

Thailand-Myanmar Border Trade

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Abstract

Thailand shares an approximated 2400 kilometers border with Myanmar. The development of border trade between Thailand and Myanmar has a long history. There are various border trade issues, including the smuggling trade that plays one of the most important roles within the sphere of economic activity between the two countries. This paper studies the trade relationship between two countries including illegal trade movement that Thai authorities have referred to as an "Ant Army". People that have been employed to carry goods across the border along the river and hill paths in the same manner as ants that always carry the food back to their habitats. The Ant Army is a significant mechanism behind the scenes of the "black market", as the channel of goods that flow in and out of Myanmar during the period of Western sanctions. There are many parties involved in the process, including the merchants, ethnic minority groups, and government officers. This paper studies this process and analyzes the future of the border trade in light of the ongoing economic and political changes in Myanmar.

Key Word: Ant Army, Black Market, Smuggling Trade, Thailand-Myanmar Border Trade

Myanmar-Thailand Border Trade Situation

People living on both sides of the border between Thailand and Myanmar have been trading and crossing the border for centuries. The ten provinces of Thailand that share the border with Myanmar are

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Chiang Rai, Chiang Mai, Mae Hong Son, Tak, Kanchanaburi, Ratchaburi, Petchaburi, Prachuab Khiri Khan, Chumpon, and Ranong.

Thai-Myanmar border trade has a long history. Since Myanmar was released from the British in early 1948, Thai-Myanmar border trade has been influenced by the presence of various ethnic minorities, namely the Karen, Karenni, Mon, Shan, and Kachin. These minorities formerly had the freedom to collect taxes and other service charges without any interference from the central government. But since the late 1990s, the Myanmar government troops have attacked the minorities and tried to take over and control the border trade.

Trade volume between Thailand and Myanmar has been increasing over the decades. According to a report by the International Monetary Fund (IMF) in 2010, Thailand is Myanmar's first trade partner, accounting for 30% of the latter's total trade with the world. The report, however, was based on official trade data and thus did not reflect the heavy presence of Thailand/Myanmar smuggling.

Regular International Trade Procedure

After interested importer (buyer) has agreed with the exporter (seller) for price quoted, product specification, quantity of goods, delivery time and destination port. The importer will place an order in a form called order sheet or purchase order. The exporter will prepare a sales contract based on information specified in the purchase order together with clauses on force majeure, claims, shipment date, transshipment, partial shipment, inspection, packing and marking, and marine cargo insurance. The sales contract must be signed by both the exporter and importer. The sales contract is made in two copies, each having the same tenor. The importer will review the sales contract and sign it if it approves and send the sales contract back to the exporter.

While the exporter is preparing to export the goods under agreed terms and conditions, the importer shall prepare the purchase

payment. The most popular methods for International trade are Letter of Credit (L/C) and Telegraph Transfer (T/T).

An LC is often used in international trade to ensure that payment will be received, due to the nature of international dealings including factors such as distance, different laws in each country, and difficulty in knowing each party personally. The bank will act on behalf of the buyer (holder of letter of credit) by ensuring that the supplier will not be paid until the bank receives a confirmation that the goods have been shipped. In some countries including Myanmar, the government allows the L/C method as the only method for importing goods. L/C process can be explained from the following¹;

a. Importer requests its forex bank to open a letter of credit (L/C) to provide some funds to pay its liabilities to the exporter as much as agreed and specified in the sales contract and pursuant to the provisions of The Uniform Customs and Practice of Documentary Letter of Credit dari International Chamber of Commerce Paris No 500 or commonly referred to as UCP-DC-500. The forex bank requested by the exporter to open an L/C is called an opening bank/issuing bank. This opening bank will be responsible for the L/C to the exporter receiving the L/C. Importer requesting the opening of L/C is called applicant.

b. The opening bank will issue an L/C through a correspondent bank of the country where the exporter is from. Such L/C opening can be by letter, wire, telex, facsimile or other legal electronic media. The correspondent bank requested by the opening bank to deliver L/C opening mandate is referred to as advising bank

c. The advising bank notifies with a cover letter that there is an L/C opened for the interest of the exporter. The cover letter is referred to as an L/C advice, while the exporter receiving the L/C is called the beneficiary.

Another popular method for purchasing payment is T/T. T/T is the remittance from one party to another. It will be used only when both importer and exporter have known each other with trust. It is

¹ Information from Kasikorn Bank, Thailand

less of a procedure than an L/C and cheaper in terms of fees and expenses, but is difficult for a government to trace if the importer aims to avoid import taxes by declaring undervalue of goods in the documents.

After receiving payment confirmation, the exporter prepares goods which are ready for export, and files booking to the shipping company. The exporter then arranges export formalities, for example, export notice and certificate of origin. After loading the goods to the ship, the shipping company will issue a receipt of goods received, copy of forwarding contract and copy of goods ownership in the form of bill of lading.

Then, after receiving the shipping documents from the opening bank, the importer as consignee, will secure import clearance in Custom and Excise of the destination port. The importer will later contact the shipping agent in the destination port to receive the goods/cargo.

From the processes briefly explained, it has many parties involved, buyer bank, seller bank, shipping company, exporting customs officers, importing customs officers, etc. In the case of Myanmar, it's even worse, the government wants to control the transactions by creating strict regulations of import and export.

Definition of Smuggling

The term “smuggling” used in this paper refers to the unlicensed and untaxed trade of legal goods. Illegal goods such as narcotics or timber are not included. Thus, the smuggling trade is defined as consisting of three types of contraband:

1. Goods that do not undergo customs clearance in both countries (exporting country and importing country)
2. Goods that pass through customs clearance of the exporting, but not the importing country
3. Undervalued, invoiced goods passing through customs clearance in both countries

According to information given by a Thai customs officer at Mae Sot Customs Office, most of the smuggling activities over the Thailand-Myanmar border are type 2. Thai exporters declare their exported goods to the customs officers for Value Added Tax (VAT) refund. The officer confirmed that almost 80% of the export goods are considered as legal exports by Thailand, but as smuggled imports by Myanmar.

Table 1 Foreign Trade through Customs Houses in the Northern Region (US\$)

Fiscal Year (April-March)	Imports from Thailand					
	Myanmar Imports Records		Thai Exports Records		Ratio Border	Ratio Discrepancy
	(A)	(B)	(C)	(D)	(E)	(F)
	Border	National Total	Border	National Total	(C)/(D) %	(B)/(D) %
	<i>Unit: US dollar, million</i>					
1999-2000	..	347	144	423	34.0	82.0
2000-2001	..	303	139	467	29.7	65.0
2001-2002	..	268	112	361	31.1	74.0
2002-2003	..	231	94	318	29.5	72.8
2003-2004	..	191	222	484	45.8	39.4
2004-2005	..	184	400	631	63.3	29.1
2005-2006	85	237	415	722	57.4	32.8
2006-2007	148	304	385	790	48.7	38.5
2007-2008	156	383	545	1,128	48.3	34.0
2008-2009	..	395	760	1,323	57.5	29.8
2009-2010	..	379	1,047	1,734	60.4	21.9

Sources: Website of the Department of Border Trade, Ministry of Commerce, Myanmar

http://www.commerce.gov.mm/eng/dobt/by_border_wide.html accessed on August 11, 2010.

Website of the Bank of Thailand (Foreign Trade through Customs Houses in Northern Region)

<http://www2.bot.or.th/statistics/ReportPage.aspx?reportID=497&language=eng> accessed on August 11, 2010.

The information in the above table shows the completeness of declared exports from Thailand and the incomplete data on imports into Myanmar. The difference in declared amounts may be referred to as the smuggling amount.

Causes of Smuggling

Ethnic Conflicts in Myanmar

Myanmar is one of the most ethnically diverse countries in the world, with more than one third of the whole population composed of 135 ethnic minority groups. Ethnic states make up about 50% of the total land use. Myanmar's population numbers nearly 60 million. The country is divided into seven states and seven divisions² Each state has been named to reflect the dominant ethnic group in each respective area such as Kachin, Shan, Kayah (Karen), Kayin (Karen), Mon, Arakan (Rakhine), and Chin. As for the divisions, they are populated by the Burman majority.



Figure 1 Myanmar's States and Divisions

According to Burmese government statistics, Theravada Buddhism is practiced by 89% of the population³. The 11% of the citizenry are Christians-most of which make up big parts of ethnic

² CIA World Fact Book estimates current ethnic to be Burman 68%, Shan 9%, Karen 7%, Rakhine 4%, Chinese 3%, Indian 2%, Mon 2%, other 5%

³ Ibid.

minority groups, Hindus and Muslims. While most ethnic minorities have their own language, the government recognizes only Burmese as the official language. Myanmar is a resource-rich country and more than 70% of the population is involved in agriculture. However, the successive military governments have failed to use these resources to make Myanmar a wealthy nation. In 1987, the United Nations designated Myanmar as one of the world's least-developed countries. One of the major problems that remain unsolved concerns the conflicts between the ethnic groups and the government.

The conflict between the Myanmar government and ethnic groups harkens back to the British colonial rule (1842-1948). The British "divide and rule" policy exacerbated ethnic divisions by creating two separate administrative areas: Burma Proper (where Burman predominated) and the Frontier Areas (where non-Burmans were concentrated). The British recruited only non-Burman (Karen, Kachin, and Chin) into the colonial army and used them to suppress Burmese nationalist movements. During World War II, Burmese nationalists who joined Japanese troops in driving the British out of the country took revenge and massacred hundreds of Karen villagers, who then responded with revenge killings.

Independence was granted by the British in early 1948 on the condition that the residents of the Frontier Areas would be allowed to join Burma as a union state⁴. In February 1947, Burmese leader General Aung San met Chin, Kachin, and Shan leaders at the Panglong Conference. They agreed to form a federal union, give the ethnic states full autonomy, and allow the Shan and Karenni states to become independent ten years later. The Karen leaders, however, wanted immediate independence, rejected the invitation and refused to participate in Panglong, while the Mon and Arakanese leaders were not even invited.

Unfortunately, six months before independence General Aung San, who had earned the trust of both non-Burman leaders and Burman political groups, was assassinated. U Nu became the first

⁴ Interview with U Aung, U Nu's son June 15, 2012.

elected prime minister of the Union of Burma. The Communist Party of Burma (CPB) was the first group to take up arms against the government. In 1949, the Karen National Union (KNU) became the second group to rebel. Due to disagreement regarding the terms of autonomy and the boundaries of Karen state, top Karen officers in the Burma Army were forced to resign and Burma leader General Ne Win became the military chief. Armed movements rapidly spread to other small groups. The Mon and Arakanese began waging war against the central Burmese government in order to win independence. The Pa-O ethnic sub-minority began fighting against the continuation of Shan princely rule in its area.

Ten years after independence, the Shan and other signatories of the Panglong Agreement began considering the secession option, frustrated by the U Nu government's deviation from the federal spirit of the agreement. The Shan people established the Shan State Army (SSA) in 1958, claiming their rights to secession. The Kachin formed the Kachin Independence Organization (KIO) and initiated armed resistance in 1961, due to persistent government attempts to make Buddhism the state religion. After 1958, other ethnic groups (including Palaung, Lahu, Wa, Chin, and Naga) also took up arms.

It seemed that the government had failed to control the country. General Ne Win staged a coup in March 1962, claiming that the country was on the verge of disintegration and insisting that U Nu's concessions could break up the country. After the coup, Ne Win proposed a new constitution and established the so-called "Burmese way to socialism" with a one-party socialist government, jailing many political leaders. The media and school curricula became propaganda tools for the regime. From that period until the present, Burma transformed itself from a resource-rich country into an impoverished, sandwiched battlefield between a military government and heavily armed ethnic groups. The government became very occupied with ethnic minority problems and neglected national economic development. Burma's citizens were no longer able to fulfill their basic needs and enjoy their human rights. Consequently, the 1988 uprising occurred.

The so-called “8888” uprising was initiated by students in Yangon (Rangoon) on August 8, 1988. Student protests spread throughout the country. Hundreds of thousands of ochre-robed monks, young children, university students, housewives, and doctors demonstrated against the regime. The uprising ended on September 18 through a bloody military coup by the State Law and Order Restoration Council (SLORC). Thousands of deaths have been attributed-for example by opposition groups-to the military during this uprising, while state authorities placed the figure of a few hundred people killed.

The conflict between the government and the ethnic groups is one of the main reasons for the smuggling trade, because the armed groups need funds to maintain and strengthen themselves. Since the military took power, strict trade regulations have been created to control the transactions. At the same time, however, these constraints have encouraged the illegal trade, especially in the frontier areas that the central government cannot reach. The ethnic groups have created their own network of trade with neighboring countries, connected with the local demand, and have earned lots of money. Even during the Western trade embargo period, all kinds of goods entered the country by way of smuggling through neighboring countries.

Inadequacy of Trade Channels

Despite the extensive length of the Thai-Myanmar border, there are only three permanent checkpoints: at Mae Sai in Chiang Rai province, at Mae Sot in Tak province, and at Muang in Ranong province. There are many more checkpoints with other neighbors, even though those borders are much shorter.

Among all neighboring countries of Thailand, Myanmar has the longest border and the largest population. In economic terms, Myanmar seems to have a greater demand than other neighboring countries, but the number of permanent customs checkpoints is the smallest. Inadequate trade channels, coupled with a high demand, are thus important factors of smuggling.

Neighbor	Border Length (km.) approx.	Permanent Border Crossing Checkpoints	Temporary Border Crossing Checkpoints	Temporarily permitted Area Checkpoints
Myanmar	2,400	3	1	10
Cambodia	800	13	1	21
Laos	1,800	6	-	8
Malaysia	650	8	-	-
Total	5,650	30	2	39

Source: Thai Customs Department

Myanmar's Strict Trade Regulations

Myanmar's trade regulations are very complicated. In order to control trade transactions, the government created strict regulations for the private sector with regards to import and export. Every single shipment must be reported and must have an import license before any purchasing agreement can be made. Myanmar's government recently created the rule of "export first, import later": In order to import goods from overseas, traders must use money that has been earned from prior exports.

In the case of a joint venture or a foreign company, funds that are transferred from overseas in the form of foreign investment can be used for importing goods, but an exchange rate premium of 10% of the total amount has to be paid to the government. A commercial tax rate of 25% is also charged immediately after the shipment passes through customs clearance.

The following table represents the total cost calculation for a 500 USD electrical appliance. From the table, we understand that the total import fees, including licenses and taxes, on a 500 USD electrical appliance will reach 55%, and this price does not include the importer's profit. Therefore, Myanmar people have to buy goods at much higher prices, but their basic wages are low. Such kinds of regulations are important causes for smuggling activities.

	Description	Tax Rate	Exchange Rate 850 kyat/USD
A	CIF Yangon Port (500 USD)		425,000
B	Exchange Rate Premium	10%	42,500
C	Import License Fee	0.5%	2,125
D	Customs Duty	15%	64,750
E	Commercial Tax	25%	
	$E = (A+D) \times 25\%$		122,438
	Total Tax (B+C+D+E)		231,813 (54.5%)

Myanmar government only allowed the Central Bank of Myanmar to open L/C for Myanmar importer while it's not well accepted in term of reliability and its slow processes. However, in order to improve this problem, Myanmar government has allowed the private bank to open L/C in August 6, 2012. The shipping line is monopolized by the state-own company "Myanma Five Star Line Limited"

Characteristics of the Smuggling Trade and the Role of the Ant Army

The first permanent border post between Thailand and Myanmar was opened in 1996. Before that, all cross border trade was illicit. However, up to the present day, more than 80%⁵ of the border trade is still illicit. The research for this paper was conducted by observing the behavior of Myanmar customers and by interviewing those who crossed the border from Myawaddy in Myanmar to Mae Sot in Thailand's Tak province. Interviews were conducted with Thai

⁵ Interview with Thai Customs Officer, August 5, 2012

entrepreneurs, Thai customs officers, Thai Revenue Department officers, as well as private, temporary posts on the Thailand and on the Myanmar side.



Figure 2 Myanmar customers shopping in Mae Sot

The Myanmar customers crossed the border by using their personal car. Some of them had come all the way from Yangon to Mae Sot to place their orders with Thai traders. Payments are usually arranged by cash, for some Myanmar customers who have good relationships with the sellers may get credit terms of 30-90 days.

The payment system of the smuggling trade is deeply interlinked with the underground remittances of Myanmar migrant laborers. There are more than three million Myanmar workers in Thailand, whose government claims that 1.6 million workers⁶ come to Thailand through the legal immigration process, while the rest are reported as illegal migrant workers. Most migrant workers are members of ethnic minorities in the frontier areas near the Thai-Myanmar border. The Myanmar migrant workers usually send money back to their families after working for a while. Not many of them have a bank account in Myanmar; they have no choice but to send money back to their families through underground remittance agents.

⁶ Information from Thailand Ministry of Labor

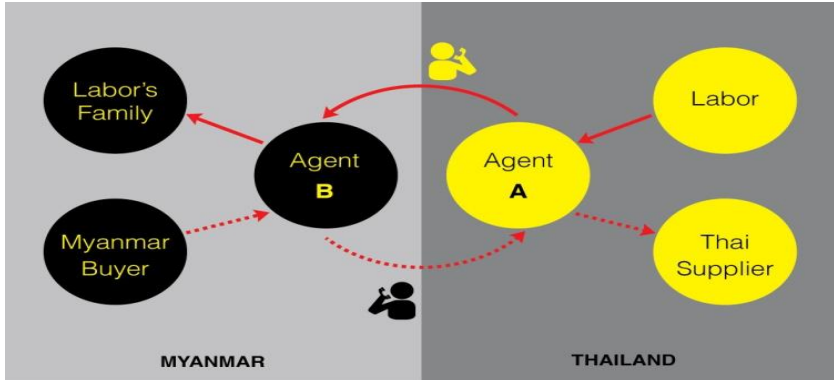


Figure 3 Cycle of migrant laborer remittances linked to the payment system of the smuggling trade

There are agents on both sides. When the migrant laborers send money back to their family, they pass the amount of money, including a commission⁷ of 3-5%, to Agent A. Agent A will call Agent B to give the amount of money to the laborer's family. In the same manner, when Myanmar buyers who purchase goods from Thailand make a payment, they pass their money to Agent B. Agent B will call Agent A to deposit money to their supplier's account. Since the money from both sides is usually imbalanced-the demand to send money back home is always greater-Myanmar buyers who want to make purchasing payments are not required to pay any commission.

After the payment is settled, the customer will make appointments with the sellers concerning delivery dates and places to handover the goods. The delivery usually takes place at the temporary private post in Thailand, where the smuggling occurs.

When the sellers combine the orders and are ready to deliver, they usually stop at the Thai customs office for paperwork and declare the products as exported goods to Myanmar. After the customs officer checks the products and documents, he will allow the sellers to deliver. If the buyers want to declare the goods as legal imports (on

⁷ Interview with people underground Money Transfer business

the Myanmar side), the goods will cross the border via the official border crossing. However, if the buyers wish to avoid taxation, they will make certain that their products go to the temporary private post for further smuggling processes.



Figure 4 Truck stop at Thai customs office to declare export goods to Myanmar

In case of smuggling, the buyers must pay all expenses that occur. “Ant Army” is the common name referring to those people in the smuggling business who carry goods across the border to their destination, mostly to Yangon, before being dispatched throughout the country.



Figure 5 The goods will cross the bridge if the buyer wants to declare them as legal imports; or they will go to the private post in case of smuggling

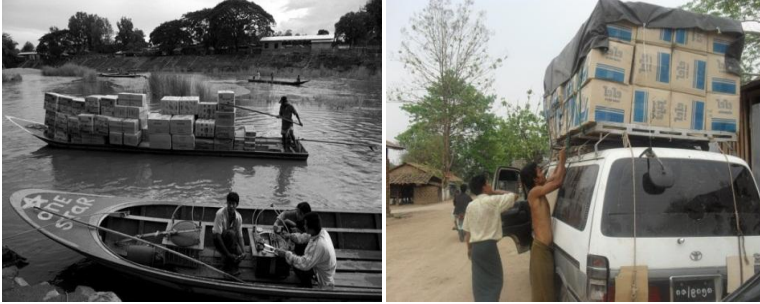


Figure 6 The Ant Army carries the goods across the river and delivers them from the border to destinations in Myanmar



Figure 7 The author with Ko Toe, Ant Army member

The Ant Army works closely with the temporary private posts along Moei River, the natural borderline at Tak province. These private posts are where most Thai products are illegally brought into Myanmar. Myanmar border authorities are known to take bribes to allow undeclared goods to enter Myanmar and be transported to Yangon and other cities. According to information given by the Ant Army, from Myawaddy along the way to Yangon, there are at least 25 checkpoints. These checkpoints belong to the central government, township officials, or ethnic minorities that control the areas. “We have to pay bribes to every checkpoint. Otherwise, the goods will be seized. The small scale smugglers pay bribes only when they are inspected at checkpoints. But we pay them on a regular basis. So, we can calculate our cost precisely, usually I pay around 250,000-300,000

Kyat for a fully loaded truck,” Ko Toe, an Ant Army member, explained. From Mae Sot to Yangon it will take no longer than two days.

Myanmar’s Political Changes, ASEAN Economic Community, and the Future of the Ant Army

Recently, there have been many changes in Myanmar. In 1997, Myanmar became a member of the Association of Southeast Asian Nations (ASEAN). The Chair of ASEAN is rotated among the ASEAN countries on an annual basis, and Myanmar will be serving as ASEAN Chair in 2014. In order to gain acceptance from the global community, Myanmar has been showing efforts to reform itself by releasing some of its political prisoners, including Aung San Suu Kyi, from house arrest in 2010. Furthermore, the government allowed her to participate in the election in April 2012, in which she won a seat in parliament.

The government has managed to float the currency after 35 years of fixed exchange rate from 6.4 Kyat per USD to 820 Kyat per USD⁸. In light of these rapid changes, the global community has felt that it needs to keep an eye on Myanmar. Hillary Clinton was the first U.S. Secretary of State to visit the country in more than 50 years. UN Secretary General Ban Ki-Moon also said before his visit in April 2012 that “the country is re-opening to the world”. The European Union (EU) has suspended its sanctions on Myanmar for one year, including the travel ban and asset freeze on some Myanmar officials and the President.

Moreover, in 2015, ASEAN will declare itself as ASEAN Community with three pillars of cooperation: ASEAN Economic Community (AEC), ASEAN Political-Security Community (APSC), and ASEAN Socio-Cultural Community (ASCC). The ASEAN Economic Community is the next step of economic integration, transforming ASEAN into a single market and production base.

⁸ Exchange rate at May 15, 2012

All these changes will positively affect the Myanmar economy. Trade activities are likely to become easier, and foreign direct investment will increase. Questions of interest to us regard the future of the border trade between Thailand and Myanmar and, specifically, the future of the Ant Army. To answer these questions, we have to understand Myanmar consumer behavior. Apart from Thailand, Myanmar shares borders with China, Laos, India, and Bangladesh. Only the trade volume with China is significant; trade with other neighboring countries is small. During the period of Western sanctions, trade with Thailand and China increased. During this period, commodity products from Thailand became the most popular with Myanmar consumers. People of Myanmar are more impressed by “Made in Thailand” than by “Made in China” products: The Myanmar consumer feels that Thai products are of better quality, as also their prices are higher than those of Chinese products. This brand loyalty behavior put Thai products in an advantageous position in Myanmar. Thus, it is to be expected that the demand for Thai products will remain, even if Myanmar is opening itself more widely to the world. The Ant Army is needed to fulfill the related supply chain.

The coming of the ASEAN Economic Community in 2015 may bring more business opportunities to Myanmar, since Myanmar has many resources and the labor cost is considered to be the cheapest rate in this region. With almost 60 million people, Myanmar is a big market in itself. These factors may put Myanmar in a better position in terms of competitiveness. Logistics is one of the most important parts of the supply chain, and Myanmar needs to develop its infrastructure, such as road networks. In some remote areas that still cannot be reached by road, or in cases where the road is cut by flooding or landslides, the Ant Army has the ability to use local porter networks to carry goods through difficult hill parts in order to reach their destination. In spite of changes in politics and economy, the Ant Army is still needed as an important mechanism to connect and complete the supply chain system. Indeed, in a personal interview members claimed that after Cyclone Nargis, while the government was reluctant to accept help from the global community, the Ant Army was the first

group to carry basic necessities and relief from the border to the disaster areas.

Conclusion

The border trade has been an important jigsaw piece in the Myanmar economy for decades, as the military government failed to fulfill the fundamental needs of its people. The long lasting civil wars between the government and ethnic groups have forced the government to pay more attention to politics than the economy. Some ethnic groups have been involved in the manufacturing and smuggling of narcotics and other products to finance their own rebel activities. The smuggling across the Thai-Myanmar border is blatant along the border. The government has tried to control trade transactions through strict rules and regulations, but these have generated more problems, and the rules themselves have become causes for smuggling.

The smuggling process starts when buyers in Myanmar cross the border to Thailand to purchase goods. After the seller declares the goods to the customs officer as export goods, the seller will deliver the goods to a place requested by the buyer. The Ant Army is in charge of taking the goods across the border and travelling to destinations inside Myanmar.

The Ant Army has to pay bribes and illegal taxes to officers and other minority groups that man numerous checkpoints along the way inside Myanmar. The uncertainty with regards to amounts of bribes makes it difficult to calculate the exact cost of the goods.

In light of the rapid political and economic changes in Myanmar, the government has been trying to obtain good responses from the global community, for example through the loosening of sanctions. These changes are likely to create a comfortable atmosphere for trade and investment. If the government can maintain its momentum, the Myanmar economy will be better able to become stable and keep growing. In the same vein, the cross border trade volume with

neighboring countries will also increase. Although the ASEAN Economic Community will positively affect the official trade system and smuggling activities may be reduced, the Ant Army will still play a significant role as logistics provider due to its networks, know-how, available facilities and manpower.

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