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Stoking the Flames of Ethnic Politics? The Double Bind of Indigeneity in Post/Neo-colonial Myanmar

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In this article, I discuss the challenges ethnically non-Burman activists in Myanmar encounter in articulating a politics of Indigeneity in the face of Myanmar's post/neo-colonial policies and discourse of national unity and equality. I highlight the limitations and potentials of efforts to reframe the global concept of Indigeneity in a non-European settler colonial context where the state dismisses that concept by declaring all its citizens "indigenous". I argue that Indigenous activists in Myanmar are caught in a particular kind of double bind that makes it difficult to make any claim of distinction as "Indigenous Peoples" relative to dominant ethnic Burmans.

Keywords: Indigeneity, political activism, transnationalism, double bind, non-European settler colonialism, Myanmar.

> We have a working definition of Indigenous Peoples and it excludes the dominant Burmans. Yet we must be careful. Many are still not ready to hear us. For now it is wiser to avoid the question of who is and isn't Indigenous.[1]

> We never think of any nationality groups as left-behind or marginalized, or whatever term they are using.[2]

> In playing the indigenous card, the activists would only further stoke the flames of ethnic politics in Myanmar, where the differences between Burmans and non-Burmans have long been hyper-accentuated since the British colonial period.[3]

Introduction: Divergent Indigeneities in Post/Neo-colonial Asia

In this article, I discuss the challenges ethnically non-Burman activists in Myanmar encounter in articulating a politics of Indigenous identity in the face of Myanmar's post/neo-colonial policies and discourse of national unity and equality. I bring sharp attention to the limitations and potentials of efforts to reframe the global concept of Indigeneity in a non-European settler colonial context where the state dismisses that concept by declaring all of its citizens "indigenous" (Kingsbury 1998, pp. 417–18; Li 2000, p. 149). I argue that any claims to sovereignty and self-determination on the part of ethnic groups claiming Indigeneity must be articulated by both harnessing and working against mainstream political and juridical processes. I further argue that Indigenous activists in Myanmar are caught in a particular kind of "double bind" (Bateson 1972, p. 241; Cattelino 2010, p. 235; Ludlow et al. 2016, p. 1) that reflects Myanmar's post/neo-colonial policies and discourse of national unity and equality, and makes it difficult (if not impossible) to make any claim of distinction as "Indigenous Peoples" relative to dominant ethnic Burmans (Gravers 1999, p. 49; Walton 2015, p. 1).

From a comparative frame, non-European settler colonial contexts, such as Myanmar and most other states in Asia, offer unique vantage points from which to consider how "Indigeneity" as a category is produced given the different forms of recognition of these contexts and the distinct demands of sameness/difference upon which such recognition is predicated. Many, but not all, non-European settler colonial states in Asia aim to render the global concept of Indigeneity legally and politically innocuous by declaring either all or none of their citizens indigenous. In many of these states' postcolonial nationalist historiographies, all groups within the nation were and remain united in their struggle for independence from foreign colonizers (Kingsbury 1998, pp. 417–18; Li 2000, p. 149). As a result, Indigenous activists in Asia encounter the unique challenge of articulating a politics of Indigenous identity, an identity grounded first and foremost in distinction, in the face of

strong state discourses and policies emphasizing national unity and equality, albeit often alongside diversity. A prominent example of this framing of nationalism is modern China's regime of recognition and discourse of *minzu* or "nationalities", which has to date prevented any domestic group from aligning itself with the global Indigenous movement (Hathaway 2016, p. 1).

Most states in Asia, including Myanmar, ratified the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) while holding that it is inapplicable to their territories on account of the "salt-water theory" (Baird 2016, pp. 501–2; United Nations 2007). The "salt-water theory" holds that the global concept of Indigeneity only applies to places, such as the Americas, Australia and New Zealand, where white European settlers not only crossed oceans in their colonizing ventures but also stayed and established modern nation states that continue to oppress Indigenous Peoples. A corollary of this theory is that states in Asia may discredit domestic Indigenous movements by labelling them as the insidious work of "foreign imperialists" (Mark 2018, p. 2; Tilley 2002, p. 525).

Regardless of state resistance and academic debates over the Asian "problematique" of Indigeneity, national and transregional Indigenous Peoples' movements have developed in Asia since the late 1980s (Baird 2019; Chua and Rusaslina Idrus 2022; Erni 2008; Karlsson and Subba 2006). Some movements, such as those in Taiwan, the Philippines, Cambodia, Nepal and Japan, have gained state recognition of Indigenous Peoples as distinct groups of citizens. In Asia, however, Indigenous Peoples are laying claim to Indigeneity largely on the basis of their status as internally colonized or oppressed and, in the specific case of Myanmar, as "non-dominant" rather than first or original peoples per se. These claims of Indigeneity reflect the problematic nature in Asia of making claims of distinction on the basis of first or original peoples' status relative to larger national publics (Gray 1995, p. 37).

The challenges Indigenous groups in Asia more broadly face in claiming Indigeneity are primarily a product of the particular frames and trajectories of nationalism in Asia's presumably postcolonial

spaces. While many of these groups (but not all) were variably written into the region's nationalist historiographies under the overarching themes of unity and equality in diversity, they were in actuality excluded from the "decolonization-into-nation-state-process" (Anderson 1998, pp. 318–32; Niezen 2003, p. 232). These claims of universality serve rather to mask the "perpetuation of real inequalities" along the lines of ethnic and racial difference (Chatterjee 2004, p. 22). From the perspective of many Indigenous activists, the so-called postcolonial process of national liberation was and continues to be experienced as an ongoing process of re- or neo-colonization by more dominant Others, whether they originate in distant continents or the adjacent lowlands (Ahlquist 2021; Howitt, Cornell and Hirsch 1996; Nicholas 1989, p. 4).

Malaysia is of particular interest here for comparative purposes. The Malaysian state recognizes and affords special rights to the majority ethnic Malay under the category of "Bumiputera" ("Sons of the soil"), which includes certain minorities, such as the Orang Asli. In practice, however, the Orang Asli "do not enjoy the same privileges that Malays do ... [and] are often discriminated against and described as 'primitive'" (Rusaslina Idrus 2010, p. 90). Self-identifying as Indigenous Peoples according to the United Nations framework is one avenue that Orang Asli activists, not unlike their counterparts in Myanmar, have pursued in recent years to challenge the state's discourse on unity and equality and assert their distinct position and grievances.

In the remainder of this article, I narrow the focus to the challenges Indigenous activists in Myanmar face in articulating a politics of Indigenous identity. I begin with a brief overview of the movement. I then discuss my research methods, before delving more deeply into some of the work certain activists in Myanmar have carried out on different scales to promote their movement for recognition and rights as Indigenous Peoples. In each section, I highlight different dimensions of the particular kind of double bind the activists face, which is a central theme that I return to in the conclusion and that connects to the broader aim of highlighting the

limitations and potentials of theorizing and articulating Indigeneity in a non-European settler colonial context.

The Politics of Indigeneity in Reform-Era Myanmar

In my analysis of the Indigenous movement in Myanmar, I broadly focus on developments between 2013 and 2018. This was a period of dramatic civil society growth inside Myanmar that came to an abrupt halt with the February 2021 military coup and exile of the coalition government led by the National League for Democracy (NLD) (Jordt, Than and Lin 2021). While representatives from non-Burman ethnic groups, such as the Chin, Kachin, Karen and Naga, have engaged and disengaged with the international Indigenous movement since the late 1980s and early 1990s (Dunford 2019, pp. 60–63; Gray 1995, p. 37), it was only in 2013 that a concerted effort to promote a national-level inter-ethnic coalition of Indigenous Peoples formally began inside Myanmar (Morton 2017, p. 3).[4]

As briefly noted earlier, Indigenous activists in Myanmar are caught in a particular kind of double bind. On one hand, if the activists push for recognition of their distinction as Indigenous Peoples relative to dominant ethnic Burmans, they risk being labelled either as overzealous partisans or traitors working to undermine the union. On the other hand, if the activists frame their Indigeneity according to the dominant state discourse of unity and equality, they risk losing their distinction as Indigenous Peoples and thus compromise their movement for rights and recognition. This double bind is exemplified in the three quotes prefacing the article.

In Myanmar, the "cunning of recognition" (Povinelli 2002) reinforces and literally legislates the state's hegemonic discourse of the nation as a utopia of ethnic unity and equality, thereby serving as a denial of Burman privilege and masking the "perpetuation of real inequalities" along the lines of ethnic (and class-based) difference (Campbell and Prasse-Freeman 2021, p. 175; Chatterjee 2004, p. 22; Gravers 1999, p. 49; Walton 2013, p. 1; 2015, p. 1). The cunning of recognition has taken a different form in Myanmar compared with liberal democratic settler states such as Australia, Canada and the

United States. In the latter contexts, Indigenous Peoples must "perform their cultural difference in order to maintain political recognition", and yet they face the accusation of being "not culturally different enough" when actually exercising their political rights (Cattelino 2008, p. 8; Povinelli 2002). In Myanmar, Indigenous Peoples must perform their cultural difference under the utopian banner of political equality and unity with the dominant ethnic Burmans in order to maintain political recognition not as Indigenous Peoples but rather as "Ethnic Nationalities" (in Burmese, *Taing-yin-tha* or တိုင်းရင်းသား), as discussed below.[5] In exposing and challenging the structural violence and discrimination preventing them from actually exercising their political rights as equal members of the union, however, Indigenous activists in Myanmar face the accusation of not only being too different but also of undermining the nation's mythical charter of ethnic equality and unity.

Indigenous activists in Myanmar face the additional challenge of promoting the Indigenous label among a significant number of non-Burman ethnic groups that otherwise fit the conventional bill of "Indigeneity" as associated with a traditional territory, distinct cultural identity and non-dominant position (Martínez-Cobo 1987, p. 48).[6] Some non-Burman ethnic organizations, such as the Kachin Independence Organization and the National Socialist Council of Nagaland-Khaplang, view adoption of the Indigenous label as tantamount to accepting a subordinate rather than equal if not superior position relative to the ethnically Burman–dominated state (Mark 2018, p. 1; McIntosh 2000, p. 4). Other organizations, such as the inter-ethnic coalition of the Nationalities Youth Forum and the Students and Youth Congress of Burma, view the Indigenous label as "too risky" given Myanmar's political climate wherein any real or suspected claims to distinction or special status are quickly suppressed and condemned as threats to national unity and equality (Community Organizing and Rights Education–Burma 2012, pp. 23–24; Gravers 1999, p. 49; Walton 2015, p. 1).

Yet other groups see identification as Ethnic Nationalities according to Myanmar's post/neo-colonial policies and discourse of national

unity and equality as a "politically strategic move" that affords them the most rights and status (Community Organizing and Rights Education–Burma 2012, pp. 23–24; South 2008, pp. 218–19). Many of these organizations looked to the now exiled NLD government's "21st Century Panglong Union Peace Conference" as a key avenue for making political headway in achieving their goals of separate yet equal ethnic-based rights to self-determination within a federal union they were aspiring to (United Nations High Commissioner for Refugees 2018).[7] In their pursuit of a federal union and endorsement of the concept of Ethnic Nationalities, these ethnic organizations, such as the Restoration Council of Shan State and the Karen National Union, tend to emphasize the equality side of the dominant state discourse of national belonging. In contrast, the Myanmar government tends to emphasize the unity side of that discourse, as discussed earlier and further below. These varied positions with respect to the Indigeneity label—which range from disinterest to rejection, scepticism and uptake—exist on inter- and intra-ethnic scales. For example, while some ethnic Karen leaders endorse the Indigeneity label, others reject it according to the aforementioned reasoning that it would position them as subordinate rather than equal if not superior to ethnic Burmans.[8]

As a "pre-eminent political idea" in contemporary Myanmar, the Ethnic Nationalities discourse "compels any collectivity … in (the country) to participate in the project for its reproduction as a 'price of admission to the polity'" (Cheesman 2017, p. 463, quoting Herzfeld 1992, p. 160). The predominantly ethnic Burman architects of post/neo-colonial Myanmar's Ethnic Nationalities discourse framed it in opposition to the earlier "divide and rule" policy of the British, which relied on the more overt categorization and segregation of "ethnic groups". In contrast, the rhetorical emphasis of the Ethnic Nationalities discourse is on unity and equality, even as it builds and expands on faulty earlier British colonial classificatory systems and excludes certain groups, such as the Rohingya (Cheesman 2017, p. 461; Ferguson 2015, p. 15; Transnational Institute 2014, p. 15; Walton 2013, p. 1; 2015, p. 1).[9]

This emphasis on unity and equality reflects a deeper culture of "political paranoia" over the perceived ever-impending threats of "disunity" and "particularism" (Gravers 1999, p. 49). Crucially, the state-centric discourse of Ethnic Nationalities denies the dominance of ethnic Burmans relative to ethnic non-Burmans (Walton 2013, p. 1) and thus makes it difficult if not impossible for Indigenous Peoples to make any claim of distinction relative to ethnic Burmans. As one such emerging collective, Indigenous activists in Myanmar are carefully working to harness yet subtly reframe the Ethnic Nationalities discourse in order to gain recognition of their distinction as Indigenous Peoples while adhering to the discourse's hegemonic yet largely rhetorical frame of political unity and equality.

This delicate manoeuvring can be seen in the act of translation, which indexes the particular double bind of Indigeneity in Myanmar. For example, Indigenous activists have translated "Indigenous Peoples" into Burmese as "Local Ethnic Nationalities" or *Htanay Taingyintha* (ထနေ တိုင်းရင်းသား) (Morton 2017, p. 7).[10] One activist explained to me that while the term "*Htanay Taingyintha*" necessarily draws on the official state label and discourse of *Taingyintha* or Ethnic Nationalities, it also reworks that label and discourse in a manner that highlights their distinct positions as Indigenous Peoples according to international standards established by the United Nations. These standards, the activist noted, include their national-level position as non-dominant groups, their historical continuity and presence in ancestral territories, and their self-identification as Indigenous. All of these criteria, the activist noted, clearly differentiate Indigenous Peoples from other Ethnic Nationalities in Myanmar, such as the ethnic Burmans, who do not self-identify as Indigenous according to the UN framework.

Because of this political manoeuvring, the post-2010 pseudo-civilian governments of the pro-military Union Solidarity and Development Party (USDP) and the now exiled NLD-led coalition government implicitly endorsed the fledgling Indigenous movement by working with its advocates to discuss the specific issues facing Indigenous Peoples and craft policy and legislation that explicitly

recognizes and calls for the protection of their rights. In addition, some influential non-Burman ethnic leaders, such as Dr Sui Khar of the Chin National Front (CNF), advocate a mixed-bag approach to pursuing the broader goals of federalism and constitutional reform that includes adopting the global Indigenous Peoples' label and discourse.[11] These leaders especially view the 2007 UNDRIP, which Myanmar ratified, as an important international legal instrument for supporting their domestic claims to territory and "self-determination" within a (once) reforming Myanmar (Mark 2018, p. 2; Liljeblad 2022; United Nations 2007).[12]

Methods

In my analysis of the Indigenous movement in Myanmar, I draw on multi-sited ethnography and archival research conducted between 2016 and 2018 in three key sites. These sites include, first, Yangon, Myanmar, the centre of the country's national Indigenous movement; second, Chiang Mai, Thailand, the centre of Asia's transregional Indigenous movement; and, third, the UN General Headquarters in New York, the centre of the global Indigenous movement. In each site, I interviewed Indigenous and non-Indigenous activists and leaders from different civil society organizations (CSOs) in Myanmar. In order to gain more state-centric perspectives on the Indigeneity label and movement, in Yangon I also interviewed several Burman and non-Burman individuals who were at the time either recently retired from or working in Myanmar's military-turned-pseudo-civilian government.

In each of these centres, I observed and participated in meetings and conferences addressing various issues facing Indigenous Peoples in and beyond Myanmar. These meetings and conferences—which were variably hosted by the Burmese government, the transregional CSO Asia Indigenous Peoples Pact Foundation (AIPP), based in Chiang Mai, Thailand, and the United Nations—addressed a variety of issues, such as the role of "local communities" in forest management in Myanmar, and organizational capacity building within

the transregional and global Indigenous movements. I visited the offices of leading Indigenous organizations in Myanmar, such as the intra-ethnic Chin Human Rights Organization (CHRO) and the Promotion of Indigenous and Nature Together (POINT) in Yangon. I also gathered and analysed a variety of English and Burmese language print and digital publications produced by Indigenous organizations in Myanmar.

Finally, two Indigenous activists deserve special mention in terms of their contributions to the project; namely, Naw Ei Ei Min and Mai Thin Yu Mon. While both reside in Yangon, where they work with two CSOs (POINT and CHRO) that are spearheading Myanmar's Indigenous movement, they are highly mobile actors, often traversing local, national, regional and global spaces of Indigenous solidarity building and activism. They and their respective organizations are playing key roles as "intermediaries who translate" the global Indigenous rights discourse into Myanmar and "retranslate local ideas into global (Indigenous rights) frameworks" (Merry 2006, p. 134).

In brief, Naw Ei Ei Min is an ethnic S'gaw Karen, a Protestant-Baptist Christian, and a young mother native to Insein Township in Yangon. She is founder and director of the Yangon-based inter-ethnic CSO POINT, co-director of the Myanmar Indigenous Peoples/Ethnic Nationalities Network (MIPENN), and a Mekong Region Executive Council Member of AIPP. Mai Thin Yu Mon is a young ethnic Chin woman and Protestant-Baptist Christian originally from Chin State's capital of Hakka in far northwestern Myanmar. From humble beginnings as the daughter of a small-scale farmer and merchant, she is currently director of the Indigenous Peoples Development Program for the formerly Yangon-based CHRO, co-director of MIPENN, and the Mekong Region Focal Person for the UN Global Indigenous Youth Caucus.

In the following two sections, I discuss some of the ways in which Naw Ei Ei Min, Mai Thin Yu Mon and other Indigenous activists in Myanmar are working to promote their movement for recognition and rights as Indigenous Peoples. As noted earlier, these activists are caught in a particular kind of double bind (Bateson 1972,

p. 241; Cattelino 2010, p. 235; Ludlow et al. 2016, p. 1) that reflects Myanmar's post/neo-colonial policies and discourse of national unity and equality (Gravers 1999, p. 49; Walton 2015, p. 1). In pushing for recognition of their distinction as Indigenous Peoples relative to dominant ethnic Burmans, the activists risk being labelled as either overzealous partisans or traitors to the union. On the flip side, if the activists adhere to the dominant state discourse of belonging in framing their Indigeneity, they risk losing their distinction as Indigenous Peoples and thus compromise their movement for rights and recognition.

Ethno-spatial Scales of Indigenous Activism in and beyond Myanmar

Between February and May 2017, Chin activist Mai Thin Yu Mon helped facilitate a "National Policy Dialogue on the Rights of Indigenous Peoples in Myanmar" in the capital of Naypyitaw, an intra-ethnic "Chin National Dialogue" in rural Chin State, and the second 21st Century Panglong conference in Naypyitaw.[13] Leading Chin organizations, such as the CNF and the CHRO, organized the Chin National Dialogue to promote Chin solidarity and create an agenda for representing the Chin during the second 21st Century Panglong conference.

In between these activities, Ms Thin travelled to New York for the sixteenth annual session of the UN Permanent Forum on Indigenous Issues (UNPFII, 24 April–5 May 2017). It was one year earlier, during the fifteenth UNPFII, that a colleague working on land issues in Myanmar introduced me to Ms Thin. At the time, I briefly spoke with Ms Thin in the rest area just outside the General Assembly, a key networking area for many of the forum's participants (Niezen 2003; Hodgson 2011). That initial meeting laid the groundwork for subsequent interviews in Chiang Mai in October 2016, and Yangon in March 2017.

At the 2017 UNPFII, Ms Thin delivered a statement on behalf of the Asia Indigenous Peoples' Caucus (AIPC) in which she highlighted the distinct challenges facing Indigenous Peoples in Asia.

> In Asia, the struggle(s) for legal recognition and ... self-determination ... remain ... the main points of contention ... [S]ome Asian states [however] have taken positive measures to realise the rights of Indigenous Peoples. (Asia Indigenous Peoples Caucus 2017)

While in New York, Ms Thin also spoke at a side event organized by the International Work Group for Indigenous Affairs (IWGIA) under the heading "How to Drive National Policy Actions to Implement UNDRIP?" (International Work Group for Indigenous Affairs 2017). Ms Thin discussed the "National Policy Dialogue on the Rights of Indigenous Peoples in Myanmar" held in Naypyitaw in February 2017. MIPENN and IWGIA jointly organized the meeting in Naypyitaw with the aim of facilitating a dialogue between local Indigenous organizations and the national government on how to best implement UNDRIP in national policies.[14] Notably, the then nearly one-year-old Myanmar Union Ministry of Ethnic Affairs co-sponsored the meeting.

The main objective of the Naypyitaw meeting, however, was framed in a slightly different way. For example, in his inaugural address for the event, minister of ethnic affairs Naing Thet Lwin, an ethnic Mon politician, commented that "the principles embodied in the UNDRIP remain highly relevant to the aspirations of our ethnic people and our government's efforts to achieve national reconciliation, peace, and harmony in our country" (Lwin 2017). He identified the principal mandate of his ministry as that of "protect[ing] and promot[ing] ethnic rights in order to ensure that all ethnic groups in the country enjoy equal rights and opportunities" (Lwin 2017).

The minister's remarks reflect the dominant state discourse on ethnicity and belonging in Myanmar, according to which all "proper" citizens are recognized as indigenous Ethnic Nationalities under the guise of an overarching mythical charter of ethnic unity and equality (Walton 2008, p. 889). Crucially, the state discourse of Ethnic Nationalities includes the dominant ethnic Burmans in

opposition to whom Indigenous activists are working to carve out a distinct space of belonging that draws on a more exclusive and international framing of Indigeneity. As noted earlier, the central government and public in Myanmar, inclusive of many non-Burman ethnic organizations, reject this more exclusive framing of Indigeneity with respect to the nation for various reasons.

As a result, Indigenous activists in Myanmar are struggling to not only translate the global Indigenous rights discourse into Myanmar but also "retranslate local ideas into global (Indigenous rights) frameworks" (Merry 2006, p. 134). Their delicate balancing act between "appropriation" and "translation" to render themselves distinctly Indigenous yet compatible with the nation is variably promoting and compromising their movement for social change.

In spite of these challenges, Indigenous activists gained some ground in working with Myanmar's post-2010 quasi-civilian governments—initially the pro-military USDP (2010–15) and more recently the since exiled NLD (2015–present)—to shape certain state policies and legislation in a manner that explicitly recognizes issues specific to Indigenous Peoples (Morton 2017, pp. 6–9). The activists worked especially with the Union Ministry of Ethnic Affairs. These developments suggest that while the exiled NLD government as a whole officially rejects the global concept of Indigeneity, in practice certain state organs have worked with and endorsed that concept, albeit in the particular form it has acquired in Myanmar (Morton 2017, pp. 6–9).

This endorsement can be seen in the 2015 Ethnic Rights Protection Law and the 2016 National Land Use Policy (Myanmar Parliament 2016; Republic of the Union of Myanmar 2016). Most of the groundwork for these legislative acts was carried out during the term of the pro-military USDP. The Ethnic Rights Protection Law contains provisions for safeguarding the rights of Indigenous Peoples—albeit as Ethnic Nationalities—to their distinct cultural identities, some degree of participatory development, and further political representation at the national level via the Union Ministry of Ethnic Affairs.

Indigenous activists especially welcomed one article in the law that, in their reading, both recognizes Indigenous Peoples as a distinct group via the label "Local Ethnic Nationalities" (in Burmese, *Htanay Taingyintha*) and also safeguards their rights to "Free, Prior and Informed Consent".[15] Recall that Indigenous activists adopted *Htanay Taingyintha* as their official Burmese translation for "Indigenous Peoples". The use of *Htanay Taingyintha* in the law was a direct result of interventions by Indigenous advocates to explicitly recognize the rights of Indigenous Peoples, even as they received "pushback from some Parliamentarians saying they shouldn't be asking for specific rights".[16]

In addition, the 2016 National Land Use Policy recognizes and calls for the protection of the customary land tenure rights and practices of Ethnic Nationalities more broadly, including shifting cultivation.[17] Shifting cultivation is widely understood as a distinct practice and issue of concern to Indigenous Peoples throughout Myanmar and the larger region (Promotion of Indigenous and Nature Together 2015, p. 1; Tooker and Baird 2020, p. 301). With the exception of Cambodia (Baird 2013, p. 269), the policy's recognition of and call for the protection of shifting cultivation is notable given the widespread denigration of the practice throughout the region (Fox 2000).

In spite of these gains on paper, however, Indigenous activists have faced strong resistance from the state and public in asserting their distinction as Indigenous Peoples and making good on their rights as such. For example, while the 2016 National Land Use Policy recognizes and calls for the protection of customary land tenure rights and practices, two prior laws from 2012—namely, the Farmland Law and the Vacant, Fallow, and Virgin Land Management Law—explicitly work to "undermine and eliminate" shifting cultivation, while allowing the state "to confiscate 'fallow' or 'vacant' land for commercial purposes such as large-scale land concessions and leases" (Promotion of Indigenous and Nature Together 2015, p. 8; Mark 2016, p. 133). I directly observed this predicament when I joined a joint government–civil society panel discussion on "the role of people in forestry governance" in Yangon in March 2017.

In the following section, I provide a thick description of the panel discussion that further unpacks the particular kind of double bind Indigenous activists in Myanmar encounter in their movement for rights and recognition as Indigenous Peoples.

Where are the People? Silenced Articulations of Indigeneity

As the panellists sat on the stage at the front of the conference room discussing their positions on "the role of people in forest governance", I sat in the audience, chatting with Ko Soe Aung, a middle-aged Burman gentleman from a local environmental NGO.[18] As we spoke, Ko Soe Aung chewed a wad of betel nut stuffed between his cheek and lower gum. His teeth, stained a deep red, attested to his regular chewing of the stimulant. Like most of the other middle-aged and older men in the room, Ko Soe Aung wore the traditional yet modern style Burmese dress of the *paso*, or long skirt for males tied with a front knot, along with a white *leh gadone* or dress shirt, a light, soft pastel-coloured *tike pone* or jacket, and black rubber flip-flops. At one point, Ko Soe Aung informed me in English,

> So you are studying about indigenous peoples' rights, correct? You should know that in Myanmar we have 135 nationalities, 135 [laughs].… The Rohingya are not one of them. They are foreigners. [You should also know that] the situation in Myanmar is very complicated. The government and military have really alienated the non-Bamar [non-Burman] from the Bamar [Burman]. The non-Bamar have come to see the government, military, and Bamar as one and the same. Yet most of the Bamar do not discriminate against the non-Bamar.[19]

As Ko Soe Aung and I spoke, one of the panellists, a middle-aged Burman male spokesperson from the Ministry of Natural Resources and Environmental Conservation (MONREC), raised the issue of forest encroachment, stressing in Burmese that "the government needs everyone's cooperation to step up their efforts to stop the highly destructive practice of slash and burn cultivation". MONREC was one of the co-sponsors of the panel discussion, along with

the Norwegian Embassy and the Myanmar chapter of the Center for People and Forests (RECOFTC), an international not-for-profit organization based in Bangkok, Thailand. RECOFTC was the main organizer of the event, which marked the thirtieth anniversary of its founding in 1987. I was invited to the meeting several days earlier by Khin Moe Khi, a young female staff member of Myanmar's local chapter of RECOFTC.

The event was held in a large conference room of the relatively new, posh International Business Centre located on the shores of Lake Inya in the bustling urban centre of Yangon, attesting to the then intense influx of foreign aid and investment to the country during its short-lived transition to democracy. The organizers of the panel discussion made a concerted effort to strike a balance among the panellists in terms of gender and public and private sectors, but not ethnicity, as all of them were ethnically Burman. Yet, as the panel progressed, I began to wonder, "where are the people?" At one point I asked this question of Ko Soe Aung, who replied in English.

> I believe they were invited by email, the media and word of mouth, but it is difficult for them to travel to Yangon. It is expensive and it takes time. Oh, wait, I see some local people over there in the far corner of the room.[20]

After glancing at the particular group of "local people" indicated by Ko Soe Aung, I noticed that he inferred their "localness" and thus distance from urban Yangon on the basis of their relatively more informal dress, position in the far rear of the room, and general lack of participation in the proceedings.

Later, during the question-and-answer (Q&A) session, I saw a familiar face step up to the microphone. The face was that of Hla Doi, a handsome young Kachin male staff member of POINT. Just two days earlier, I had visited POINT's main office in Insein and spoken at length with executive director Naw Ei Ei Min. While there, Naw Ei Ei Min briefly introduced me to Hla Doi, then serving as POINT's programme assistant after completing a bachelor's degree in forestry in Mandalay.

During the Q&A session, Hla Doi, speaking in Burmese and dressed in sharp black dress pants, a light grey short-sleeved dress shirt and light brown suede dress shoes, raised the issue of the country's then ongoing peace and reconciliation process. He stressed,

> If the government truly wants to regain the trust of local people, then they need to ensure the security of their livelihoods. The best way to do this is to recognize their customary land management practices and ensure their rights to land tenure.[21]

In reply to Hla Doi's comments, one panellist, a middle-aged male spokesperson from the NLD, who sat at the centre of the stage, stressed that "these issues are outside the jurisdiction of those of us on this panel", while another panellist, the MONREC spokesperson, stressed that "our priority at the moment is to stop forest encroachment". Both responses dismissed the crucial issues raised by Hla Doi in connection to the then growing concerns of "local people" about rising rates of land dispossession by the state and military, especially in the country's resource-rich borderlands, which are heavily populated by Indigenous Peoples (Community Organizing and Rights Education–Burma 2012, p. 13; Scurrah, Hirsch and Woods 2015, pp. 3–4; Transnational Institute 2013, p. 1).

Directly following the panel discussion, I caught up with Hla Doi in the conference centre's lobby area, where many participants were busy taking group photos in front of a large poster advertising RECOFTC's thirtieth anniversary. Knowing of my interest in and support for Myanmar's then fledgling Indigenous Peoples movement, Hla Doi, with a clear look of frustration on his face, informed me in English,

> Shifting cultivation was only briefly discussed, and only in terms of its role in forest encroachment and the need to stop it. I was also careful to avoid the Burmese language term we've adopted to refer to Indigenous Peoples—*Htanay Taingyintha*. As [Naw Ei Ei Min] told you the other day [at POINT], this is neither the appropriate time nor place for us to raise this issue. We need to promote more awareness of Indigenous Peoples and the issues

> we face before the people at these events will be open to what we have to say.[22]

Hla Doi's comments here bring us back to the three introductory quotes with which I prefaced the article. Together, the quotes highlight the complexities of the particular kind of double bind facing Indigenous activists in Myanmar in their movement for recognition and rights as Indigenous Peoples. The first quote, by a leading ethnic Karen Indigenous activist, speaks to the hesitancy of the movement to unambiguously define who is and is not Indigenous in Myanmar. The second quote, by a high-ranking ethnic Burman state official, drives home the state-centric discourse of Ethnic Nationalities under the guise of a mythical charter of ethnic unity and equality that masks real ethnic, racial and class-based inequalities in Myanmar (Walton 2008, p. 889). The third quote, by an influential ethnic Burman civil society leader, speaks to post/neo-colonial Myanmar's culture of what Gravers, as noted above, characterizes as political paranoia over the perceived ever-impending threats of disunity, particularism and national disintegration.

Bringing the State Back In

As in other parts of the world (Tsing 2007, p. 39), Indigenous activists in Myanmar acknowledge that while international connections are important, they must speak first and foremost to the state and public if they are to make any domestic headway.[23] As noted earlier, in transplanting the global concept of Indigeneity into post/neo-colonial Myanmar, Indigenous activists are engaging in distinct practices of appropriation and translation that reflect and speak to the particular kind of double bind they face in their movement for recognition and rights.

First, the activists' translation of "Indigenous Peoples" into Burmese as "Local Ethnic Nationalities" (*Htanay Taingyintha*) adheres to, yet subtly reworks, Myanmar's current terms of recognition in bringing attention to the distinct positions of Indigenous Peoples within the country according to international standards established

by the United Nations, the most important standards being their position of non-dominance and their self-identification as Indigenous. Second, in the interest of expressing voice and being heard by state officials and the public, the activists are careful to sidestep the question of defining exactly who is and is not Indigenous so as to avoid being labelled as either overzealous partisans or traitors working to undermine the union. They are especially careful to avoid the language of colonization in their framing of Indigenous Peoples as a "non-dominant" group within Myanmar in reference to the dominant ethnic Burmans.

Yet, as noted earlier, the activists are building on and referencing international standards, particularly those relating to Indigenous Peoples, in subtly addressing some of these definitional conundrums. For example, Ms. Thin informed me,

> When we work with government officials, we clarify that we are following international standards regarding Indigenous Peoples as established by the UN. We clarify that we are not coming up with these guidelines and procedures on our own. This can help us to address the sensitive issue of defining Indigenous Peoples as a non-dominant group relative to the dominant Burmans.[24]

The Indigenous movement thus followed a broader 2010–21 reform-era trend in Myanmar of referencing international standards to legitimize domestic claims and further the country's "internationalization".

There are risks associated with this approach, however, given the lingering effects of Myanmar's post/neo-colonial framing of nationalism as paranoia over the ever-impending threats of "disunity" and "particularism" as originating from "beyond" the national body, most acutely in the imperialist West (Gravers 1999, p. 49). Indeed, there are some groups within Myanmar that reject the global concept of Indigeneity on account of the view that it is a foreign, non-organic import from Western development discourses (Mark 2018, p. 2).

It is still too early to assess the nature of the Indigenous network's once evolving and now stalled relationship with the

Union Ministry of Ethnic Affairs and the larger national government. Certain developments prior to the 2021 coup, however, suggest that the NLD government may have been co-opting the Indigenous movement for its own ends; namely, to garner the votes of ethnically non-Burman citizens in the 2020 general election. For example, in March 2017 the *Myanmar Alin*, a state-run Burmese language daily newspaper, featured a large colour photograph of the participants in the "National Policy Dialogue on the Rights of Local Ethnic Nationalities/Indigenous Peoples in Myanmar" held in Naypyitaw in February 2017. The event was "prominently featured as a key achievement of the Ministry of Ethnic Affairs during [the NLD-led coalition government's first year in office]" (Chin Human Rights Organization 2017).

In any case, Indigenous activists were hopeful their engagements with the state—especially the Union Ministry of Ethnic Affairs—would promote greater awareness among state officials and the public of their particular positions, grievances and demands.[25] Yet, even prior to the 2021 coup, the ministry's official mandate was unclear and its capacity limited because of staff and budget shortages (Soe 2016). More recent developments, however, such as efforts by the revolutionary National Unity Government (NUG) to negotiate a Federal Democracy Charter and the independent creation of the Salween Peace Park by certain *Pgha k'nyaw* (or S'gaw Karen) communities in Kawthoolei, show that Indigenous Peoples in the country are, on the one hand, gaining some degree of top-down recognition of their Indigeneity, and, on the other, working from the grassroots level to actualize their own distinct visions of autonomy (National Unity Consultative Council 2022; Cole 2020).[26]

Conclusions: The Double Bind of Indigeneity in Myanmar

As in other parts of Asia and beyond, Indigenous activists in Myanmar are transplanting the global concept of Indigeneity into Myanmar in a manner that reflects their particular circumstances. They are also engaging with and contributing towards the global Indigenous

movement. Significantly, the activists view the global Indigenous Peoples' framework and its related international legal instruments, especially the UNDRIP, as important avenues for pressuring the state to recognize them as Indigenous Peoples and safeguard their rights as such.

On first impression, the stress of the Indigenous movement in Myanmar on distinction and self-determination parallels other much older movements in the Americas, Australia and New Zealand (Brysk 2000; Cattelino 2008; Graham and Penny 2014; Jackson 2019; Postero and Fabricant 2019; Povinelli 2002; Warren 1998). On closer analysis, however, the Indigenous movement in Myanmar differs significantly from those contexts in its framing of distinction from within the larger hegemonic state discourse of Ethnic Nationalities (in Burmese, *Taingyintha*), which speaks of compatibility through and through. The seemingly paradoxical stress by the movement on distinction by way of compatibility is vividly illustrated in its translation of "Indigenous Peoples" into Burmese as *Htanay Taingyintha*, which roughly translates as "Local Ethnic Nationalities".

The example of the fledgling Indigenous movement in Myanmar highlights the contingent, complex, emergent and often elusive nature of the discourse of Indigeneity as it travels and encounters diverse interlocutors who come to identify in solidarity with the global movement (Heatherington 2010, p. 52; Tsing 2007, p. 38). As Tsing notes, the strength and complexity of Indigenous politics lie in its diversity and "refusal of pregiven political categories", especially its "refusal to back down to demands for strict definitions" of, for example, "Indigenous Peoples" (Tsing 2007, p. 38). In Myanmar, however, the current official lack of definitional specificity as to who is and is not Indigenous has limited the potential for Indigenous activists to further their platform for social change.

Ultimately, Indigenous activists in Myanmar face a particular kind of double bind that reflects the country's post/neo-colonial architects' framing of the nation as a utopia of ethnic unity and equality, and underlying paranoia over the apperceived ever-impending threats of disunity and particularism. The example of the fledgling Indigenous

movement in Myanmar drives home the point that any claims to sovereignty and self-determination on the part of ethnic groups claiming Indigeneity must always be articulated by both harnessing and working against mainstream political and juridical processes. My analysis of the movement further highlights the limitations and potentials of theorizing and articulating Indigeneity in a non-European settler colonial context where the state dismisses that concept by declaring all of its citizens "indigenous".

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NOTES

1. Interview with an Indigenous Karen activist, 24 March 2017, Yangon, Myanmar. I capitalize the words "Indigenous", "Indigenous Peoples", and "Indigeneity" according to the reasoning that "such capitalization accords these terms dignity and recognition as collective proper nouns or derived forms" (Graham and Penny 2014, pp. 17–18).

2. Interview with an ethnic Burman government official, 17 March 2017, Yangon, Myanmar.
3. Interview with an ethnic Burman civil society leader, 16 March 2017, Yangon, Myanmar.
4. The national-level Indigenous movement in Myanmar first began to formally take shape in 2013 when Indigenous staff from the transregional Asia Indigenous Peoples Pact Foundation, which is based in Chiang Mai, Thailand, facilitated a meeting of local non-Burman ethnic organizations in Yangon in preparation for Myanmar's inaugural hosting of the Tenth People's Forum of the Association of Southeast Asian Nations in March 2014 (Interview with Naw Ei Ei Min, 24 March 2017, Yangon, Myanmar).
5. I follow the Myanmar Network of Indigenous Peoples/Ethnic Nationalities in translating the Burmese term *Taingyintha* as "Ethnic Nationalities".
6. These groups comprise roughly 35 per cent of the population and occupy 57 per cent of the territory (South 2008, pp. xiv–xv; Transnational Institute 2013, p. 1).
7. The conference title recalls the original 1947 Panglong Agreement. In February 1947, the late General Aung San, representing the Burmese government, met with non-Burman ethnic leaders from throughout British Burma in Panglong, Shan State, to negotiate several principles for establishing a federated union of Burma. The participants concluded their meeting on 12 February with the signing of the Panglong Agreement, which "pave[d] the way for a new constitution and, eventually, independence" from Britain in 1948 (Walton 2008, p. 898). The Panglong Agreement has since become a myth-like charter of ethnic unity and equality (p. 898). On a further note, in 1989 the then ruling military junta changed the country's name from "Burma" to "Myanmar" as part of a largely rhetorical effort to further de-colonize the country and promote national unity.
8. Interview with Naw Ei Ei Min, 24 March 2017, Yangon, Myanmar.
9. Most importantly, the 1982 Citizenship Law, instituted during the ultra-nationalist Socialist Era of General Ne Win (1962–88), "defines those who 'belong' in the country as members of groups of *lu-myo* ('kinds of people' or 'races') that have been designated as *taingyinthar* (literally, 'sons/offspring of the geographical division'). The 1982 law left determination of which races qualified for *taingyinthar* status—at that point translated into English as 'national races'—to an executive body, the Council of State (which no longer exists), with the only stipulation that such races had to have been present in what came to be mapped into 'Burma' before 1823, when the first British annexation began. As a result, the notion of being 'indigenous' became the 'primary basis' for citizenship, and access

to this categorization was based upon perceptions of fixed and historic identities, born from ancestry, that are viewed as having been disrupted only by the imposition of colonial rule (1824–1948)" (Transnational Institute 2014, p. 5). It was not until 1989–90, however, that the country's then new junta—the State Law and Order Restoration Council under General Than Shwe (1988–2011)—released the results of an otherwise mysterious process of determining which "races" qualified as *Taingyintha* (Ferguson 2015, p. 15). The official figure arrived at was 135 Ethnic Nationalities. It is precisely because of their lack of recognition as an Ethnic Nationality that the Rohingya are denied citizenship status in Myanmar (Cheesman 2017, p. 461).

10. Further reflecting the particularities of Myanmar, Indigenous activists dubbed their emerging coalition the "Myanmar Indigenous Peoples/Ethnic Nationalities Network" (MIPENN). In this respect, their position is similar to that of Indigenous activists in Thailand who, in recent years, have at times dubbed their coalition the "Network of Ethnic and Indigenous Peoples in Thailand" in order to adhere to the state's terms of recognition and promote greater inclusivity within their movement (Morton and Baird 2019, p. 25). On a further comparative note, Indigenous activists and their advocates in Cambodia and Thailand have faced similar yet distinct kinds of constraints in their respective acts of translating "Indigenous Peoples" into the Khmer and Thai languages (Baird 2011, pp. 163–68; Morton and Baird 2019, pp. 20–23).
11. Interview with Sui Khar, 23 March 2017, Yangon, Myanmar.
12. In general, groups aligned with the global Indigenous movement are working within existing state frameworks for empowerment rather than pursuing independent statehood (Niezen 2003, p. 194).
13. Interview with Mai Thin Yu Mon, 22 March 2017, Yangon, Myanmar.
14. Ibid.
15. Ibid.
16. Email communication with Vicky Bowman, 22 March 2017.
17. Interview with Naw Ei Ei Min, 24 March 2017, Yangon, Myanmar.
18. Ko Soe Aung is a pseudonym.
19. Interview with Ko Soe Aung, 26 March 2017, Yangon, Myanmar.
20. Ibid.
21. As explained later in the article, Hla Doi used the more generic and politically neutral Burmese language term *deithakan lutwei* (ဒေသခံလူတွေ) to refer to "local people" in his public comments during the panel discussion.
22. Interview with Hla Doi, 26 March 2017, Yangon, Myanmar.
23. Interview with Naw Ei Ei Min, 24 March 2017, Yangon, Myanmar.

24. Interview with Mai Thin Yu Mon, 22 March 2017, Yangon, Myanmar.
25. Interview with Naw Ei Ei Min, 24 March 2017, Yangon, Myanmar; Interview with Mai Thin Yu Mon, 22 March 2017, Yangon, Myanmar.
26. Most notably, the NUG's Federal Democracy Charter includes a section on "land and natural resources" that appears on paper at least to be in line with the concept of Indigeneity being promoted by Indigenous activists in the country. The section reads: "The *original* owner(s) of all of (the) land and natural resources within each state (are) the people of that state" (National Unity Consultative Council 2022, p. 13; italics mine).

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