



## Political and socio-economic barriers in accessing public services for people with disabilities in Kachin and Karen states, Myanmar

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### Acronyms

EAOs	Ethnic armed organizations [insurgent groups]
KIA	Kachin Independence Army
KNU	Karen National Union
PWDs	People with disabilities
SLORC	State Law and Order Restoration Council (the military Junta Government)
SPDC	State Peace and Development Council (a reconstitution of SLORC in 1997)
UNCRPD	United Nations Convention on the Rights of Person with Disabilities
UNFPA	United Nations Population Fund



## Introduction

People with disabilities (PWDs) in Myanmar make up an important percentage of the population. The ECID programme aims to support the visibility of disability issues in these processes through research and programmatic work. This review focuses on PWDs' access to public services.

This research seeks to contribute to this broader programme by pursuing the following research objectives: (1) assess and understand the nature and extent of barriers to access public services by PWDs; (2) explore the extent and impact of marginalization of PWDs in public service decision making; and (3) make recommendations towards improving access to affordable and quality public services by PWDs.

This study is located in a larger political theory literature regarding state-individual relations as a basic conceptual framework for the study. The concept of rights serves as an essential tool of analysis for understanding state-individual relations. This review is divided into the following sections: (1) the nature of state-individual relationships; (2) the nature of the Myanmar State; (3) understanding disability from a human rights perspective; and (4) research gaps found.

### 1. The nature of state-individual relationships

State functions imply a certain authority of the state *over* the individuals. Yet, if we consider the state as an instrument of society, it is essential to look at the functions that the state performs *for* individuals. Without these functions, the state can draw no metaphysical meaning of its own. In the political theory literature, the rationale for the existence of the state resonates with the essential human need to preserve and protect life, and to aspire to achieve a good life. Normatively, the primary purpose of state functions is to facilitate life and the process of achieving a good life. Aristotle, the father



of political sciences, said: “the state comes into existence for the sake of life and continues to exist for the sake of good life” (Aristotle, 1991).

Political theorists have used various heuristic tools of conception such as *the state of nature* for deeper understanding of state-individual relations. Famous political theorists such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau wrote treatises on the question of the state of nature, seeking to ground political rights in it. Describing the state of nature was a means and a metaphor for discussing human nature, an exercise that would establish a hierarchy of human goods that political society was meant to foster (Fukuyama 2011).

A common thread running across their political ideas is that state-individual relationships are contractual rather than historical. However, the three thinkers view the necessary conditions for state-individual relations differently. They also have different views on human nature, the law of nature, and the hierarchy of rights that spring from the law of nature.

The Hobbesian understanding of state-individual relationships tilts towards the supremacy of the state over rights, except for preserving the right to life. Thomas Hobbes’ view on state of nature is inextricably linked with his gloomy understanding of human nature. Fear of violent death preceded over all other forms of human emotions. Hence, Hobbes considers the right to preserve life as the paramount fundamental right. For Hobbes, human nature causes three fundamental quarrels: competition, defiance (fear) and glory. The first causes men to invade for gain; the second, for safety; and the third, for reputation. Everyone is wary of everyone paving the way for leviathan (the state), forcing people to start a contract with the state in return for preserving the right to life (Hobbes, 1958).



John Locke, on the other hand, has a softer view on human nature. Unlike Hobbes, Locke's understanding of the state of nature is not warring. However, unregulated liberty leads to war. Fundamental laws of nature grant the right to life, health, liberty, or possession. Although the state is necessary, citizens reserve the right to revolt against unjust rules. The state cannot be armed with absolute authority over the individual. If the state claims authority, the individual must claim rights. An individual owes allegiance to the state and obeys its commands because the state serves her or his interests. Locke's political theory serves as a foundation for modern day fundamental rights enshrined in many Constitutions, such as the American Constitution (Locke, 1952). It sowed the seed for limited state's authority, safeguarding fundamental rights from state encroachment.

Jean-Jacques Rousseau is quite the opposite to Hobbes. Rousseau's human nature is neither good nor bad. Rousseau notes that humans are not just solitary, but timid and fearful. They are more likely to flee one another rather than to fight. He views the coming of Leviathan (the state) as the contaminating effect of centuries of social development (Rousseau, 2010). He raises fundamental questions about the need for the state and yearns for the stage of what he called "the noble savage". For him, the state-individual relationship is, at best, unnecessary.

Scrutinizing the ideas of the three political theorists, which still show relevance to analyze the case of the Myanmar state, we can conclude that rights essentially belong to the sphere of conflicting claims between individuals and the state. It is important to know that the automatic benefits that flow from the existence of the state do not constitute rights per se. Rights only came into the picture when the authority of the state was sought to be limited, or when individuals and their groups demanded a positive role of the state. In fact, the absence of rights makes the happiness of individuals depend on the benevolence of the powers that be. If there are no rights to curb the authority of the government and to



prescribe, then the functions of the state wield unbridled power. This may soon degenerate into absolutism, authoritarianism, despotism, and tyranny.

In modern times, this vision of human liberation has been developed into the concept of “human rights”. These rights are no longer expressed merely as certain demands. On the other hand, they are sought to be enshrined in the structure of the government so as to prevent the state from using it in an arbitrary manner. As MacIver (1926) noted:

The cry for human rights now becomes more than exhortation or protest. It becomes the precise demand for the legal and constitutional embodiment of specific claims and liberties, and then opportunities.

Similarly, Laski (1919) observed that: “rights, in fact, are those conditions of social life without which no man [human] can seek, in general, to be himself [and herself] at his best”.

To put bluntly, there is a long tradition of seeing the state as a means rather than an end in the political theory literature. Rights can only be obtained in democratic states where liberty and equality coexist. The democratic mechanism for enforcing popular control through periodical elections and alternative parties ensures the enjoyment of rights. In a nutshell, human rights consist of claims of individuals and groups, on and against the state, which are sought to be secured through legal and constitutional mechanisms.

However, the framework for state-individual relationships propounded in the mainstream political theories may not resonate with the political reality of military controlled states like Myanmar.



Political thinkers have long thought that, for rights to fully function, there are certain necessary conditions that need to happen. Long traditions of undemocratic rule and weak political culture of constitutionalism are bound to produce troubled state-individual relations with occasional outburst of political grievances in the form of mass uprisings, such as the 88 uprising, the 2007 Saffron Revolution, and the current Spring Revolution.

Where do individual and group rights fit under such authoritarian rule? Especially, how can one best safeguard the fundamental rights of marginalized communities such as people with disabilities? Such major questions cannot be answered relying solely on empirical studies. They also need a proper understanding of disability within a larger political context and within the nature of the State, in our case, the Myanmar State.

## 2. The nature of the Myanmar State

The study of the nature of the Myanmar State is deeply embedded in what is popularly known as “Burma studies”. Despite disciplinary differences, there are two main perspectives looking at the nature of the Myanmar State: one looking from a state-centric perspective; and the other looking through the experiences of periphery areas.

At the heart of the first perspective lies the important role of *Tatmadaw* (the Myanmar Armed Forces) in Myanmar politics. This approach is largely based on a state-building perspective that refuses to analyze the oppressive nature of the military regime. Scholars in this field justify why the Tatmadaw takes certain political actions; why they brutally shoot down unarmed civilians in hundreds, if not in thousands; and why the Tatmadaw still needs to be in power (Maung Maung 1988; Maung Aung Myoe 2009).



A good example in point is Dr. Maung Maung's account of the 1988 uprising. As he clearly puts it in his conclusion:

All I have set out to do was to put a few facts on record, facts as we saw them, of course. Facts as seen by others have been published more than fully. The objective [is that our] historians and our young people should study them all before they make up their minds. And our young people should draw their lessons and remember them.

Maung Maung is trying to justify why the *State Law and Order Restoration Council* (SLORC – the Junta Government) had to seize state power, depicting subtly how protestors turned hooligans. In a way, Maung Maung's account tried to convince the readers that the SLORC-led Junta Government was the only solution for the situation at the time. He presented anarchy as the only possible alternative to this Council. In his view, the way in which Tatmadaw took state power and cracked down the protestors violently was justifiable. In a way, Dr. Maung Maung was, in fact, a pioneer in such Tatmadaw/State apologetic scholarly tradition.

Subsequent studies, such as Maung Aung Myoe's (2009) book titled *Building the Tatmadaw*, followed such scholarly tradition. In this book, Maung Aung Myoe laboriously showed the institutionalizing process of the Tatmadaw phase by phase. He boasted that, as a result of the Tatmadaw leadership's unceasing efforts to force modernization and expansion:

The Tatmadaw has transformed itself from essentially a counter-insurgency force into a force supported by tanks and artillery, capable of fighting a regular conventional war. It has become Southeast Asia's second largest military force, next to Vietnam's.



Ironically, the rationale that Maung Aung Myoe gave for building the Tatmadaw was: ‘to keep up the twelve noble traditions of the Tatmadaw.’ Among the twelve noble causes, the last cause is the most important one politically, which is to perpetually uphold the three main national causes. These are: the non-disintegration of the Union; the non-disintegration of the ethnic unity; and to uphold state sovereignty. The author regarded the Tatmadaw as the only possible institution in Myanmar to uphold such state duties. Therefore, he saw it as justifiable that the state power is in the hands of the military regime.

The alternative scholarly tradition looking from the periphery perspective is quite rich and diverse. This tradition ranges from some insightful journalistic accounts – such as Bertil Lintner’s *Land of Jade (1990)* and *the Rise and fall of the Communist Party of Burma (1990)*, and Martin Smith’s *Burma Insurgency and the politics of Ethnicity (1991)* – to borderland studies, political economy studies, and the like.

The SLORC/SPDC era (1988-2009) served as the watershed period transforming the borderland into the doorway for lucrative business and a market economy, as well as the incessant flow of Chinese goods and people. This ushered into the period when China became a dominant force (Thant Myint Oo 2019). Conceptions like “zomia” [to define the large mainland of Southeast Asia] as a heuristic and historical tool; and the political economy perspective have represented the two dominant schools to study the China-Myanmar border world after the end of the socialist era (van Schendel 2002; Scott 2009).

This tradition is, in a way, an offshoot of global scholarly interest in borderlands and the ‘borderworld’. Scholars proposed a new borderland conception such as the “regional space” (Van Schendel 2002). Van Schendel proposed the term ‘zomia’ denoting a large region of Asia. However, it did not make it as a “world area” in the area dispensation after World War II because it lacked strong centers of state formation, it was politically





ambiguous, and it did not command sufficient scholarly clout. The conception of ‘zomia’ as a heuristic tool for understanding highland Southeast Asia became nonetheless a new trend in academia. James Scott made the definition of ‘zomia’ a sensational one with his masterpiece “The Art of Not Being Governed” (Scott 2009).

Mandy Sadan, a renowned historian, proposed that the more expansive term of ‘borderworld’ may be preferable. This is because the proximity to a borderline does not always determine the interactions of people in these wider but interconnected spaces (Sadan 2013). Clearly, Burma borderland studies are a rich body of literature, equipped with strong, comprehensive and contextualized heuristic tools.

On the other hand, scholars have tried to study the issue from a political economy perspective. Scholars like Lee Jones have their primary interest in making sense of the Myanmar transition process since 2010 from a political economy perspective and in the context of regional dynamics (Jones 2014).

Along the line, Meehan (2015) also looks at issues around illicit economies and militias in Shan State from a political economy perspective. He has four primary objectives in undertaking the study:

1. It reassesses the theoretical assumptions that equate illicit economies with state fragility and demonstrate instead why illicit drug economies can become embedded in processes of conflict reduction and state consolidation.
2. It explains why establishing control over Shan State has become so important to the Myanmar government’s state-building ambitions.
3. It analyses how the state’s engagement with the drug trade has become a vital part of its attempts to consolidate control, in terms of financing military expansion and brokering deals with strongmen who are able to govern local populations.



4. It assesses how these strategies embody a form of “negotiated statehood” in which the state’s growing control has been defined by attempts to manage, rather than monopolize, the means of coercion and extraction. (Meehan 2015)

Meehan looks at the illicit economy (opium trade) and the state-building process from a critical perspective backed up by extensive field data. He states that although opium has been typically viewed as a sign and a cause of lawlessness in regions beyond state control, the drug economy has become embedded in military strategies to extend state authority across the Shan Hills (Meehan 2015). Meehan uses concepts such as “negotiated statehood” and “brokerage”. His work is indeed a critical study about the nature of the Myanmar State from the periphery.

Understanding the nature of the Myanmar state helps explain the profound challenges facing any attempt to improve public services for citizens. Such service provision is secondary in the eyes of military-state elites to securing control and pursuing state formation. This ruling military elite attitude explains why so much money is spent on the military budget and so little on public services. Along this line, Mary Callahan points out how the Myanmar Military Power Elite perceives its citizens as ‘enemies’, providing a glimpse of the reasons why Tatmadaw’s State-building efforts mainly rely on ‘force’ shun of producing concrete political legitimacy (Callahan, 2003).

Furthermore, the central Myanmar state has never secured firm control over contested borderland areas. Therefore, any study of basic public services (including for people with disabilities) cannot take a state-centric perspective. It is vital to understand that these are areas where the central state is just one of the multiple authorities and services, and the factors affecting access to them. Thus, any study of services needs to begin with an understanding of who the critical service providers are. Simply strengthening Myanmar



state services will not overcome barriers to access in contexts where many people access services from non-state actors.

### 3. Understanding disability from a human rights perspective

As mentioned in the above section, human rights are the ultimate manifestation of a proper state-individuals relationship without which individual freedom ceases to exist. Hence, understanding disability as a societal problem, rather than merely a medical defect, requires looking at it from a human rights perspective and state and society's responsibility to produce certain services. This is where both mainstream political theories and people with disabilities (PWDs) literature can converge and contribute for a better understanding of disability in a larger political context.

PWD literature studied from a human rights perspective is a relatively nascent tradition. Nevertheless, it is gaining momentum since the *United Nations Convention on the Rights of Person with Disabilities* (UNCRPD) was adopted in 2006, which aims to:

Promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. (United Nations, 2006)

It is, in a way, a point of departure from the traditional recognition of disability in making a bold statement promising 'equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.'

In addition, the Convention recognizes that disability is not just about individual impairments. Instead, it is an interaction between individual impairments and societal barriers, shedding light on the need for societal solutions to disabilities. For instance, the



Preamble of the Convention recognizes that: 'disability is an evolving concept ... disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others' (United Nations, 2006). Furthermore, Article 1 of the Convention describes PWDs as 'those who have long-term physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others'.

PWDs' full enjoyment of human rights may rely on society's moral acceptance of natural rights, the prevailing political environment, and the functionality of the governing legal system or the interdependence of all these factors (Albrecht et al, 2001; Sen, 2004).

Major limiting factors include, inadequate policies and standards, negative attitudes, lack of provision of services, problems with service delivery, inadequate funding, lack of accessibility, lack of consultation with and involvement of PWD and lack of data and evidence. This is based on the *World Report on Disability* (WHO, 2011), which synthesizes numerous studies done in developing nations. Based on the overwhelming evidence on limiting factors, the World Health Organization and World Bank admitted in the *World Report on Disability* (WHO, 2011), that the respect for the inherent dignity and individual autonomy of people with disabilities, without discrimination and with effective participation and inclusion in society, had not been fully realized.

Impairment has always been part of human existence. However, understandings of disability and responses to it have varied over time and across societies with different religious and cultural beliefs (Braddock & Parish, in Albrecht et al, 2001: ch.2; Lewis-Gargett et al., 2015). Scholars from various disciplines have sought to understand disability in the context of other transformative ontological arenas such as feminism, queer theory and children's rights. It is probably fair to say that disability theory has not



yet attracted the same global interest, despite the introduction of international and national legislation and the existence of a strong disability movement.

Disability scholars such as Goodley et al. (2012) suggest that disability remains in a stigmatized status in which a person with disabilities is constructed as a lesser human or citizen. This leads to inequality, discrimination and, ultimately, unjust treatment of PWDs. “Social exclusion” or “discrimination” is defined as the failure to include a person or group of people in a society, intentionally or unintentionally, based on their perceived differences from that society's norms (United Nations, 2006).

#### 4. Empirical studies on disability in Myanmar

There are few existing empirical studies written on the topic of disability in Myanmar. Key available sources are listed below.

In 2010, we find the first Myanmar National Disability Survey led by the *Department of Social Welfare* in the *Ministry of Social Welfare, Relief and Resettlement*, done together with the *Leprosy Mission International* (DSW & TLMI, 2010). Those surveyed were persons with physical, seeing, hearing and intellectual or learning impairments. The national disability prevalence of Myanmar came out to be 2.3%, which means 1,276,000 people, based on a population of 55 million. At least 11.22% of households in Myanmar had a person with disability by then.

In 2017, the *Department of Population* at the *Ministry of Labour, Immigration and Population* elaborated a thematic report on disability based on the Myanmar's Census in 2014, with the support of the *United Nations Population Fund* or UNFPA (DOP & UNFPA, 2017). Of a total of 50.3 million persons enumerated in conventional households and institutions in the 2014 Census, there were 2.3 million people who reported having at least



some difficulty in either one or more of the four functional domains. This amounted to 4.6 per cent of the total population.

The same report notes that 559,900 individuals (1.11 per cent of the population) reported having a lot of difficulty or could not do one or more of the four activities at all. Among those with a severe disability, 55,000 individuals were blind; 43,000 were deaf; 99,000 could not walk at all; and 90,000 did not have the capacity to remember or concentrate. Disability appears to be a predominantly old-age phenomenon with its prevalence remaining low up to a certain age, after which rates increase substantially.

The 2017 study drew some conclusions:

- The observed prevalence of 4.6 per cent is likely to be an under-estimate of the true prevalence level of disability in Myanmar.
- Persons living in rural areas have higher levels of disability, both in absolute and relative terms, compared to their urban counterparts.
- Nearly one half of all PWDs live in extended households. This shows that the traditional system in which the family takes care of an ailing or a relative with a disability is still largely in place.
- When it comes to education, both boys and girls who have a disability are less likely to attend primary school.
- Among PWDs, the illiteracy rates are much higher than in the average population.
- With limited or no education, it should come as no surprise that participation in the labour market is challenging for many PWDs.
- Results from the 2014 Census further show that PWDs have less access to certain amenities and facilities.

Besides surveys, there are also some qualitative studies showing details about specific aspects of disability. Vanni Bawi (2012) wrote the study “Understanding the challenges



of disability in Myanmar”. Using key informant interviews and focus group discussions with PWDs, family members and service providers from Yanon, Mandalay and Taunggyi, the study found that PWDS, especially those with intellectual disabilities, need training for independent living, adaptive special education, motor development programs and behaviour modification programs in special institutions. Effective services and programs are necessary in all these areas in addition to vocational and livelihood support.

In 2017, Crock et al. published “The legal protection of refugees with disabilities: forgotten and invisible?”. A key point of this study, which interviewed refugees with disabilities, was the practical import of the definition of disability in Article 1 of the United Nations Convention on Disability and the acknowledgement that impairments alone do not create disability. Rather, it is the failure to accommodate, adapt and assist that ‘disables’ people.

More recent is Soe’s (2019) study “Influence of donor aid policy on disability inclusion in Myanmar”. The findings of this qualitative doctoral research demonstrate that the inclusion of PWDs in the aid delivery chain is not yet regarded as a moral obligation as prescribed by the United Nations Convention on Disability. However, disability inclusion still occurred where there were understanding and commitment by a leader within an organization. The presence of a disability activist further strengthened disability inclusion. Employing PWDs in organizations helped to raise awareness and understanding about disability and disability inclusion in their own organizations and within a wider network of stakeholders.

Finally, the study “Gender, disabilities and displacement in Kachin State”, written by Lawn et al (2021), focuses on PWDs living in both government and non-government-controlled areas. Drawing on qualitative interviews collected in Kachin State in 2018, this book chapter examines the experiences of conflict and displacement of civilians living with disabilities. The interviews capture lives in the midst of multiple transitions, be it between



cycles of conflict and peace, major economic changes, forced migration, and return. Their experiences are analyzed through an intersectional gender lens, examining the different needs, vulnerabilities, and possibilities for agency in terms of femininities and masculinities that the respondents and their communities face.

### Conclusion: framing and research gaps

As observed, there are multiple barriers to access basic public services for PWDs in Myanmar. First, there is the lack of state services. Second, even where state services operate, they do not reach large populations. Third, there is the need to consider which service providers do reach marginalized populations. In many cases, this is ethnic armed organizations or EAOs [insurgent groups] like the Kachin Independence Army (KIA) and the Karen National Union (KNU). The issue then raises significant challenges for international actors – how to engage with these actors when such actions are tied up with broader contestation regarding state-building processes in Myanmar.

One may wonder why there is the need to locate the study of PWDs in Myanmar in a larger state-individuals discourse and the nature of the state in Myanmar. In a nutshell, without looking at the troubled state-individual relations resulting from the military-dominated Myanmar State, it will be difficult to meaningfully understand the root causes of any form of social, political, and economic exclusions in Myanmar. Therefore, we have to locate our PWDs study, though it may seem a small topic, in a larger political discourse.

Such empirically and theoretically grounded study does not just serve as a window to scrutinize the nature of the Myanmar State itself in an abstract perspective; it also highlights the immediate policy action points to improve the conditions of marginalized communities such as the PWD community in their relationship with the Myanmar State. It





can also facilitate the ways and means by which the voice of PWDs can be best enhanced with the use of primary data.

Having said that, we could point out several gaps in the empirical studies about PWDs in Myanmar:

- The lack of detailed studies – especially in ethnic states.
- The specific challenges facing populations in conflict-affected areas – conflict as both a cause of disability and a significant barrier to accessing services (e.g., PWDs in camps of internally displaced people).
- The need to disaggregate findings according to age and gender. Especially the need to understand the gendered impacts of disability service access.
- Even if there are reforms in policy and strategy at a national level, this will have little meaning to those living in conflict-affected areas where state services are limited and weak.



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