

# Frontier Capitalism and Politics of Dispossession in Myanmar: The Case of the Mwetaung (Gullu Mual) Nickel Mine in Chin State

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Since 2010, Myanmar has experienced unprecedented political and economic changes described in the literature as democratic transition or metamorphosis. The aim of this paper is to analyze the strategy of accumulation by dispossession in the frontier areas as a precondition and persistent element of Myanmar's transition. Through this particular regime of dispossession – described as frontier capitalism – the periphery is turned into a supplier of resource revenues to fuel economic growth at the center. The paper takes up the case study of the Mwetaung (Gullu Mual) nickel mine on the border to Chin State and the “politics of dispossession” around this project. It analyzes the strategies, motives, and objectives of a broad ad-hoc coalition that emerged in 2013 to defend their access to land against forms of legal dispossession by the state. In this case, the attempted dispossession has been successfully challenged, by making use of new opportunities for political participation.

**Keywords:** Chin State; Frontier; Mining; Myanmar; Politics of Dispossession



## INTRODUCTION

Following the 2010 elections, Myanmar seemed to go against the general trend in Southeast Asia towards increasing authoritarianism. While other countries in the region were returning to authoritarian rule (Thailand, for instance, entering its fifth year of military dictatorship in May 2018), Myanmar's elected semi-civilian government seemed to push towards political liberalization. Especially after the electoral victory of the National League for Democracy (NLD) in December 2015, hopes were high for a ‘speeding-up’ of a democratization process under the leadership of Nobel Prize laureate Aung San Suu Kyi whose stated aim is the “emergence of a democratic federal union” (“State Counsellor Daw Aung San Suu Kyi's”, 2017).<sup>1</sup> Indeed, the majority of observers and academics understood

1 Even though Aung San Suu Kyi was barred from officially becoming president for constitutional reasons, she assumed the newly established position of State Counsellor and ministerial posts. She became the de facto leader of the semi-civilian government. President Htin Kyaw, installed by Aung San Suu Kyi, remained largely in her shadow, getting little attention and media coverage. However, he resigned recently and was replaced by Win Myint who is said to be as loyal to Aung San Suu Kyi (“Myanmar Parliament Elects Suu Kyi”, 2018).

the recent developments as an ongoing transition from authoritarian rule under a former military junta towards a more liberal electoral democracy. They point to a number of major political achievements, such as the release of political prisoners, easing of media censorship, growing freedom of expressions, new ceasefire agreements and more (Egreteau & Robinne, 2015, p. ix). Others are taking a more cautious approach and characterize the process as a “protracted transition’ in which oppositional forces, ethnic groups, and the military have started to renegotiate political power” (Bünthe, 2016, p. 370); or as a “caretaking democratization” highlighting the continuing influence of the military and the top down nature of the political reform (Egreteau, 2016). Thus, a core question concerns the structural changes and continuities which influence the country’s political trajectories. Egreteau and Robinne (2015) consequently opted for the notion of a “metamorphosis” rather than a “transition” to describes the “deep-seated, incremental and observable transformations but with elements of resilience if not (frustrating) persistence, such as the political salience of the armed forces” (p. 4). At least since the renewed outbreak of violence in Rakhine State in 2012 and military confrontation in the north of the country, this became painfully clear (Burma News International, 2017; Doyle & Rigby, 2016). The “unprecedented violence” against self-identifying Rohingya involving security forces, civilians, as well as militant armed groups, attracted massive international attention and was qualified by the UN as an act of “ethnic cleansing” (International Crisis Group, 2017; United Nations Human Rights Office of the High Commissioner, 2017).

Analyzing Myanmar’s transition from a political economic perspective, Jones (2014a) suggested that the “military has been left ‘holding the ring’ placing broad constraints on the reform process” (p. 156). Rather than Myanmar becoming the next democratic poster child he sees the country transforming into a more “normal” Southeast Asian state, with state power serving only a “narrow social constituency” (pp. 167-168). Pointing towards a scenario potentially similar to the Cambodian experience, he describes Myanmar’s recent capitalist development as “highly rapacious and coercive” in an early phase of primitive accumulation (p. 167). A precondition for the recent transition (contrary to earlier attempts) was the incorporation of the periphery through an emerging “ceasefire-capitalism” (Woods, 2011). The co-optation of ethnic armed groups in the border areas through business concessions and transnational capital allowed the regime to re-focus on its roadmap to ‘disciplined democracy’ and ensure its own economic survival (Jones, 2014b). The specific accumulation regime, mainly based on the extraction and dispossession of land and natural resources in the *frontier* areas through authoritarian means (including but going beyond ceasefire agreements) is termed here as frontier capitalism. It builds on the concept of the frontier which traces the particular process of accumulation, enclosures, and contested property regimes in areas of fragmented authority as a result of coercive incorporation into the national state and global circuits of capitalism (Geiger, 2009; Kelly & Peluso, 2015; Peluso & Lund, 2011).

The aim of this paper is to analyze frontier capitalism and the related politics of dispossession as a persistent element of Myanmar’s transition. While it does not intend to further theorize Myanmar’s political transition on a macro level (see Jones, 2014a, 2014b), it offers empirical evidence and insights into the dynamics of the transition at the sub-national and local level. It looks at the particular case of the Mwetaung

(Gullu Mual) nickel mine project in northern Chin State, a politically relatively ‘stable’ area under ceasefire since 2012. While in other frontier areas local resistance to dispossession led to the breakdown of ceasefires and renewed armed conflict (Brenner, 2015; Burma News International, 2017), civil society in Chin State is making use of increasing political spaces to voice their resistance. By focusing on grassroots mobilization during the period from 2013 to 2014, the article aims to contribute to a growing body of critically engaged literature on the “politics of dispossession” (Levien, 2013a) in contemporary Myanmar (Prasse-Freeman, 2015; Zaw Aung & Middleton, 2016). It documents a notable ‘success story’ of an anti-dispossession movement which has received little attention in media and academic literature so far (for an exception, see Mark, 2016). The research presented in this paper is part of an ongoing research project on “Contested Frontiers” in Myanmar (Einzenberger, 2016a). It is based on literature review and multi-sited field research conducted between 2015 and 2017 over several months in Yangon, Kalay, Hakha and other locations, particularly in Chin State. Semi-structured interviews and open interviews were conducted with civil society activists, representatives of communities, investors, political parties, local government, and others.<sup>2</sup> In addition to interviews (conducted partly in English and in local languages with the support of local interpreters), the information gathered was cross-checked with documentation provided by the Chinland Natural Resources Watch Group (CNRWG, 2013) as well as (local) English online media sources (Ei Ei Toe Lwin, 2013; Khaipi, 2013; Kyemon & Ju Nine, 2013; Mirante, 2017; Thawng Zel Thang, 2013).<sup>3</sup>

The article proceeds as follows: The first part introduces the theoretical core concepts followed by a summary of the historical background of Myanmar’s economic transition from a ‘pseudo-socialist’ isolated economy to a more liberalized market economy. The second part of the article discusses the empirical findings of the case study with a special focus on the role of local civil society, political parties, and the local government. Furthermore, it explores the importance of land rights and indigenous rights issues for the anti-dispossession movement.

## FRONTIER CAPITALISM AND POLITICS OF DISPOSSESSION

From a theoretical perspective, the specific process of (re-emerging) capitalist development in the periphery areas of Myanmar can be framed as “frontier capitalism” (Laungaramsri, 2012).<sup>4</sup> Here, frontier capitalism means the specific “regime of dispossession” (Levien, 2013b)<sup>5</sup>, in particular the dispossession of land and natural resources

2 The names of the local communities as well as the names of the persons interviewed remain anonymous in order to protect their identity.

3 I would like to thank the CNRWG for their permission to translate the Burmese language report into English.

4 While Laungaramsri (2012) does not clearly define “frontier capitalism”, she argues that “provincial authorities have engaged in widespread transboundary and joint economic enterprises, particularly in the peripheries. Such collaboration, which often bypasses central governance, with chaotic boundaries between what is recognized as ‘used (or productive)’ and ‘unused (underproductive)’ resources, along with unclear regulatory control, allow the growth of what I call ‘frontier capitalism’” (p. 466).

5 Levien (2013b) defines “regimes of dispossession” as “socially and historically specific constellations of state structures, economic logics tied to particular class interests, and ideological justifications that generate a consistent pattern of dispossession” (p. 383).

in border or frontier areas through authoritarian or outright violent means facilitated by the state for the benefit of a narrow elite. The concept of the *frontier* is a helpful analytical tool to explain processes of incorporation and transition of ‘unproductive land’ in the periphery into the national economy and ultimately the capitalist world system (Geiger, 2009; Hall, 2012, 2013). Frontiers are defined as sparsely populated areas, close to borders and rich in natural resources, where land and territory is contested. Often the state claims sovereignty over those areas, but in practice falls short of exercising full administrative control (Geiger, 2009; Hall, 2013). Apart from being a zone of transition, the frontier can also be understood as a process “where authorities, sovereignties, rights, and hegemonies of the recent past have been challenged by new enclosures, property regimes, and territorializations” (Peluso & Lund, 2011, p. 667). The corresponding representation of the ‘imaginary frontier’ as ‘wild’, ‘unused’, or ‘virgin’ serves as a legitimating ideology for its exploitation. Local claims, usage rights, and customary practices are thus ignored or disregarded by the state, to be sacrificed for national development (Barney, 2009; Geiger, 2009; Kelly & Peluso, 2015). Processes of enclosures and primitive accumulation (or accumulation by dispossession) are a defining feature of incorporation and transition in the frontier (Foweraker, 1981; Geiger, 2009; Hall, 2013; Harvey, 2003). To this end, the state (and non-state actors) employ a variety of strategies and mechanisms, including both “the rifle and the title” (Grajales, 2011). This means, capitalist relations are not only achieved by outright violent dispossession but also by other more subtle means such as “legal dispossession” involving the state (Pichler, 2015). Thereby, state legislations (for instance land laws) can play a crucial role in establishing the legal basis for a new land market through commodification of land and codification of ownership. Unsurprisingly, processes of coercive incorporation and dispossession in the frontier are often met with resistance by the local population (Hall, 2012, 2013). They challenge the forced imposition of capitalist relations based on state legislation, which mostly disregard customary practices and local modes of production. According to Levien (2013a), the “dispossession of land creates a specific kind of politics” which he calls “politics of dispossession” (pp. 355-356). This involves forms of resistance mainly targeting the state and applying “physical, political, and legal means to maintain possession against the dissipating force of brokers, and the coercive force of the state” (p. 366). Before discussing the “politics of dispossession” around the particular case of the Mwetaung project in more detail, the next section provides an overview of Myanmar’s broader economic transition since the beginning of the 1990s, and its impact on the frontier areas.

## FROM BURMESE WAY TO SOCIALISM TO CEASEFIRE CAPITALISM

Since Myanmar abandoned its Burmese Way to Socialism and opened up its economy to international investors in the beginning of the 1990s, the country’s economic development was essentially based on processes of primitive accumulation and resource extraction (Bissinger, 2012; Jones, 2014a; Lambrecht, 2004; MacLean, 2008; Schaffar, 2008). The main motive for its ‘open-door policy’ was the desperate economic situation, after decades of self-imposed isolation and economic mismanagement under military rule, which also triggered the mass uprisings of 1988. After

staging a coup and crushing the uprisings, the State Law and Order Restoration Council (SLORC) took an “entrepreneurial turn” (MacLean, 2008), offering “the right to exploit the rich untapped natural resources of Burma to foreign investors in joint venture with state enterprises” (Mya Maung, 1995, p. 679). A series of laws, such as the wasteland instructions (1991) and mining laws (1994), were introduced to facilitate a market-based economy and private investment (Franco, 2016; Moody, 1999). The much-needed foreign exchange allowed the military junta to purchase new arms from China, expand its army, and tighten its grip to power against the will of the majority population (Mya Maung, 1995). In particular, Myanmar’s neighboring countries Thailand and China were more than willing to exploit the natural resources across their border and establish friendly relations with the military junta. Already a few months after the SLORC takeover, the Thai military and associated companies negotiated concessions for teak extraction in Myanmar, since Thailand’s own forests had already been depleted (Bryant, 1997). In the early 1990s, the Yadana and Yetagun pipelines were built by a consortium of international companies to import natural gas from the Andaman Sea to Thailand to secure energy for its fast-growing economy. This caused widespread human rights abuses and environmental degradation (Earthrights International, 2000). A few years later, China started to invest in Myanmar following its ‘going out’ policy, overtaking Thailand as its biggest investor in 2010 (Inclusive Development International, 2016). China mainly invested in (hydro) power (63%), oil and gas (25%), as well as in mining (11%) (Dunn, Ji, & Peng, 2016; Earthrights International, 2008).

Following the 1990 elections, the military also changed its tactics towards its border areas from military interventions to ‘business solutions’. In a process described as “ceasefire capitalism” (Woods, 2011), members of the military regime brokered business deals with ethnic armed groups. Legal concessions for the extraction of natural resources in the border areas and other lucrative business were offered to ethnic elites in return for ceasefire agreements (Jones, 2014b; Schaffar, 2008; Woods, 2011). According to Woods (2011), the Burmese army used “land concessions in ceasefire zones as an explicit postwar military strategy to govern land and populations to produce regulated, legible, militarized territory” (p. 747). The ceasefires “weakened and co-opted much of the opposition” (Jones, 2014b, p. 780) and allowed the military regime to refocus on its roadmap to a ‘disciplined democracy’ in order to safeguard its long-term political interests. Continuing this approach, in 2011, President Thein Sein initiated a new round of ceasefires, which led to the signature of the National Ceasefire Agreement (NCA) in 2015. Yet, some ethnic armed groups who had already existing ceasefires (such as the Kachin Independence Army) were not included in the latest round. This was partly related to competing claims over access to natural resources in the region (Burma News International, 2017).<sup>6</sup>

As a result of the expansion of ceasefires and increasing exploitation of land and resources, “politics of dispossession” have clearly been on the rise since 2011 (Buchanan, Kramer, & Woods, 2013). Local media has documented land conflicts virtually on a daily basis (for some recent cases, see Htike Nanda Win, 2017; Myint Moe, 2017). Until 2015,

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6 The 1994 ceasefire “broke down after the military took control of a KIA outpost near a Chinese-run dam in 2011” (Burma News International, 2017, p. 7).

the Farmland Investigation Commission (installed by the USDP – Union Solidarity and Development Party – government following public pressure) recorded more than 11,000 official complaints related to conflicts over land (Htoo Thant, 2015). Prior to 2012 communities rarely dared to speak out in public, due to heavy restrictions on the freedom of expression and media censorship. Since 2012 people have begun to exercise their ‘new freedoms’ offered by gradual political liberalization (Bünthe, 2016).<sup>7</sup> In particular, several large-scale Chinese investment projects attracted widespread attention in relation to land confiscation and were targeted by public protests. The best-known cases were the Letpadaung/Monywa copper mine near Mandalay and the Myitsone hydropower dam in Kachin State with an investment volume of about USD 3.6 billion (Simpson, 2013). The Letpadaung/Monywa mining case became internationally known due to the violent crackdown of Myanmar security forces on peaceful protestors (including Buddhist monks) (Zerrouk & Neef, 2014). For many it symbolized the continuation of authoritarian means employed by the government to ensure an extractivist accumulation regime even after an apparent political liberalization. Even the former opposition leader and current state counsellor Aung San Suu Kyi publicly defended the continuation of the mining project despite heavy criticism (“Aung San Suu Kyi Support”, 2013). The Myitsone dam on the other hand has been considered a success story for the anti-dispossession movement. In a nationwide “Save the Irrawaddy” campaign framed in ethno-political opposition to ‘Chinese exploitation’, a broad coalition could be formed between local ethnic activists from northern Myanmar (in particular Kachin State) and urban based environmental and pro-democracy groups (Kiik, 2016). The hydropower project was finally suspended by President Thein Sein and not continued until today (Einzenberger, 2016b; Oh & Andrews-Speed, 2015). In the following section, I will discuss in more detail the politics of dispossession around another, less known investment project proposed by Chinese investors on the border to Chin State – an area under ceasefire since 2012.

### THE CASE OF MWETAUNG (GULLU MUAL) NICKEL MINE IN CHIN STATE

The mining project known as Mwetaung/Phartaung Project (which translates from Burmese as Snake and Frog Mountain) or Gullu Mual (after the local name) is situated right at the border between Chin State and Sagaing Region (see Figure 1).<sup>8</sup> Chin State is part of the western frontier of Myanmar towards India and Bangladesh and is often described as the least developed region in Myanmar, difficult to access, and mostly mountainous. Until recently, the government had little economic interest in the remote region. Unlike the eastern and northern frontier, it was hardly known for large-scale resource extraction, except for some logging (Callahan, 2007). This is partly explained by its particular location bordering Northeast India, itself long isolated and ‘cut off’ from the rest of India. Armed conflict remained relatively low key in the region with the Chin National Front (CNF) taking up arms only in 1988.<sup>9</sup>

7 At times, protest can take on dramatic forms such as the case of a farmer in Shan State who burned himself to death in protest against the seizure of his land by the military (Wa Lone, 2015).

8 Hereafter, the name “Mwetaung” will be used following the use in the CNRWG report and other official documents (CNRWG, 2013; NMIC, 2013).

9 The CNF is a Chin nationalist political organization founded in 1988 and dedicated to ensuring self-

Nevertheless, following 1988, Chin State experienced considerable militarization and expansion of army battalions and with it regular human rights abuses (Callahan, 2007; Chin Human Rights Organization, 2012; Sakhong, 2010).

The Mwetaung project is the first major extractive industries project recently proposed in Chin State. It is located in Tiddim township in the Natmyaung Reserved Forest area, close to the town of Kalay (North Mining Investment Company Ltd. [NMIC], 2013). Officially in Sagaing Region, Kalay functions as a sort of ‘gateway’ to nearby Chin State. With around 130,000 inhabitants (Ministry of Immigration and Population, 2014), the majority of which are reportedly ethnic Chin or Zomi<sup>10</sup>, it is also an important trading hub along the road to nearby India (bordering the Northeastern State of Manipur). Until very recently, Kalay also accommodated the only university and airport in the vicinity of Chin State.<sup>11</sup> The border between Sagaing Region and Chin State begins right at the end of the town near Kalay University campus at the Chin foothills.<sup>12</sup>

The history of the Mwetaung project dates back to the 1960s (see Table 1), when the Chin geologist Ngaw Cin Pau discovered major nickel deposits in the Mwetaung/Phartaung hills (Barber, Zaw, & Crow, 2017; Vumson, 1986; Win & Myint, 1998). However, for decades, no further plans for exploration progressed. The self-imposed international isolation under the Burma Socialist Programme Party (BSPP) (1962–1988) and the lack of capital investment and technology inhibited any large-scale exploitation (Oh & Andrews-Speed, 2015). Following its entrepreneurial turn in the early 1990s, the junta actively promoted foreign investment into mining in several “geologically favorable” areas including the Mwetaung hills (“Invitation to Mining Investors”, 1995). In 1994, the military government passed the Myanmar Mines Law in order “to fulfill the domestic requirements and to increase exports by producing more mineral products” (Leckie & Simperingham, 2010). However, it took until the early 2000s before the first plans for an exploitation of the mineral deposits emerged. Prior bids for exploration of the Mwetaung area by Western companies in the 1990s lead to nothing (Moody, 1999). They either shunned the political risk or questioned the profitability (Interview with former employee of NMIC, Yangon, December 2017). Only Chinese companies showed interests in further exploration. A 2008 report listing Chinese investment projects in Myanmar mentioned Kingbao (Jinbao) Mining Co.

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determination for Chin State. Its armed wing is the Chin National Army with more than 200 armed soldiers. About least 70 CNA soldiers were killed during fighting with the Myanmar military between 1988 and 2012. After 2003, fighting with government troops stopped (Burma News International, 2017). The ceasefire agreement with the CNF on state level was signed on 7 January 2012 (“Breakthrough: CNF Signed Ceasefire”, 2012).

10 In Northern Chin State, the local population prefers to call themselves Zomi instead of Chin and there is some controversy around the naming. The Zo historian Vumson (1986), for instance, prefers the term Zo because “he believes that names such as Kuki and Chin which originated as abuse names should not be adopted as designation of a people”. Sakhong (2010), on the other hand, prefers the term Chin as a name for a collective identity. However, there is no available official data on ethnic categories in the census data.

11 In the meantime – as of 2018 – a new airport is planned near the town of Falam and a new university was opened in Hakha.

12 At one of the first research trips to the region in 2015, I had to pass a checkpoint and show my passport right at the ‘border’ between Sagaing Region and Chin State, reinforcing the impression that it is more than just an internal administrative border. Until the ceasefire agreement in 2012, Chin State was only accessible with a special permit.

having signed an agreement with the Ministry of Mining No. 3 to conduct exploration and feasibility studies on the Mwetaung (Earthrights International, 2008). According to local residents in the early 2000s, some Chinese workers visited the area for exploration. Yet, the contract was cancelled, and new negotiations were held in 2012 with the North Petro-Chem Corporation of China (“Union Mines Minister Receives”, 2012). Finally, in May 2012 a contract for a feasibility study was signed with another Chinese company, North Mining Investment Company Ltd. (NMIC) (“Agreement Inked to Assess”, 2012). Around that time, the market price for nickel on the world market had reached a peak of over USD 20,000 per ton (InfoMine, n.d.). The investing company NMIC submitted a feasibility study to the ministry of mining in February, 2013 (NMIC, 2013). According to what little is known about the project plans for the open-cut mining, the project was to cover around 55 acres (about 22 ha), including several buildings for housing, offices, and storage as well as two 15-megawatt coal-fired power plants. The ferronickel concentrates extracted from the mine and produced on site in a smelter would be transported via a newly built access road and the India-Myanmar friendship road to a new jetty on the Chindwin River. From there, the minerals would be shipped to Yangon then further to China (CNRWG, 2013).

### **Village Consultations and Civil Society Movements**

In late 2012, the local population took notice of the planned mining project for the first time. A Yangon-based service company named Asia Guiding Star Services Company Limited (AGSS) assigned by NMIC visited some of the 15 villages surrounding the Mwetaung/Phartaung area to collect data for the environmental, social, and health impact assessments.<sup>13</sup> The service company acted as an initial intermediary between the Chinese investor, the government, and the local population. In this role, the firm tried to put pressure on the village heads to give their consent for the planned mining project:

Workers from AGSS company came to collect data about the water and the soil; their main point was to get the consent from the local people; it was only the first time we heard about this and it was too early to give our consent, we needed to discuss first; in other villages they tried to meet the village head and get the consent. (Interview with local residents, November 2016)

In order to convince village heads to give their consent, AGSS promised ‘development’ for the area including new schools, hospitals, roads, and electricity. They generally ignored questions concerning negative impacts, while they highlighted the positive impacts such as jobs. Indecisive about how to respond to the proposal, several villagers contacted local civil society organizations in the nearby town of Kalay. The civil society groups had already been active in civic education and other political awareness raising programs as soon as the opportunity had emerged in 2012. The awareness raising programs included “Basic Understanding of Democracy”, “Civil

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13 According to its own website, the company has been involved in the construction of the Yadana and Yetagun Gas Pipeline, the Traders Hotel, and many other construction projects during the time of the military regime prior to 2010 (Asia Guiding Star Services Company Limited [AGSS], 2012).

Society Organizations”, and, “Development and Democracy”. The loose network of local civil society groups organized several rounds of public consultations. Over one hundred meetings and information events were organized within the first few months of 2013 alone (CNRWG, 2013). In the beginning, villagers were divided on how to respond to the proposed mining project, with one faction supporting and the other opposing the project. Previous experience of oppression under authoritarian rule and fear of the central government played a major role in local perceptions. Moreover, the escalation of violence at the Letpadaung mine (located in Sagaing Region) had an intimidating effect. Some of the civil society actors from Kalay were also active themselves in the Letpadaung case before 2012.

In general what they [the villagers] said is that we have no choice because this is the agreement between the government and the foreign company so it is useless to resist; but in my opinion it was influenced by fears which are rooted in a long history of military oppression; they don't accept it but they at least wanted to take advantage of the company, this was before civil society leaders came for awareness raising. (Interview with CNRWG, November 2016)

Shortly after the first consultations, a broad coalition comprising of affected villagers and urban based civil society organizations (youth groups, student groups, political activists) from Kalay was formed as a ‘watch group’ on the Mwetaung project. This ad hoc coalition was subsequently officially named the Chinland Natural Resources Watch Group (CNRWG). Remarkably for a majority Chin/Zomi ethnic network in a predominately Christian area was the inclusion of non-ethnic as well as Buddhist groups. Indeed, one of the first big assemblies was held in a Buddhist monastery in Kalay where the head monk actively supported the coalition. Thus, the coalition tried to gain legitimacy and leverage with the Buddhist majority population similar to other protest movements in the country drawing strongly on Buddhist symbolism (Prasse-Freeman, 2015; Zaw Aung & Middleton, 2016). In addition to crossing ethnic and religious lines, it also had a cross-class character (including peasants and urban residents) not uncommon for anti-dispossession movements (Levien, 2013a). Considering itself a loose grassroots movement, the CNRWG opened up a public space for deliberation and consultation on the contested mining project.

We recommend, if you don't know if it is good or bad, don't make any decision. The conflict was so hot at that time. The group who opposed the project was accused to oppose the development. . . . The government also said like the company; they came together and put pressure on the villagers to sign to agree. After this, our group and the villagers demanded the companies and the government to explain to the public how they work, to explain the plan to the public. (Interview with CNRWG, November 2016)

### **The Role of the Government and Political Actors**

While initial steps towards the exploitation of the Mwetaung/Phartaung hills were already taken under the previous military regime, the first activities on the ground

coincided not only with the early period of the newly inaugurated semi-civilian government, but also with increasing activities of the local government and local political parties.<sup>14</sup> Although vested with limited powers and led by the USDP – a party known for its close ties to the military – the creation of state level political institutions, with a high representation of Chin ethnic parties, provided an opportunity for the civil society network to advocate for more transparency, participation, and democratic decision making (Nixon, Joelene, Kyi Pyar, Thet Aung, & Matthew, 2013; United Nations Development Programme, 2014). One major achievement was to push the Chin State government, including the Chinese investor NMIC, to public consultations. A meeting was held at the town hall in Tiddim in April 2013 with both members of the CNRWG and concerned villagers in attendance. In preparation for the meeting, the network had collected a long list of questions for NMIC in order to demand detailed information on the expected project plan and its potential impacts. Yet due to heated debates and furious villagers insisting to get clear answers the meeting was cut-short by the Chin State government. Subsequent visits by representatives of NMIC and the Chin State government to the affected villages ended without any results. The sticking point was the question about potential impacts and distribution of costs and benefits of the proposed project (CNRWG, 2013). After several rounds of public consultation and deliberation without any clear answers by the mining company and the local government, the majority of the villagers did no longer believe in any beneficial arrangements. Nevertheless, the Chin State government reported to the Union government that villagers had agreed with the mining project (Thawng Zel Thang, 2013). Reportedly, the Chin State minister responsible for mining was facing considerable pressure from the central government in Naypyidaw to ensure consent for the project and support NMIC. Given the mixed experience with the Chin State government and its limited role regarding questions of resource governance (Lynn & Oye, 2014), civil society actors finally turned to Chin/Zomi members of parliament (MPs) at the Union level:

We changed our way of approaching; we went to the Union Hluttaw. The executive branch was directly influenced by the military; the MPs were a little more flexible than the ministers. The ministers are not elected persons. They don't look at our local people's rights. They don't look down; they look up [to the central government], also this time. Our way at that time was to convince them [Hluttaw MPs] to be on the side of the local people. If they are powerful in their respective parties they will push the ministers, we hoped. And we can say we were successful. (Interview with civil society activist near Mwetaung, November 2016)

While the civil society network was autonomous from party politics, political parties played an important role in the political dispute around the Mwetaung project.

14 “About five parties participated in the 2010 election in Chin State. The National League for Democracy boycotted the election nationally and parties to which it was allied in Chin also boycotted the ballot. The parties that competed in the state in 2010 included the Chin National Party (CNP) and Chin Progressive Party (CPP), representing the Chin people at a state level, and the Union Solidarity and Development Party and the National Unity Party. The two Chin parties each won five seats in the 24-member state hluttaw” (Sithu Aung Myint, 2015). The Chief Minister in the 2010 cabinet, appointed by the president, was Pu Hung Ngai from the USDP – a former member of the army. He appointed the ministers of his cabinet. Pu Kyaw Ngein from CPP was the minister responsible for mining (“Chin State Ministers”, 2013).

While their positions seemed to be unclear or even contradictory at the beginning, four of the Chin parties finally set out to conduct their own survey on the Mwetaung case in 2013 to get a better understanding of the local perception.<sup>15</sup> The survey concluded that – contrary to the findings of the state government – the majority of affected villagers disapproved of the project. The report also criticized the involvement of a Chinese company and stated that “local communities prefer mining companies from a democratic country to those from China if the project must proceed, although the majority objects to its implementation” (Thawng Zel Thang, 2013). Towards the end of 2013, the Chin political parties finally aligned their position with that of the local civil society network after considerable grassroots lobbying. A statement was put forward citing “lack of information” and “lack of rule of law” as well as “little benefit” for Chin State, and the parties expressed their “deep concern” on the implementation to the project (CNRWG, 2013). While the Chin National Front (CNF), the only ethnic organization with an armed wing (the Chin National Army) had strong influence on regional and national politics, in particular since the ceasefire agreement in 2012 (Burma News International, 2017), its direct involvement in the anti-dispossession movement against the Mwetaung project is less clear. However, the CNF publicly stated that it rejects extractive industries in Chin State at this moment (“CNF Wants to Halt”, 2016).

In November 2013, the speaker of the Pyithu Hluttaw (lower house of the Union parliament), Shwe Mann, and regional ministers visited Kalay and met with local civil society. Responding to the concerns voiced by the local population, the speaker promised to ensure that “the project won’t damage the lives of people” (CNRWG, 2013). Since 2014, the project has apparently been on hold. According to some residents, NMIC pulled out of the project due to increasing public pressure and local resistance. However, a former employee of NMIC cited failed resource sharing negotiations between the company and the ministry of mines and the declining world market price for nickel (from USD 20,000 to under 10,000) as the main reasons for the pull-out from the project.<sup>16</sup> In any case, local civil society groups see the suspension of activities as a consequence of their own continuous efforts and as a success story of civil society mobilization (Interview with villagers near Mwetaung, November 2016). Yet, according to recent media reports and local activists, other investors, local companies, and investors from India have shown new interest to explore the mining deposits in the area (“CNF Wants to Halt”, 2016; Mirante, 2017).

### Land Rights and Resource Sharing

An immediate concern for the local people regarding the Mwetaung project was the potential loss of their farmland on which they largely depended for their livelihood. This was despite assurances by the mining company that no village land would be affected or taken (CNRWG, 2013). Given the experiences of other communities

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15 According to ethnic media reports, The Chin National Party (CNP), Chin Progressive Party (CPP), Ethnic National Development Party (ENDP) and Asho Chin National Party (ACNP) met with more than 700 people from 14 villages and over 10 organizations in both Chin State and Kalay from 2 to 9 September 2013 (Thawng Zel Thang, 2013).

16 According to the former NMIC employee, the company was dissolved after the related concessions by the Myanmar Investment Commission had expired.

with mining projects (in particular the Letpadaung mine), however, local communities stayed alerted. Already long before the first news of the mining project broke, villagers were afraid of being dispossessed of their land. The reason was that, as in many frontier areas, most farmers do not own any legal land titles for their farmland.<sup>17</sup> In accordance with local customary practices, they practice swidden (shifting) cultivation along the slopes around Mwetaung (Ewers Anderson, 2014; Mark, 2016). In government maps, however, their farmland is officially categorized as ‘reserved forest’ under the jurisdiction of the Ministry of Environmental Conservation and Forestry. According to government sources, this designation originated from colonial times and has never been changed or verified since (Kyemon & Ju Nine, 2013). Typically for frontier regions, there is an overlap of claims and a mismatch between the official and actual land use around the Mwetaung area (NMIC, 2013). Registration of their farmland is challenging, if not impossible, since the national land laws introduced in 2012 did not recognize customary practices of upland agriculturalists such as shifting cultivation. Customary rights are only enforceable as long as there is no interest from outside the region. The overall changes in the political economy following Myanmar’s opening and the new land laws and investment laws threatened customary institutions (Ewers Anderson, 2014). A local land rights activist criticized that the new farmland law (Farmland Act, 2012) and vacant land laws (The Vacant, Fallow and Virgin Land Act, 2012) had actually turned the villagers into “illegal settlers” although they had been farming in the area already for generations. Moreover, he complained about the “Burman bias” of the legislation since “the Burmese don’t know anything about the traditional customary law of the ethnic people” (Interview with land rights activist, Kalay, November 2016). Also, the communities themselves were very conscious of the situation and challenged the state’s image of the frontier as an ‘empty’ and ‘virgin’ space to be brought to ‘productive’ use with the support of foreign investment.

The Union government does not care about our Chin customary law. In British times, this was practically applied even in the high courts, but this government does not care at all. There is no land which is not occupied by our own people in Chin State. The villages have exact boundaries and they occupy all areas. There is not even a single inch of land not occupied in our Chin customary land use system. But this is not accepted by our government. (Interview with villagers near Mwetaung, November 2016)

Even though the 2016 National Land Use Policy (NLUP) envisions the recognition of customary land use systems and calls for the revision of land use maps and records through public consultation processes, little has happened on the ground (The Republic of the Union of Myanmar, 2016). On the contrary, in late 2016, the parliamentary Commission for Legal and Special Issues Analysis pointed out that “it is not necessary to include the ethnic nationalities’ land use rights as a separate part in the National Land Use Policy” (The Commission for Legal and Special Issues Analysis, 2016). Also, according to land rights activists, the National League for Democracy

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17 According to Ewers Anderson (2014), only an estimated 15% of all land in Myanmar is titled.

(NLD) government did not follow up on the NLUP implemented under their rival USDP government. Even though solving the land problems was one of the central promises of the NLD during its election campaign, the government was slow to solve existing problems or reform laws. To take matters in their own hand, some villagers around Mwetaung are meanwhile seeking legal protection through community forest registration, even if the process is complicated and slow. This gives communities the opportunity to obtain official permission from the Forestry Department to use a demarcated forest area for 30 years. Yet, it is still unclear if this approach will be feasible and ensure the long-term interests of the communities (Einzenberger, 2017; Kyaw Tint, Springate-Baginski, & Mehm Ko Ko Gyi, 2011).

In addition to the immediate dangers of dispossession, villagers also rejected the government's justification for the mining project and the terms of the deal. One argument brought forward by the central government was that Chin State should also contribute to the national budget to finance national development, since the poor state was still a net receiver fully financed by the Union. In addition, according to media reports and Chin politicians, only 2-5% of the benefits or around USD 500,000 were earmarked for Chin State (Ei Ei Toe Lwin, 2013; Mirante, 2017). The resisting villagers, framed as 'narrow minded' and 'anti-development' by the investor and the government, rejected the project's unfair distribution of costs and benefits. The promised benefit would amount to only around one US dollar per year and capita, as one villager amusedly remarked in an interview. The major bulk of the benefits would go to the central government's budget, and the Chinese investor according to the sharing agreements (which in the end failed). In public statements, the communities made clear that they regarded the mineral deposits in the Mwetaung area as 'Chin property' to be used for future generations only under a federal system which guaranteed the self-determination of Chin State.

Local land rights activists also claimed that the central government tried to gain control over the Mwetaung area by other, more indirect means. They accused the government of shifting the demarcation of the border between Chin State and Sagaing Region and thus shifting the Mwetaung area out of the jurisdiction of Chin State into the more "mining friendly" Sagaing Region (Mirante, 2017). This process has become known as the 'boundary issue'. Already in 2008, the CNF officially "lambasted the Burmese military junta over its plan to add some parts of Zomi (Chin) State into Sagaing Division". According to a media report, "around 8,000 acres of farmland, teak forests and Gulu mual called 'Mwe Taung' nickel and chromium mining areas" would be included in the Sagaing Division ("CNF Criticizes Burmese Regime", 2008). Local land rights groups recently tried to collect historical evidence to prove that Chin State slowly lost territory, which had been incorporated by the 'lowland regions' since independence, and started to advocate with the local government (Interview with land rights activist, January 2017).

### **Indigenous Rights and Transnational Mobilization**

The local communities' historical and identity-based claims of ownership were also accompanied by international indigenous rights discourses. One of the first public events organized by local civil society groups during the mobilization campaign

took up the issue of Free Prior Informed Consent (FPIC). Banners donated by a local civil society organization were displayed at public exhibitions at villages around the Mwetaung area (CNRWG, 2013). The banners explained the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the concept of FPIC as one of its core principles in the Burmese language (United Nations, 2008). Villagers resented the complete lack of information and transparency around the mining project. Neither the local government nor the investing company had informed the residents in advance about the plans, despite long running preparations (see Table 1). Instead, villagers were pressured to provide their consent to the project ad hoc without any clear and detailed information, being only provided with some vague pamphlets (described by one activist as propaganda). Also, the Environmental Impact Assessment (EIA) and Social Impact and Health Assessment (SIA/HIA) reports, which according to NMIC were submitted to the Ministry of Environmental Conservation and Forestry in March 2013, were never disclosed to the public (NMIC, 2013).<sup>18</sup> Drawing on international indigenous rights instruments, local civil society groups made use of an emerging transnational indigenous rights discourse in order to defend their interests (Myanmar Centre for Responsible Business, Institute for Human Rights and Business, & The Danish Institute for Human Rights, 2016). In 2015, a Coalition of Indigenous Peoples in Myanmar/Burma, a network of over 20 (ethnic) organizations (including Chin organizations), submitted a report for the 2015 Universal Periodic Review to the UN Human Rights Council in Geneva. In the report, the network criticized the increasing confiscation of land and the violation of indigenous rights, citing also the Mwetaung case (Coalition of Indigenous Peoples in Myanmar/Burma, 2015).

A transnational dimension to the Mwetaung campaign was added to the local movement in August 2013 when exile groups, identifying themselves as ‘indigenous Zomi’, gathered in cities in the United States, Norway, India, Australia, and other countries to protest against the planned mining project in their ‘homeland’. In Washington DC, representatives of the World Zomi Congress condemned the suspected “confiscation of land” and exploitation of natural resources in Chin State in front of the Chinese Embassy and called for an immediate stop of the project (Khaipi, 2013). In their public statements, they directly referred to the UNDRIP and claimed ownership over their “indigenous land”:

We are here today as Zomi National Indigenous People from Burma who are oppressed by our government. The reason we are here today is that the Chinese North Mining Company and the Chinese government and the Burmese government are mining in our land, our indigenous, own land. . . . As the indigenous people in Myanmar, we have the right to claim according to UNDRIP article 25 and 27. That is why the Gullu Mual Nickel project . . . is our own property and we are here to stop it today. Therefore, until the Burmese government has changed our constitutional law which will give us the right to own our land, we will stop this project. (WZC Channel, 2013 [transcript of YouTube video, min. 8:45-11:16])

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18 Local villagers and activists only received pictures of the report cover, but never copies of the full report.

While locally the civil society alliance was crossing ethnic and religious divides, including Burman Buddhist groups, as well as Christian ethnic groups, identity-based claims (such as in the quote above) were still obvious. In public consultations, local villagers repeatedly claimed that the mineral deposits were “Chin property” to be preserved for future generations and that the Myanmar government or Chinese investors had no right to extract them. However, in what way local coalitions were directly linked with transnational ‘indigenous Zomi’ campaigns against the Mwetaung project is still unclear. According to the CNRWG, there was only limited contact with groups overseas.

## CONCLUSION

The case of the Mwetaung mining project discussed in this paper illustrates the strategy of accumulation by dispossession in the frontier areas as a persistent element of Myanmar’s political economy. Through this particular regime of dispossession, described here as frontier capitalism, the periphery is gradually turned into a supplier of resource revenues to fuel economic growth at the center while gaining little benefits itself. The country’s latest transition, including the introduction of a series of legal and political reforms, facilitated investment (in particular from its neighbors) and provided a new dynamic for the expansion of the frontier. This expansion relies on the support of foreign capital, in particular China, since the early 2000s. In the case of the Mwetaung project, the attempted dispossession has been successfully challenged, at least for the moment, by a local civil society coalition using new opportunities for political participation. The politics of dispossession in this case were characterized by political strategies targeting newly established democratic institutions. The mobilization was initiated by an ad hoc grassroots coalition based on emerging civil society actors since 2011 (such as the CNRWG). The movement was independent from political parties, but targeted political actors on regional, national, and even transnational political scales. Despite bridging ethnic and religious divides locally, demands for indigenous rights and self-determination, including land and resource governance rights were voiced by actors identifying themselves as ethnic Chin or indigenous Zomi. This divergent and even contradictory character is not uncommon for anti-dispossession movements. While local initiatives did not reject extractive development projects as such, they rejected the authoritarian and non-transparent manner in which this particular project was unfolding. A main concern was the dispossession of their agricultural lands, which are not legally recognized under the current legal framework introduced as part of the current transition. This framework is considered biased towards the majority lowland population and ignorant of ethnic customary practices. Given the particular political history in this frontier region, local communities rejected the government’s demands as illegitimate and showed little trust in the promises made by the government and investors. This was mixed with strong anti-Chinese sentiments – a legacy of recent experiences in the region and beyond. Yet, the frontier regions, including Chin State, will likely face further coercive integration and exploitation in the context of future regional initiatives such as Chinas Belt and Road Initiative (BRI). Following China’s involvement, India is also seeking to enhance the integration of trade and investment in the northeast

through its Bangladesh–China–India–Myanmar Forum for Regional Cooperation (BCIM) Economic Corridor. Unless the central government and investors are prepared to change their approach and renegotiate conditions of integration, including decentralized decision-making and benefit-sharing agreements, politics of dispossession will continue to shape Myanmar’s transition.

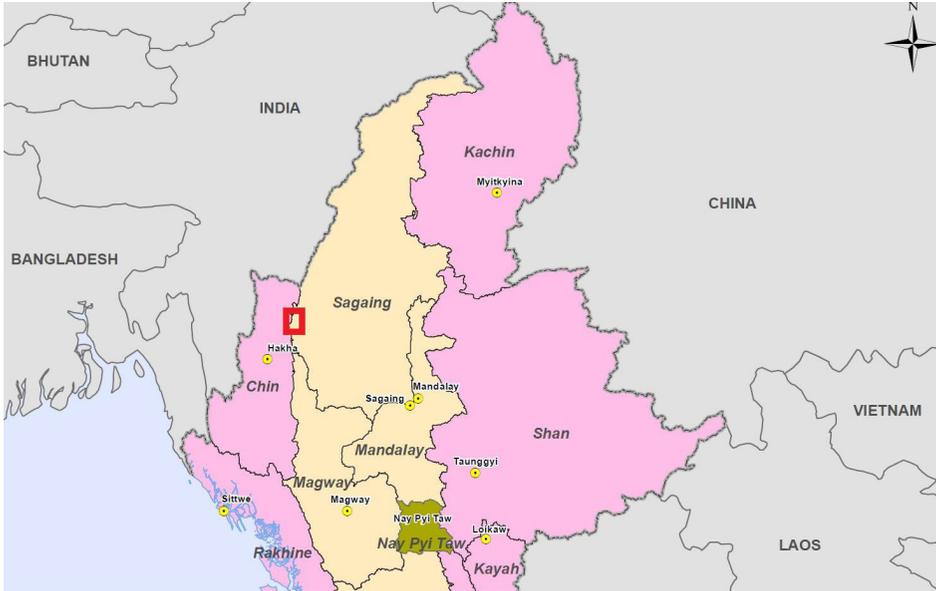


Figure 1. Location of Mwetaung mining project, bordering Chin State and Sagaing Region. (Myanmar Information Management Unit, figure by the author).

DATE	CHRONOLOGY OF EVENTS AROUND THE MWETAUNG (GULLU MUAL) MINING PROJECT
1960s	Initial geological surveys by Dr. Ngaw Cin Pau
1988	SLORC takes over power after uprising in August 1988
1994	SLORC adopts new Mines Law
1995	Announcement in government newspaper invites foreign companies to conduct mineral prospecting and exploration operations
2005	Kingbao (Jinbao) Mining Ltd of China signed an agreement on nickel mineral exploration and feasibility study with No. 3 Mining Enterprise of the Ministry of Mines. After initial explorations, the contract expires.
2010	General elections on November 7
2012	CNF signs 9-point state level ceasefire agreement in January
2012	New negotiations are held in April concerning exploration of minerals in Mwetaung with the North Petro-Chem Corporation of China
2012	CNF signs Union Level 15-point ceasefire agreement in May
2012	North Mining Investment Co. Ltd receives permission for ferro nickel deposit feasibility study in May
2013	Asia Guiding Star Services Company Limited (AGSS) starts to collect data for EIA/SIA surveys in January
2013	Local communities seek advice concerning Mwetaung project from Kalay CSOs in January

2013	Formation of local CSO networks at local monastery in Kalay
2013	Media campaign in Kalay town
2013	Poster exhibitions on FPIC in local villages
2013	Village consultation meetings around Mwetaung area between January and February with hundreds of participants
2013	Civil society coalition on Mwetaung is renamed to Chinland Natural Resources Watch Group (CNRWG) in February
2013	North Mining Investment Co. Ltd submits feasibility reports on 'Mwetaung Nickel Smelting Project' to the Ministries of Mines, and Environmental Conservation and Forestry
2013	Reports of Environmental Impact Assessment (EIA), Social Impact Assessment (SIA) and Health Impact Assessment (HIA) are submitted to Ministry of Environmental Conservation and Forestry
2013	Meeting with local political parties in March
2013	Discussion of Mwetaung Project at Chin State parliament
2013	Public consultation with local government and NMIC in Tiddim town hall, NRWG presents 48 questions in April
2013	NMIC holds village meetings
2013	Buddhist monk and CNRWG members meet with local media
2013	Meeting with Chin regional government and Chin MPs in Hakha in May
2013	Meeting at Tiddim town hall: Manager from NMIC answer 46 questions
2013	CNRWG sends letter to the Mr. Quintana, UN Special Rapporteur on Myanmar in August
2013	CNRWG and GDI conduct collaborative research in Mwetaung area in August and September
2013	Representatives of four Chin political parties conduct a survey on the Mwetaung project with local communities in September
2013	Chin parties meet with state government in Hakha
2013	Press conference in Yangon with CNRW, GDI, Chin political parties and civil society representatives
2013	Meeting with speaker of Union Parliament (lower house) Shwe Mann in Kalay in November
2014	According to media reports in January, the Gullu Mual project has been suspended

Table 1. Chronology of events around the Mwetaung (Gullu Mual) mining project. (“Agreement Inked to”, 2012; “Breakthrough: CNF Signed Ceasefire”, 2012; CNRWG, 2013).



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## Frontier Capitalism and Politics of Dispossession in Myanmar

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