

## **Poppy in the Era of Prohibition: Smuggling and State Complicity in Upper Burma, c. 1890-1940**

In the decades following the Opium Wars (1839-42, 1856-60), there was a massive shift in the scale yet also the geographical core of China's opium problem. What had been a problem in the coastal states and the southeast had not merely spread to become an empire-wide concern; it had become especially acute and unprecedentedly large in the landlocked fringes to the far west, southwest, and south.<sup>1</sup> Opium may have been a massive monopoly of the British Indian government, with Indian opium feeding a large proportion of global demand, but Chinese domestic production in Yunnan, Sichuan, and Guizhou was so large and found sale so widely across the country by the end of the century, that China had become the 'world's largest producer for the world's largest market'.<sup>2</sup>

When the Qing government renewed its anti-opium drive in 1906, therefore, the challenge was two-fold: first, to force Britain to end the trade in British Indian opium (beyond what was eventually defined as lawful, i.e., opium intended for 'medicinal' use), and second, to tackle the opium problem in China's own borderlands. The former has been widely studied, as scholarship referenced throughout this article makes clear. The latter, however, has only just begun coming to light, not least as scholars like David Bello and Philip Thai have resituated China's opium problem to provinces like Yunnan. Yet, the two problems were not strictly separate, for opium was produced in neighbouring British Burma and French Indochina, too, so that the cooperation of relatively small colonial states – like Burma – was absolutely imperative to the domestic campaign against opium.

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<sup>1</sup> See: David Anthony Bello, *Opium and the Limits of Empire. Drug Prohibition in the Chinese Interior, 1729-1850* (Cambridge, MA: Harvard University Press, 2005), pp. 2-4. See, also: Philip Thai, *China's War on Smuggling. Law, Economic Life, and the Making of the Modern State, 1842-1965* (New York: Columbia University Press, 2018).

<sup>2</sup> Bello, *Opium*, 4, for citation, and 222-85, for analysis of the factors making for this transformation.

This article examines this connection. It looks at the opium economy and the opium regime in late nineteenth- and early twentieth-century British Burma, focussing particularly on the Burma-China and Burma-Siam borderlands. It explores British responses to complaints from China, as well as Siam, regarding the smuggling of opium from Burma in the very decades – the 1910s, 1920s, 1930s – when the world was moving towards regulation and prohibition. It explains how and why the British Burma government failed to curb both the cultivation of poppy in Burma's uplands *and* the smuggling of opium to/from neighbouring China and Siam. The colonial government frequently sought to explain away why so little had been achieved and why opium continued to find its way across the border. Rather than taking this at face value, this article reveals the potent relationship between borderlands, smuggling, and state-*making*. Rather than seeing the state's failure as a manifestation of the state's weakness, the main argument of this essay is that wilful failure was a tool of state expansion.

To begin to comprehend this argument, it helps to turn prevailing thinking on its head. Policymakers and social scientists working on contemporary societies would have it that the failure of poppy destruction is a sign of state weakness. Patrick Meehan has argued in this very journal, however, that such inactivity is part and parcel of state expansion in spaces like the Burma-China and Burma-Siam borderlands. In the absence of much else, including actual hard power and an actual presence in the borderland, the state *does* possess an ability to 'create rents through the provision of legal impunity, money laundering and protection, whilst at the same time wielding the threat of prosecution'.<sup>3</sup> In forging a compact with the so-called 'underworld' (smugglers, bandits, and so forth), the state is able to advance its authority and control.

There is some truth to arguments routinely voiced by the Burma government – described in what follows – about the intractability of the problem in the borderland, arguments

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<sup>3</sup> Patrick Meehan, 'Drugs, Insurgency and State-Building in Burma: Why the Drugs Trade is Central to Burma's Changing Political Order', *Journal of Southeast Asian Studies*, vol. 42, no. 3 (2011), 376-404, here pp. 379-80.

that (tacitly) rest on the central state being *weak*: its personnel and their presence was sparse, its budgetary position incentivised turning the borderland opium economy – including smuggling – into rents and even encouraging rent-seeking behaviour (and certainly not discouraging it), and so forth. Yet, as this article shows, the colonial government never tried to take a more active stance, not even when the tide of moral opinion turned decisively against the perpetuation of the opium economy and its opium regime from the late nineteenth century. There were voices of dissent in the colonial government, but the prevailing opinion was cynical and dismissive, reiterating a stance taken in the decade before 1906 – that is, before China’s renewal of its anti-opium drive – and this in the face of the empire-wide and international pressure of the 1910s, 1920s, and 1930s to curb the opium economy and Burma’s own opium regime. The colonial government was not merely lethargic, therefore, but typified by moral decrepitude, for it frequently played to its weakness in the pursuit of its own interests.

This argument is in keeping with the spirit, yet also critiques the substance, of Diana Kim’s important recent monograph on opium prohibition in southeast Asia.<sup>4</sup> Though she notes laws toward outright prohibition and criminalisation were only enacted in the post-colonial period, Kim focusses on the progress made toward these goals in the colonial half-century to 1940. This progress was not the outcome of metropolitan governments’ or missionary groups’ advocacy, she argues, but of the agency of ‘weak’ administrators in the colony. These ‘poor theorists but rich empiricists of colonial reality’ had lost faith in the contribution of opium to the colony in diverse respects. They did not merely implement orders from above, as Max Weber and other theorists of bureaucracies have it, but also used the tools of their trade – observations and records – in ways that would exert pressure upwards, on their superiors.<sup>5</sup> This was not disobedience or corruption, as conventional theories and models would posit, but

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<sup>4</sup> Diana S. Kim, *Empires of Vice. The Rise of Opium Prohibition Across Southeast Asia* (Princeton, N.J.: Princeton University Press, 2020).

<sup>5</sup> *Ibid.*, p. 4, for citation,

reflected ‘commonsense acts’ that put their latitude for discretion to the task of solving local problems entangled in the very particular contexts staring them in the face on a day-to-day basis.<sup>6</sup>

The centrepiece of her analysis on Burma concerns the contributions by ‘[s]eemingly minor low-level administrators’ who ‘wielded surprisingly strong discretionary powers by providing arguments and evidence that persuaded senior bureaucratic officials and political actors of the unique urgency of local circumstances’, the result of which was the 1894 amendment of the 1878 Opium Act and the creation of opium consumer registries. The problem is that these ‘two institutions’ probably did not give ‘first and formal expression to the British Empire’s turn against opium in southeast Asia’, as Kim argues.<sup>7</sup> True, this legislation was passed prior to America’s colonisation of the Philippines and its subsequent and ardent anti-opium stance on the global stage. Yet, far from reducing crime rates – for the necessity of opium regulation was linked to problems of criminality, not least by prison doctors at the time – Burma obtained the infamous honour of the most criminal province of British India by the 1920s.<sup>8</sup> One might ask, furthermore, why those supposedly-weak-but-actually-quite-strong actors within the Burma government were not able to effect and accelerate further change after the passage of the 1894 laws, when international pressure to do so steadily intensified and the stakes for not doing so were greatly lowered.

Where Kim focussed on the core or heartland of British Burma in the Irrawaddy delta region, this article focusses on its spatial limits or margins – the hilly borderlands – which are almost entirely missing from her analysis. This space ought, in fact, to be an ideal testing ground for Kim’s ideas, for ‘upcountry’ colonial administrators were some of the weakest in

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<sup>6</sup> Ibid, pp. 6-7, 48-52.

<sup>7</sup> Ibid, pp. 93, for citation, and pp. 91-120, for analysis.

<sup>8</sup> Ibid, 97-100, and p. 119, where it is acknowledged that regulation perhaps produced greater crime. Jonathan Saha, ‘Colonization, Criminalization and Complicity: Policing Gambling in Burma c 1880–1920’, *South East Asia Research*, vol. 21, no. 4 (2013), pp. 655-672, here p. 655, for details relating to crime rates in Burma/British India.

the imperial service and thus wielded tremendous powers of discretion and creativity, as other scholars have highlighted.<sup>9</sup> This was, however, a place where the opium regime was ‘stickiest’ and where there was least progress, if any, toward prohibition. There (and at centre, too), weak actors called out the problems in the government’s opium policy and its stance on opium traffic in the face of existing anti-opium laws, but without effecting much action, let alone change, while others used institutional – if not personal – weakness to justify inertia and even concretise toleration of illicit activity. Complicity in illicit opium production and traffic was perhaps a by-product of the system of indirect rule and the ‘negotiated statehood’ that the Burma government exercised over the uplands. Corruption was endemic in Burma, however, part of the everyday experience of the state in the delta zone and all over the colony, as Jonathan Saha has argued, so it is also hardly surprising the state buried – rather than followed up – numerous reports of smuggling operations.<sup>10</sup>

Because the focus here is on the British Burma government – i.e., its laws and regulatory framework, its treaty commitments to foreign powers, its representatives and their daily work, its policing and punishment (or not) of illegal activity in the borderland – the primary focus rests on materials produced by the colonial state and its representatives at various levels. These range from men on the spot (i.e., local actors in the borderland), to the central government in Rangoon, as well as the latter’s communications with its counterparts and superiors in British India and Britain, not to mention the published accounts of numerous officers and administrators. The bulk of material is from the National Archives of Myanmar, a rich seam which has not been examined by the authors of important studies – namely, Robert B. Maule and Ashley Wright – that form the building blocks of the present analysis.<sup>11</sup>

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<sup>9</sup> For example: Simpson, *Frontier*.

<sup>10</sup> Jonathan Saha, *Law, Disorder and the Colonial State. Corruption in Burma c. 1900* (Basingstoke: Palgrave, 2013).

<sup>11</sup> Robert B. Maule, ‘The Opium Question in the Federated Shan States, 1931-36: British Policy Discussions and Scandal’, *Journal of Southeast Asian Studies*, vol. 23, no. 1 (1992), pp. 14-36; Idem, ‘British Policy Discussions on the Opium Question in the Federated Shan States, 1937-1948’, *Journal of Southeast Asian Studies*, vol. 33, no.

This material pertains to the period from the beginning of colonial rule in northern Burma in 1886 to the late 1930s, prior to the outbreak of war in Asia. The larger part consists of Political Department files from within the Chief Secretary's Office (that is, the central government), and latterly from the Political Department of the Defence Secretary's Office.<sup>12</sup> These allow us to access the deliberations and the back-and-forth of correspondence between the actors at the various levels of the state aforementioned. The result is a much less abstracted, much closer, and more detailed picture than Maule was able to reveal by using materials in the India Office Library in London. Of course, a consequence of working with English-language sources is that one does not get as close as might be liked to the priorities and perspectives of other actors (e.g., those in the Shan States, in China, in Siam) – although to do so would, at any rate, be to pursue a much larger topic than is possible in this article.

The remainder of this article is set out as follows. Section I sets out how the Burma government created an opium regime via the passage of laws to restrict consumption to certain groups and to regulate purchases and sales, all in support of the state's opium monopoly. Setting out why the opium regime first created in Lower Burma had to be modified before it could be rolled out in Upper Burma, Section II then examines the ramifications of this decision, at the same time shifting from a consideration of domestic to international law. Upon settling the matter of the Burma-China border in the final decades of the nineteenth century, Britain signed agreements that also explicitly made opium trade across this border illegal. And yet, the Burma government did little in respect of either its pursuit of the fruits of the opium monopoly in the borderland, or of upholding international agreements striving toward opium prohibition, instead employing a range of discursive strategies to evade scrutiny and responsibility.

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2 (2002), pp. 203-24; Ashley Wright, *Opium and Empire in Southeast Asia. Regulating Consumption in British Burma* (Basingstoke: Palgrave Macmillan, 2014).

<sup>12</sup> In what follows, these are designated as designated NAM-CSO-PD and NAM-DSO-PD, respectively.

Section III describes the changing policy context vis-à-vis opium in the British Empire – namely, the drift toward supporting prohibition – and the reasons for Burma’s ambiguous stance toward helping achieve this objective. It then reveals that opium production in the borderland was left unchecked in the 1910s and grew considerably in the 1920s against the backdrop of very explicit Chinese and Siamese concerns – voiced in international fora – regarding cross-border smuggling, as well as the more general climate of opinion that supported anti-opium measures. Key to the Siam-bound traffic was Kengtung, a fiercely independent Shan state that had been the last to acquiesce to colonial authority after the conquest of Upper Burma, and which was never brought under the state’s opium regime. Kengtung and its *sawbwa* – alternately *saopha*, literally ‘lord of the sky’, a title given to Shan lineage heads or chiefs, some of whom were the lynchpins of British indirect rule – are the subjects of Section IV.

The Kengtung *sawbwa* maintained a pecuniary interest in opium trade and was repeatedly connected to smuggling and shady dealing from 1906, through to the major scandal involving an opium deal between the Kengtung royal family and senior officials in the Siamese government in 1934. There is evidence of the Burma government’s annoyance with the *sawbwa*’s conduct, and of calls to discipline him and other flagrant offenders, but the facts are that these calls never amounted to anything, that new laws were never extended to cover states like Kengtung, and that the colonial state repeatedly covered-up the *sawbwa*’s wrongdoing. This was as much because of the weakness of the colonial administration in the borderland (in terms of material, intellectual, or human resources), as it was a means of strengthening the Burma government, which could ill-afford to upset the fine balance upon which indirect rule was maintained, which benefitted from opium production, and which found it easier to cover-up scandals than tackle the problem at the root. Bringing the concept of Zomia into the frame,

the conclusion pans out to consider what these findings reveal about the relationship of space to power in Burma and the British Empire in Asia.

## I

Opium was regulated by the British government of Burma much as it was in French Indochina and the Dutch Indies; in all cases, the state's opium monopoly was a key source of revenue.<sup>13</sup> A landmark study by Ashley Wright has revealed the development and then the dismantling of the state's opium regime in colonial Burma. Its nature and contours – and that of the lawful opium economy (i.e., cultivation, processing, trade, consumption) – were defined by the Opium Act (1878). This was in force in what was called 'Lower Burma', the core of which was the Irrawaddy delta zone.

Ideas about race and racial difference came to be enshrined in the law, which distinguished those who could buy opium from regulated shops from those who were to be prevented from consuming the drug (save for medical reasons).<sup>14</sup> Indians and Chinese migrant workers were not only deemed capable of withstanding the effects of opium use; the drug was considered vital to the discharge of their labour. By contrast, Burmese residing in the delta zone were thought too physiologically and morally delicate, too weak and effeminate to be exposed to what was a largely unfamiliar drug for fear they would become addicts and fall, in turn, into crime, unemployment, and destitution.<sup>15</sup>

The Irrawaddy valley and the highlands, which formed 'Upper Burma', were annexed by the British after the war of 1885-86, several years after the promulgation of the Opium Act.

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<sup>13</sup> Carl A Trocki, 'Drugs, Taxes, and Chinese Capitalism in Southeast Asia' in *Opium Regimes. China, Britain, and Japan, 1839-1952*, ed. by Timothy Brook and Bob Tadashi Wakabayashi (Berkeley: University of California Press, 2000), p. 81.

<sup>14</sup> This is not to say that there were not also economic imperatives to such policies, or that racialised thinking exerted a clearer steer over policy than say, matters of political economy; see: Jagjeet Lally, 'Salt and Sovereignty in Colonial Burma', *The Historical Journal*, vol. 64, no. 3 (2021), pp. 650-73.

<sup>15</sup> Wright, *Opium and Empire*, pp. 3-4, 24-25, 38-41, 45-46, 86-91.



This part of Burma was home to settled Chinese and was also frequented by itinerant Chinese merchants from across the border, yet was not a major destination for Chinese and Indian coolies. Opium smoking was, nevertheless, well established alongside the eating of other stimulants (pickled tea, betel nut) in the Irrawaddy valley, and not only amongst Chinese.<sup>16</sup> The Shan and Kachin, praised by the colonisers for their physical and moral strength, had long cultivated and used opium. They had also enjoyed relative autonomy under the rule of local elites prior to the colonial conquest.<sup>17</sup> These notions of racial difference ran so deeply and were deemed so important that the official manual for the instruction of new British frontier officers working in the Kachin Hills took pains to present the Kachin (male) as a ‘noble savage’ and one of the ‘martial races’ – a simple but trustworthy ally of the colonial government.<sup>18</sup>

And so, the extension of the Opium Act (1878) to Upper Burma in 1888 was pursuant to the writing of a number of legal caveats reflecting these ‘facts’ to do with political arrangements, local culture and tradition, and the purported racial superiority of indigenes. The first of three novel provisions stated that opium production and consumption were permitted within the Shan and Kachin states and that opium could be traded subject to the payment of duties. The possession of a maximum personal allowance of 5 tolas of opium by those crossing the border in either direction was permissible; it held both for Chinese subjects entering Burma and British subjects travelling across the border. The second provision forbade opium sales to Burmese, while the last permitted some local opium cultivation in the Kachin villages (and,

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<sup>16</sup> Thant Myint-U, *The Making of Modern Burma* (Cambridge: Cambridge University Press, 2001), p. 50.

<sup>17</sup> For such assessments of the Kachin and Shan, see: W.J.S. Carrapiett, *The Kachin Tribes of Burma, For the Information of Officers of the Burma Frontier Service* (Rangoon: Government Printing and Stationery, 1929), p. 2; C.E.K. Macquoid, *Report of the Intelligence Officer on Tour with the Superintendent, Northern Shan States, 1895-96* (Rangoon: Government Printing, 1896), p. 19; W. R. Winston, *Four Years in Upper Burma* (London: C. H. Kelly, 1892), p. 33; Joseph Dautremer, George Scott (trans.), *Burma Under British Rule* (London: T. Fisher Unwin, 1913), p. 78.

<sup>18</sup> Carrapiett, *Kachin Tribes*, 83-84. In all this, therefore, we see a transposition of powerful racial ideas formed on the Indo-Afghan frontier (e.g., regarding noble savages and the martial or Aryan races) to Upper Burma: Jagjeet Lally, ‘Landscape, Race, and Power on the Indo-Afghan Frontier, c.1840-c.1880’, *South Asian History and Culture*, volume 11, no. 3 (2020), pp. 277-99, here p. 280 and nn. 24-27. See, also: Guilia Garbagni, ‘“The Friends of the Burma Hill People”: Lieutenant Colonel John Cromarty Tulloch and the British Support to the Karen Independence Movement, 1947-1952’, *Journal of Burma Studies*, vol. 21, no. 2 (2017), p. 267.

later, throughout the Shan States).<sup>19</sup> Thus, opium was tightly regulated in the delta zone, whose addicts' needs were serviced by opium imported from British India, yet grew readily in the uplands, where its consumption was tolerated and where a lively yet illicit cross-border traffic with China formed part of a larger and long-standing trade.<sup>20</sup>

The Wa, for example, were said to 'cultivate a great amount of opium' but 'not take it to excess', and there was certainly a lively trade in opium across this part of the borderland.<sup>21</sup> They inhabited the uplands in the northernmost part of Burma and the southernmost part of China (parts of Yunnan province). To the east was the Naga Hills District, which was then part of the Assam province of British India and is today known as Nagaland; opium was said to be cultivated in every village and consumed by most of the adult population, to the extent that opium was a kind of currency, its scarcity and resultant value limiting any trade outside the area.<sup>22</sup> A trade in Chinese opium, probably from Yunnan, where it was a winter staple, was thought to feed the markets of Assam province at large, however, and had serviced at least a part of demand in Irrawaddy valley towns such as Mandalay since the mid-nineteenth century, if not before.<sup>23</sup>

A contra-flow trade also existed, for parts of Yunnan received the surplus production of the Northern Shan States (NSS).<sup>24</sup> On an administrative tour in 1895-96, C.E.K. Macquoid noted an unseasonal spring night of pouring rain that continued until the next afternoon and 'must have caused incalculable damage to the poppy crops on the slopes [...] as the heavy rain

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<sup>19</sup> Wright, *Opium and Empire*, p. 49.

<sup>20</sup> Diana Zhidan Duan, 'Embracing the Black and White Gold' in *Objects and Frontiers in Modern Asia. Between the Mekong and the Indus*, ed. by Lipokmar Dziüvichü and Manjeet Baruah (London: Routledge, 2019) richly yet concisely reveals Yunnan's 'black gold' (opium) economy of the mid-nineteenth to mid-twentieth century.

<sup>21</sup> G. Drage, *A Few Notes on Wa* (Rangoon: Superintendent, Government Printing, Burma, 1907), 6, for citations; *Reports on Wa State by British Officers during the Colonial Period – II* (Rangoon?: Archives Dept., 1980?), pp. 19-20.

<sup>22</sup> R. T. O'Connor Mitchell, *Report on a Tour in the Naga Hills District* (Rangoon: Government Printing, 1940), p. 5. On the Kachin's purchase of large quantities of opium in wholesale markets for use as currency to pay labourers, see: Carrapiett, *Kachin Tribes*, p. 20.

<sup>23</sup> O'Connor Mitchell, *Report*, 5; H. R. Davies, *Yün-nan* (Cambridge: University Press, 1909), p. 311; Myint-U, *Modern Burma*, pp. 147-8.

<sup>24</sup> John Anderson, *Mandalay to Momien* (London: Macmillan and Co., 1876), p. 300.

washed off all the juice which has oozed through the little slits made in the poppy-heads' as part of the opium production process. 'The people are poor enough,' their opium one of the major local exports and deemed very cheap in the marketplace, he continued, so that this meant 'a serious loss to them, though indeed the anti-opium people might possibly look on the unseasonable fall of rain as a special interposition of Providence.'<sup>25</sup> The voices of the 'anti-opium people' were already many by the turn of the century and diversified yet further in the following decades.

## II

Because the conquest of Upper Burma extended British authority into an area over which the Chinese held long-standing claims, it became necessary to delimit the Burma-China border rather decisively, which was agreed upon and set out in two bilateral treaties signed by Britain and China in 1886 and 1894. But the treaties did more than settle matters to do with territory; they also acknowledged British commercial concerns, namely the maintenance of a fluid frontier, with the free movement of goods and traders subject to payment of the relevant duties and the acquisition of the necessary passports, as well as Chinese interests, namely by stipulating those items prohibited from crossing the frontier and establishing the right of the Chinese to punish smugglers as per Qing imperial law.

By the 1894 agreement, the traffic in opium was prohibited in both directions, 'excepting in small quantities for the personal use of travellers' with 'the amount to be permitted [...] settled under Customs regulations.'<sup>26</sup> Because the extension of the Opium Act permitted 'personal allowances', it was impossible to distinguish trade in opium from carriage of a licit quantity of the drug for personal consumption. British frontier officials were thus

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<sup>25</sup> Macquoid, *Report*, 9, for citations, and 48, for details of cultivation and the harvest.

<sup>26</sup> MacMurray, John V.A., ed., *Treaties and Agreements with and Concerning China 1894-1919. Vol. I* (New York: Oxford University Press, 1921), p. 6.

reluctant to confiscate opium from travellers, meaning there was effectively no check on the cross-border traffic between Burma and China. Because the Opium Act was written with British subjects in mind, moreover, its applicability to those subjects of Qing and Republican China found violating the law was a further area of complication.

Technically, Chinese found with an amount of opium in excess of their personal allowance would face the punishment of a fine and three years' imprisonment, although the difficulty of enacting this regulation was acknowledged almost immediately. The correspondence of the Revenue Secretary, the Financial Commissioner, and the office of the Chief Commissioner of Burma in 1895 reveals that there was debate on the subject, even if the outcome was to will the problem away.<sup>27</sup> If the upper echelons of the administration were apathetic about clarifying or supplementing this legislation, there was even less incentive or motivation at the lower levels of the state – among officers posted in Upper Burma – to exert bureaucratic resources and manpower to enforce the law. In Bhamo, a town north of Mandalay serving as an important mart for Burma-China trade, for example, notices *were* drafted and posted publicly, but were very vague on the likelihood of smugglers receiving the stipulated punishment. The Commissioner of the Northern Division at Mandalay, in turn, did little more than request (and receive) twelve copies of the notice translated into Shan for posting in villages along the trade routes.<sup>28</sup>

Opium became central to the friction between the two powers in the borderland. From the Chinese government's perspective, there would be little point in closing markets to Yunnan opium cultivators and traders if they could easily sell abroad, after all, much as there was no point in weening the province's addicts off the drug if they could get their fix from contraband smuggled over the border.<sup>29</sup> The Burma government remained seemingly impervious to the

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<sup>27</sup> NAM-CSO-PD/1895/1C-7/3374, especially pp. 42-50.

<sup>28</sup> *Ibid.*, pp. 50, 57.

<sup>29</sup> The Chinese government was still trying to explain this predicament to their counterparts in Burma over thirty years later; see: NAM-DSO-PD/1941/31/D(P)4/6242, p. 4.

strenuous pleas sounding from China for support in its anti-opium drive, however, even as they were framed in ways that signalled a mutual problem calling for a mutual strategy. The reasons for doing so are examined in the next section; here, we must pause to scrutinise the range of arguments and discursive strategies employed by the Burma government to clean its hands of the problem.

The destruction of the standing crop was one prong in the anti-opium toolkit employed by the Qing. This was likely to be met with local resistance, being tantamount to the destruction of their livelihood, to the extent of necessitating the support of military force – or so British officials liked to claim. The Panthay Rebellion (1856-73) was held up as a historical precedent by the Burma government almost as soon as it heard of the Qing offensive against opium and Britain's new commitments. In this rebellion was supposedly some proof of the foolishness of razing poppy fields and thereby alienating the local populace of the borderland.<sup>30</sup> Intelligence concerning crop burning was thus relayed to government, their reports laced with (explicit) criticism of the Chinese approach.<sup>31</sup> In winter 1916, for example, it was noted that Chinese troops were moving through the countryside with orders to destroy poppy and that 'the Kachins of Mengmao, Mong Wan-Chefang, and Mong Ting are collecting ammunition in order to resist if their crops are meddled with.'<sup>32</sup> It was possible to peacefully destroy opium, but only if local authorities were on side and could effectively offset any losses. It was reported, for instance, that some *sawbwas* had avoided a stand-off only by 'bribing' the Kachin with paddy.<sup>33</sup> In other words, failing to provide alternative livelihood would only lead to an endemic cycle of violence and the return of opium in ever more remote locations. 'If there were such a thing as a Chinese

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<sup>30</sup> NAM-CSO-PD/1907/1C-16/Part I/6424, p. 5.

<sup>31</sup> This intelligence was received from Burma frontier officers through the local networks but also from despatches from British diplomats in the Chinese provinces and in Peking, supplemented by reports from missionaries (especially those of the China Inland Mission) who were much more dispersed through the borderland than officers of the Burma government.

<sup>32</sup> NAM-CSO-PD/1917/1C-1/Part I/7405, p. 3.

<sup>33</sup> NAM-CSO-PD/1917/1C-1/Part III/7407, p. 9.

statesman,' one government servant actually felt compelled to write within months of China renewing its anti-opium programme, then he would first build railways and roads, then support agriculturalists in producing cereals and 'would seek to improve the breed of cattle and above all that of sheep', and only then 'start, if he must, on his anti-opium crusade'. In place of sympathy, this British official chided the Chinese for their 'very serious mistake'.<sup>34</sup>

A certain degree of cherry-picking of facts is evident in numerous other despatches from China, giving them an almost hysterical tone: 'The local police [in Yunnan] have made themselves unpopular by their high handed treatment of opium smokers', it was reported by the acting consul-general in the province, H.H. Fox, for 'a few days ago a woman committed suicide as a protest against her arrest on the eve of her wedding and to-day an action for wrongful imprisonment, brought against the chief of police by the "Citizen Lu", is being heard in the provincial court.'<sup>35</sup> Other concerns and criticisms were also lodged. One concerned the destruction of the 'property' – for when it suited the colonial authorities, opium was a saleable commodity on the market, rather than an outlawed drug – of British subjects or else on the British side of the undemarcated border, and what compensation would be offered in turn. In this, the infringement of British sovereignty and the rights of British subjects was held paramount relative to Britain's international obligation to ending export/smuggling of opium to China.<sup>36</sup> As historians and other scholars have noted, the demarcation of borders did not always constrain borderlanders, who could use competing territorial claims creatively to their own ends. It stands to reason, therefore, that borderlanders *were* toying with the Chinese authorities by shifting poppy cultivation this way or that way over the border in light of their

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<sup>34</sup> NAM-CSO-PD/1907/1C-16/Part III/6426, p. 7.

<sup>35</sup> NAM-CSO-PD/1913/1C-17/Part II/7013, p. 6.

<sup>36</sup> NAM-CSO-PD/1920/1C-30/Part II/7529; NAM-CSO-PD/1915/1C-27/Part V/7190. The crux of the issue was whether British subjects holding rights under the Transfrontier Cultivation Regulations cultivated land on the Chinese side of the border, which the Chinese suspected: NAM-CSO-PD/1915/1C-27/Part IV/7189, p. 5.

fear of the law and the likelihood of its enforcement.<sup>37</sup> Another concern centred on the ineffectiveness of the Chinese state's strategy, which ultimately shunted usage from opium dens to private residences, or else on the impotence of the Chinese state, whose success hit a wall in the borderland where 'local Chinese officials either dare not, or are bribed not to interfere' and who more readily prosecuted the poor than the rich.<sup>38</sup>

As suggested here, a much more frequent criticism was that the very Chinese authorities responsible for upholding the anti-opium laws were essentially corrupt, working in ways that not only undermined Chinese headway but would also make a mockery of any action taken by the Burma government in support of the cause. Allegations of confiscated opium being used to broker sales to French Indochina abounded, as did reports that the provincial authorities in Yunnan were embarrassed and fearful of the repercussions of these dealings – state-sponsored smuggling, albeit to secretly supply a licit state opium regime – being revealed in the press.<sup>39</sup> Worse still, the military was issuing permits that allowed persons to convey 'first-grade drugs' to the Shan States and other parts of British territory.<sup>40</sup> 'Wang Mang Ai', 'Chang Lao San alias Lao Chang', and 'Wong E Ming' were named in one correspondence from 1912 as agents sent by the Opium Bureau to purchase the drug in the NSS for sale in Yunnan, the last-named alone having despatched over 10,000 viss (1 viss = 3.65 lbs avoirdupois) of opium.<sup>41</sup> In spite of this, Burma's lieutenant-governor – the height of command in the colony – stated no objection and proposed not to interfere with the 'transaction', for the statutes of the 1894 agreement did not oblige the Burma government to prevent imports into Yunnan. It was for the Chinese government to take the necessary steps to thwart trade, if they desired it.<sup>42</sup>

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<sup>37</sup> Andrew Walker, 'Seditious State-Making in the Mekong Borderlands: The Shan Rebellion of 1902-1904', *Sojourn: Journal of Social Issues in Southeast Asia*, vol. 29, no. 3 (2014), pp. 554-90, and especially the wider references on p. 555.

<sup>38</sup> NAM-CSO-PD/1913/1C-1/Part I/7012, p. 3; NAM-CSO-PD/1914/1C-1/Part I/7093, pp. 4-5.

<sup>39</sup> NAM-CSO-PD/1913/1C-17/Part I/7012, p. 3; NAM-CSO-PD/1913/1C-17/Part II/7013, p. 6; NAM-CSO-PD/1913/1C-17/Part III/7014, p. 4; NAM-CSO-PD/1913/1C-17/Part IV/7015, p. 4.

<sup>40</sup> NAM-CSO-PD/1916/1C-8/Part III/7289, pp. 4 and 7.

<sup>41</sup> NAM-CSO-PD/1913/1C-6/3890, pp. 6-7.

<sup>42</sup> *Ibid.*, p. 7.

This was not only a reiteration of an existing stance, one expressed soon after Britain made its commitment to phase out opium exports; it was also broadly similar to the way complaints made by the Chinese authorities about salt smuggling had been sidelined for the past decade or more.<sup>43</sup> The government was trotting-out well-rehearsed arguments, but there is something shameful about the way such rough and ready equivalence was made between salt (a necessity, even if cross-border trade was outlawed) and opium (a narcotic now widely held as responsible for numerous social, economic, and political ills). This indicates the extent of the Burma government's disregard for China's position and how out of step it was with prevailing thought in the British Empire and the world at large. Sympathies for China's position *were* expressed by senior figures, but they nevertheless passed the buck by making it plain that the onus of prevention of cross-border opium traffic lay with the Chinese, save for the offer of rather minimalist assistance.<sup>44</sup> For their part, some Frontier Service officers felt they had 'no means of enforcing the orders over a long and difficult frontier', especially as local elites were unwilling to lend their support.<sup>45</sup> There was also another issue: caving to complaints about opium smuggling would necessitate a tougher stance on contraband salt, something the government did not desire.<sup>46</sup> The solution, therefore, was to remain inactive, even though a low-level civil servant named Tak Shik Ku was able to confirm the legitimacy of China's pointing the finger at Burma, for the import of opium from Yunnan had reversed, with opium grown in Hsenwi now smuggled to China via Lungling.<sup>47</sup>

The archive certainly bears testament to the dissent of a small number of government servants who saw the hollowness of this approach. Ottewill, the British Consul-General in Yunnan, wrote directly to the Burma government in winter 1920 to urge action: whatever the

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<sup>43</sup> On this subject, see: Jagjeet Lally, 'Salt, Smuggling, and Sovereignty: Making the Burma-China Borderland, c. 1880-1935', *The Journal of Imperial and Commonwealth History*, vol. 49, no. 6. (2021), pp. 1047-81.

<sup>44</sup> See, for example: NAM-CSO-PD/1910/1C-34/6781, p. 2-3.

<sup>45</sup> *Ibid*, p. 7.

<sup>46</sup> *Ibid*, p. 7.

<sup>47</sup> NAM-CSO-PD/1910/1C-34/6781, p. 7.



provincial authorities were or were not doing – including taxing Burmese opium as if it were legal, as well as unofficially agreeing to supply the French colonial opium regime, and supporting smuggling to do so – the British ought do their bit to uphold their international obligations. The Burma Government ought do its bit, too, for it was part of the British Empire and because the latter had sworn commitment to supporting global anti-opium initiatives (as described in the next section). The reply was predictable: not only was the border vast and highly permeable, and not only had surplus production on the Burmese side commenced when prohibition was instituted, but the very trade in the drug ‘is almost entirely in the hands of Chinese subjects, and that it is carried on with at least tacit connivance of the Chinese authorities.’<sup>48</sup> In the face of such obstinacy, the Assistant Secretary to the Financial Commissioner of Burma, J. J. Anderson, issued his objection to the claim that the colonial government did not encourage the traffic in a prohibited substance; ultimately, after all, the government issued passes for the movement of Chinese opium.<sup>49</sup> Others, however, were able to use uncertainty and ambiguity as a means for obfuscation and inertia or even for rather more creative action, as best served the colonial state’s interests.<sup>50</sup> Of course, it was recognised that the ‘loyal Kachin’ imported opium from Yunnan and were given passes to trade that breached the terms of Anglo-Chinese agreements, but what was deemed at issue was whether this opium was for private consumption and, if so, whether Chinese opium was sought because opium was too difficult to buy domestically.<sup>51</sup> If the latter were true, then the colonial state – which was an opium regime – ought ensure adequate supply.<sup>52</sup> In this utterly perverse way, therefore, a

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<sup>48</sup> NAM-CSO-PD/1921/14C-1/Part I/7577, p. 3.

<sup>49</sup> NAM-CSO-PD/1910/1C-38/Part III/6785, p. 2

<sup>50</sup> The colonial frontier has lately been conceived as a space characterised by ambiguity and freedom that gave officials great latitude for autonomy and creativity; for example: Thomas Simpson, *The Frontier in British India. Space, Science, and Power in the Nineteenth Century* (Cambridge: Cambridge University Press, 2021).

<sup>51</sup> NAM-CSO-PD/1910/1C-18/6763, p. 2.

<sup>52</sup> *Ibid*, pp. 4-5.

prospect for the *encouragement* of the opium economy arose out of international complaints and requests for greater cooperation in the discouragement of the drug and its trafficking.

### III

In 1906, the Qing government announced its intention to abolish opium cultivation, use, and sales within the decade as part of a more ‘coordinated national campaign’ than before.<sup>53</sup> In the same year, a Liberal government came to power in Britain that was more responsive to criticism – which had been intensifying in the closing decades of the last century – concerning the evil effects of Indian opium. In 1911, it was agreed to cease Indian opium exports by 1917 to any province in China where cultivation and import of native opium had been suppressed; official figures revealed, after all, that Indian opium constituted only about a tenth of Chinese needs, the rest satisfied by Chinese opium so that the ‘burden of suppression’ had arguably shifted.<sup>54</sup> In the following year, India became a signatory of the Hague Convention, by which it committed itself to preventing the export of opium to countries – such as China – where its import was prohibited. And, in 1926, India agreed to cease opium exports altogether.

International pressure was key to India’s rapidly changing stance. The Shanghai Opium Smoking Conference of 1909 marked a new era of opium policy – new, in that policy in opium-producing and opium-selling states, such as British India and Burma, would be shaped by opinions and voices raised at such international conferences organised in the interest of long-suffering opium-consuming states, with the League of Nations playing an important role in the interwar years in coordinating discussion and policy. The United States was one of these voices in the debate surrounding the restriction of opium use and trade, and would clash with Britain for the following thirty years over the definition of ‘legitimate use’, with Britain advocating a

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<sup>53</sup> A concise outline of the details abstracted here can be found in: Gregory Blue, ‘Opium for China: The British Connection’ in *Opium Regimes*, ed. by Brook and Wakabayashi, pp. 40-45.

<sup>54</sup> Brook and Wakabayashi, ‘Introduction’, p. 13.

more expansive definition as suited imperial interests.<sup>55</sup> Indian exports had been halted by the end of the First World War as per the commitment made by Britain. In Burma, however, the opium regime had not been dismantled, for opium remained a much larger source of government revenue as late as the 1930s compared to various parts of India, to the extent that prosecutions in smuggling cases were roughly ten times higher.<sup>56</sup> In fact, the *expansion* of opium production within Burma (for reasons described below) meant that the backdoor into China and parts of southeast Asia was well and truly kicked open.

With its administrative divorce from British India in motion from 1935, the Burma government was compelled to secure its fiscal position, making it reluctant to relinquish even the relatively small stream of revenue derived from the opium regime.<sup>57</sup> Outright prohibition of the drug was thus undesirable from a domestic-policy perspective at this time. Another consequence of the divorce was that British oversight shifted from the India Office in London to a newly established Burma Office in the metropolitan capital, giving the colony at once a new and more independent position within the imperial system yet also subjecting it to scrutiny as an imperial actor on its own terms (that is, without being able to attribute failures to Indian decision-making). In other words, the Burma government had to act in ways that balanced its domestic interests and imperatives with the those of the empire at large. In practice, this meant striving to achieve a budgetary balance by sustaining the opium regime and the revenues derived therefrom, in turn necessitating access to a steady and affordable supply of opium, meanwhile upholding Britain's commitment to bringing the illegal trade in opium to an end, resulting in a conflict of objectives and interests.

The Burma government clearly knew the potential of Shan opium, for it had at least twice requested permission to ship samples to Batavia (in 1931-32 and in 1938-39) in the hope

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<sup>55</sup> Wright, *Opium and Empire*, p. 106.

<sup>56</sup> Maule, 'Opium Question', pp. 19-20.

<sup>57</sup> For details of revenues: Wright, *Opium and Empire*, p. 131.

of supplying the Dutch opium regime following India's decision to cease opium exports. The era of prohibition was hardly the time to be nurturing production and foreign trade in the drug, however, and so Burma was each time thwarted by the imperial command.<sup>58</sup> Shan opium was distinctive from its Indian substitute because of the nature of its production.<sup>59</sup> Shan opium was preferred in local markets, where it was also a little cheaper, while Indian opium occupied a favoured position in the Irrawaddy delta region (or Lower Burma).<sup>60</sup> There was, nevertheless, a captive (black) market for Shan opium, particularly among addicts who took the drug in excess of what was permissible within the strictures of the opium regime in the delta.

Through *regulation* of licit trade between the Shan States and Lower Burma, the government believed it could solve the problem of smuggling on two fronts. In the first place, there was smuggling – and associated revenue loss to government – within Burma; around 99 per cent of opium smuggled in 1931, for example, reportedly originated in the Shan States. Second, there was cross-border smuggling into southeast Asia and southern China, where Shan opium was reportedly plentiful and thus cheap and competitive, the presence of which undermined Britain's commitment to curbing illegal trafficking. Opium production in the Karenni, Shan, and Wa states exceeded domestic demand and was a source of income to uplanders. Outright prohibition of such an important cash crop would not meet with success, it was believed, for the land would either be depopulated and turn fallow or remain covered in poppy because of the impossibility of policing the uplands. Far better, therefore, to legalise and regulate the opium economy so that output was diverted toward legal markets within Burma and away from illicit channels to China or Siam.<sup>61</sup> A permissive stance was presented as solution and compromise within the set of pressures entangling Burma.

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<sup>58</sup> NAM-DSO-PD/1938/316D(P)/5860; Wright, *Opium and Empire*, pp. 134-5.

<sup>59</sup> For details of how opium was produced in the uplands, see: NAM-CSO-PD/1878/14.1/8492, pp. 2-3; O'Connor Mitchell, *Report*, p. 5; Anderson, *Mandalay to Momien*, p. 135.

<sup>60</sup> NAM-DSO-PD/1939/303D(P)/6072, p. 2.

<sup>61</sup> Wright, *Opium and Empire*, 131, p. 133-34.

Regulation was not a new approach to tackling the problem of cross-border traffic. It had been proposed as early as 1916, albeit via different means (granting *sawbwa*'s licenses that gave them export monopolies) and with different aims (to control NSS trade in opium with Siam and French Indochina).<sup>62</sup> The Burma and Arakan Hills Frontier Crossing and Disturbed Districts Regulation I of 1907 – which had recently been extended to the Shan States – gave local officers the authority to warn persons believed to be smuggling, but these were essentially weak powers.<sup>63</sup> There was also sufficient dissent, with some preferring to stamp out opium traffic from the NSS altogether, so that no change was made to the status quo.

Thus, by 1917/8, the Chinese authorities in Yunnan requested that the Burma government stamp out cross-border opium trafficking in line with the Hague Convention of 1912. The colonial government was reluctant to do so – which would involve the destruction of standing crops, prosecutions, and penalties – at a time of insecurity throughout the empire. Until the conclusion of the Great War (1914-18), '[a]ny attempt at stripping this illicit source of revenue in the Shan States and among the Kachins would provoke the hostility of these people and might cause them to rebel'; '[w]e cannot risk [...] in present circumstances [...] a tribal rising on our borders in order to mitigate this small inconvenience [underlining added for emphasis].'<sup>64</sup> The Hague Convention, it was noted, allowed for the possibility of delays in realising the objective of ending trafficking on the basis that 'the necessary measures cannot be put into force at once in every country', which the Burma government took as license to continue to explore its options. A system of licensing was proposed anew but, in the end, it 'was decided that we could not, while the war continues, enter upon operations which might set the whole frontier ablaze.'<sup>65</sup>

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<sup>62</sup> NAM-CSO-PD/1916/1C-8/Part V/7291, p. 3.

<sup>63</sup> *Ibid*, p. 3.

<sup>64</sup> NAM-CSO-PD/1918/1C-12/7469, p. 3.

<sup>65</sup> *Ibid*, p. 4.

In effect, the opium economy was left unchecked, and thus grew rather considerably in extent. In 1923, a year after the creation of the Shan States Federation, the Shan States Opium Order was promulgated. It ‘placed responsibility for the control of poppy cultivation in the hands of the Cis-Salween *Sawbwas* and their officials’, who were to sell all production to the state so that users could purchase their ration from licensed shops.<sup>66</sup> By implication, any opium circulating outside the system structured by the opium regime was contraband and could be seized by the state.<sup>67</sup> The Trans-Salween states, such as Kengtung and Kokang, however, were unregulated. The reasons given were numerous and painfully familiar: the lack of a coercive presence sufficient to police and punish violations, the easy access to plentiful Chinese opium that would undermine any efforts to regulate the opium economy, but also the singular importance of opium as a cash crop to local cultivators. It was perhaps because the memory of the ‘pacification campaigns’ fought in the years after 1886 still burned brightly that the imperial authorities were reticent about aggrieving the Kengtung and Kokang rulers and precipitating an uprising – something that had come to pass on comparable frontiers, such as the Indo-Afghan frontier – because even the Secretary of State for India weighed in to urge that the new law not be foisted on the Trans-Salween States.<sup>68</sup>

In the interwar era, the League of Nations’ Advisory Committee on the Traffic in Opium and Other Dangerous Drugs served as a regularised body through which international opinion was voiced and mobilised with the aim of reshaping policy. Opinions presented at the League’s first opium conference in Geneva in 1924, and at the International Opium Convention of 1925, were divided between outright prohibition (promoted by the United States and China), on the one hand, and careful regulation on the grounds that ‘there was no better stimulus for

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<sup>66</sup> Maule, ‘Opium Question’, p. 15.

<sup>67</sup> *Ibid.*, p. 15.

<sup>68</sup> Maule, ‘British Policy Discussions’, p. 204. On the memory of anti-colonial violence around the time of conquest and its impact on colonial policy: Mark Condos, *The Insecurity State. Punjab and the Making of Colonial power in British India* (Cambridge: Cambridge University Press, 2017).

contraband opium traffic [...] than absolute prohibition.’<sup>69</sup> The bugbear of Burmese opium production and trade – as well as the re-export of Yunnanese opium via Upper Burma – raised its head repeatedly, at the Advisory Committee’s first session in 1921, and again at the Bangkok Opium Smoking Conference a decade later. Prince Charoon highlighted the problem of smuggling from the Shan States (and Yunnan) as an impediment to Siamese regulation – a problem also pressed to the British authorities by the Qing and Republican governments of China.<sup>70</sup> Ultimately, therefore, opium remained unregulated in British Burma in the very stretch of borderland that adjoined China and Siam, even though these states were vocal critics of cross-border smuggling of surplus production from Burma and increasingly took to international fora to voice their concerns.

#### IV

Located to the south of China, the west of French Indochina (bordered by the Mekong), and the north of Siam, Kengtung state was the easternmost of the Shan states, occupying an important position – commercially and strategically – at a crossroads between southeast and east Asia. Kengtung was the largest of the Shan States, at around 12,000 square kilometres. It was a staunchly independent – perhaps even a rebellious – polity, having countered Siamese and Konbaung incursions against its authority. Indeed, Kengtung was the last of the Shan states to accept British authority (in 1890) after the final Anglo-Burmese war, thereafter forming the core of the grouping of Trans-Salween Shan States.<sup>71</sup> Imperial authority rested on the maintenance of the *sawbwas* as the Crown’s suzerains, defined in *sanads* (writs) stipulating the rights and responsibilities of each party. All this serves as vitally important context to

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<sup>69</sup> Wright, *Opium and Empire*, pp. 114-5.

<sup>70</sup> *Ibid.*, pp. 112, 116

<sup>71</sup> Hugh Tinker, ‘Burma’s Northeast Borderland Problems’, *Pacific Affairs*, vol. 29, no. 4 (1956), pp. 324-46, here pp. 327, 333-34.

understanding the Burma government's (limited) efforts to restrict the opium trade by the Kengtung ruler and other *sawbwas* towards China and Siam.

Opium production was small-scale yet widespread in Kengtung, with most of the surplus product servicing trade not to China, but to northern Siam. Following the French colonial conflict with Siam, and the cessation of the Lao territories from Siam to France in 1893, opium trade was transferred into a monopoly of the French colonial government. In turn, the scale of trade and prices realised for Kengtung opium fell from 1896, although the long-term impact could not have been predicted at that juncture, not least in the event of French opium production in the borderlands to service the French monopoly.<sup>72</sup> Around this time, in 1895, Kawng Kiao Intaleng succeeded as *sawbwa* of Kengtung. Aged twenty, he would rule from the capital at Kengtung until his death in 1935 – a reign that overlapped with a crucial period in the history of opium trade and policy brought about by mounting international pressure. In fact, sources surviving in the Burma/Myanmar archives show that Kengtung state and the Kengtung *sawbwa* were prominent in the discussions and debates surrounding Burma's internal and external opium policies as they developed within this changing context, as shall soon be made clearer. In addition, the pecuniary interest of some *sawbwas* in the opium trade – the ruler of Kengtung being the most notorious in this regard – added a layer of complexity to the Burma government's calculations as it sought to balance its imperial obligations with maintaining a budgetary balance and the day-to-day running of the colony.<sup>73</sup>

Just over a decade into his reign, in 1906, the *sawbwa* became embroiled in an opium-smuggling scandal that broke the headlines in the Rangoon press.<sup>74</sup> Kawng Kiao Intaleng had travelled to meet the Prince of Wales in Rangoon. There, he stayed with a Chinese opium dealer named 'Chien Su', to whom he intended to sell 60 viss (8520 *tolas*) of opium – concealed in

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<sup>72</sup> J. George Scott, J. P. Hardiman, *Gazetteer of Upper Burma and the Shan States. Part II. Vol. I* (Rangoon: Superintendent, Government Printing, 1901), p. 414.

<sup>73</sup> NAM-CSO-PD/1926/114 B/4632.

<sup>74</sup> NAM-CSO-PD/1906/4S-19/6406.



nearby jungle – through his secretary, Po Maung, who was later revealed to be an underling or soldier. His *sanad* – as was the case for every *sawbwa* – contained ‘a specific paragraph relating to the prevention or restriction of the export of opium from his State into Burma, and each Chief is bound to observe that condition in his sanad under pain of removal from his Chiefship.’<sup>75</sup> The secret plot formulated by the authorities sought to catch Po Maung in the act – in this way not implicating the Kengtung *sawbwa* directly – which succeeded, although the whole case was somehow laid bare before the population in the delta.<sup>76</sup>

Kengtung played a vital part in the discourses of regulation in the inter-war years in two respects. In the first place, it actively pressed the government in Rangoon to source opium from the Shan States after Burma’s separation from India, knowing Burma’s aforementioned predicament at this juncture.<sup>77</sup> The government approved in principle but appreciated the difficulty in practice, also noting the greater hygiene of production of Ghazipur (Indian) opium, its less injurious and more lasting effect in the user, and a difference in taste comparable to ‘the difference as with Irish and Scotch whisky.’<sup>78</sup> Kengtung influenced policy in a second way; namely, by supplying cross-border markets, and thereby presenting the government with the headache of dealing with cross-border trafficking that flew in the face of British international agreements. In 1922, the Burma government was alarmed to discover that the Kengtung *sawbwa* was exporting opium to Siam, itself in addition to opium trade to Rangoon far in excess of what was allowed by the *sawbwa*’s pass. The cross-border trade was defined as ‘smuggling’ but was almost impossible to prevent, at least according to the Superintendent of the Southern Shan States, H. A. Thornton.<sup>79</sup>

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<sup>75</sup> NAM-CSO-PD/1918/1C-12/7469, p. 7.

<sup>76</sup> NAM-CSO-PD/1906/4S-19/6406.

<sup>77</sup> NAM-DSO-PD/1939/303D(P)/6072, p. 3.

<sup>78</sup> *Ibid.*, pp. 6-7.

<sup>79</sup> NAM-CSO-PD/1922/630 B-22/4518, especially pp. 2, 4, 8.

Powerless and with some indignation, the Chief Secretary of Burma ordered that the point – or, rather, the empty threat – needed to be pressed to the *sawbwa*: ‘These people must be pulled up betimes or they may go on getting bolder until nothing but the most dramatic action is forced upon us.’<sup>80</sup> In practice, however, the British possessed little effective power over the actions of the *sawbwas*. The centre’s control did not strengthen following the establishment of the Federated Shan States in 1922, which incorporated the Karenni and Shan states under the administration of the Burma Frontier Service in return for around half of their respective revenues per annum, thereby formally stripping the *sawbwas* of much of their political and economic power. Tackling a problem such as opium trade/smuggling, for instance, was predicated on commanding flows of intelligence and possessing those powers necessary to thwart, punish, or prevent transgressions. The colonial administration in the uplands was deficient on both counts.<sup>81</sup> In 1911, for example, reports on opium production in the north-eastern borderland were received – or, rather, scoured – opportunistically and piecemeal from missionaries, the General Manager of Anglo-French Quicksilver Concessions, and someone simply noted as a ‘traveller’ (presumably a European rather than an Asian) through the Yunnan-Burma borderlands.<sup>82</sup> As for the Frontier Service in Burma, its personnel still only amounted to a paltry forty members two decades later, just before the outbreak of war in Asia.<sup>83</sup>

Besides material and intellectual under-resourcing, the influence of the colonial state’s men-on-the-spot also played a crucial role in creating (constructive?) confusion and (productive?) inaction. In 1920, for instance, Thornton proposed that the *sawbwa* of Kengtung be allowed to supply the Siamese government with opium so long as the exchange was

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<sup>80</sup> Ibid, p. 11.

<sup>81</sup> On the variegated topography of power and its underlying causes: Lally, ‘Salt and Sovereignty’.

<sup>82</sup> NAM-CSO-PD/1911/1C-15/Part II/6899.

<sup>83</sup> Patrick Meehan, ‘Drugs, Insurgency and State-Building in Burma: Why the Drugs Trade is Central to Burma’s Changing Political Order’, *Journal of Southeast Asian Studies*, vol. 42, no. 3 (2011), pp. 376-404, here p. 384.

established as a state concern (royal monopoly) or as a private concern with duty taken at customary or recognised rates of Rs. 15-5 per viss.<sup>84</sup> This was consistent with what had customarily been allowed in other suzerain states or protectorates, such as Afghanistan. This elision of a part of British Burma, albeit one where indirect rule was exercised, with Afghanistan, whose independence had been curtailed in the 1880s as it was made into an imperial protectorate of sorts, is very revealing of how ill-defined and fuzzy imperial power and political arrangements were in Burma's uplands. Thornton's superiors were clearer in their view of Kengtung, however. They replied that permitting the exchange would violate the rights and relations between the Government of India (GOI) and the Kengtung *sawbwa*.<sup>85</sup>

Although the Shan States Opium Order came into effect in 1923, it did not apply to the Trans-Salween States, which included Kengtung. Thus, opium remained free from colonial regulation in Kengtung, so that any threats emanating from Rangoon sounded absolutely hollow. Indeed, the Kengtung *sawbwa* continued to do as he pleased. In 1929, the British legation in Bangkok was informed of the suspected existence of an opium factory in Kengtung, about five kilometres from the Burma-Siam frontier. It was treated as confidential by both Siam and Burma to allow for investigation (though the British agreed it was imperative they informed the League of Nations); otherwise, the factory might close and disappear without trace.<sup>86</sup> Two years later, the Burma government was reminded of Kengtung's connection to trafficking. To the complaint of an opium factory at the border for the purposes of smuggling into Siam, the Kengtung ruler sent reply to Rangoon that the establishment was a shop (rather than a factory) and that he had moved it further from the frontier to allay anxieties in Siam.<sup>87</sup> To this was added another charge: involvement in the smuggling of 900 lbs. of opium towards Lower Burma. This quantity had been seized from three men – a servant of the ruler, the son

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<sup>84</sup> NAM-CSO-PD/1920/4S-49/4325, p. 5.

<sup>85</sup> *Ibid*, p. 11.

<sup>86</sup> NAM-CSO-PD/1929/376 B-29/4857, p. 10-11.

<sup>87</sup> NAM-CSO-PD/1931/271 B-31/4938, p. 5.

of a high-level indigenous official, and a boatman – and thus pointed to the *sawbwa*'s own hand in the operation, though not the kind of conclusive proof that would permit his official sanction (i.e., being stripped of his office). When the boatman pinned responsibility for 456.5 lbs. of the opium on the Kengtung ruler, the latter replied that he had intended to sell it on license on the east bank of the Salween river, as was permitted by his pass, and that the commodity ought never have been taken to the west bank of the river and beyond in contravention of opium policy.<sup>88</sup> The file opened with a statement at once expressing exasperation and chiding the *sawbwa* who 'has been getting into trouble again over opium smuggling'.<sup>89</sup>

All this demonstrates that the *sawbwa* had been an opium 'entrepreneur' for several decades and that the state had been alerted to cross-border smuggling as early as 1929. This puts into sharper perspective the scandal that finally broke in 1934-35, which has been pieced together by Robert Maule. India's decision to cease supplying Asia with opium meant that Siam faced importing more costly Persian opium to satisfy 'legitimate' needs. Kengtung, however, was an alternative source of supply. In 1934, a deal was struck by a high-ranking Siamese official (the Director-General of the Siamese Excise Department, thus a member of the Council of State) with the Kengtung ruling family for the supply of cooked opium to Siam. Some of this was of Yunnanese origin and the rest of local manufacture. Some was directly procured by the *sawbwa* – financed by a mixture of savings, sale of jewellery, and loans from Indian moneylenders – with the rest coming from their designated subsidiary. The opium was driven to the border where it was transferred to official police vans for rail transport to Bangkok. But the Siamese political elites and the British legation in Bangkok were tipped off, the former sending the police and managing to seize the shipment only then to be quizzed by

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<sup>88</sup> Ibid, pp. 4, 10.

<sup>89</sup> Ibid, p. 4.

the latter, necessitating a cover up. In essence, the Kengtung party were transformed by the Siamese government into ‘informants’ who were paid – at the same rate as for the opium itself, conveniently enough – for their help in thwarting a smuggling operation, so that ‘the original transaction to transport opium from Kengtung to Bangkok [...] was transformed into an example of the efficiency of Siam’s Excise Department in seizing a contraband shipment of opium as it entered the kingdom.’<sup>90</sup>

In so doing, the Siamese government hoped to save face. On the one hand, the Director-General’s attempt to procure affordable opium through the backdoor could be viewed favourably as an ‘attempt to curtail opium smuggling through direct negotiations with the Kengtung *Sawbwa* [...] as a means to undercut the illegal activities of Chinese opium traders, to end the loss of Siamese lives in armed confrontations between the police and smugglers, and a way to increase the revenue of the Siamese Excise Department.’<sup>91</sup> On the other hand, the unfurling of the scandal showed the government to be dysfunctional, to say nothing of the deal conflicting with Siam’s international obligations to support the prohibition of opium to legitimate (e.g., medical) use by procuring the drug through legitimate channels. But the British also sought to save face at the upcoming 1936 Opium Prevention Conference in Geneva, for they would otherwise have to explain their failure to uphold the Hague Convention. Because the lid had not been kept on the scandal, the British authored reports that palmed off responsibility onto the highest levels of the Siamese government for instigating the plot.<sup>92</sup>

As for Kengtung’s ruling family, the *sawbwa*’s death in 1935 tidied the matter of his punishment, while the closest relative to be implicated was exiled, and the heir to the throne placed on probation for a period of years – during which time a Burma government servant took charge in his place – whereafter he would be recognised as the Kengtung ruler.<sup>93</sup> By 1937,

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<sup>90</sup> Maule, ‘Opium Question’, p. 30, for citation, and pp. 28-30 for details.

<sup>91</sup> *Ibid.*, p. 30.

<sup>92</sup> *Ibid.*, pp. 33-4.

<sup>93</sup> *Ibid.*, p. 33.

the Kengtung State Opium Regulation came into force, the aim of which was not really to regulate opium but to control cross-border smuggling to Siam, with trade only permitted with the issuance of an official permit.<sup>94</sup> Only a year later, the Burma government was alerted to a Bangkok firm unhappy with the high price of opium from Persia and thus hoping to switch to supplies of Kengtung opium brought by an Indian merchant as agent and an Armenian-Iranian firm as principal.<sup>95</sup> The Kengtung *sawbwa* was told to abide by the terms of his *sanad* and the 1937 regulation, and refrain from exporting opium to Siam.<sup>96</sup>

Against this backdrop, the Burma government had to continue to sign international agreements to suppress the illegal opium traffic. And it had to do so without any provisos that excluded the Shan States, which some in government desired, for to do so would be to admit administrative incapacity and to thereby tarnish the prestige of British imperialism.<sup>97</sup> At first, the Burma government revived the idea of extending the system of regulation, as articulated earlier in the decade and as described above. Laws that helped divert Shan opium toward Lower Burma were perhaps a necessary evil in the service of British commitments to foreign nations while furnishing the opium regime with affordable supply and helping to fill the exchequer's coffers. But the Kengtung-Siam scandal had revealed that the colony could not – and would never be able to – provide any solid safeguards against cross-border smuggling of the sort that would ensure Britain's and Burma's international commitments were not compromised.<sup>98</sup> Britain declined its support for the proposals, therefore, which it thought would only entrench and extend the colonial opium regime without doing anything to *disincentivise* smuggling into China and Siam. By 1939, the Burma government was led by the Burma Office toward the view of outright prohibition in the Trans-Salween States as the only way of preventing the

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<sup>94</sup> Wright, *Opium and Empire*, p. 132.

<sup>95</sup> NAM-DSO-PD/1938/316 D(P)/5860, p. 9.

<sup>96</sup> *Ibid.*

<sup>97</sup> Maule, 'British Policy Discussions', pp. 206-10, where it is shown that the matter of exclusions was given serious thought, for otherwise Britain would look 'insincere' on the world's stage.

<sup>98</sup> *Ibid.*, 210; Maule, 'Opium Question', p. 36.

illicit trade to Siam and French Indochina – an approach Rangoon also felt impossibly impracticable and was reticent about adopting unless compelled directly by London.<sup>99</sup> The outbreak of war, and the post-war prioritisation of decolonisation, meant that compulsion never came.<sup>100</sup>

## V

Opium production in the borderland and cross-border traffic did not shrink in the era of prohibition, the material presented in this article makes plain, but in fact grew rather considerably. This growth was either intentional on the part of the colonial state or, at the very least, a welcome development. To be sure, it was the source of quarrels with neighbouring powers (China and Siam) and within the empire itself, not least between Rangoon and the governments in Calcutta and London. One can also discern differences of opinion among bureaucrats – whether between those on the borderland and those in the centre, or those in different institutions and varying positions of power – yet outright dissent regarding the state's stance was rather minimal. One can, in fact, detect rather more weaselly arguments in justification of the state's inertia than those against, not to mention occasional strong support for pursuing actions that outrightly flew in the face of international agreements and the state's responsibilities as set out therein. Burma was pivotal to imperial and global efforts striving towards regulating or prohibiting illegal opium production and trade. But officialdom in the colony simply was often interested in trying to do what was necessary toward this end. The picture of the colonial administration emerging from this analysis is, therefore, rather at odds with the one painted by Diana Kim.

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<sup>99</sup> NAM-DSO-PD/1939/303D(P)/6072, pp. 13-4.

<sup>100</sup> Maule, 'British Policy Questions', pp. 210-4.

The Burma government was neither unique nor without counterpart, however. The French opium regime in neighbouring Indochina, for instance, was supplied with illicit opium from Yunnan, and the French authorities were complicit in shady dealings with Chinese warlords that necessitated dubious bookkeeping and mired it in administrative irregularity (if not quite corruption), as other scholars have highlighted.<sup>101</sup> In the midst of the war, when the alliance of pro-Vichy officials with Japan resulted in the Allied embargo of French Indochina, cutting it off from foreign supply and causing prices to skyrocket, the state even nurtured opium production in the Black River area, establishing a link between opium and the financing of both the state and insurgents that would persist into the following decades.<sup>102</sup> To these similitudes across British and French territories in upland southeast Asia ('Zomia', if you will) can be added those across the colonial and post-colonial divide. There is, for example, an uncanny resemblance between the scandal involving the Kengtung *sawbwa* and another around four decades later.<sup>103</sup>

It is worth pausing to consider Zomia, which is the coinage of the historian and anthropologist, Willem van Schendel, and has since been further popularised in the work of James C. Scott. It refers to an area straddling the Southeast Asian massif that has historically been beyond the control of centralised, lowland states. The very factors and technologies that have produced 'geographies of knowing' certain parts of the world, such as South Asia, have by their *absence* led to 'geographies of ignorance' concerning Zomia.<sup>104</sup> These include the

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<sup>101</sup> See, also: Thủy Linh Nguyễn, 'Dynamite, Opium, and a Transnational Shadow Economy at Tonkinese Coal Mines', *Modern Asian Studies*, vol. 54, no. 6 (2020), pp. 1876-1904, here especially pp. 1897, 1900-02; Kim, *Empires of Vice*, p. 155, for the squeamishness about using 'corruption' for the case surveyed, and pp. 154-81, for analysis.

<sup>102</sup> Christian C. Lentz, 'Cultivating Subjects: Opium and Rule in Post-Colonial Vietnam', *Modern Asian Studies*, vol. 51, no. 4 (2017), pp. 879-918.

<sup>103</sup> The latter is beyond the scope of this article but has been described in: Alfred W. McCoy, *The Politics of Heroin. CIA Complicity in the Global Drug Trade. Afghanistan, Southeast Asia, Central America, Colombia* (Chicago: Lawrence Hill Books, 2003), pp. 283-5.

<sup>104</sup> Willem van Schendel, 'Geographies of Knowing, Geographies of Ignorance: Jumping Scale in Southeast Asia' in *Locating Southeast Asia. Geographies of Knowledge and Politics of Space*, ed. by H.G.C. Schulte Nordholt and R. Raben (Leiden: Brill, 2005).



absence of ‘colonial experts’ (i.e., those erstwhile men on the spot who pivoted from bureaucratic to academic posts), an issue or ‘deficiency’ encountered repeatedly in the previous pages, as well as the dearth of ‘civilisational specialists’ akin to Indologists or Sinologists, this last on account of Zomia laying on the margins of these large civilisational groupings. Because of these factors, not to mention the marginality of the state in Zomia – another issue broached repeatedly in this article – and how Zomia traverses numerous Area Studies regions (viz. East Asia, Southeast Asia, South Asia), it has never blossomed into an Area Studies field in its own right, while the space encompassed by the concept of Zomia has always been seen as representing the margins of states and Area Studies regions, and thus marginalised. Bringing the manifold implications of this fact into dialogue with the subjects of this essay, one may again note that most *historical* work on opium in Burma has focussed on the delta zone rather than the interior and uplands, even though opium production, trade, and consumption were widespread in this borderland/Zomia, long before the creation of opium regimes by the British and French colonial states in southeast Asia.

All this may be so, yet this article has also revealed how this particular example of a ‘geography of ignorance’ is not entirely a product of the Cold War era and its aftermath, *pace* van Schendel. It was borne of the liminality of the borderland/Zomia and was consequently in the process of production *during* the period of colonial rule. And, more significantly still, rather than seeing ignorance as an academic problem to be grappled with or rectified in the present, by scholars, what this article makes clear is that ignorance and the seeming ‘invisibility’ of certain places and actors were also valuable political resources to be exploited in times past, by contemporaries.<sup>105</sup> The colonial state not only maintained a link to sources of opium should it be needed for the support of the state’s opium regime in the lowlands and the revenues deriving from its opium monopoly. The state also elected to keep borderland powers like

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<sup>105</sup> Here, see also: Lally, ‘Salt, Smuggling, and Sovereignty’.

Kengtung out of the otherwise-expanding opium regime, turned a blind eye to smuggling, created rents for regional elites, protected the latter in the face of shady dealings and outbreaks of public scandal, even as it meanwhile threatened punitive action and punishment, for this permitted its expansion into those places where – at the point of conquest – its authority was most fragile, contested, and chimerical. In these respects, a very different kind of state expansion was underway and a very different form of state power was instantiated compared to, say, the Indo-Afghan frontier. If that frontier has been described as a ‘zone of exception’ because of the suspension of laws and legal process to permit punitive action and peculiarly harsh and arbitrary punishment of crimes, we cannot say the same of the the Burma-China-Siam borderlands, where a mixture of legal caveats, bureaucratic laxity, and complicity in smuggling were part and parcel with the compact formed between the colonial state, borderland elites, and the ‘underworld’ in pursuit of their respective interests.<sup>106</sup>

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<sup>106</sup> Lally, ‘Landscape, Race, and Power’, especially pp. 284-91 and n. 7.