOB bureaucracy forces CCDAC [drug control police] officers to work with the BA [Burma Army] and BGF; in this process actionable intelligence is often leaked by the BA or BGF to the targeted traffickers."[50]

Blame and Shame

Decisions about who to blame and indict for the drug trade seem arbitrary and politicised. Demonising a single actor in the conflict usually has stronger roots in politics than in evidence.[51] Most governments in the region have failed to arrest large-scale drug traffickers, including high-ranking government officials. Indeed, many traffickers have been accepted in the establishment. Both Lo Hsing-han and Khun Sa, once known as 'Kings of Opium', made agreements with the government and were able to conduct their businesses legally, while maintaining houses in Yangon until their death. Lo Hsing-han's Asia World Company, now managed by his son Steven Law, has become one the country's largest businesses with investments in the hotel, construction and harbour sectors.

The drug trade has been blamed on the government's political adversaries or former supporters who have outlived their usefulness, while allowing political and military allies to conduct their business undisturbed. In the past, when it was convenient to do so, the previous military government presented the Kokang and Wa regions as a showcase of drug control efforts in the country. Several diplomatic missions were flown to the Kokang region, for instance, to meet the Kokang leader, Pheung Kya-shin, and to observe drug eradication activities, cultivation of opium substitution crops and regional development.[52]

When conflict erupted in the Kokang region in 2009, and the military government broke the 20-year old ceasefire and occupied the area, Pheung Kya-shin was accused of "illegal production of narcotics drugs and smuggling, and also the manufacturing of arms and smuggling of weapons."[53] For his part, Pheung Kya-shin defended himself by arguing that, while ceasefire groups in Kokang and Wa regions have imposed opium bans, poppy continues to be cultivated in SPDC-controlled areas.[54]

Similarly, tensions rose when the UWSA and other ceasefire groups refused to accept the demand of the military government that they become BGFs. Subsequently there was a sudden and unusual increase in seizures of drug shipments in Burma and Thailand. Many pinpointed the UWSA and other ceasefire groups, arguing that they were selling the drugs stock to buy weapons and ammunition to resist the Tatmadaw. However, a more plausible explanation is that in order to increase the pressure on groups such as the UWSA, the authorities in Burma started to block all such shipments, which it had previously allowed to pass through, as part of an effort to squeeze their sources of income.[55]

This policy shift had a profound effect on the drug trade, as the Tatmadaw allowed the militias to expand their involvement in opium cultivation and heroin production.

Photo showing Lo Hsing-han (on the left side in black suit) with Tatmadaw officers

These groups used the opportunity to establish heroin production factories and became the country's main producers. According to a Shan newsgroup, the militias established "their own drug production plants and trafficking networks" and could "thereby wrest the market away from the ceasefire groups". The result was a "shift by investors, both domestic and foreign, away from the Wa and their allies to areas under the control of the Burma Army and the People's Militia Forces (PMFs) where their drug activities are more secure and their profits more assured". According to the newsgroup, it also led to a "massive increase in poppy cultivation, and heroin and methamphetamine production, in the Burma Army-People's Militia controlled areas, far more than in areas under rebel-ceasefire control".[56]

The Mekong Killings: Case closed?

In October 2011, two Chinese cargo boats sailing down the Mekong River were attacked in the heart of the Golden Triangle. Methamphetamine was found on board the abandoned ships, leading to speculation about a drug deal that had gone wrong. The Mekong River is a key trafficking route for ATS.[57] The Thai police later found the bodies of 13 Chinese sailors in the Mekong River, some of them with their hands tied behind their backs. The killings sent a shock wave through the Chinese media and attracted huge public attention.

The Chinese authorities made it a top priority to find out who was responsible for the murders and to bring the perpetrators to justice. All fingers quickly pointed to a militia based in Shan State along the Mekong River led by Naw Kham, an ethnic Shan who used to be part of Khun Sa's MTA. Naw Kham was later arrested across the border in Laos where he had gone into hiding. The Lao authorities extradited him to China a month later, although Burma and Thailand also asked for him.[58] Naw Kham and three other militia members were found guilty by a Kunming court of having "planned and colluded with Thai soldiers in an attack on two Chinese cargo ships, the Hua Ping and Yu Xing 8, on October 5, 2011 on the Mekong River".[59] They were subsequently executed in March 2013, and the preparations for this, including the four men being led to the execution room, were broadcast live on national TV. This kind of public showing in China is now rare, and sparked a public debate in the country.[60]

Naw Kham's militia had for several years run a lucrative business by taxing all traffic and goods passing along the Mekong River – including drugs – mostly concerning boats coming downstream from China but also ferries between Burma and Laos. Following the killings and the subsequent arrest warrant, Naw Kham was able to remain in Burma without being arrested. According to a Shan newsgroup, Naw Kham had good relationships with high-ranking Burma Army officers, and was used by the Tatmadaw to counterbalance the UWSA and the Mongla armed groups, including squeezing their business interests.[61] Initially, the Thai police claimed that nine Thai Army officers had carried out the killings. The soldiers denied the charges, and after Naw Kham was executed the case seem to have been forgotten.[62]

The high profile case is a clear example of how authorities in the region blame local parties to the conflict rather than seriously investigate an apparent protection and extortion racket from which local authorities and army units in different countries in the region profited. Privately, Burmese government officials expressed dissatisfaction with the intense Chinese pressure to 'solve' the case, the heavy-handed approach, and the extradition and execution of a Burmese citizen. However, since the truth was too embarrassing for all countries involved, Naw Kham's execution ultimately served everyone's interests.

Two months after the killings, China pushed for Burma, Laos and Thailand to undertake joint patrols of the Mekong River. China's drug control chief claimed that the operation seized almost 10 tonnes of drugs and detained over 2,500 suspects between April and June 2012.[63] According to local sources, however, drug trafficking has since resumed as normal on the Mekong River. "It's time to end the vicious cycle of new druglords emerging and being scapegoated over and again. The political root causes of the drug problem must be tackled," the SHAN news agency commented.[64]

Chinese Entrepreneurs

The ethnic armed groups in Shan State do not control and finance the drug trade. This has traditionally been the preserve of ethnic Chinese syndicates. There are strong connections between foreign entrepreneurs and those associated with the armed groups. "The local businessmen involved in the drug trade can only manage to expand their business because of money from outside sources, from China", said a former member of a ceasefire group in northern Shan State. "It is difficult to get rid of the drug trade because of the strong financial support from these drug traders."[65] According to a senior police officer: "The organisers are from outside the country, the financers are Chinese, some from Hong Kong. They pay off these groups and manage the heroin production. The armed groups provide sanctuary and security."[66]

A 2009 study on the drugs trade in the Golden Triangle found little evidence that traditional Chinese organised-crime groups such as triads are currently the main actors in the drug trade in Southeast Asia. The study argued that a new generation of Chinese is not only involved in drug trafficking, but also active in money laundering and human trafficking. The most interesting revelation is that these are not professional criminals, but "otherwise legitimate

businesspeople who are also opportunists and risk takers".[67] An earlier study by the same author on drug trafficking between Burma and China concluded that most drug traffickers are poorly educated, with few employable skills or alternatives to make a living that matches their aspirations. "Drug traffickers in general do not belong to street gangs, organized crime groups, or terrorist organizations. Most are simply bold risk takers who work with family members, or form alliances with friends or other social contacts whom they come to trust."[68] The study found that drug trafficking between Burma and China has evolved in recent decades from large shipments by a small number of people to small-scale trafficking undertaken by a large number of individual traffickers, commonly known as 'mules', who are often unaware of the big traders behind the scene.[69]

Corruption and 'Markets of Violence'

The drug trade is a hugely profitable business, and it is clear that corruption and the involvement of high-ranking officials play an important role in the region. Until now, however, there have been few efforts to address this. As a Shan newsgroup, which regularly publicises drug issues, wrote following Thailand's indictment of three suspected drug traffickers from Burma: "Drug businessmen, however, question why Bangkok is doing nothing about financiers and government officials from Thailand who constitute the mainstays of the drug trade."[70]

"When discussing drugs, there are no angels in this part of the world, but there are no full devils either", said a former country representative of UNODC in Burma. "Is it fair to direct all the blame on one country? I think that the Government in Thailand has made its conclusions already. It has said, yes, we have a shared responsibility and we have to clean out our house because there is a lot of involvement and corruption on all sides of the borders."[71]

During the first forum for opium farmers in Southeast Asia, held in Yangon in September 2013, participants stated that, in many areas, corrupt army and government officials tolerate opium cultivation in their area in return for 'taxation', sometimes agreed upon in advance. Weak governance, corruption and lack of awareness of the government drug control laws and policies were all seen as contributing to opium cultivation and use. According to one participant, "bribery and secret deals have become part of everyday life among the authorities".[72]

The involvement of Tatmadaw units and commanders in the drug trade has also been documented. TNI research in Shan State, for instance, found that all parties in the

Opium market in Wa region before the 2005 ban

Government-backed militia in Northeast India

conflicts – including Tatmadaw units – taxed opium farmers.[73] Exile media groups have also reported the involvement of Tatmadaw units in the drug trade.[74] Corruption and involvement of Tatmadaw in the drug trade is also stimulated by the policy that local units have to be largely self-reliant, meaning that they have to find their own food and other supplies and enjoy less logistical support from the army headquarters.

Year in year out, the US State Department has argued that Burma has "failed demonstrably" to meet international anti-drug obligations. Among other things, the USA stressed the failure to "investigate and prosecute senior military officials for drug-related corruption".[75] According to the 2013 US State Department report: "Many inside Burma assume some senior government officials benefit financially from narcotics trafficking, but these assumptions have never been confirmed through arrests, convictions, or other public revelations. Credible reports by NGOs and media claims that mid-level military officers and government officials were engaged in drug-related corruption; however, no military officer above the rank of colonel has ever been charged with drug-related corruption."[76] This classification seems to some extent politically motivated, however, as in 2013 the only three countries that were identified as such were Bolivia, Burma and Venezuela. Conspicuous by their absence from the list are the US allies Afghanistan (the world's largest opium producer), Colombia and Peru (the main coca and cocaine producers) and Mexico (the main transit country for drugs destined for the US market).[77]

In Northeast India, corruption among local authorities is also a serious problem, according to a local source in Manipur who used to work in the border region: "Government officials from both sides of the border are involved in drug trafficking and precursor smuggling."[78] According to the 2013 US State Department report, corruption is pervasive in India "across police forces at all levels of government, with officers rarely being held accountable for illegal actions. This undermines the effectiveness of even the most elaborate control regimes for dangerous drugs."[79]

Regarding Laos, the 2013 US State Department report maintains that because the police and military earn low salaries, "corruption in Laos continues to plague law enforcement and government", and that "it is likely that corruption in the security forces and government plays a role in narcotics trafficking in Laos".[80]

With such pervasive corruption among the region's politicians, army and government officials, militia leaders and ethnic armed groups, the drug trade cannot be blamed on only one of the conflicting parties or one country alone. The huge vested interests in this lucrative illicit trade have benefited from conflict, lack of the rule of law and the consequences of the war on drugs. In many of the unruly

regions in Southeast Asia, governments are often unable to provide law and order and satisfy basic security needs, and their efforts are superseded by a range of illegitimate security arrangements, creating a power and governance vacuum.

The use of government-backed militias in Burma and Northeast India has further contributed to violence and corruption. In Burma, the policy of tacitly allowing government-backed militias to engage in drugs production and trade has created a lucrative cooperation between Tatmadaw officers and militia leaders. There are similar problems in Northeast India. According to a high-level police officer in Manipur: "we cannot altogether rule out a politician-Army-Assam Rifles-underground group nexus."[81]

With the absence of the rule of law and good governance, security potentially ceases to be a public good and becomes a private commodity. The effective monopoly on the legitimate use of force normally attributed to a democratic state is seriously weakened and 'markets of violence' or 'markets of force' become the predominant mode of security regulation. In this vacuum, violent entrepreneurs controlling certain territories impose alternative security arrangements, using arbitrary and random violence. A 'market of violence' arises from the complex social, economic, political and institutional processes that make violence a prevalent means of managing conflict and power in informal settings.[82]

Market in northern Shan State

According to the ethnologist Georg Elwert, who coined the term 'markets of violence' in the 1990s, it is:

"… a field of activity which is mainly characterised by economic aims, in which both robbery and barter and the related activities of collection of ransoms, protection money, road tolls etc. feature. Each actor has a number of basic options ranging from theft to trade. The generals, princes, militia chiefs and party leaders who lead the troops in such conflicts are known in the research as warlords. Warlords are understood as entrepreneurs who use deliberate violence as an efficient tool for achieving economic aims. These 'entrepreneurs' differ from normal entrepreneurs in that they also use violence - although not exclusively - as an instrument for the generation of revenue." [83]

Informal local security arrangements, such as the government-backed militias in Burma, function as 'parallel power systems' or 'feudal systems of government'. They can use their capacity for force to protect their criminal activities, extort security taxes and impose protection rackets on formal or informal economic activities, and also as a commodity for hire and sale. Every so often, members of the state security apparatus are involved as well, imposing their conflict management strategies as representatives of the regime and offering private protection for illegal activities in return for pay-offs.

For local proponents of promote democracy, ethnic peace and sustainable development, the existence of 'market of violence' conditions poses enormous obstacles, while violent entrepreneurs benefit from the instability, and conflict and lawlessness. The local population in such areas is trapped in an ambiguous situation where they are forced to 'migrate into illegality' in order to survive in a difficult and violent environment, for instance by taking part in the illicit economy of opium cultivation. The same holds true for ethnic armed opposition groups who control their areas but are at the same time denied access to the formal economy and may consequently be compelled to depend on illegal activities in order to sustain their base – a situation that could potentially corrupt their legitimate political aims. The Tatmadaw exploits this situation in its effort to manage the conflict instead of seeking a political solution, by creating and supporting militias and switching alliances with different armed groups at will. In a fast-changing and dynamic region, it will be essential in the coming decade to address the issues of transparent law and order and the suffering of local communities.

Endnotes

Conflict, Crime and Corruption

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29 Interview with local NGO representative A from southern Shan State, March 2010.
30 Interview with local researcher, March 2010.
31 Interview with local NGO representative B in southern Shan State, March 2010.
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41 Interview with SSA-North/SSPP leader Hso Ten, 8 September 2013.
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Abbreviations

AD	Alternative Development
AFSPA	Armed Forces Special Powers Act
ART	Anti-Retroviral Treatment
ASEAN	Association of Southeast Asian Nations
ASOD	ASEAN Special Ministerial Meeting on Drugs
ATS	Amphetamine-Type Stimulants
BA	Burma Army
BGF	Border Guard Force
CBN	Central Bureau of Narcotics (India)
CND	Commission on Narcotics Drugs
CPB	Communist Party of Burma
CCDAC	Central Committee for Drug Abuse Control
CPS	Concentrate of Poppy Straw
DIC	Drop-In Centre
EU	European Union
FARC	Fuerzas Armadas Revolucionarias de Colombia
FPIC	Free, Prior and Informed Consent
GHB	Gamma-Hydroxybutyric acid
GIZ	Gesellschaft für Internationale Zusammenarbeit
GOB	Government of Burma
Ha	hectare
HDI	Human Development Indicators
ICAD	International Conference on Alternative Development
INCB	International Narcotics Control Board
KDA	Kachin Defence Army
KIO	Kachin Independence Organisation
Kg	kilogram
KMT	Kuomintang
MDG	Millennium Development Goals
MDMA	3-4 methylenedioxymethamphetamine
MMT	Methadone Maintenance Therapy
MNDAA	Myanmar National Defense Alliance Army
MTA	Mong Tai Army
MQY	Minimum Qualifying Yield
NDAA	National Democratic Alliance Army
NDA-K	New Democratic Army - Kachin
NDNM	National Drug User Network Myanmar
NGO	Non-Governmental Organisation
NPS	New Psychoactive Substances
NSCN-IM	National Socialist Council of Nagaland - Isak-Muivah
NSP	Needle and Syringe Programme
ONCB	Office of the Narcotics Control Board
OST	Opioid Substitution Therapy
PMF	People's Militia Forces
RRF	Rebellion Resistance Force
SP	Spasmo-Proxyvon
SPDC	State Peace and Development Council
SSA-N	Shan State Army–North
SSA-S	Shan State Army–South
STD	Sexually Transmitted Disease
TNI	Transnational Institute
TNLA	Ta-ang National Liberation Army
UK	United Kingdom
UN	United Nations
UNGASS	UN General Assembly Special Session on Drugs
ONCHR	Office of the UN High Commissioner for Human Rights
UNODC	United Nations Office on Drugs and Crime
US	United States
USA	United States of America
USDP	Union Solidarity and Development Party
UWSA	United Wa State Army
WHO	World Health Organisation

The illicit drug market in the Golden Triangle – Burma, Thailand and Laos – and in neighbouring India and China has undergone profound changes. This report documents those changes in great detail, based on information gathered on the ground in difficult circumstances by a group of dedicated local researchers. After a decade of decline, opium cultivation has doubled again and there has also been a rise in the production and consumption of ATS – especially methamphetamines. Drug control agencies are under constant pressure to apply policies based on the unachievable goal to make the region drug free by 2015.

This report argues for drug policy changes towards a focus on health, development, peace building and human rights. Reforms to decriminalise the most vulnerable people involved could make the region's drug policies far more sustainable and cost-effective. Such measures should include abandoning disproportionate criminal sanctions, rescheduling mild substances, prioritising access to essential medicines, shifting resources from law enforcement to social services, alternative development and harm reduction, and providing evidence-based voluntary treatment services for those who need them.

The aspiration of a drug free ASEAN in 2015 is not realistic and the policy goals and resources should be redirectedtowards a harm reduction strategy for managing – instead of eliminating – the illicit drug market in the least harmful way. In view of all the evidence this report presents about the bouncing back of the opium economy and the expanding ATS market, plus all the negative consequences of the repressive drug control approaches applied so far, making any other choice would be irresponsible.

The Transnational Institute (TNI) was founded in 1974 as an independent, international research and policy advocacy institute. It has strong connections with transnational social movements and associated intellectuals who want to steer the world in a democratic, equitable, environmentally sustainable and peaceful direction. Its point of departure is a belief that solutions to global problems require global co-operation. TNI carries out radical informed analysis on critical global issues, builds alliances with social movements, and develops proposals for a more sustainable, just and democratic world.

TNI's Drugs & Democracy programme analyses trends in the illicit drugs market and in drug policies globally, looking at the underlying causes and the effects on development, conflict situations and democracy. The programme promotes evidence-based policies guided by the principles of harm reduction and human rights for users and producers. Since 1996, the programme has maintained its focus on developments in drug policy and their implications for countries in the South. The strategic objective is to contribute to a more integrated and coherent policy – also at the UN level – where drugs are regarded as a cross-cutting issue within the broader goals of poverty reduction, public health promotion, human rights protection, peace building and good governance.

TNI's Burma Project stimulates strategic thinking on addressing ethnic conflict in Burma and gives a voice to ethnic nationality groups. Burma has been exposed to some of the longest running armed conflicts in the world. Ethnic nationality peoples have felt marginalised and discriminated against. Addressing ethnic conflict in the country is a prerequisite to achieving democracy, development and peace. TNI believes it is crucial to formulate alternative policy options and define concrete benchmarks on progress. The project aims to achieve greater support for a different Burma policy, which is pragmatic, engaged and grounded in reality. It also builds capacity of local actors on key policy issues, including natural resource management with emphasis on land and water, and drug policy.