

LOCAL CONFLICT RESOLUTION STRATEGIES AND UNEQUAL ACCESS TO JUSTICE IN MON STATE

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In Myanmar, a majority of disputes are dealt with through a variety of non-state, traditional, customary, religious and informal dispute-resolution systems. The official formal justice institutions, such as the police or state courts, are associated with high levels of corruption and inefficiency and thus avoided as much as possible, in particular by poor people and minorities. Lack of access to justice means that there is a risk that conflicts remain unresolved, and that people cannot obtain protection and compensation. This leads to the pertinent question of how then do ordinary citizens in Myanmar deal with local disputes and crimes in their everyday lives, and what dynamics come into play at the local level?

Recent research points to the fact that the local level is the arena where most disputes are handled, and that most cases never reach the official system as this is where they are settled,

negotiated or dismissed. An alternative to take disputes to formal authorities is thus to turn to the wider network of family and friends, the village or ward administrator, religious leaders and other influential persons in one's network, and call for them to act as providers of justice. Oftentimes, in the attempt to reach the best possible solution, more than one strategy is applied, and justice seekers turn to a hybridity of personal connections and local authorities.

Another insight is that a significant number of cases are never even reported. This can be explained by a dominating cultural apprehension towards forming public complaints, as this may entail shame and loss of face. The avoidance of reporting injustices even at the local level is found to be all the more prevalent amongst discriminated groups such as religious minorities, who have limited options for dispute resolution and a starkly reduced chance for a fair outcome should they have access to any of them. This structural repression in the access to justice is deeply problematic.

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A Mon villager distrusts the official formal justice institutions and has come to ask a Buddhist Monk for advice about a land dispute.

Source: Annika Pohl Harrisson



Research conducted by the author in Mon State revealed how this particular dynamic affects Muslim residents in a mixed Buddhist-Muslim urban ward of Mawlamyine, the capital of Mon state situated in the Southeast of Myanmar. The area was annexed in 1824 in the second Anglo-British war by the British colonial government and became part of British India. During the succeeding wars (1852-53 and 1885-86) the Mon supported the British against their adversaries, the Burmans, in the hope of attaining an independent Mon kingdom. After a British victory, the promises of the re-establishment of an autonomous Mon State were not kept. When Burma gained independence in 1948 and in the years following, the Mon continuously struggled for autonomy, which led to the founding of the Mon Peoples Front in 1949: a group that began an armed fight for independence against the central government. In 1962, following the coup of the elected government in Yangon by military General Ne Win, the New Mon State Party (NMSP) with its armed wing, the Mon National Liberation Army (MNLA), were founded. The MNLA led an armed struggle against the military government until 1995 when they agreed to a ceasefire.

Today, the NMSP co-exists in a relatively frictionless relationship with the Myanmar government and only controls a few so-called ceasefire-zones. The Mon are believed to be one of the oldest civilizations in Southeast Asia, however the military governments (1962-2010) suppression of ethnic minorities' language and cultural identities has led to the assimilation of many Mon into a common Bamar identity. As a result, the current number of individuals who speak and identify as Mon is dwindling and it can be difficult to discern the ethnic origin.

At first, co-existence in the mixed ward in Mawlamyine was seemingly unproblematic and harmonious; but under the surface were many unreported cases, as well as a local justice provision that was biased towards the Buddhist majority. Muslims have been particularly disadvantaged following the rise of Buddhist nationalism in Myanmar. Most prominently, the Association for the Protection of Race and Religion (Ma Ba Tha) has made headlines with its campaign to protect Buddhism, race, and the nation. The declared purpose of the monks is to provide security, protection and justice for Myanmar Buddhists, which they proclaim to be under threat by Islam. Anti-muslim campaigns have since 2012 resulted in several incidents of communal strife and violence in Myanmar, and have drawn considerable scholarly and media attention to the religious unrest in the country.

These events and the public sentiment are channelled through social media and news stories to areas such as the outskirts of Mawlamyine, remote to where public violence broke out. Locally, this has led to an increasing awareness of otherness and dissimilarities between neighbours with different religious denominations. It introduces and articulates notions of belonging and rights among groups, demarcating who is entitled to make claims and who is not. Consequently, this skews access to justice.

An emerging literature explores relations between Muslim and Buddhist communities in Myanmar, where no open communal conflict has erupted. One reason for the absence of violent conflict could be a tendency amongst the minority to subordinate themselves to the majority demands, in fear of wider consequences. Instead of standing up to their own claims in the case of a local dispute or when falling victim to a crime, Muslims in the researched area in Mawlamyine compromise or even take the blame. The deeper repercussions of these dynamics are that the position of Muslim residents in local and informally negotiated justice, as well as their access to

human security, is distorted. Not only do they encounter problems in attaining ID cards because of their religious affiliation, they also de facto face decreased access to justice in the local arena. This speaks into another recent analysis of

Muslim political activity in transitional Myanmar, which is found to be greatly restrained and even worsened as a result of the recent anti-Muslim campaigns. While in the past Myanmar has repeatedly made headlines for human rights abuses during the military dictatorship; civil war and the unequal treatment of ethnic and religious minorities are still pressing issues. Myanmar State institutions, persistently erratic and corruption-ridden as they are not functioning by respecting applicable and coherent laws, are so far not a viable answer to this problem.

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