

The Emergence of the Shan State as a Leading Drug Producer: A Historical Study

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Abstract

Myanmar, a country located in the Southeast Asian region, has become the main focus of opium production in this region, second only to Afghanistan on a global scale, as well as, more recently, methamphetamine production. However, within Myanmar, one territory stands out in which this cultivation, production, and trafficking activity is concentrated: the Shan State. In this paper, we will try to answer the following question: how has Shan State become the main drug producer in Southeast Asia? Through a historical study, supported in some sections by data from the United Nations Office on Drugs and Crime (UNODC), we will examine the pre- and post-colonial history of this territory, highlighting the most recent elements to answer the question.

Keywords: Myanmar, opium, methamphetamine, Shan State, trafficking.

Introduction

Myanmar, located on the Indochina Peninsula, bordering India and Bangladesh to the west, China to the north, Thailand to the south, and Laos to the east, is divided into seven states. One of them is Shan State (Shan hereafter), the largest of them all, located east of Myanmar and bordering Laos, Thailand, and China (specifically Yunnan Province). Today, Shan, according to the United Nations Office on Drugs and Crime (UNODC), is one of the main methamphetamine and opium production hotspots in Southeast Asia. In this paper, we will try to analyse some of the elements, through a historical study, that led Shan State to this situation, as well as those factors that currently exist in the territory that perpetuate this condition.

The importance of this work lies in the need to study what factors make a territory that, without being traditionally prone to opium trafficking, becomes the centre of production for an entire region, such as Southeast Asia.

Additionally, what factors make this situation continuous over time, with a socio-economic structure rooted in the illegal trade in substances despite the presence of a prohibitionist paradigm.

Through a historical analysis, we will understand the territorial complexity of the Shan State and its repercussions in the fight against opium trafficking; the concessions made to the Shan State, the Chinese migration resulting from the Chinese Revolution in the late 1940s, the return of the prohibitionist regime after the world war, the historical context of the Cold War and the declaration of war on drugs by the United States, are the key historical factors to understand this phenomenon. Finally, we will analyse the current situation marked by two phenomena: the boom and shift in the drug market towards synthetic drugs (mainly methamphetamine), and the consequences that the 2021 coup d'état and the Covid-19 crisis may have on a new cycle, marked by a possible resurgence of the drug economy.

The colonial and postcolonial periods:

The colonial period:

Between 1824 and 1948, Myanmar (then Burma) was a colony of the British Empire. From the territorial division of British Burma that resulted in the Shan States, granting of princely state status (Aphijanyatham, 2009), under which they were ruled by a local monarch (the *saophas* or *sawbwas*), but administered by the British Empire (Mangrai, 1965). This was the well-known indirect rule of British colonialism, which was also common during African colonisation (as opposed to the direct rule of French colonialism).

Map 1. Map of the Shan States

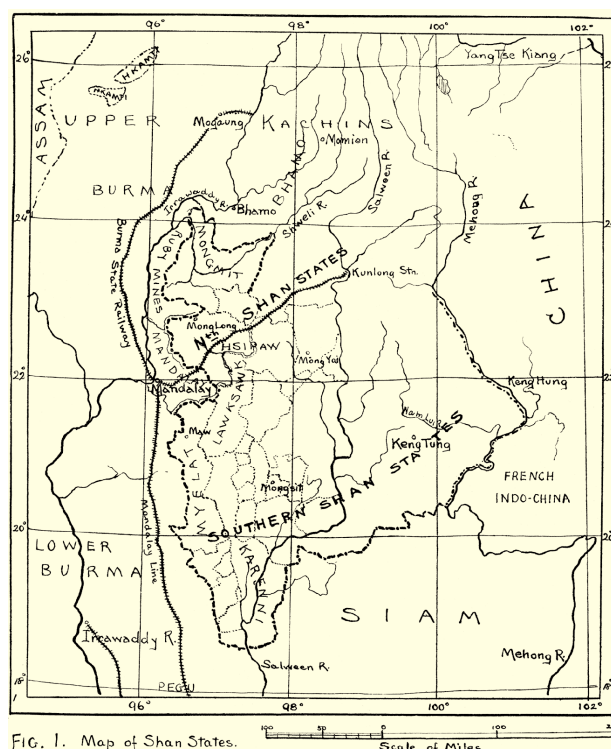


FIG. 1. Map of Shan States.

**Source: Start, L. (1917)
County Borough of Halifax.**

In 1922, the British Empire ordered the formation of the Federal Shan States, a territorial organisation that included the Shan State and the present-day Kayah State (then the Karenni States). This vast territory was to be administered by a British commissioner (Singha, 1961).

Opium was not a product that used to be cultivated in Burma. However, as a consequence of the successive Opium Wars between China and the British Empire (1839 - 1842; 1856 - 1860) and the legalisation of opium in China, the British sought to encourage the cultivation of opium in Burma for trade with its northern neighbour (UNODC, 2006) that, together with Chinese immigration from provinces close to the Burmese border, was the genesis of the opium trade in Southeast Asia.

Shan also suffered another period of occupation. During World War II (WWII) and the Japanese occupation of Burma, thanks to a pact between the Japanese Empire and Siam (now Thailand), the latter annexed part of the Karenni States and Shan State (namely Kengtung State), bordering China (Hendershot, 1943). This annexation lasted from 1943 until 1945, when it was returned to the British. It was at the Panglong Conference in 1947, before the adoption of the Constitution of Burma, when an agreement was reached: the Federal Shan States would retain their administrative and financial autonomy and independence from Kachin State, as well as the right to be consulted by the Burmese government on decisions relating to or impacting on their territories (Panglong Agreement, 1947).

Map 2. Pre World-War II British Burma



**Source: EBO Myanmar (2014)
Burma History**

Under the 1947 Constitution, the Federal Shan States became the Shan State, and the Karenni States became the Kayah State (at the moment they were part of the Federal Shan States) (Articles 5 and 7). In adopting the Constitution, it was recognised that it would be difficult to unite these ethnically distinct territorial entities into a single territory. Therefore, Article 202 of Chapter X of the Constitution, devoted to the “Right of Secession”, provided for an initial period of 10 years after which any State could exercise this right under certain formal conditions (The Constitution of the Union of Burma, 1947) (although, in reality, it could only be exercised by the Shan State and Kayah State, as Kachin and Karen were expressly forbidden to do so; in effect, this right can be seen as a concession to the Shan State). Although this right was not finally exercised by the Shan administration, Shan nationalism was revived by creating multiple nationalist parties, such as the Shan State Unity Party (Silverstein, 1958). Another important aspect to be included in the Constitution came with the opium issue. Within the constitutional scheme, two lists were provided which dealt with different matters, and depending on which list they were found, the competence to legislate on them was attributed to the Burmese Parliament (List I or Union Legislative List); or to each State Council (List II or State Legislative List). In the matter of opium, the State (Shan, in this case) reserved the right to legislate on the imposition of taxes on its manufacture or production (The Constitution of the Union of Burma, 1947). The Union of Burma, for its part, reserved its right to legislate on opium in all its other facets.

The postcolonial period:

Once we have examined how the Shan State was created, the next paragraphs will focus on how opium and, generally, drug trade became more systematic and how it is related from the Cold War perspective, with the participation of the United States of America (US).

The proximity to China would lead to the fact that, after the victory of the Chinese Communist Revolution, under the leadership of Mao Zedong (or Mao Tse-Tung), part of the army of the Kuomintang Party (KMT), the Chinese nationalist party, would settle in Shan (most of the other part moved to Taiwan), the commander of which was Li Mi (Charoenwong, 2004). They used this place as a refuge to return and retake Yunnan in the future, opening a “second front” against the Beijing regime (Seekins, 1997). To this end, they allied themselves with military branches of Shan’s ethnic groups, such as the Karen National Defence Organisation (KNDO).

However, in the mid-1950s, their aims changed and they became even more radical, seeking to overthrow the Burmese government with the help of various insurgent groups (Charoenwong, 2004). However, this struggle, spurred on by the prevention of the US using Burma as a base for military operations against China in the context of the then Korean War, led the KMT army to move into the neighbouring countries of Laos and Thailand (Charoenwong, 2004), from where they would continue their campaign.

The historical context of the Cold War was the impetus for the KMT's struggle, as the KMT military branch presented itself as an opponent of Mao's Chinese Communist regime, an opposition that the United States would seek to encourage, since Burma recognised Mao's regime between 1948 and 1950, making it an ally of the communist side. However, when the KMT army's aggression against Burma's national integrity was denounced at the United Nations, the United States was not able to prevent it from doing so (H. Taylor, 1973). The United States, under the Truman administration and to avoid any debate about its alleged involvement with the militia, requested its departure from Burma, as did Thailand.

However, despite the withdrawal of support from the US and Thailand, the KMT still possessed a large source of funding through the opium trade, a product that had been cultivated for decades, but the need for funding led to the creation of an opium trade network in the region, involving the rural population in the KMT's armed conflicts. This trade moved around 90 percent of the opium produced in Shan to destinations such as Bangkok or Saigon, boosting the economy of the more rural areas of these states but, at the same time, giving them a monopoly (H. Taylor, 1973) that exploited those same workers through opium taxes (Charoenwong, 2004).

With the change of guard in the United States, the new President Dwight D. Eisenhower adopted a firmer position than his predecessor in the decisions to be taken in Asia, especially in Southeast Asia, to prevent the advance of communism. Heightened tensions between China and the United States led to the re-emergence of the KMT army as a means of fighting on the American side, which would train KMT troops (H. Taylor, 1973).

In short, faced with the choice of either supporting Burma to fight the Chinese nationalist KMT to prevent a possible Chinese invasion of Burma (first option) or supporting the KMT in their fight against Mao's communism (second option), the United States opted for the latter. Thailand, to strengthen its northern border with Burma, also supported the KMT.

After the Vietnam War, with disastrous results for the United States, Richard Nixon began to implement a policy that ushered in a period known as "détente" (BCSD, s.f.; Goldmann, 1988), in which he moved away from issues directly related to the Cold War to focus on others. One of these issues was to focus attention on the war on drugs, a proclamation made in 1971, which led to focusing part of its efforts on Latin America and creating institutional apparatuses such as the Drug Enforcement Administration (DEA) in 1973. The result for the KMT was that the US withdrawal from the region and the progressive disinterest in stopping communism in Asia gave the Golden Triangle states of Myanmar, Thailand and Laos the task of dealing with the presence of Chinese nationalist militia in the region (Charoenwong, 2004). Subsequently, in 1979, the United States officially recognised the People's Republic of China.

This war on drugs took its toll on Southeast Asian states. Thailand's unreserved ratification of the 1961 Single Convention on Narcotic Drugs was opposed by Myanmar's ratification under cover of a reservation. Concerning the transitional provision of Article 49 of the Convention, whereby opium cultivation was limited to 25 years after the entry into force of the Convention if a reservation was made, Myanmar made a reservation in respect of the State of Shan (United Nations Treaty Collection, n.d.). Myanmar, Thailand and Laos are States Parties to this Convention. With Nixon's official declaration in 1971, the US put key opium-producing and trafficking states under pressure, including Thailand, which first targeted the KMT. As a result of successive attacks on opium refineries in northern Thailand, the main activity shifted to Burma (Charoenwong, 2004), although with continued pressure from the United States to clamp down on opium trafficking along the border.

This pressure took the form in Myanmar of the 1974 Narcotic and Dangerous Drugs Law, which made any offense related to drug trafficking (cultivation, production, preparation, possession, transport, trade or sale) punishable by imprisonment or the death penalty (UNODC, 2002).

However, repressive policies, as observed in different parts of the world, mainly in Latin America, did not produce favorable results with regard to the eradication of illicit crops or the consumption of these substances.

A decade earlier, in 1962, in a historical context in which various Shan State nationalist groups began to emerge, (Jirattikorn, 2011), a coup d'état led by the Tatmadaw (Burma Armed Forces) military commanders, under the leadership of General Ne Win, took place. From then on, a period of dictatorship began, with the imposition of a single party, the Socialist Programme Party of Burma. This dictatorship was constitutionally embodied in the 1974 Burma Constitution, embodying the socialist principles that were to guide Burma's leaders on their way to their great goal: the building of a socialist society (The Constitution of the Union of Burma, 1974). The constitutional and pre-constitutional privileges granted to Shan, as we had been observing, would eventually disappear in the new Constitution, and it would cease to be an autonomous territory as it had been until then and would be integrated into a unitary system (H. Taylor, 1979).

Map 3. Administrative organisation of the Shan State.



Source: Myanmar Information Management Unit (MIMU) GIS Resources & Agency Maps

Over the next two decades (the 1970s and 1980s), opium consumption continued to increase, despite the 1974 Law, which was amended in 1982, tightening some of its punitive provisions.

During the 1980s, Myanmar reached really high production peaks, making the country the second-largest producer of opium (Sassaroli, 2022), second only to Afghanistan.

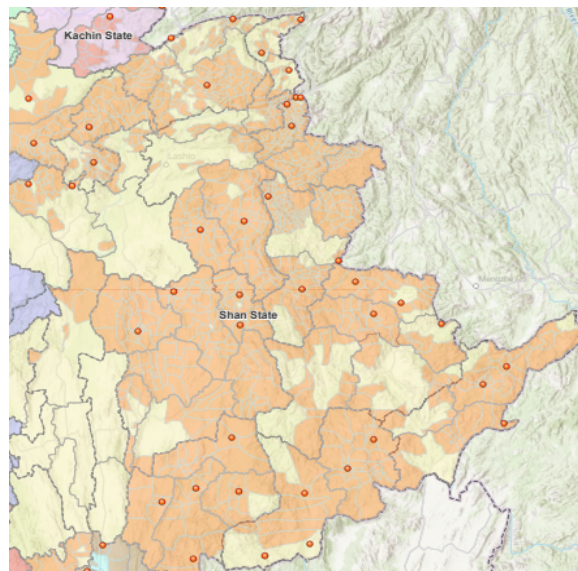
The Shan State at present:

Shan is currently divided into 13 Districts and 55 townships, and its population is characterised by its multi-ethnicity, with ethnic groups from Thailand, Yunnan and the national ethnic groups themselves. The majority religion is Buddhism, with around 80 per cent of the population adhering to Buddhism, followed by Christianity with around 9-10 percent.

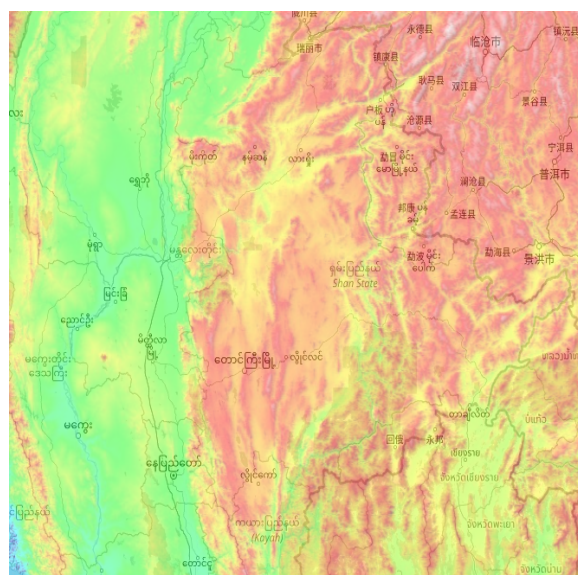
In terms of geography, opium cultivation predominates in the Highland areas, mostly east of the Salween River, which divides Shan in two. The topography of Shan is characterised by an average elevation of 866 metres, with a maximum height of 3,279 metres, as can be seen in Map 5 (Shan is located to the right of the black line).

Another of its characteristics is the difficulty of accessing the towns and villages in this territory (Map 4), often hidden in the vast vegetation of the area, which makes it extremely difficult to take any action that requires direct action on the ground. This is how UNODC puts it in its Myanmar Opium Report 2022: "Fields were often found outside of main agricultural areas, away from villages and roads" (Map 4) (UNODC, 2022).

Map 4. Difficulty of access to towns and villages in Shan State



Map 5. Topographical map of Shan State.



**Source: MIMU, GIS
Resources & Agency Maps**

Decline in opium production since the late 1990s:

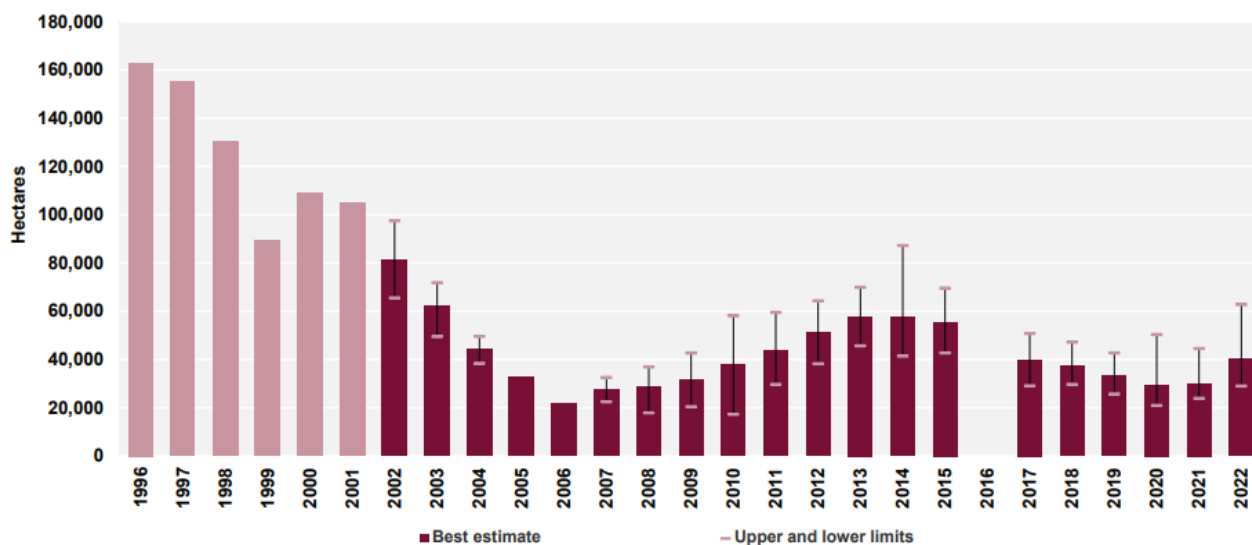
According to the Southeast Asia Opium Survey 2015, opium cultivation in Southeast Asia, primarily in Myanmar, declined significantly to its lowest rate in 2006. It was at this point that UNODC made the following encouraging statement:

The Golden Triangle – where Lao PDR, Thailand and Myanmar meet – has long been synonymous with opium production and drug trafficking. Those days may soon be over (UNODC, 2006).

The possible reasons for this reduction (1998 - 2006) could be related, on the one hand, to the vast amount measures taken that, in the framework of cooperation, began to be implemented in the 1990s with the Mekong Memorandum of Understanding on Drug Control (Mekong MOU), or the ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD). These measures, in turn, must be complemented by other national measures, such as the 1993 Narcotic Drugs and Psychotropic Substances Law, the 1995 Rules relating to Narcotic Drugs and Psychotropic Substances, and the 15-year Drug Eradication Plan (1999-2014). Other initiatives have been taken to specifically take on the situation in the Shan State, for instance, the Kokang and Wa Initiative (KOWI), with the participation of United Nations agencies, international and national non-governmental organisations and other actors of the international sphere. This initiative was established to provide “direct support for alternative development and food security” (UNODC, 2004).

On the other hand, climatic factors, such as droughts, or health factors, such as the increase in HIV cases from the 1990s onwards, must also be taken into consideration (Sassaroli, 2022). The UNODC 2006 report did not address the reasons for this significant reduction in the number of hectares under opium production, although it does mention (as did the Council of the European Union in 2015) the efforts of the authorities to eradicate illicit crops, as well as the imposition of certain legal provisions to ban opium in certain territories, such as in the Wa and Kokang region (Council of the European Union, 2015; UNODC, 2006).

Graph 1. Evolution of opium cultivation in Myanmar between 1996 and 2022



Source: UNODC (2022). Myanmar Opium Survey 2022 Cultivation, Production, and Implications.

It was in 1999 when there was a significant change as the number of hectares moved from 130,300 to 89,500 hectares (a reduction of 31 per cent) (UNODC, 2006). It seems that the result of crop eradication policies emanated from the 15-Year Drug Eradication Plan (1999-2014) (extended to 2019, becoming the 20-Year Drug Eradication Plan (1999 - 2019), which had certain objectives within the Shan State.

The report stated that Shan State in Myanmar had 94 per cent of the opium cultivated territory in the whole country (UNODC, 2006), with the most significant reduction in other states, such as Kachin, Chin or Kayah. Among the reasons why people engaged in this activity, the UNODC's work pointed to the ease of making profits in a short period as predominant, followed by poverty (both reasoning being closely connected).

With the 1993 Narcotic Drugs and Psychotropic Substances Law, as a national development of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (to which it acceded with reservations), it aggravated the provisions of the 1974 law, retaining the death penalty and increasing the minimum prison term to 15 years for any drug trafficking

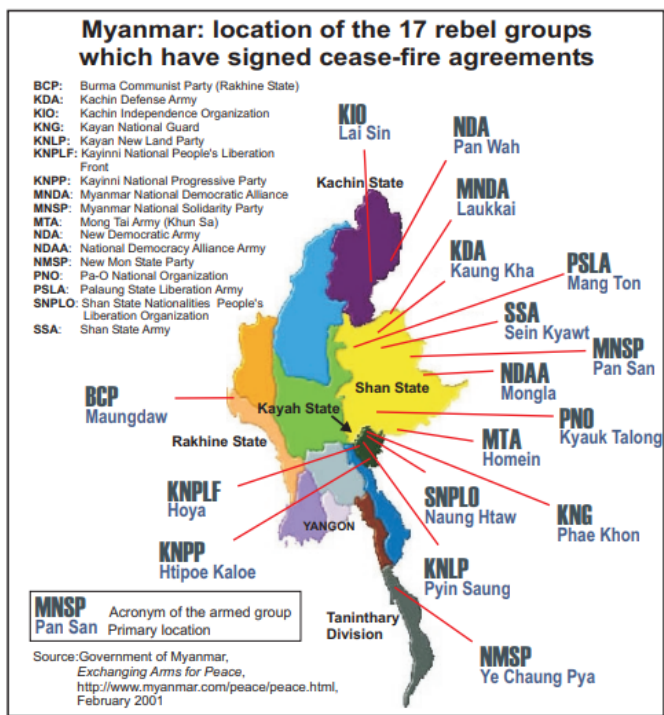
offence. This law is described as one of the most repressive in the world (Drug Policy Advocacy Group Myanmar, 2017).

Opium eradication policies in Shan State face a major obstacle, namely the existence of numerous armed ethnic rebel groups that prevent or fight against the eradication of the opium that funds their campaigns, making Shan a difficult region to control. Figure 1 shows the existence of various rebel groups in different parts of Myanmar, with Shan predominating as a haven for most of them.

We should add that, in the 2017 report, evidence for enhancing resilience to opium poppy cultivation in Shan State, the UNODC carries out an interesting study analysing opium cultivation and its characteristics, dividing the Shan region into three zones: Eastern Shan, Southern Shan and Northern Shan, highlighting some characteristics that make the opium economy vary depending on the zone.

Finally, we will make a brief reference to the drug economy in the aftermath of the 2021 coup d'état by the Tatmadaw. The United Nations Development Programme, in this regard, expressed concern about a setback in Myanmar's economy due to the coup and the consequences of the Covid-19 pandemic, resulting in an increase in poverty (Zsombor, 2021), which could lead to a resurgence of the drug market. Indeed, UNODC data on opium production in Myanmar for the year 2022 do not show the opposite (Figure 2). Above all, it is feared that Myanmar will cease to contribute to UNODC's data collection, which makes the drafting of successive drug monitoring reports possible. As Rupert Stone states:

Figure 1. Location of the 17 rebel groups that have signed a ceasefire agreement with the Myanmar government.



Source: Government of Myanmar (2001)

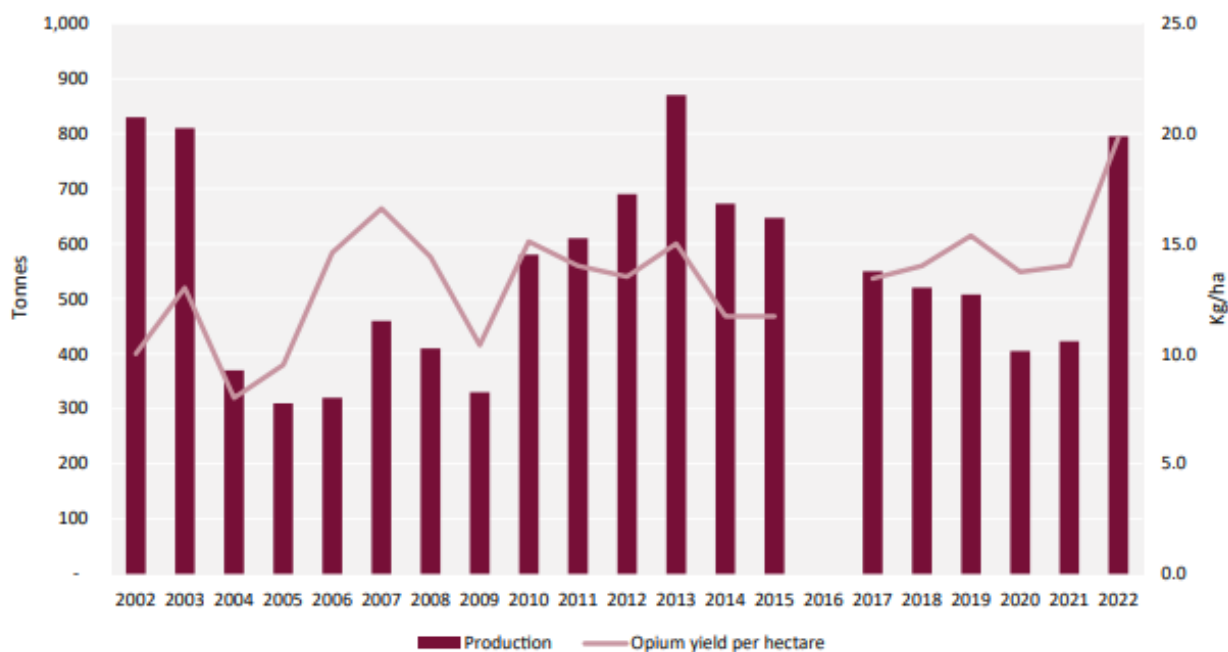
But sources of data in Myanmar have gone dark, making it hard to assess the current scale of the drug industry there. The country's police stopped reporting seizures on its Facebook page in early February, and the U.N. is not engaging with the junta (Stone, 2021).

From the shift in production to the return of Tatmadaw, the current situation:

Myanmar's geographical location between China and India gives it a special privilege in obtaining precursor chemicals for the production of substances such as heroin and methamphetamine. Although Myanmar remains the world's second-largest opium producer, with an increase in production (following the coup in 2021), as Figure 2 indicates, it is clear that production rates have not reached the levels that existed before the beginning of the 21st century. Indeed, UNODC has also demonstrated the existence of a positive shift of 39 percent of the areas of opium poppy cultivation in Shan State (with a 57 percent and a 50 per cent shift in North Shan and South Shan, respectively) (UNODC, 2022).

Graph 2. Evolution of opium production in Myanmar between 2002 and 2022.

Opium production and yields in Myanmar

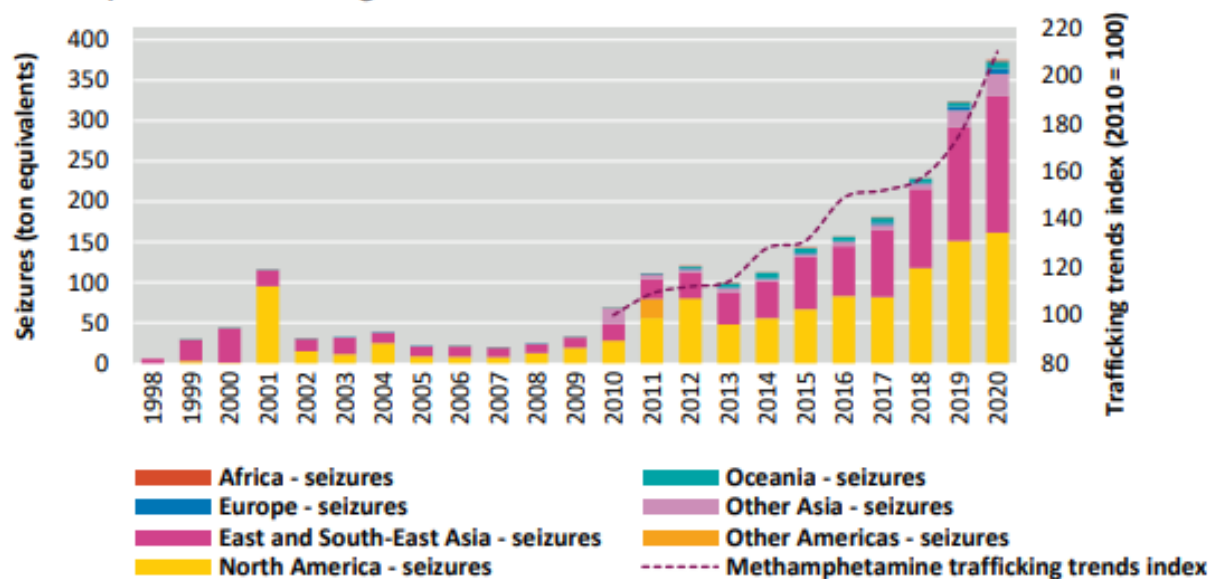


Source: UNODC (2022) Myanmar Opium Survey 2022 Cultivation, Production, and Implications

This downward trend in opium availability in Myanmar led to the search for a substitute. The aforementioned ease of obtaining precursor chemicals and the possibility of establishing laboratories in remote, hard-to-reach locations within Shan has led to a boom in the methamphetamine business, which continues to be linked to armed ethnic rebel groups (UNODC, 2010). Let us recall at this point that, as recognised by the UNODC in 2006, the reduction of opium cultivation has had both positive and negative effects. While the positive results include an increase in the rehabilitation of addicts, the negative ones include poverty, economic debt, food shortages and even stress (UNODC, 2008). The graphs below illustrate the current state of the illicit methamphetamine market on a global scale, in terms of quantities seized (Graph 3), and the evolution between 2016 and 2020 of methamphetamine seizures in Myanmar (Graph 4).

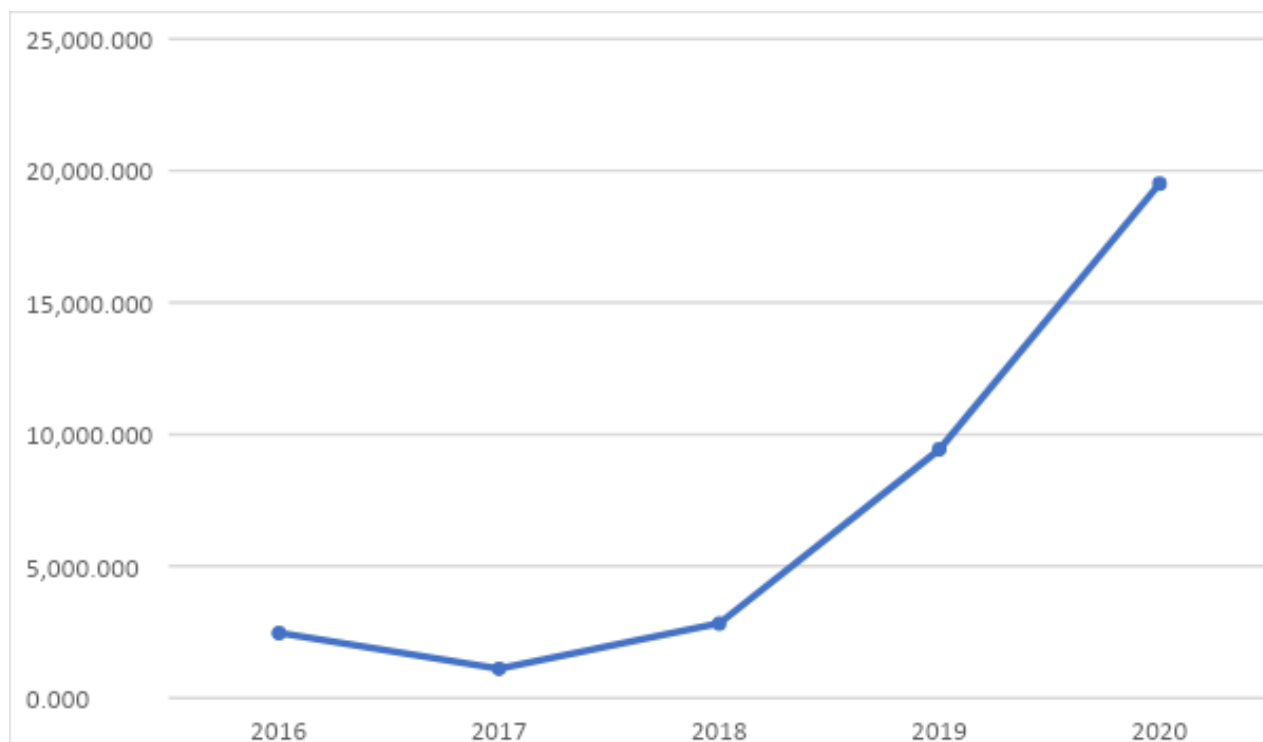
Graph 3. Amounts of methamphetamine seized by region and sub-region, as well as trends in methamphetamine trafficking between 1998 and 2020.

Quantities of methamphetamine seized, by region and subregion, and reported qualitative trends in methamphetamine trafficking, 1998–2020



Source: UNODC (2022). Myanmar Opium Survey 2022 Cultivation, Production, and Implications

Graph 4. Seizures of methamphetamine (kilograms) in Myanmar 2016 – 2020.



**Source: UNODC (2022), Myanmar Opium Survey 2022
Cultivation, Production, and Implications**

The onward trend in synthetic drugs and opium production is expected to grow for the following years, taking into consideration several facts, such as the consequences of Covid-19, the coup d'état started by the Tatmadaw, and the mentioned geographical and structural (socioeconomic and political) challenges of the Shan State. A strong grade of resilience was shown by drug-trafficking organisations during the Covid-19 (Moya Barba, 2023), but also during the years of repression, proving that drug-trafficking (not only in Myanmar, but generally speaking) cannot be controlled for a long term only by using military and security approaches. Instead, governments have to promote policies focused on the demand, fostering alternative ways of sustainability, such as alternative crops, or an investment in infrastructure, such as roads, hospitals or schools.

However, during a military regime, when the economy becomes centralised and repression grows, this change in policies is perceived as unreachable. The investment in defense and security grows as the social investment decreases. In addition, it has been observed that the military junta is quite permissive with drug trafficking as it provides for the economy of rural areas (Marrero, 2018), being able to focus their resources in other matters of concern.

Conclusion:

Shan State, before the adoption of the 1947 Constitution, has been a territory with preferential autonomy within the administrative organisation of Myanmar. Its particular geographical condition, which makes it share borders with China, Laos and Thailand, as well as its internal geography, makes it the perfect place to cultivate, produce, manufacture and trade substances such as opium, heroin and methamphetamine. Although there have been attempts by different governments to combat opium cultivation and trafficking, the results of which could be seen in the drop in hectares of opium cultivation from 1998 to 2006, there were some factors that made the fight against drug trafficking even more difficult: (1) the socio-economic conditions in which the population of this state lives, in its more rural areas and far from the cities, (2) as well as the presence of armed ethnic rebel groups that use the profits from opium trafficking and other substances to finance their respective campaigns.

Finally, the shift in global drug trafficking towards synthetic drugs, primarily methamphetamine, represents the resilience of this illegal market to the obstacles that the fight against drugs has attempted to put in place through soft law measures, such as various prohibitionist legislation, as well as hard law measures, such as crackdowns. This is not a trend unique to Southeast Asia, but the historical, socio-economic, geographical and political conditions of the region, most notably Myanmar (and in particular the Shan State), have led to the region's rise in this regard. Current circumstances, moreover, raise alarm bells about a possible resurgence of the drug economy in Myanmar, due to the consequences of Covid-19 and the 2021 coup d'état by the Tatmadaw. These developments would provide a perfect climate for drug traffickers to exploit the socio-economic needs of the Burmese population to continue and expand their drug trafficking networks. To address this situation, we propose four steps or measures:

- 1) To undermine the social and economic foundations of the Tatmadaw regime, fostering an internal change in the political situation;
- 2) To implement measures aimed at reducing the cost of opportunity of the inhabitants of rural zones of Shan of being involved in illicit activities. This can be done by policies and investments such as road construction or building hospitals and schools, improving the livelihoods in towns and villages.
- 3) It is fundamental, at this point, for the cooperation of third states and international or regional organisations, such as the United Nations, the European Union or the ASEAN, to assist the government of Myanmar in taking these measures by intensifying commerce with this particular state. Actions must also be taken at the international or regional level to control the trafficking of chemical precursors through the frontiers of their states.
- 4) However, these measures cannot be accomplished without taking care of the ethnic problem of the Shan State. Currently, the warlords in Shan are who govern the drug-trafficking industry. A solution between the central government and the ethnic actors must be reached if the above mentioned steps are to be taken, at least in Shan.

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