Reading Myanmar's inland fisheries: postcolonial literature as theoretical lens

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ABSTRACT Interdisciplinary in scope, this article takes up the 1950 short story, "Ko Danga," by Burmese author Kyay Ni, as a critical lens through which to approach the contemporary political economy of Myanmar's inland fisheries. Due to its level of ethnographic detail, Kyay Ni's account of the inland fisheries regime in early postcolonial Burma provides an effective historic baseline against which to assess more recent developments in this sector—developments outlined herein based on interviews and research trips to inland fishery locations in Myanmar's Ayeyarwady Region. Going further, the article argues that Kyay Ni's writing offers heterodox insights into contemporary political economic concerns, of relevance in Myanmar and more broadly.

KEYWORDS: Capitalism; fisheries; Kyay Ni; Myanmar; postcolonial literature

> There is someone aboard that little boat …. Please take a look at him. His back is burnt by the sun and worn down by the wind. This back is sadly bearing witness to the fact that he has never covered it with fancy clothing. What is more, the sarong around his waist is so worn out and faded like the withered face of a sick man near death that it is impossible to say what kind had it been when it was new. And on his head he has wrapped a similarly old sarong, on top of which he wears a tattered bamboo hat. These features reveal the character of his poor life and bear witness to him being a person unlike others.
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> - Kyay Ni, "Ko Danga" (1950)[1]

In the April 1950 issue of the Burmese literary magazine, *Shumawa*, there appeared an evocative, and in the end tragic, short story penned by a hitherto unknown author who went by the name of Kyay Ni (literally, "Red Star"). The title of the narrative, modestly enough, was "Ko Danga," or "Brother Fisherman" in English. It recounted, in minute detail, the everyday worlds of fisher folk residing at a rural community in the village of Byinbwe, Danuphyu Township, located a hundred

or so kilometres northwest of Yangon. Focusing on the lives and livelihoods of a poor fisherman named Ko Daung Sein and his wife, Ma May Sein, the stories documented the social and economic challenges the couple faced, along with the various strategies they employed to get by.

What is notable, at first, about Kyay Ni's story is the author's skilful use of a realist style, expressed as it is in his descriptions of plants and fish native to the area, the colloquial expressions used by Danuphyu's fisher folk, and the intimate—but also conflictual, even violent—social relations that shaped their lives. The editors of *Shumawa* evidently recognised "Ko Danga"'s literary merit, or at least appreciated its commercial success; they invited Kyay Ni to continue the series, with nineteen more episodes published over the next five years. To this day, these stories are considered, within Myanmar, as the high-water mark of Burmese literary realism (*thayok hpaw sape*; see Maung Maung Gyi 2001 [1975]).

But Kyay Ni's stories delivered, in addition, a damning indictment of Burma's inland fisheries lease system—the administrative arrangement through which the country's postcolonial authorities, at the district level, allocated annual commercial fishing rights over freshwater lakes, ponds and tributaries. In Kyay Ni's account, it was ultimately the lease system, and the capitalist relations this system reproduced, that served to exclude poor fishers from fishing sites, while pushing them into exploitative relations with local fish merchants. By merging realist style with political critique, Kyay Ni's writing was part of a broader leftist literary movement in post-war Burma, which sought to document the lives and struggles of the country's subaltern classes (Allott 2000, 27).

In the present article, I take up "Ko Danga" as a critical lens through which to approach the contemporary political economy of Myanmar's inland fisheries. In doing so, I adopt a self-consciously interdisciplinary methodology—one that follows from postcolonial calls to revisit domestic cultural and intellectual resources as tools for conceptualizing the challenges Asian countries confront today (Alatas 2003; Chen 2010). Due to its level of ethnographic detail, Kyay Ni's account of the inland fisheries regime in early postcolonial Burma provides an effective historic baseline against which to assess, in the spirit of a diachronic ethnographic study, more recent developments in this sector. But more than this, Kyay Ni's critical analysis of the lease system offers heterodox insights into contemporary political economic concerns, thus giving his writing a continued theoretical (as well as political) relevance within Myanmar, and more broadly.

While all of Kyay Ni's Danuphyu stories shed light on lower Myanmar's inland fisheries, as they were administered in the early years after Independence, I focus herein on "Ko Danga," the first and most politically and theoretically explicit of these tales. For all passages of the story quoted herein, I use my own translations, based on the 2001 republication of Kyay Ni's collected works.[2] For data on the current state of Myanmar's freshwater fisheries, I conducted research trips in the first half of 2018 to eight fishing villages in Danuphyu, Maubin, Nyaungdon and Pantinaw townships, all of which are located in Maubin District of eastern Ayeyarwady (Irrawaddy) Region. Over the course of these visits, I interviewed 32 individuals connected to the freshwater fishing industry, including independent fishers, fishery lessees, fish farm owners, trade unionists, village-level government administrators, the chief monk of one fishing village, and a lawyer who had provided pro bono legal aid to a group of fishers caught in a dispute over fishing rights, the details of which I include below. Interviewees included persons I was referred to by existing contacts, as well as individuals encountered by chance in the villages I visited. I reviewed, in addition, relevant academic, civil society, and multilateral agency reports on Myanmar's freshwater fisheries.

In order to historicise the current administration of Myanmar's inland fisheries, I proceed below by tracing the regulatory changes introduced in this sector since the colonial period. I then examine, against this historical backdrop, Kyay Ni's critical analysis of the fisheries lease system, along with his heterodox political economic insights. Following this, I investigate two areas of dispute in Myanmar's inland fisheries, which highlight points of continuity and change in this sector since Kyay Ni's time; the sector, in short, is marked by shifting landownership patterns and a deterioration of rural livelihoods. I then conclude the article by considering recent efforts among self-employed fishers to obtain communal control over seasonal freshwaters, along with proposals for more equitable administration of Myanmar's inland fisheries.

Periodizing Myanmar's inland fisheries

Historically, the largest sources of freshwater fish in lower Myanmar have been the seasonal lakes, ponds and tributaries that form annually as monsoon floodwaters across the Ayeyarwady Delta begin receding around late August, which marks the start of the fishery season. The administrative arrangement that regulated these fisheries (known as *in*) during the final years of

precolonial Burma distinguished bodies of freshwater as public—that is, state owned—or private and heritable (U Khin 1948, 87). In both cases, it was private fishery owners/lessees (*inthagyi*) who directly operated, or else sub-leased rights for, commercial fishing enterprises. The difference lay in the fact that on private waters *inthagyi* (as owners) paid taxes to the crown, whereas on public waters *inthagyi* (as lessees) paid tax along with a fixed rent to the resident tax collector. Such payments notwithstanding, inland fisheries were highly profitable for *inthagyi*, to the extent that, according to a late-colonial report, by the time of Britain's 1852 annexation of lower Burma, "the hereditary Innthugyis [*sic*] were said to be among the wealthiest and most influential of the people" (U Khin 1948, 1).

Encountering this arrangement, the British introduced significant changes. First, upon annexation, colonial authorities appropriated all freshwaters as state property, thereby nullifying existing private ownership (U Khin 1948, 87). Second, following initial moves to rent out select fisheries, the British introduced a policy whereby Deputy Commissioners would auction off exclusive usufruct fishing rights over lakes, ponds, and tributaries under five-year leases (Reeves, Pokrant, and McGuire 1999, 252–259). The colonial government formalised this system in the 1875 Burma Fisheries Act, later amending it (moving from five-year to one-year leases, for example) in an updated Act in 1905. Absent private ownership, colonial *inthagyi* became exclusively fishery lessees.

From the start, colonial and indigenous opponents subjected the auction system to intense criticism. Initial critiques pointed to the fact that the large size of demarcated fisheries, the rigid payment schedule, and pervasive administrative corruption had effectively barred all but the wealthiest individuals from acquiring leases (Reeves, Pokrant, and McGuire 1999, 259–260). Underscoring the harmful effects of the auction system, F.D. Maxwell wrote as follows in his 1904 report on the state of fisheries in the Irrawaddy Delta (as quoted in Reeves, Pokrant, and McGuire 1999, 260):

> There are individuals known as *lelan gaungs*, auction purchasers, who buy up two or more fisheries and sublet each and every one, piece-meal, taking the rent, an exorbitant rent generally, in *nga-pi* and fresh fish at a reduced market rate …. These blood-suckers are a nuisance and should be suppressed. They are the extreme type of man who holds an enormous fishery and divides nearly the whole. These individuals, there are not many of

> them, combine together and lower prices, but the sub-tenants of these men rarely gain anything by the reduced price, the profit going to the lessee. Combination is much more common than is generally supposed. In some parts combination is the rule, honest bidding the exception.

Despite such criticism, the auction system remained, notwithstanding modest amendments introduced in the revised Act of 1905. A major reason the colonial government retained the auction system, according to U Khin's 1948 report, was that colonial fishery policy was "inordinately, if not exclusively" focused on accruing state revenue at the expense of fisher folk welfare and the needs of domestic consumers (U Khin 1948, 2). Tellingly, the colonial government rejected a 1918 proposal to lease the fisheries directly to "cooperative groups of fishermen" on grounds that the plan was "unworkable" (U Khin 1948, 92).

It was thus the auction system that the government of postcolonial Burma inherited upon Independence in 1948. And it was this system that remained in place two years later, when *Shumawa* magazine published the first of Kyay Ni's Danuphyu stories. At the time, there were 3,710 inland fisheries subject to annual auctioning (FAO 2003, Annex 2). Of course, critiques of the lease system, such as Kyay Ni's, persisted—energised, most likely, by the country's broader movement for land reform. The ruling Anti-Fascist People's Freedom League (AFPFL), headed by U Nu, had adopted a land reform agenda shortly after taking power in an effort to weaken rural support for the Communist Party of Burma, which had long advocated land redistribution (Lintner 1990, 18). We see the matter raised in "Ko Danga," when Ko Daung Sein overhears two AFPFL "township leaders" discussing the country's need for land reform, to which the protagonist "smiled in agreement" (Kyay Ni 2001, 33). In the end, however, the AFPFL's land reforms remained limited, and tended to benefit wealthier peasants (Taylor 2009, 280).

It was, then, the auction system that the Burmese military likewise inherited upon seizing state power in 1962. Under, however, the *Burmese Way to Socialism* (the Revolutionary Council's post-coup manifesto), all industrial and agricultural production was, officially at least, to be carried out directly by the state or by producers' cooperatives. For most inland fisheries, this meant in practice that the government suspended the auction system and allocated the *in* to adjacent villages for common use. U Zaw,[3] a self-employed fisher from Pantinaw Township, reminisced favourably about these socialist-era village commons, recalling that, unlike the

current situation in his village, “We could pursue fishing livelihoods; the people benefited, and there was plenty of fish.”

While state authorities in the socialist era allotted the majority of *in* as village commons, the larger *in* remained under the auction system. However, bidders were now required to provide evidence that they represented a group of fishers organised as a cooperative. According to U Nyein, a 62-year-old former resident of Danuphyu Township, many of Danuphyu’s socialist-era cooperative *in* were at first collectively managed. Over time, however, wealthier villagers with military or other government connections were able to establish themselves as de facto employers, hiring “cooperative members” to whom they would pay wages proportionate to catch. The flip side is that cooperative members, as workers, were legally covered by the 1964 Law Defining the Fundamental Rights and Responsibilities of the People’s Workers; were eligible to join the government-mandated People’s Workers’ Councils; and could pursue redress of labour rights violations via the government’s Industrial Dispute Resolution Courts (*wanaikza patipekkha khonyone*).

The “cooperative” set-up was thus unequal as compared to the village commons, but it was nonetheless less unequal than the prior lease arrangement—due, this was, to the socialist-era’s comparatively low levels of economic inequality, combined with restrictions on large-scale capitalist enterprise. One outcome of these various arrangements, noted U San, whose father had been a Pantinaw Township government official during the socialist era, was that, “although the people were poor, no one starved.” To this he contrasted the current situation where villagers across Ayeyarwady have had to leave their home villages due to the closing of the commons and their exclusion from earlier livelihood opportunities (see World Bank Myanmar 2016).

The end of socialism in 1988 thus led not only to a massive increase in income inequality, but also to the collapse of livelihoods for many independent fishers. The year of note for post-socialist inland fisheries reform was 1991—the year that saw the enactment of a new Freshwater Fishery Law. Under this law, bidding in fishery auctions was no longer restricted to cooperative members (Article 4), and was opened to foreigners residing abroad, as well as to Myanmar nationals “operating with foreign capital” (Article 10). And yet, in practice, as many fishers I spoke with witnessed, the post-socialist military government distributed control over the various *in* to military generals and civilians with high-level military connections who then sold exclusive fishing rights over these *in* to wealthy rural dwellers who were themselves aspiring to become a

new rural bourgeoisie. The 1990s also saw a shift among *inthagyi* away from direct management of fishing enterprises using hired wage labour and towards the parcelling and sub-leasing of leased waters to independent fishers—an arrangement much like that of the *lelan gaung*, which F.D. Maxwell impugned in his 1904 report.

The result of these changes has been heightened economic disparity and ballooning fisher debt in the inland fisheries sector—a trend that mirrors the experience of agricultural workers following Myanmar's post-socialist market reforms (Fujita 2009). Accordingly, a 2015 study of inland fisheries in Ayeyarwady Region found that the "unequal" auction system favoured "rich and powerful private sector groups" at the expense of small-scale fishers (LiFT 2015). The regional government has since acknowledged this growing disparity, with U Ba Hein, former Ayeyarwady Region Minister for Agriculture, Livestock and Natural Resources, admitting in 2016, "After fishery permits were issued to companies in 1998, small-scale local fishermen could no longer afford the license fees. It has caused a monopoly in this industry …. As a result, social inequality is big in Ayeyarwady Region" ("Social inequality…" 2016). The situation in Ayeyarwady has thus seemingly reverted to the very conditions against which Kyay Ni so thoroughly inveighed.

To be sure, consecutive elected governments have pursued measures aimed at ameliorating the exclusionary effects of the auction system. At the regional level, such initiatives have included the 2012 Ayeyarwady Region Freshwater Fishery Law, which permits open, off-season fishing in designated freshwaters using limited numbers of 16 types of small-scale fishing gear (Article 2.*ta*.3). Such measures have not, however, fully resolved the livelihood concerns of the region's dispossessed fishers, especially given the (often illegal) conversion since the 1990s of much of the Ayeyarwady floodplains into private fish farms, as I will discuss below.

Kyay Ni as heterodox Marxist

It was in the village of Byinbwe where Kyay Ni was born in 1922—the site, that is, which he would later adopt as his narrative setting. The choice of locale enabled the author to draw on his personal experience and intimate knowledge of the area to develop his characteristic realist style. It was also, in the end, at his home in Danuphyu Township where he passed away on 26 October 1976, at the age of 54.

While avoiding any declared party affiliation, Kyay Ni was nonetheless clear in his writing about his leftist bent. This was, of course, an era in which "almost every articulate politician and nationalist in the country claimed to be a socialist, Marxist, or communist" (Taylor 2008, 6). Yet Kyay Ni's writing also reveals a willingness to venture outside the bounds of then orthodoxy to elucidate the conditions of, and press the case for, the small-scale fishers with whom he was in solidarity. Of his contemporary leftists, by contrast, Kyay Ni had this to say: "Those intellectuals who oppose class discrimination nonetheless turn up their noses at fishers" (Kyay Ni 2001, 33). Kyay Ni's writing, and "Ko Danga," in particular, can thus be read, I suggest, as a creative intervention into political economic theory—an intervention that can, I believe, contribute to a re-thinking of some current political economic claims.

Such is the case with the resurgent concept of primitive accumulation, which Marx (1976 [1867], 873–876) characterised as the violent dispossession of direct producers from their means of livelihood, as occurred through the privatisation of common land in early modern England. Marx referred to primitive accumulation as a violent event in the pre-history of capitalism that established conditions for capital accumulation and wage labour based on "the silent compulsion of economic relations" rather than on direct violence (Marx 1976 [1867], 899). More recently, scholars have argued that primitive accumulation is not restricted to capitalism's pre-history but continues, as an event, in the present—such as we see in contemporary land grabs (Harvey 2003; Hall 2013). In "Ko Danga," by contrast, we see violent dispossession as an enduring process rather than a foundational event. While Kyay Ni does not use the term primitive accumulation, he does illustrate how recurring violence orchestrated by particular *inthagyi*, who try to keep poor fishers from fishing in leased waters, is necessary to reproducing a relation of dispossession. Consider, in this regard, the following passage, in which Daung Sein reflects on fisheries privatisation after having suffered a beating at the hands of thugs hired by a local *inthagyi*:

> Since this large expanse of naturally occurring water has been demarcated and distributed as individual property, with the rights of ownership given only to those with property, those like us without lakes who do not have as much as a puddle of water in our possession are starving. Because he was starving [Daung Sein] had entered into what

belonged to someone else in order to earn a living and he had been tortured as a consequence. Is there nowhere for us to look for a livelihood? (Kyay Ni 2001, 43)

This recognition of violence as an inherent aspect of capitalist fisheries derives, in large measure, from the materiality of lakes and rivers which, like agricultural land and mines, are often seen as natural endowments of the nation and are thus more susceptible to collective claims for redistribution (Ferguson 2015, 184). In addition, under the auction system, lakes and rivers are never privatised once and for all. Instead, usufruct rights are leased out, but the fisheries are reclaimed annually by the state, which is subject to redistributive claims based on rights of citizenship. This is, in fact, what Kyay Ni proposed:

> In that way, because the boundaries of large naturally occurring expanses of water have been demarcated and the rights of private ownership to them granted only to wealthy *inthagyi*, those like us without lakes or ponds, who do not possess so much as a puddle of water, are destitute. Therefore, it would be very good if these expanses of water were partly distributed as communal property solely to those without lakes or ponds whose primary means of livelihood is fishing. (Kyay Ni 2001, 33)

Due to the privatised leasing of lakes and rivers, poor fisher folk in Myanmar have often sought to covertly fish these waters; they have, in other words, pursued forms of everyday resistance against the privatisation of fisheries (Scott 1985). In response, *inthagyi* have employed private security guards (*asaunt*; or more specifically, thugs – *lu hmaik*) to violently enforce their privatised claims to lakes and rivers. Dispossession here is thus never secure, fisheries remain latent commons, and the violence of exclusion persists as inherent rather than exceptional.[4]

A second way in which "Ko Danga" speaks to current political economic theory is in Kyay Ni's framing of the proletariat. Recent scholarship on the transformation of labour and production around the world has called attention to a decline in formal industrial wage labour, whether through de-industrialisation or the casualisation and informalisation of industrial employment. Critics have thus questioned whether class analysis and a proletarian focus remain relevant. James Ferguson (2015, 23) puts the argument like this:

> [V]ast masses of poor people across the global South have left rural livelihoods for city living in recent decades. Yet instead of being swept up in an industrial revolution that would turn them into proletarians (as both modernization theory and Marxism might have predicted), they have more often been recruited into informal slums where they eke out a living via a complex range of livelihood strategies to which agriculture and formal-sector wage labor alike are often marginal.

Similarly, looking at India, Kalyan Sanyal finds that ongoing processes of primitive accumulation without a commensurate increase in formal industrial wage labour has relegated vast numbers of people to precarious livelihoods in the informal economy. The informal economy, Sanyal (2007, 259) writes, is characterised by "classlessness" due to the prevalence of informal self-employment rather than formal industrial wage labour. Likewise, turning to the dispossession of indigenous lands in Canada, Glen Coulthard disaggregates the process of primitive accumulation into the moment of dispossession and the moment of proletarianisation. Indigenous peoples in Canada, writes Coulthard (2014, 13), have experienced dispossession without proletarianisation—proletarianisation here meaning entry into stable wage labour.

Coulthard, Ferguson and Sanyal are, I believe, quite correct in their accounts of contemporary capitalist development. Their claims that the proletariat is defined by wage labour is, however, more contentious. It is on this point that we can profitably turn to "Ko Danga," and to Burmese terminology more generally. The Burmese term for proletariat (*pyitsimé lutansà*) translates into English most directly as "propertyless class." It is this understanding of the proletariat that Kyay Ni employs, while going further by emphasising the relational character of propertylessness: "As the minority are accumulating profit from capital, and capital from profit, the honest majority, being the proletariat [*pyitsimé lutansà*, propertyless class], become completely destitute" (Kyay Ni 2001, 37).

Poor fisher folk are thus included here among the proletariat despite their possession of small boats, paddles, and modest fishing equipment, and despite the fact that they are not engaged in a relationship of direct wage labour. With this understanding, we can include as well the unemployed, the lumpenproletariat, so-called surplus populations, workers in varieties of unfree labour, the incarcerated, and women engaged in unwaged domestic work—*alongside* industrial and other waged labourers—all within the proletariat category. Whereas Kyay Ni made

this point in 1950, Western Marxists have only more recently begun to acknowledge this much broader conceptualisation of the proletariat. Writing in *New Left Review*, for instance, Michael Denning argued in 2010, “We must insist that ‘proletarian’ is not a synonym for ‘wage labourer’ but for dispossession, expropriation and radical dependence on the market” (Denning 2010, 81).

The proletarian character of fisher folk is rendered even more visible in “Ko Danga” when the protagonist, Ko Daung Sein, falls into a relationship of debt bondage to a local fish merchant, who requires that Daung Sein sell his fish to her at below market value. This arrangement is discussed in a dialogue between Daung Sein’s wife May Sein, and the fish merchant May Yin, after May Yin learns that May Sein has surreptitiously sold her fish elsewhere:

> [May Sein:] “Of course I’ve divided up the fish and sold it to someone else. With you providing the net, the current price for the fish is 80 kyat, but you pay 40 kyat. At that rate we can’t eat regularly. So we had to sell it at the price we could get.”
>
> This defensive action struck Ma May Yin’s pot of anger and so her pot of anger burst open violently.
>
> [May Yin:] “Yes, if you use the net that I provide, you’ll get the price that I decide on. If you want to sell at the price that you like, then go whore yourself and buy your husband a net.” (Kyay Ni 2001, 26)

This particular form of debt bondage is now commonly understood as disguised wage labour, as seemingly self-employed producers formerly free to sell their wares on the open market have fallen into a monopsonistic relationship with a single buyer (Harriss-White 2014, 988).

This broader conceptualisation of the proletariat—as being defined by dispossession—renders the term more relevant in Myanmar and other postcolonial countries where formal waged employment has remained marginal. Defining the proletariat in terms of dispossession also has significant implications for conceptualising proletarian politics. When Marx first envisaged the proletariat as the vanguard of radical politics, he was thinking primarily of Western Europe’s growing numbers of factory workers.[5] While his views on this changed over time,[6] his initial conceptualisation led many Western Marxists to see industrialised North Atlantic countries as privileged sites for radical change.

For Kyay Ni, however, with the proletariat defined in terms of dispossession rather than waged employment, proletarian radicalism was not cordoned off as the privilege of industrial wageworkers. Postcolonial countries, with their preponderance of wageless life, are thus equal, even privileged, sites of revolutionary politics, or so we can glean from Kyay Ni's words:

> Capital is as horribly despicable as this. As much as this, capital gradually brings about the destitution of the propertyless. After a while, being excessively destitute, the revolt of the propertyless emerges unavoidably. When this situation of disparity gradually ripens, it inevitably gives birth to proletarian revolt. (Kyay Ni 2001, 37)

While Kyay Ni's characterisation of this dynamic of revolt may seem overly mechanistic, his openness to the radical potential of dispossessed populations nonetheless remains an important challenge to "orthodox" Marxists who would continue to privilege the politics of a mass industrial proletariat. In Kyay Ni's narrative, anti-capitalist struggle is not a movement of wage labourers for better conditions of employment; it is a struggle against dispossession and a consequent refusal of wage labour. As such, Kyay Ni's political vision recalls the importance of poor peasants in Maoist praxis, or Frantz Fanon's (2004 [1963]), 81) attention to the lumpenproletariat's revolutionary centrality in Algeria's anticolonial struggle. It was Fanon (2004 [1963], 5), remember, who argued, "Marxist analysis should always be slightly stretched when it comes to addressing the colonial [and we could add here postcolonial] issue." Indeed, the at times explosive character of fishers' struggles in present-day Myanmar, as I will examine below, reveals that contemporary fisher folk have been quite willing to employ direct action to oppose fishery arrangements that dispossess them of their livelihoods.

Exclusion and strife in Ayeyarwady's fisheries

> With the face of a general who had won in battle, Sankabin the *inthagyi* repeated his orders from where he was speaking for his subordinates to confiscate the nets. Immediately, one of his subordinates grabbed the net from the hand of Ko Daung Sein who was watching, dazed. But Ko Daung Sein did not let go. He held on firmly.

> "What's this? He wants to resist, I think. Okay, Mya Maung, show him a little something so that he knows a bit about you."
>
> Mya Maung advanced towards Ko Daung Sein who held no weapon. Dropping the knife he was holding, Mya Maung picked up the oar, and without pity or concern repeatedly hit Ko Daung Sein's back with the oar's shaft. But Ko Daung Sein still did not release the net, which he cherished more than life. Did not his life and the lives of his wife and four children depend solely on these nets?
>
> He did not get angry about being beaten, but stared with dejected eyes at Mya Maung who was beating him. Anyone with a human heart who looked at these inconsolably grief-stricken eyes would be unable to continue beating and would have endless remorse. But this *inthagyi* and this thug Mya Maung were not such kinds of people. They were just heartless animals.
>
> After this excessive beating, Ko Daung Sein's body went limp and the net fell from his hand. The two men then stopped their torture, collected the four remaining nets and left. Only the sound of their derisive laughter as they went away, drunk on a little liquor, lingered behind, echoing in the ears of Ko Daung Sein who lay limp and dazed. (Kyay Ni 2001, 41–42)

The sorts of conflicts that Kyay Ni documented in those early years of postcolonial Burma—covert fishing by dispossessed fishers; violent exclusion by callous *inthagyi*—persist, we will see, in the present. Here is Burmese journalist Hein Ko Soe (2018) relating conditions he encountered in the Ayeyarwady Delta: "Each year, more than 1,000 of its waterways are closed off to the public. They are patrolled by security; farmers aren't even allowed to take water from them." Independent fishers who, surreptitiously, nonetheless fish these waters risk fines, arrest, seizure of their fishing equipment and, occasionally, violence. On this matter, Daw Myo Myo Aye, founder and director of Solidarity of Trade Unions – Myanmar, an Ayeyarwady regional-level union federation that counts among its members over 4,000 self-employed fishers, related to me how *inthagyi* have repeatedly threatened to shoot independent fishers found fishing in, or adjacent to, leased fisheries. Unlike, however, the events in "Ko Danga," where the protagonist's efforts are limited to covert fishing, dispossessed fishers and farmers have more recently also

responded to their exclusion through violence, property destruction, collective protest, and legal action.

Consider the events of 2008 in Ayeyarwady's Thabaung Township where the Ayeyar Shwe Wah Company, to which the government had granted a large land concession, moved into the local fishing industry, sub-leasing the waterways under its control to local *inthagyi*. To the benefit of the company and the *inthagyi*, government officials with links to Ayeyar Shwe Wah (company director Aung Thet Mann is the son of General Shwe Mann, one-time parliamentary speaker and advisor to Aung San Suu Kyi) imposed new restrictions on open fishing in local creeks that were outside, but connected to, leased waters. Small-scale fishers were "frozen out completely" while farmers lost all ability to irrigate their crops in the dry season. It was at this point that "tensions boiled over" and local villagers set fire to company buildings, leading to the government's retraction of its recently imposed restrictions on access to creeks. The more lucrative lakes and ponds, however, remained under *inthagyi* control (Hein Ko Soe 2018).

Similarly, in September 2011, thirteen fishermen, according to the *Myanmar Times*, fired projectiles at government officials patrolling Kyay Daing Lake in Maubin Township (Soe Sandar Oo 2011). Township officials had recently put the formerly open-access lake under the auction system, thereby excluding local fishers who had until then obtained their livelihoods therein. A year later, in October 2012, men working for an *inthagyi* in Kyonepyaw Township killed a fisherman who had ventured into waters under lease to the *inthagyi*. The fisherman's death "sparked a riot" to which local authorities dispatched police. Attempting to disperse the gathering, the police fired on the crowd, killing two individuals. The event catalysed a much larger protest involving thousands of villagers several months later in opposition to the government's ongoing land confiscation and leasing out of public waterways (Hein Ko Soe 2018). With these issues still unresolved, thousands of fishers came together in Pathein in 2016 and then in Danupyhu in 2017 in order to protest the "monopolisation of fishery resources" by *inthagyi*, and to demand that the government "stop protecting *inthagyi* who violate the law."[7]

It was to investigate such tensions that I travelled to Yadana,[8] a village of about 300 people in Danuphyu Township, following up on a case that had gained some notoriety the previous year. The case concerned a dispute over fishing rights in a seasonal flood pond (*in*) of approximately 20 acres adjacent to the village. With the start of rainy season flooding in June 2017, Yadana villagers had begun carrying out small-scale net-fishing on the *in*. Doing so, they

had been able to obtain a small amount of fish for personal consumption, as well as earn 2,000 to 3,000 kyat (1.66 to 2.50 USD) per day selling the remainder of their catch.[9] Fishing aside, propertyless Yadana villagers had no other significant source of income during the rainy season. Dry season agricultural employment had also declined due to mechanisation, and recent years had seen a significant outmigration of young people—mostly to the Hlaingtharyar industrial zone near Yangon.

It was on 7 August 2017 that events in Yadana turned sour. Early that day, seven villagers took their boats out to the *in* and cast their nets. Some two months earlier, the office of the Department of Fisheries for Maubin District had held the fishery auctions for Danuphyu Township. A wealthy Danuphyu resident, who was also a prominent local politician, had won the bid for fishing rights over the *in* where the Yadana villagers were, on 7 August, out fishing. The official fishery period, however, was not scheduled to commence until 22 August. The Yadana villagers were thus entitled, under the 2012 Ayeyarwady Freshwater Fishery Law, to fish on this *in* for two more weeks. As U Saie Naw, the lawyer who later defended these villagers in court, stated matter-of-factly, "This wasn't covert fishing theft. This was legal fishing."

Nonetheless, the *inthagyi* who had obtained commercial fishing rights over this *in* went and photographed the villagers who were out fishing, and then laid charges against them under Myanmar Penal Code sections 427 (mischief causing financial damages), 442 (trespassing), and 506 (criminal intimidation); he also had the police confiscate the fishers' nets. With the nets now confiscated, the *inthagyi* submitted his photos as evidence of the villagers' alleged infractions. This the *inthagyi* did on 24 August—after, that is, the official fishery lease period had begun. In the view of U Kyaw, one of the defendants in this case, the *inthagyi* was, by claiming the villagers had fished during the lease period, being "deceitful and crooked [*kalain kakyit*]." Be that as it may, the case proceeded, with the judge siding—so the defendants believed—with the *inthagyi*, due to the latter's financial and local political clout. In October 2017, however, U Saie Naw, a senior member of the Myanmar National Lawyers' Association, got involved and news of the case—sensationalised by the *inthagyi*'s political affiliations—reached Naypyidaw. It was this unwelcome publicity, U Saie Naw believes, that led the judge to eventually dismiss the case in December of 2017, four months after charges were first laid. The police, however, never returned the villagers' nets.

Such cases of dispute over access to leasable fisheries are common in Ayeyarwady Region (see Si Thu Maung Maung 2017). In most instances, however, fishers are unable to get pro bono legal aid from high profile lawyers like U Saie Naw. The cases cited here thus indicate a level of continuity since Kyay Ni's time in the tensions surrounding the administration of Myanmar's fisheries under the auction system, and in the exclusion that this system brings about.

Fish farms as primitive accumulation

With the end of socialist rule in 1988, the new military government removed restrictions on large-scale capitalist enterprise, and on agricultural and fishery exports—a move that catalysed a rapid increase in land value, and associated land speculation (Fujita 2009, 256). This dynamic prompted widespread land confiscation, whereby military authorities seized "wastelands" (public forests and seasonal freshwaters, as well as untitled agricultural land), and then leased or simply handed these properties over to close associates (Mark 2017). Within Myanmar, this form of post-socialist nepotism has come to be widely known as "crony capitalism" (Jones 2014).

With the shift to quasi-civilian rule following Myanmar's 2010 general elections, dynamics of land confiscation have intensified (HRW 2016; KHRG 2015; Loewen 2012; Sekine 2016). The removal, for instance, of economic sanctions (by the European Union in 2013 and the United States in 2016) along with increased foreign investment and trade have stimulated inflation in land values. Under these conditions, Myanmar's parliament has further enabled land confiscation through its revisions in 2012 to the country's Farmland Law, and the Vacant, Fallow and Virgin Lands Management Law, and through its repeal of the protective 1963 Peasant Law (Loewen 2012, 4; Sekine 2016). These changes have played out alongside a stated policy since the 1990s of prioritizing industrial-scale capitalist agriculture and aquaculture for export over small-scale farming and fishing (Mark 2017).

The result of these changes, according to Khin Maung Soe (2008, 1), writing for Japan's Institute of Developing Economies, has been an "impressive" expansion of aquaculture in Myanmar since the 1990s. Belton et al. (2018, 386) estimate that, as of 2014, 260,300 acres of land had been converted into fishponds across the Ayeyarwady Delta. In Maubin Township alone, the government has leased out 54,210 acres of seized land, of which 70% has been converted into private fish farms (Mark 2017, 1). International advisors and foreign economists

have largely praised and encouraged this conversion of agricultural land and seasonal fisheries into permanent fishponds due to the latter's anticipated higher productivity and employment generation (for example, FAO 2003, vi). Mateusz Filipski and Ben Belton (2018, 206), for example, advocate expanding small-to-medium-sized commercially-oriented aquaculture ponds in Myanmar due to the higher "income spillovers" that fish farms can generate for the local economy, as compared to equivalent areas of agricultural land. Such positions are in line with that of the World Bank, which has argued more broadly that an expansion of aquaculture "is needed to meet employment and food security targets in developing countries" (Brummett 2013).

For the most part, such positive evaluations have bracketed out the history of dispossession in rural Myanmar. Filipski and Belton (2018, 207), for instance, note that, "large areas of untitled land (including land previously worked by paddy farmers without formal tenure) were allocated to investors in what are now the main fish farming areas." The authors then model the economic impact of fish farms using a "hypothetical scenario," in which the "pond is assumed to be free… [and] not taken away from another household" (Filipski and Belton 2018, 212). They add that among the jobs generated by private fish farms in Ayeyarwady is that of security, "guarding fish" from potential thieves—among whom, we can image, are individuals who have been dispossessed of their former fishing livelihoods (Filipski and Belton 2018, 209).

Consider, in this light, the case of Ma Sei Seik, War Thein Kha and Hmaw Taw villages in Yangon Region's Kawhmu Township, where the military confiscated village pastureland and gave it to a "business crony" who then converted it into a large-scale fish farm (LiOH 2015, 30). Or consider the Myanmar Gold Star Company's September 2015 announcement that it would convert into fishponds 644 acres of confiscated agricultural land in Tar Pet, K'Wat Kin, and Htain Ngu Village Tracts, which the prior military government had handed over to the company as part of a 5,195 acre land concession in 1998-1999 (LiOH 2015, 14). Villagers I spoke with in Danuphyu Township pointed, as well, to the military's 2008-2009 confiscation (under General Kyaw San) of over 1,000 acres of agricultural land—600 acres of which has since been converted in the "New Life" (*bawa thit*) fish farm, which is now operated exclusively by unwaged incarcerated workers from the adjacent prison. The impact of such land confiscation on rural livelihoods across Ayeyarwady has been decidedly negative, as Siusue Mark reports in a 2017 policy brief. Based on her research in Maubin Township, the incomes of fishers affected by

land confiscation, fell, she reports, “to between one third and one fifth of previous earnings, and many affected households reported the loss of up to 75% of their income” (Mark 2017, 1).

Land confiscation aside, conversion of sites of seasonal freshwaters into private fish farms has in most cases been illegal. According to Article 36 of the 1991 Freshwater Fishery Law, “No one shall erect, construct, place, maintain or use any obstruction such as a dam, bank or weir in a freshwater fisheries waters without the permission of the Department.” Legal conversion requires, therefore, that landowners apply for a difficult-to-obtain “change of land title document” known as La Na 39 (Belton et al. 2018, 388). Given the 1991 Freshwater Fishery Law’s protective restrictions (restated in Article 37 of the 2012 Ayeyarwady Freshwater Fishery Law), landowners, *as well as temporary fishery lessees*, have typically “circumvented” legal barriers by bribing local government authorities (Belton et al. 2018, 388).

One implication of this legal circumvention is that, while there are officially 1,777 leasable *in* located in Ayerwaddy Region (Si Thu Maung Maung 2017), many of these *in* remain so, “only on paper,” as U Htin, a Pantinaw Township fisher pointed out to me. The way this has occurred, U Htin explained, is that *inthagyi* have, often using personal connections and bribery, ensured that they retain perennial control of the annual *in* lease, which officially remains open for bidding. They then build private fishponds over what remains technically public land. This de facto privatisation and physical enclosure forecloses open, off-season fishing by self-employed fishers, as is permitted under Article 2.*ta*.3 of the 2012 Ayeyarwady Freshwater Fishery Law.

Materially, fish farm construction requires a hired backhoe to raise three-and-a-half-meter-high perimeter embankments around a planned pond. When built over sites of seasonal freshwaters in the delta, such construction has destroyed natural ponds and obstructed existing waterways—inhibiting, thereby, the regular outflow of floodwaters while blocking the migratory channels of freshwater fish. Saw Htoo, whose 360 acres of fishponds I visited in Maubin Township, related to me how the mass expansion of fish farms in Maubin beginning in the 1990s obstructed the outflow of seasonal floodwaters from over the township’s agricultural land. The resulting delay in the drop of floodwaters impeded the agrarian cultivation cycle, forcing the township’s remaining farmers to likewise convert their farm fields into fishponds—mortgaging their land to obtain the capital needed for conversion. Maubin Township now has the highest concentration of fish farms in the country (Belton et al. 2018, 386).

Independent fishers and other residents of Ayeyarwady have for such reasons been vocally critical of fishpond construction (see DVB 2016). Yet the fishers I spoke with pointed not only to the closing of the commons that fishponds entail, but also to the fact that fishpond owners typically hire internal migrants (often from Bago Region) to maintain their ponds, rather than local villagers. This hiring pattern is evident across much of rural Southeast Asia, as employers often find migrants cheaper and more easily disciplined than locals who have access to alternative livelihoods (Li 2011). Positive appraisals of the employment generation potential of fishponds need to be seen in this light. Indeed, due to the harmful impact of fishponds on local livelihoods, self-employed fishers I interviewed in Pantinaw Township were furious about the many fishponds that *inthagyi* had illegally constructed over sites of leasable *in*. Their aspiration was to retake this land and open a legal case to have the embankments around the ponds demolished, so as to return the area to its natural fisheries, to which they formerly had at least partial access. They were, however, doubtful such a legal case would ever succeed, because *inthagyi* could, they believed, simply bribe the judge and other officials involved, whereas these fishers had no money to effectively pursue a legal case.

The proliferation of private fish farms in Ayeyarwady has put an end to seasonal freshwater fisheries in many parts of the delta. This is not something that Kyay Ni envisioned. Yet his critique of the seasonal closing of the commons under the auction-lease system resonates with the position of independent fishers in present-day Myanmar who condemn the now permanent closure of the commons through fish farm construction. Evaluating the economic impact of fish farms thus demands not simply measuring their job creation potential against an equivalent agrarian economy, but taking account, as well, of the loss of livelihoods effected by the privatisation of the commons.

Envisioning egalitarian fisheries

> Yes, this great world is very immense. But for those without property like Ko Daung Sein it is so constricted that there is nowhere to live.
>
> But listen, Ko Daung Sein. What is that uproar across the whole of Myanmar?

It is saying, “Let’s build a paradise on earth [*lawka-neikban*] for those without property.” (Kyay Ni 2001, 43)

Like many of his contemporaries, Kyay Ni took up Burmese anti-colonial writer Thakin Kodaw Hmaing’s Pali compound, *lawka-neikban*, to frame the socialist project as a “worldly paradise” in terms that would resonate with his largely Buddhist readership (see Walton 2016, 126). This politico-religious deployment of Pali Buddhist terminology, or neologisms derived therefrom, was in keeping with a movement of Buddhist-Marxist syncretism that emerged as part of the anti-colonial struggles of 1930s Burma (Sarkisyanz 1965).

While Kyay Ni’s broader political vision was for socialism framed as *lawka-neikban*, more immediately he proposed a redistribution of inland fisheries as “communal property” (*bonbaing pyitsi*; Kyay Ni 2001, 33). This was a proposal a variant of which the British had rejected in 1918, but which the post-1962 military/socialist government selectively allowed on Myanmar’s smaller *in*. The post-socialist moment of the 1990s, however, saw a sudden and drastic turn away from such communal forms of property and towards a radical privatisation of freshwaters. The result has been a collapse of independent fisher livelihoods.

It was to at least partially ameliorate the exclusionary effects of the *in* lease system that the Ayeyarwady regional-level government passed the Ayeyarwady Freshwater Fishery Law in 2012. While the law provided independent fishers with limited exceptions to pursue off-season fishing on leased *in*, it also made legally possibly the allocation of *in* below a designated value to registered fisher unions (*achehkan alokthema aphweasi*; literally, “basic labour organisations”) at the auction floor price (*kyanhkinze*), outside competitive bidding. The law thus set legal terms by which fishers could pursue collectively self-managed fisheries outside a wage relation. The fishers I interviewed spoke positively of this arrangement, which they labelled *bonsanit* (communal system). Here, the root word *bon* (communal) is the same as that which Kyay Ni employed when proposing that *in* be redistributed as communal property. *Bonsanit* is also the Burmese term for communism.

While the 2012 Ayeyarwady Freshwater Fishery Law established the legal possibility for communal fisheries, it has only been since 2017 that the Ayeyarwady government, pushed to act by recurring disputes over fishery access and collective protests by independent fishers, has taken steps to implement this initiative (“Fishery workers…” 2018). That year, the Ayeyarwady

government awarded 207 *in* leases to fisher unions for the 2017-2018 fishery season (Gregory, Thouk, and Soe 2017). In 2018, the regional government—seeking to placate ongoing fisher protest—extended the initiative to include all *in* valued less than 4,000,000 kyat (approximate 2,900 USD), resulting in 420 of Ayeyarwady's 1,777 leasable fisheries becoming eligible for allocation to fisher unions ("Fishery workers…" 2018).

Facing a potential loss of control over leasable freshwaters, *inthagyi* in Ayeyarwady have "fought back" against the communal fishery initiative, bypassing the regional-level government to demand national-level authorities block the initiative on grounds that it is "unlawful," as it in principle prevents *inthagyi* from renewing or bidding anew on leases for affected *in* (Hein Ko Soe 2018). So far, such lobbying has not succeeded in changing law or official policy. However, despite the continuation of the communal fishery initiative at a formal level, independent fisher unions face practical barriers to actually obtaining communal leases and realising collective control over inland fisheries. Fishers I spoke with in Pantinaw Township protested that many *inthagyi* have obtained leases at the auction floor price by fronting their employees as an ostensible fisher union. Although *inthagyi*-controlled "unions" typically lack union registration, the *inthagyi* in such cases have, asserts Daw Myo Myo Aye, been able to bribe township officials of the Department of Fisheries to obtain *in* leases under the communal fishery initiative. Consequently, many of the 207 *in* purportedly awarded to fisher unions in 2017 remained under private *inthagyi* control. And many such *in* are sites where *inthagyi* have illegally built de facto private fishponds.

Fishers in Pantinaw Township related to me one such case involving a notorious *inthagyi* who has for many years controlled an *in* adjacent to the neighbouring village of Yegyi.[10] According to the fishers with whom I spoke, during the 2015-2016 fishery season, a Yegyi villager who "didn't have enough to live on" snuck into this *in* to catch fish. The *inthagyi*'s subordinates caught and then killed the villager in question. Neither the *inthagyi* nor his subordinates faced prosecution over the killing—at least not by the time of our interview in May 2018. What did happen was that, in June 2017, under the new communal fishery initiative, a fisher union of which my informants were members obtained a lease for this very *in* under the terms of Ayeyarwady Freshwater Fishery Law. When, however, members of this union attempted to enter the *in* to catch fish, the (technically former) *inthagyi* dispatched his "thugs" to threaten the fishers with violence. While refraining from any further fishing, the union submitted a

complaint about the matter to the Ayeyarwady Region Department of Fisheries. Nothing apparently came of this complaint, and the fishers I spoke with stated that neither the Department of Fisheries nor any other government office took serious steps to resolve the issue. Consequently, while on paper the Department of Fisheries had awarded the *in* to the fisher union, on the ground the former *inthagyi* retained de facto control, with the fishers having also lost the money they had invested for the lease.

There are, evidently, serious limits to the communal fishery initiative in Ayeyarwady. It pertains, for one, only to those *in* valued less than 4,000,000 kyat. Yet there are also on-the-ground barriers to establishing communal fisheries even in the limited number of designated *in*—barriers such as the existence of illegal fishponds on *in* that on paper remain leasable freshwaters. It is for such reasons that Daw Myo Myo Aye argues far-reaching land reform, and not simply ameliorative fixes, is needed to rectify the concentration of (often de facto) landownership in the delta, and the consequent deterioration of rural livelihoods.

Conclusion

Reviewing a recent flourishing of writing on the particularity of capitalist development in the postcolonial world, Sandro Mezzadra (2011) notes a "materialist turn" in postcolonial studies. By this he means not a mere reorientation from "the cultural" to "the economic" in postcolonial theory. It is instead to a broader reconceptualisation of capitalism that Mezzadra points—of capitalism as fundamentally constituted by heterogeneity. For it is heterogeneity that theorists of the postcolonial predicament have so effectively centred for critical analysis (for example, Sanyal 2007).

It is along these lines that "Ko Danga" achieves particular salience for rethinking, not only current development trajectories in Myanmar, but contemporary capitalist dynamics more broadly. Marxist-influenced intellectuals in early post-war Burma developed their analyses in response to their country's particular colonial and postcolonial political economy, which differed in marked respects from the history of capitalist development in the colonial metropole. In Kyay Ni's case, this engagement with domestic political economy involved a close examination of the inland fisheries lease system, leading him to stress relations of (often violent) dispossession, exclusion, and debt, over—or rather, alongside—exploitation through wage labour. The

proletariat, for Kyay Ni, was in this way heterogeneous, but it was no less revolutionary for being so. The author thus arrives at a dialectical middle ground between false class unity and the fetishism of difference. Kyay Ni's attention, moreover, to the place of self-employed, unemployed, and debt-bound fishers in the political economy of independent Burma speaks, as well, to contemporary concerns about the proliferation of informal, unfree, and unwaged labour, along with so-called surplus populations, across the global South. In these various ways, Kyay Ni's writing continues to furnish insights on contemporary political economic debates—insights of crucial relevance in Myanmar, but also more broadly.

Notes

[1] Kyay Ni (2001, 19)
[2] See Kyay Ni (2001).
[3] This and most other informants' names are pseudonyms.
[4] On the idea of latent commons, see Tsing (2015, 135).
[5] On Marx's characterisation of the proletarian as factory worker, see Marx and Engels (2016 [1848]).
[6] On Marx's shift away from a linear, teleological conception of capitalist development, see Anderson (2010).
[7] Fishers who participated in these protests showed me a list of 13 demands they issued at the 2017 event, which included the two items listed herein, and several related demands for fishers' collective access to *in* valued less than four million kyat.
[8] While this case was eventually resolved in favour of the defendants, I use a pseudonym for the village name to avoid risk of retaliation against village informants.
[9] The exchange rate at the time of writing was approximately 1 USD = 1,200 kyat.
[10] Given ongoing risk of violence in this case, this village name is a pseudonym.

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