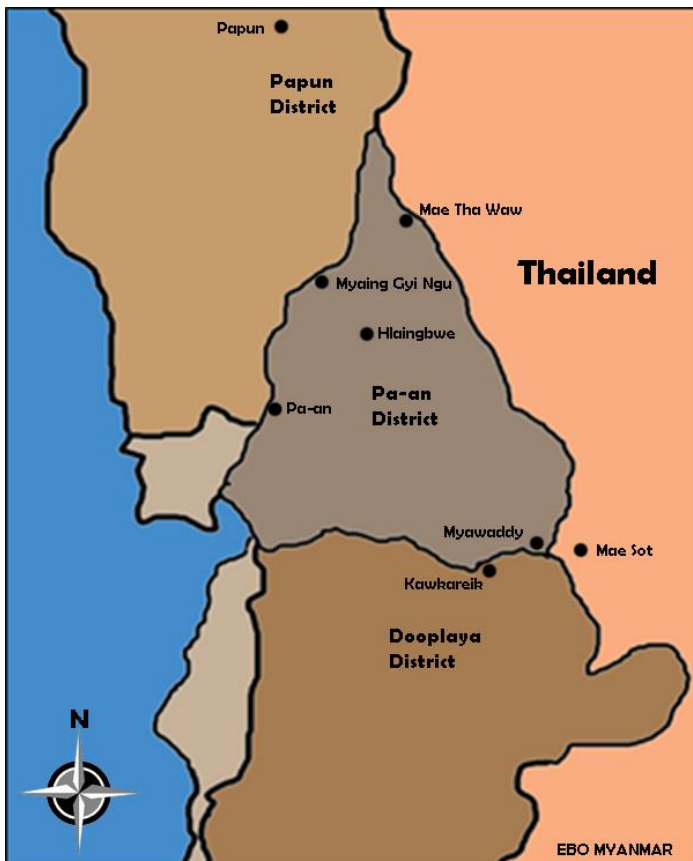


Questionable Legitimacy: Recent Conflict in Karen State

In September 2016, over 4,000 Karen civilians were forced to flee from their homes due to fighting between a break away Democratic Karen Benevolent Army faction and the Myanmar Army's Border Guard Force (BGF) in the Mae Tha Waw area of Karen (Kayin) State. Fighting by the group, which has resurrected the name Democratic Karen Buddhist Army (DKBA)¹ and has sworn allegiance to U Thuzana, the Myaing Gyi Ngu Sayadaw,² has been characterised by a number of commentators as being nationalist in nature. However, the origins of the group, and their objectives, do not necessarily support such a hypothesis. Instead it further illustrates the confusion over the perceived ethno-nationalist conflict of some Karen groups and those that are seeking to perpetuate their own existence at a cost to the local population.



Democratic Karen Buddhist Army – Kyaw Htet (DKBA-KH)

There are primarily three distinct entities that currently comprise the current DKBA-KH faction.³ The first two are based in Hlaingbwe Township and commanded by Kyaw Htet and Bo Bi (aka Saw Taing Shwe), while the other, led by San Aung, previously from the DKBA's 907 Battalion, is based further south in Kawkareik.⁴ Little is known about the actual structure or chain of command but all three groups appear to be operating individually and are funded through the extortion and taxation of villagers and local trade. Each group is estimated to have between 60-70 troops.

Originally, Kyaw Htet and San Aung had belonged to the DKBA's 5 Brigade, under the command of Saw Lah Pwe, which had refused to transform itself into a Border Guard Force Battalion in 2010. Bo Bi had

been commander of BGF 1012 but on 24 May 2011 told all Myanmar Army personnel to leave and took control of the BGF base at Myaing Gyi Ngu. Shortly after, he deployed his troops around Mae Tha Waw.⁵ Later, a number of defectors from two other BGF battalions, Papun based 1013 and 1014, joined the Bo Bi-led faction.

With an infusion of troops from the BGF, the 5 Brigade decided to restructure itself under the title Klo Htoo Baw Battalion under which it formed two military strategic units known as Klo Htoo Wah and Klo Htoo Lah. The DKBA Klo Htoo Wah strategic unit was led by Kyaw Thet and operated in Kawkareik, Myawaddy and Kyaidone areas while Bo Bi's troops operated around Hlaing Bwe and Myaing Gyi Ngu.

The Klo Htoo Baw Battalion had largely remained quiet and after the KNU had begun peace negotiations in 2012 the group had entered into a number of talks with the Government. However,

AUTHOR | Paul Keenan

tensions were set to rise over taxation on the Asia Highway and the attitudes of Kyaw Htet and San Aung.

The Asia Highway dispute and expulsion of Kyaw Htet and San Aung

On 2 July 2015, fighting broke out in Karen State along a newly constructed area of the Asia Highway that links Pang Kan village with Myanmar's Kawkaik Township (See [EBO Background paper No.3 Conflict over Highway Taxation in Kayin State](#)).

The fighting between the Myanmar Army and the Kloh Htoo Wah Tactical Unit of the Democratic Karen Benevolent Army (DKBA) not only highlighted the continued taxation of the local population by the myriad small KNU splinter factions in Karen State, but also the problems affecting the Karen National Union which now had a ceasefire with the government.

There were a number of reasons for increased tension in the area, primarily due to the number of groups operating there and their reliance on the local population. However, the July clashes were caused when Myanmar Army troops discovered an illegal taxation gate, the Ta Dan Gu checkpoint operated by the Kloh Htoo Wah Tactical Unit.⁶ After requests to dismantle the checkpoint, prior to a visit by a Senior Myanmar Army officer, were ignored, fighting began.

Members of the DKBA and government officials met in the state capital Pa-an to try to end the hostilities with representatives from the Karen National Union (KNU) serving as mediators, however to no avail.

Further fighting near the unauthorized toll station was reported again on 9 July 2015. These clashes also involved troops from the Border Guard Force (BGF) that had seized control of Klo Htoo Baw outposts along the highway to prevent further unauthorized taxation. According to the Border Guard Force commander Col. Chit Thu,

It is our duty to clear this road as the public have a problem from [the DKBA-KH] demanding taxes from them . . . This road belongs to the public.⁷

He also said DKBA Commander San Aung did not agree to negotiations with the BGF, despite attempts by community and religious leaders to facilitate talks.⁸

The actions of both Kyaw Htet and San Aung resulted in their expulsion from the group. According to one media report, DKBA representatives in the meeting with Kayin State government officials earlier in July had said the two senior officers and their followers were beyond their control, which appears to be a recurring opinion.⁹

After their expulsion Kyaw Htet and San Aung announced, in early January 2016, that they were resurrecting the former Democratic Karen Buddhist Army. The group in a statement said,

The members of the DKBA are ... sacked members of Democratic Karen Benevolent Army and those members of the old DKBA who refused the order by the former State Peace and Development Council to form the BGF in 2010.¹⁰

Bo Bi later decided to break away from the DKBA and instead collaborate with, at least to some degree, the DKBA-KH.

The Border Guard Force

The implementation of the Border Guard Force (BGF) program in 2009 was an attempt to neutralise armed ethnic ceasefire groups and consolidate the Myanmar Army's control over all military units in the country. The programme was instituted after the 2008 constitution which stated that 'All the

AUTHOR | Paul Keenan

armed forces in the Union shall be under the command of the Defence Services'. As a result the government decided to transform all ethnic ceasefire groups into what became known as Border Guard Forces (BGF) which were then integrated into and under the command of the Tatmadaw. Consequently, this was used to pressure armed ethnic groups that had reached a ceasefire with the government to either allow direct Myanmar Army control of their military or face an offensive.

The Border Guard Force program entailed transforming the ceasefire group's armed wing into battalions comprised of 326 soldiers. It was envisioned that there would be 18 officers and three commanders with the rank of major. Among the three commanders, two would be from the ethnic armed groups and one from the Myanmar Army who would be responsible for the day-to-day administration.

Other key positions such as general staff officer and quartermaster officer would also be from the Myanmar Army. In addition, there would be twenty-seven other ranking non-commissioned officers from the Myanmar Army.¹¹

Soldiers in the Border Guard Force battalions were offered salaries of between 25,000 to 35,000 Kyat for a new recruit and up to 180,000 Kyat for a major, rations and uniforms would be provided, they and their family members would also be given free accommodation, access to health care, education, public transportation and each soldier would receive a pension.

Despite such assurances, a number of problems soon emerged. In 2010, over a hundred border guard force (BGF) recruits attending military training in Shan State East's Kengtung, where BGF No. 1007, 1008, 1009 were being trained, fled after such promises of support failed to materialise.

Further problems occurred when many of the Border Guard Force units were unable to find the number of recruits necessary to fulfil the required quota. In addition, a number of recruits fled to join either armed resistance groups or across the border into Thailand.

According to Karen sources, many of the Karen BGF units refused to cooperate with their Myanmar Army commanders. This resulted in former 999 Special Battalion Commander Maung Chit Htoo being recalled from his advisory position and asked to personally intervene in the BGF units' affairs.¹² Despite this, however, general discontent within the units remained high.

The Border Guard Force units are integrated into the Myanmar Defence Services and as such are not separate from the command structure of the Tatmadaw. While the recent conflict in Karen State has been portrayed as righteous Karen, the DKBA-KH, fighting traitorous Karen, the BGF, it must be noted that in reality all sides, including the DKBA-KH leaders had in fact worked with the Myanmar Army. In recognition of the fact that the BGF is part of the Myanmar army the actions of the BGF, attempting to secure areas disrupted by DKBA-KH operations is in fact their legal responsibility and it should not be portrayed simply as inter-Karen fighting.

Heightened Tensions

The current conflict appears to have started, at least according to media reports, due to the killing of a DKBA-KH officer called Na Ma Kyar (Bo Kyaw Moh). The group had gained notoriety for taxation and possibly kidnapping. According to one Irrawaddy report, quoting a local resident close to the group, Na Ma Kyar was killed in late August by one of five elephant mahouts who he had kidnapped for ransom,

First, they freed one mahout and asked him to bring the ransom. But he didn't come back. Then they freed another two, who also didn't come back. So they attempted to arrest new

AUTHOR | Paul Keenan

mahouts. One mahout stabbed [Na Ma Kyar] with a knife out of fear, almost severing his neck.¹³

The report continues there have also been rumours that,

. . . the Myanmar Army, together with allied Karen militia the Border Guard Force, had killed Maj. Na Ma Kyar and invented the story of him being killed by a mahout as a cover. Other rumours have asserted that three Na Ma Kyar group members lost their lives while trying to rescue Maj. Na Ma Kyar from Myanmar Army captivity.¹⁴

In a DVB report not long after Na Ma Kyar's death San Aung was quoted as saying,

Na Ma Kyar did not kidnap the mahouts, but was only holding them temporarily as the logging camp operators had failed to pay the Karen militia fees for operating in an area considered under its control.¹⁵

And that the logging camp was being controlled by the commander of a Border Guard Force (BGF) unit that had, in the past, clashed with the DKBA-KH.¹⁶

He also stated,

Maj. Na Ma Kyar knew this camp was being operated by the BGF, so he detained the mahouts. But he was not holding them for ransom as some media have claimed . . . There is a tradition that is held by every armed group – whether DKBA or KNU [Karen National Union] or BGF – that it collects taxes or tolls from one million kyat up to 10 million kyat from any businesses in the areas under their control in order to fund their armed struggle. This was not a case of kidnapping.

There has long been tensions between San Aung's troops, most likely led by Na Ma Kyar, and the BGF. It is believed that that his group was involved in an attack on a BGF 1016 commander's car on the 2nd February, 2016. A pick-up truck ridden by Major Soe Soe, Commander of BGF battalion 1016 and 10 soldiers, traveling near Shwe Nyaung Bin, was attacked with two controlled anti-personnel mines and by gun shots although there were no injuries.¹⁷

San Aung denied the allegation his troops were responsible saying,

The place where the incident occurred is where the government forces and BGF are densely deployed. And it is at the time when we are being chased by them. Since we fought with them a few days ago, we have to be very careful and we cannot go into that area now. If we enter, it's difficult to withdraw. I think it is an intentional attempt to evoke conflict among our people.¹⁸

Not unsurprisingly, the attack took place shortly after a number of houses belonging to DKBA-KH leaders were burnt down by a joint patrol of BGF 1016 and Government troops in Pyabin Village of Kawkareik Township.

Fighting between Na Ma Kyar's group and local BGF troops has been a regular event in areas near the Kawkareik-Myawaddy Asia Highway for over a year after the BGF troops were put in charge to secure the road in mid-2015.¹⁹ According to The Irrawaddy, the Myanmar Army and the Border Guard Force had again launched a joint attack on the house of Na Ma Kyar in Pyabin village on 11 May 2016, but Na Ma Kyar had escaped.²⁰

A more recent Na Mar Kyar group activity was reported by Karen News on 6 August and detailed a clash that had occurred two days previously. According to the report, the armed clash took place

AUTHOR | Paul Keenan

between Kawt Nwe and Tadangu village near the new Kawkareik-Myawaddy Asia Highway on August 4.²¹

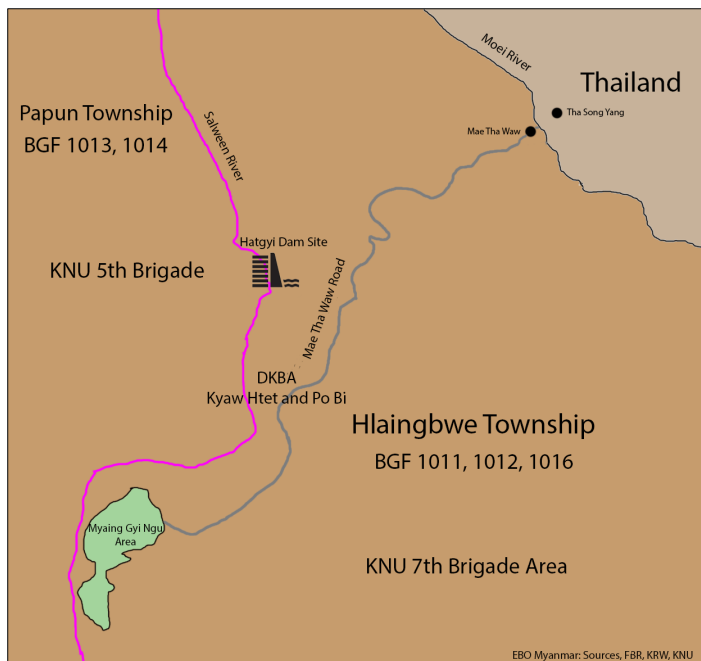
Na Ma Kyar's troops had clashed with troops from BGF 1017 led by Deputy Battalion Commander Major Saw Kyaw Naung and based near the Asia Highway. The two sides exchanged both small and heavy weapons fire for half an hour and a shell hit a house in Tadangu village injuring a family of four.²²

According to BGF sources, their soldiers led by Deputy Battalion Commander Major Saw Kyaw Naung was attacked by the former DKBA troops led by Na Ma Kyar and the shooting resulted in artillery shells hitting Tandangu village.

Due to this increased activity and clashes in the area the BGF had increased security in the area along the highway in Kawkareik where San Aung operates. Because of these operations, on 31 August, the DKBA announced that they would take action against the Myanmar Army and the Border Guard Force (BGF) if they refused to withdraw troops from near Kaung Hmu in Kawkareik, Karen State.

San Aung was reported as saying, "If they won't retreat, we will have to respond through military action with our forces."²³

According to one report a few days after the statement was released, a video surfaced on social media showing Kyaw Thet and Bo Bi, both based in Hlaingbwe, giving a briefing to their troops on the current situation and instructing them on how to prepare and face the BGF. The report said that Bo Bi made it clear to his troops that the BGF was their real enemy and they should focus on them, because the latter was intent on chasing and eliminating the DKBA splinter group.²⁴



The Hatgyi Dam

Most recently it has been suggested that the fighting was actually started as part of a plan to secure territory around the Hatgyi Dam area.²⁵ While there is little doubt that fighting has allowed the Myanmar military, including the BGF, to further secure the area, it is in fact the existence of the leadership of the DKBA-KH around the dam area and threats to the BGF that has led to the opportunity for the Myanmar military to further secure the territory.

According to Naw Hsa Moo, a spokesperson for Karen Rivers Watch (KRW) which issued a report shortly after the fighting,

If you look at the map, you can see that the army offensives are about the Hatgyi dam. They're trying to use force to clear the area so the dam can begin. We're trying to warn people about this. If the Burmese people knew, they would not support it. But it seems like no one knows what's really going on in Karen State.²⁶

While former KNLA 5 Brigade Commander and current KNU Vice-Chief of Staff Baw Kyaw Heh also concurs noting that,

AUTHOR | Paul Keenan

In order to implement the plan for Hat Gyi Dam, the Burmese and BGF must have full control of the road and the surrounding areas,²⁷

Baw Kyaw Heh, according to local media reports, had stated that the BGF had asked for five areas Toh T'Bah Wai, Klaw Tae Hta, P'Tae Hta, Yaw Ma Hta and Mae Lah villages that are located around the Hat Gyi dam site in KNLA 5 Brigade.²⁸ A request that had been refused. The report also said that,

. . . he believes that the shift in military activity in the area is an attempt to secure the dam site as government forces must gain full control of the road and the surrounding areas in order to carry out construction of the project.²⁹

That said however, at the moment there is no fighting on the 5 Brigade side of the river. On the side of the road where there is fighting, south of the Salween, the area has been largely under the control of the Government since Mae Tha Waw finally fell to Myanmar forces in 1988.³⁰ That said however KNLA 7 Brigade troops had continued guerrilla operations in the area.

As noted earlier, concerns about security regarding the DKBA-KH's actions had actually began prior to the death of Na Ma Kyar in Kawkareik. It was already well know the group had been taxing the local population. San Aung admits that the cause for the fighting is an attempt to dislodge them. When asked about why operations were taking place against them he replied,

Basically, they [BGF] want to wipe out our troops in the area around Myaing Gyi Nyu Township. They want to eliminate our roots. We attacked them on Sept. 2 but they have continued to chase and attack us since then.³¹

He continues,

The Burma Army issued an arrest warrant for me and several of my colleagues, including Kyaw Thet. They recognize us as their enemy. Currently, our circumstances are like a delicate fallen leaf; whether we fall on something sharp or something sharp falls on us, we are torn. Actually, we previously proposed to the government that we would like to participate in the peace negotiation process. We sent letters to peace negotiators and to State Counsellor Daw Aung San Suu Kyi. But they didn't respond so we don't know whether they received our letters or if we will have the chance to participate in the next Panglong conference. Now we are being attacked and our leader Maj Na Ma Kyar has been killed.³²

The Karen National Union response

The fact that fighting had occurred against what was perceived to be a group involved in a nationalist struggle quickly led to furore among a number of Karen. Especially in the diaspora, as one article notes,

Judging from comments on social media and opinions in the Karen community, most Karen are against inter-Karen armed conflicts and blame Burma Army and self-serving BGF troops and its commander Col. Chit Thu for this latest round of conflict.³³

As is often the case, the irony that the DKBA-KH is in itself only serving to perpetuate its own existence appears somewhat lost on a vast majority of the Karen diaspora.³⁴ Since December 1994, when the DKBA originally split, a number of groups have followed suit and sought to carve out small enclaves where their leaders and followers can extort the local population resulting in villagers often having to pay four times the usual amount of tax.³⁵

The Karen National Union, which signed the 15 October 2015 ceasefire, felt compelled to try and mediate the conflict between the two sides. In a statement on 4 October 2016 it said,

AUTHOR | Paul Keenan

1. In line with decision of the Karen National Union (KNU) 15th Congress, the Karen Armed Forces Unity Committee was formed on 26-2-2016, in order to be able to unify the decamped Karen armed groups, based on unity of the entire Karen nation.
2. It is especially necessary for the Karen armed groups, which had decamped from the KNU, to participate in unity together, under the political leadership of the KNU.
3. The decamped DKBA, according to its statement of 1/2016, dated January 16, 2016, it would stand in accordance with the statements designated as 1/94 and 2/94 of the past DKBO.
4. The DKBO's position and principles were in opposition to the KNU and it was also an organization formed by the SPDC.
5. For that reason, this statement is issued to declare that the KNU accepts and welcomes the decamped DKBA to retract its statement of 1/2016 and reunify with the KNU.³⁶

Whether the KNU would be willing to take in the DKBA-KH leadership is open to conjecture. Both Kyaw Htet and San Aung have proved to be extremely difficult to command in the past and their inclusion in the KNLA could be disastrous for the peace process. As early as 2010, Kyaw Htet, then DKBA 902 Battalion commander, had shown he was hard to control. On 20 September 2010, he and approximately 20 of his soldiers had surrounded a police station in ward four of Myawaddy. The troops were apparently seeking to force the police into returning unlicensed cars that had been seized earlier. A tense standoff continued until the arrival of Myanmar Army troops who, in turn, besieged the DKBA until Kyaw Htet finally withdrew.³⁷

This incident combined with the attack on Myawaddy, also led by Kyaw Htet, in 2010 and the taxation of the Asia-Highway suggests that it would be extremely difficult to compromise with the DKBA-KH leadership. While attempts to bring all Karen factions under the wing of the Karen National Union are correct and commendable, one has to question whether the inclusion of some individuals is in fact in the best interests of the Karen population as a whole.

The fact that the DKBA-KH is operating not only in Hlaingbwe but also in Kawkaeik should be a major concern. Most recently on the 19 October fighting once again broke out in Kawkaeik between the DKBA-KH and BGF 1017. As seen in fighting in Mae Tha Waw the presence of the DKBA-KH has led to increased militarisation in the area and the fighting in Kawkaeik is likely to do the same. As one villager noted,

We are worried that the fighting will drag on like it did in the Mae Tha Waw areas. If the situation gets intense, the Burma army will come in, BGF will send in reinforcements and there will be more fighting. If we are in that situation, we will have no chance to work on our farms.³⁸

Such concerns are understandable, fighting between DKBA and BGF over the Asia Highway in Kawkaeik Township caused the inhabitants of several villages in the area to flee. Those displaced villagers have not returned for fear of renewed fighting.

The presence of the DKBA-KH which appears to have no real political agenda other than maintaining the original objectives of the DKBO which according to Declaration No 1/94 state they,

- (a) Will strive to build a peaceful and prosperous life for all national groups of the Kayin State.
- (b) Will give priority to developing all national groups of the Kayin State.
- (c) Will strive to develop the economy of all national groups of the Kayin State.

AUTHOR | Paul Keenan

(d) Will do utmost to strengthen and promote religions, cultures and traditions of all national groups of the Kayin State³⁹

Perhaps, if that is the case, they should also recognise point 3 from Declaration No 2/94 which says,

This Organisation believes that the majority of the human race is confronted with all kinds of social sufferings due to a group of people who ignore kindness and compassion and oppress and bully the people who are weak and ignorant.⁴⁰

The fact that the Karen National Union is already striving to achieve the same goals as the DKBA-KH should suggest they would be better off working together. However, such a move is unlikely to happen as long as both the DKBA-KH and the BGF put their own individual interests before the lives of the people they purportedly serve.

Conflict in both Mae Tha Waw and Kawkareik is largely due to the individual business interests of both these groups. While the BGF may be able to rightly claim they have a legitimate right to secure the areas where they operate, it is taxation of business and the local population that are the main driving factors behind these conflicts as the murder of Na Ma Kyar demonstrates. There is little doubt that conflict in Karen State is likely to increase Myanmar army presence in areas where they occur, especially around the Hat Gyi Dam site. Regardless of the Nationwide Ceasefire Agreement, as long as such groups vie for control of the local population true peace in Karen State will remain elusive.

Notes

¹ Referred to here as the Democratic Karen Buddhist Army – Kyaw Htet (DKBA-KH) to differentiate between the Democratic Karen Benevolent Army (DKBA) which signed the Nationwide Ceasefire Agreement on 15 October 2015.

² U Thuzana, or the Myaing Gyi Ngu Sayadaw, was the patron of the original Democratic Karen Buddhist Army (DKBA) when it split from the Karen National Union in December 1994.

³ Although the preferred name used here is DKBA-KH, who is actually the main commander, if there is one, is unknown

⁴ Due to difficulties in ascertaining accurate DKBA-KH ranks which vary widely, these have been omitted except in direct quotes.

⁵ 'Karen BGF Troops Begin Returning to the DKBA', Saw Yan Naing, The Irrawaddy, 3 June 2011

⁶ <http://karennews.org/2015/07/talks-to-end-fighting-between-myanmar-army-and-dkba-fail.html/>

⁷ 'Clashes Continue on Asia Highway Between DKBA, Govt Troops', Lawi Weng and Min Kha Pan, The Irrawaddy, 9 July 2015

⁸ Ibid.

⁹ 'DKBA fires officers who led recent clashes', Lun Min Mang, Myanmar Times, 24 July 2015

¹⁰ 'Security heightened along Asian Highway as factions reactivate DKBA', Lun Min Mang, Myanmar Times, 20 January 2016

¹¹ 'Border Guard Force Plan Leads to End of Ceasefire', Wai Moe, The Irrawaddy, 31 August 2009

¹² Personal Conversation with KNU Central Committee Member

¹³ 'DKBA Splinter Group Confirms Leader's Death', Kyaw Kha, The Irrawaddy, 31 August 2016

¹⁴ Ibid.

¹⁵ 'When logging deals go wrong: DKBA commander hacked to death', DVB, 5 September 2016

¹⁶ Ibid.

¹⁷ 'BGF militia commander's truck attacked by unknown group with mines and guns', S'Phan Shaung, Karen News, 9 September 2016

¹⁸ Ibid

¹⁹ 'Family of four wounded in militia clash near Kawkareik's Asia Highway', Karen News, 6 August 2016



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- ²⁰ 'DKBA Splinter Group Confirms Leader's Death', Kyaw Kha, The Irrawaddy, 31 August 2016
- ²¹ 'Family of four wounded in militia clash near Kawkaik's Asia Highway', Karen News, 6 August 2016
- ²² Five in some reports
- ²³ 'Karen Splinter Group Vows Military Action', Karen News, 2 September 2016
- ²⁴ 'How Would the DKBA-BGF Conflict Undermine Short-term Karen Unity But Help the KNU Long-term Unity Goal', Karen Times, 12 September 2016
- ²⁵ See 'The Real Motivations Behind Renewed War', Karen Rivers Watch, September 2016
- ²⁶ 'Fighting 'Directly Linked' to Hat Gyi Dam Project – claim Karen leadership', Karen News, 5 October 2016
- ²⁷ Ibid.
- ²⁸ 'KNLA: Current Military Movement in Karen State Threatens Terms of NCA', Saw Yan Naing, The Irrawaddy, 29 September 2016
- ²⁹ Ibid.
- ³⁰ Mae Tha Waw originally fell to Burmese Army troops on 15 January 1984 but was recaptured by KNLA on 12 October 1988. It was finally taken by the Burmese Army on 21 December 1988.
- ³¹ 'DKBA Splinter Group: 'They Want to Wipe Us Out'', Saw Yan Naing, The Irrawaddy, 8 September, 2016
- ³² Ibid.
- ³³ 'How Would the DKBA-BGF Conflict Undermine Short-term Karen Unity But Help the KNU Long-term Unity Goal', Karen Times, 12 September 2016
- ³⁴ See 'KNU Watch' Facebook Page
- ³⁵ Personal conversations with local villagers, KNU leaders, and Karen community leaders over an eight year period.
- ³⁶ 'Statement on DKBA, which Had Decamped from Karen National Union (KNU)', 4 October 2016
- ³⁷ 'Myawaddy police besieged by DKBA troops', Mizzima, 21 September 2010
- ³⁸ 'Villagers fear DKBA and government's militia fighting near Kawkaik will result in displacement', Ka Hsaw Wah, Karen News, 19 October 2016
- ³⁹ Burma Press Summary, Volume IX, No. 2, February 1995
- ⁴⁰ Ibid.