

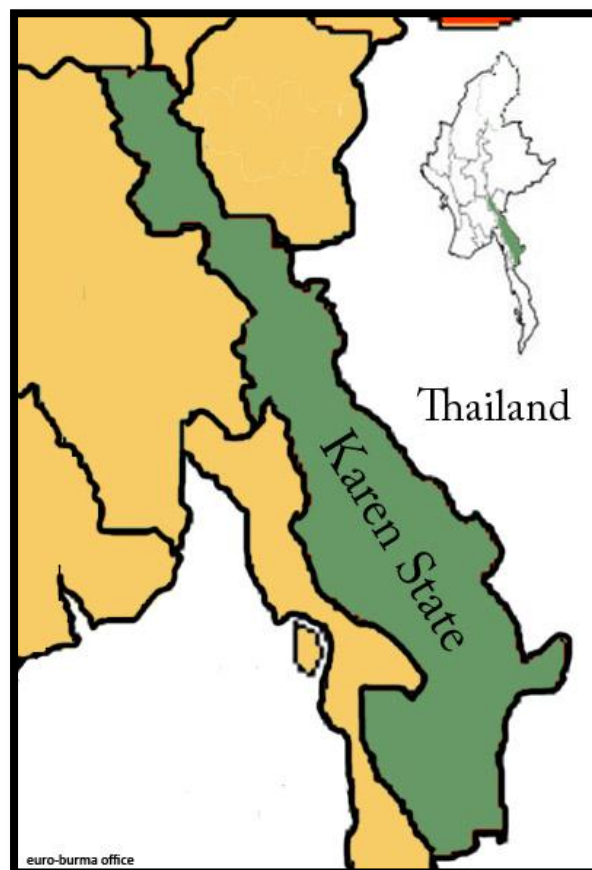
## THE SITUATION IN KAREN STATE AFTER THE ELECTIONS

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For over sixty years the Karens have been fighting the longest civil war in recent history. The struggle, which has seen demands for an autonomous state changed to equal recognition within a federal union, has been bloody and characterized by a number of splits within the movement.

While all splinter groups ostensibly split to further ethnic Karen aspirations; recent decisions by some to join the Burmese government's Border Guard Force (BGF) is seen as an end to such aspirations. Although a number of Karen political parties were formed to contest the November elections, the likelihood of such parties seriously securing appropriate ethnic representation without regime capitulation is doubtful.

While some have argued, perhaps correctly, that the only legitimate option was to contest the elections, the closeness of some Karen representatives to the current regime can only prolong the status quo. This paper examines the problems currently affecting Karen State after the 7 November elections.



### THE BORDER GUARD FORCE

Despite original promises of being allowed to recruit a total of 9,000 troops, the actual number of the DKBA (Democratic Karen Buddhist Army) or Karen Border Guard Force has been reduced considerably. In fact, a number of the original offers made to the DKBA have been revoked. At a 7 May 2010 meeting held at Myaing Gyi Ngu, DKBA Chairman U Tha Htoo Kyaw stated that '*According to the SE Commander, the BGF will retain the DKBA badge.*' In fact the DKBA were given uniforms with SPDC military patches and all Karen flags in DKBA areas were removed and replaced by the national flag.

In regards to numbers, Deputy DKBA commander Bo Kyaw Htun Hlaing stated that '*We are an army so we have to act like an army, all our soldiers will be given a salary [and] we estimate that our six thousand troops will continue but we need to add 3000 more.*' In fact the DKBA was separated into 10 Battalions, each consisting of 400 men (not including Burmese Officers); the total number finally allowed was 4,200 with 2,360 weapons available in total.<sup>1</sup>

The DKBA was also affected by SPDC pruning in relation to age, criminal record and physical fitness. This affected them to such a degree that at least two thousand troops were forced to leave the army. While there are no exact figures available, it is likely that most of these former troops returned home to their farms with at least some being given pensions, but for what duration is unclear.

The inauguration of the first BGF Battalions began on the 21 August 2010 with the formation of the South-East Command BGF at Paingkyon, Hlaingbwe and attended by former DKBA commander Kyaw Than. This was followed by the formation of Border Guard Forces at Mepale, Myawaddy, Atwin Kwin Kalay, Myawaddy and Hti Hu Than in Kawkareik.

After acceptance into the BGF, DKBA troops were ordered to return their arms and were given new Burma Army weapons. These weapons are strictly controlled and issued on a needs basis by Burma Army Commanders. BGF troops are not allowed to carry weapons without SPDC authorization and are provided with only a small amount of ammunition which must be strictly accounted for. In addition to new weapons and uniforms, each battalion has been promised six vehicles - 1 for the BGF commander, 1 for the 2<sup>nd</sup> battalion Commander, 1 for general HQ use, and also three large trucks for general use.

A seven man advisory committee was also formed consisting of U Tha Htoo Kyaw, Kyaw Than, Maung Kyi, Pyia Pyia, Pah Nwee, Maung Chit Thu (taking responsibility for business activities) and Tun Hlaing. Each advisor has been promised 400,000 kyat per month. If an advisor wants to retire, they will be given 200,000 kyat as a one off payment and will not receive a pension.<sup>2</sup> At the BGF transformation meeting held in Pa-an on 6 October 2010 it was stated that the DKBA would be restructured along the following lines: Eastern Salween - two battalions, western Salween - two battalions, two HQ battalions, Maung Chit Thu would have six battalions while both Moe Tho and Saw Blu would have one battalion each, in total there would be 14 battalions,<sup>3</sup> two of which would be held in reserve.<sup>4</sup>

DKBA forces were then split into the following BGF battalions:<sup>5</sup>

<b>BGF Number</b>	<b>Battalion Commander</b>	<b>Village</b>	<b>Township</b>
1011	Maj. Soe Naing	Ta Gkawn Bo (Pandawmi)	Hlaingbwe
1012	Maj. Than Shwe	Kloo Taw (Kyone Taw)	Hlaingbwe
1013	Maj. Saw Hla Kyaing	Kadaing Di (Taungthusu)	Kamamaung (Papun)
1014	Maj. Saw Maung Chit	Tada Oo	Kamamaung (Papun)
1015	Maj. Saw Win Hlaing	Paing Kyone - Tantabin	Paing Kyone (Hlaingbwe)
1016	Maj. Myat Khine	Dawlan-Kalagone	Hlaingbwe
1017	Maj. Kaw Nay Wa	Maepale	Myawaddy
1018	Maj. Saw Maung Win	Kyawko	Myawaddy
1019	Maj. Saw Hlaing Thein	Taw Oak	Myawaddy
1020	Maj. Saw San Linn	Tee Wah Klay	Myawaddy
1021	Maj. Saw Blue	Tee Hu (Po) Than	Kawkareik
1022	Maj. Moe Tho	Atwin Gwin Galay	Myawaddy
1023	Maj. Saw Eh Htoo	Kyaikdone	Kya-in-seik-gyi

While the majority of the DKBA were prepared to accept the BGF proposal, the SPDC's plans for fully incorporating the DKBA into the Border Guard Force program were destroyed by the failure of the DKBA's 5<sup>th</sup> Brigade Commander Colonel Lah Pwe (aka Nakhamwe) to agree.<sup>6</sup>

### **THE KLO HTOO BAW BATTALION AND THE ATTACK ON MYAWADDY**

Concerns over Colonel Lah Pwe's intentions had already been aired by Kyaw Than during the transformation meeting with an SPDC delegation on 8 October 2010. Kyaw Than had asked Gen. Maung Maung Ohn what he should do about Nakhamwe and the General replied that:

*'It depends on his will; we have given him one month. We will fight if he does not come back. That's all. There are no insurgencies allowed on the border after the election. All DKBA must become a Border Guard Force. At the end of 2010 everyone must be a Border Guard Force or we will seize all people with weapons..., we are not allowed to leave the KNU on the border - we will clean everything, we have a lot of troops - we don't need to worry.'*

Despite such threats, Colonel Lah Pwe, commanding a force of approximately four hundred men, has remained steadfast that he would not surrender, stating in one interview that:

*'I am a DKBA soldier and will fight for my people... Even if they tell me to give them my weapons and badge, I will never hand them over. That would be like taking our bones and just leaving flesh.'*<sup>7</sup>

In addition, Colonel Lah Pwe had signalled strongly that he had no intention of re-joining the KNLA noting that *'...he will continue to fight as a DKBA soldier.'*<sup>8</sup> Instead, he has adopted the name Klo Htoo Baw (Yellow Gold Drum) battalion and currently controls 902, 901, 905, 907, 903, and the newly formed 909 battalion, the latter is under his direct control and consists of at least 200 armed troops.

While there was little doubt that Colonel Lah Pwe would not surrender, the seizure of Myawaddy town on the Thai-Burma Border by troops loyal to him came as a surprise to many. As the election was underway on 7 November 2010, at least 80 troops from 902 Battalion, under the command of Major Kyaw Thet, began seizing various buildings in the town.

Original reports of the town's seizure were met with some incredulity with media outlet Mizzima contacting a number of officials both within the KNU and people in the town.<sup>9</sup> KNU vice-chairman David Thakabaw was quoted as saying that:

*'We heard this news too. It's impossible because there are a lot of junta troops stationed in Myawaddy. If this news is true, we will see a lot of fighting with these troops.'*

*While Border Guard Force (BGF) Battalion 1019 Commander Lieutenant Colonel Saw Hlaing Thein stressed:*

*'How can Myawaddy be seized without firing a single shot? Did he seize the town in person? Which place did he seize – a bush? This news is nonsense. When we were in the KNU we had to fight hard to enter Myawaddy. I doubt if he could enter Myawaddy without firing a single*

*shot. Myawaddy is currently calm and quiet. Military Operation Command 19 has more than 4,000 personnel and the BGF has more than 4,000 troops deployed in Myawaddy. It's not true.'*

A Burmese Immigration officer also commented:

*'No, this is not true. It would be clear if it was true. One would hear gunfire in the town and notice that something in the town is different. It must be a trick. If it were true, you would find DKBA soldiers in uniform roaming in the town. They're not allowed even to wear their uniforms here, let alone bear arms.'*

The fact that the move came as some surprise to the KNU was further supported by its secretary 1, Major Saw Hla Ngwe:

*'When I contacted my men in Myawaddy, they replied to me that enemy outposts had been overrun. We can't confirm this news. We haven't seen anything overrun, seizures or positioning of DKBA troops, based on our understanding of military training and tactics. There are no signs of occupation of the town. There are no facts to support or confirm these reports.'*

The actions of the DKBA seem to have taken at least the higher members of the Karen Nation Union by surprise. With the Border Guard Force issue looming, the KNU had appointed a special representative, Padoh Mahn Nyein Maung, to handle DKBA affairs. However, it would appear that this had produced little in the two sides' abilities to work with each other. Instead, Lah Pwe had been in direct contact with the KNLA via its 101 Battalion commander.

From the outset, it looked as if the Myawaddy attack, which began at 8:40 in the morning, may have been the rogue action of the 902 commander Major Kyaw Htet. Earlier, on 20 September 2010, Kyaw Htet 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 BA troops who, in turn, besieged the DKBA until Kyaw Htet finally withdrew.<sup>10</sup> Despite this, and knowing that Kyaw Htet was allied with Lah Pwe, the Burmese authorities had made no move to restrict the group's movements or disarm them. Instead, they were allowed to continue their duties of manning trading gates along the Moei River. This meant that 902 troops were already in the town and it thus expedited their ability to quickly seize a number of important government building and secure the Thai-Burma friendship bridge.

After the outbreak of hostilities, Colonel Lah Pwe was soon quoted explaining the reasons for the attack as:

*'They [Burmese army] announced that they will shoot people who don't vote [in today's elections]. So people called on us to seize the town... In order to win votes in the elections, [the junta] is bullying and forcing people to vote. But the people want to boycott [the vote], so the soldiers are holding them at gunpoint and our troops had to intervene and take sides with the people.'*<sup>11</sup>

Who actually called on Lah Pwe to seize the town is unclear, although it has been reported that Kyaw Thet had already stated that it was his intention to seize the town at least the day before.<sup>12</sup> It was also reported that a number of threats by the Township Election Committee had been made consistently every day since 3 November 2010. Colonel Lah Pwe maintains that these threats ordered all people to vote for the USDP and those who didn't would be shot.<sup>13</sup> One of the DKBA's Tactical Operations Commanders in the town, prior to 7 November, confirms that the Election Committee had ordered all villagers to vote and, while he does not remember a specific threat to shoot people being made, there had been an increase in Burma Army patrols in the town in what he believes was an attempt to intimidate the local population.<sup>14</sup>

Regardless of the reason, the subsequent fighting, which lasted most of the morning of Monday, 8 November 2010, killed three and injured twenty.<sup>15</sup> In addition, an 81mm artillery shell and three shells from an M79 launcher landed in Thailand injuring 19 people and killing one. By Monday night, over 12,000 people had sought sanctuary in Thailand and this would increase to over 20,000 by the next day.

The Burma Army had originally fled from its positions when DKBA troops began operations against them and it appears they were ill-equipped to deal with the attacks until reinforcements arrived. Further fighting soon erupted along the Thai-Burma border, including at Colonel Lah Pwe's main headquarters at Waley and also at Phaya Thonsu (Three Pagoda's Pass), the latter resulting in over 4,000 people fleeing across the border. It appears that the DKBA action at Phaya Thonsu was supported by KNLA troops from 16 Battalion, 6<sup>th</sup> Brigade, suggesting that although the KNU leadership had not been informed of the DKBA's actions, at least local KNLA commanders were aware and prepared. According to media reports, the combined DKBA/KNLA force burnt down various military and government offices including those of the Special Bureau (SB), Agriculture, Forestry, and Post and Telegraph Departments on Monday, 8 November. By Tuesday, 9 November 2010, Karen troops had retreated.

Completely ignoring the fact that the attacks had been conducted by Colonel Lah Pwe's troops, the New Light of Myanmar was quick to blame the violence on the Karen National Union:

*'A group of KNU terrorists from south of Myawady opened fire with heavy weapons at five different places in Myawady at about 8.45 am yesterday. A total of three innocent were killed and 20 injured in the incident. The injured were rushed to Myawady hospital and provided with necessary treatment by officials concerned. Due to shootings of KNU terrorists, shells of heavy weapons also exploded near Thai-Myanmar Friendship Bridge and Chinese temple in Maesot in Thailand, leaving some innocent people injured. In [a] similar incident at noon yesterday, a group of KNU terrorists opened fire of small and heavy weapons from north of Phaya Thonsu in Kayin State, causing one member of Myanmar Police Force dead and four Tatmadaw members and one service personnel of the Township Forest Department injured.'*<sup>16</sup>

The Karen National Union's response stated that:

*'We, the Karen National Union (KNU), strongly condemn recent attacks by Burma's military regime, the State Peace and Development Council (SPDC), on Myawaddy Town and several*

*other locations in Burma's border areas, where at least 3 civilians were killed, and more injured. These latest attacks are part of the SPDC's systematic violence against Burma's ethnic peoples.*

*The conflict in Myawaddy began on 7 November, the day of Burma's first elections in 20 years, when civilians complained of being threatened and intimidated to vote for the junta-backed Union Solidarity and Development Party (USDP), rather than the local Karen party which was their preference. Brigade-5 of the Democratic Karen Buddhist Army (DKBA) led by Colonel Saw Lah Bwe – who refused to transform to the Border Guard Force under the control of SPDC Army – took control of Myawaddy to protect these people, without using weapons. Col Saw Lah Bwe had said that he expected the SPDC Army to enter into negotiation to resolve the situation.*

*However, on Monday, the 8th of November 2010, at 9 a.m., the SPDC Army responded with machine guns and rocket propelled grenades, despite the presence of many civilians in the town... These attacks are all part of the SPDC's policy of eliminating ethnic opposition, including ceasefire groups that have refused to be under its direct control as a Border Guard Force, as required by their 2008 Constitution.*

*The SPDC has accused the KNU of carrying out these attacks. However, the KNU and DKBA Brigade-5 share the same policy not to hurt civilians but to protect them. The KNU supports the DKBA's actions as they were taken in resistance to the SPDC's elections that do not represent any progress towards creating a democratic federal union in which the ethnic people's fundamental human rights would be protected.<sup>17</sup>*

One KNU official has noted that it is common for most Burmese authorities to threaten civilians when they want something. It is unlikely therefore that such a threat, in context, would be the sole reason for the DKBA to seize the town, especially if Kyaw Thet had already announced his intention prior to 7 November.

In response to the Myawaddy attack, the Burma Army, initially caught off guard, retaliated by launching a number of operations around Phaya Thonsu, Kya-in-Seikkyi, Kanelay, Phalu, and Waley. In one instance, on the evening of 10 November until the early morning the following day, the Burma Army indiscriminately fired 139 artillery shells into Kya-in-Seikkyi killing a 17 year-old girl and wounding her brother.<sup>18</sup> There were also reports of a least one village headman being beaten to death and that villagers had also been forced to porter for Burmese troops.

By 11 November, the Burma Army had entered Waley town after a sustained shelling campaign and razed a number of buildings including the house of Lah Pwe. In a somewhat belated attempt to curtail the activities of any DKBA forces left in the area, Police and Burma Army troops also began searching, on 15 October, the houses of DKBA members in Myawaddy and apparently confiscated all military equipment and uniforms.<sup>19</sup>

Clashes between the Burma army, the DKBA, and the KNLA have continued as Burma Army reinforcements have been dispatched to areas where Karen resistance forces operate. Civilians have frequently been forced to flee across the Thai-Burma border. However Thai authorities are reluctant

to house any more refugees, and civilians are frequently ordered back or are forced to hide along the border. On 28 November 2010, the village of Phalu came under attack forcing an estimated thousand villagers to flee across the border. Phalu, between Myawaddy and Waley, came under attack as 2<sup>nd</sup> Battalion DKBA forces in the area tried to defend their outpost and prevent a supply and escape corridor being opened up to Waley. Fighting has continued constantly since November resulting in yet more villagers fleeing across the Thai border.

In its 15 February 2011 Analysis report, the Back Pack Health Workers Team (BPHWT) estimated that by 12 February 2011, it and local CBOs were caring for over 10,000 civilians, living in unrecognized hiding sites, along the Thai-Burma Border.<sup>20</sup> Despite the fact that fighting continues, Thai authorities have continued to send villagers fleeing fighting back across the border. In one incident, on 13 January 2011, soldiers from the Royal Thai Army burnt down shelters at a temporary hiding site in Phop Phra district in an effort to force the 436 villagers seeking refuge there to return to Burma.<sup>21</sup> In addition to those people seeking shelter in Thailand, it is estimated that there may be up to 10,000 displaced people hiding in Burma.<sup>22</sup>

It would appear that the timing of the DKBA attack, and perhaps the lack of coordination with the KNU and the KNLA as a whole, rather than just 6<sup>th</sup> Brigade units, may have been a tactical and political error. While there was little doubt that there would be an escalation in conflict, not only on the Thai border but also on China's as well, such an action was not envisioned so soon. An attack on a major trading town could only provide the Burmese regime with yet more support for what could now be legitimately categorized as anti-terrorist operations.

While it may be argued that the DKBA's actions were conducted to present legitimate grievances, to draw attention to the Burmese people's plight and to show the illegality of the elections, the timing and the methodology employed were perhaps somewhat flawed. Consequently, the eastern border from Myawaddy town down to Three Pagoda's Pass has once more become a free-fire zone on a scale unseen prior to 1998. The number of refugees fleeing to Thailand is the worst since the 1997 offensive and villagers continue to flee or hide in small groups in Thailand.

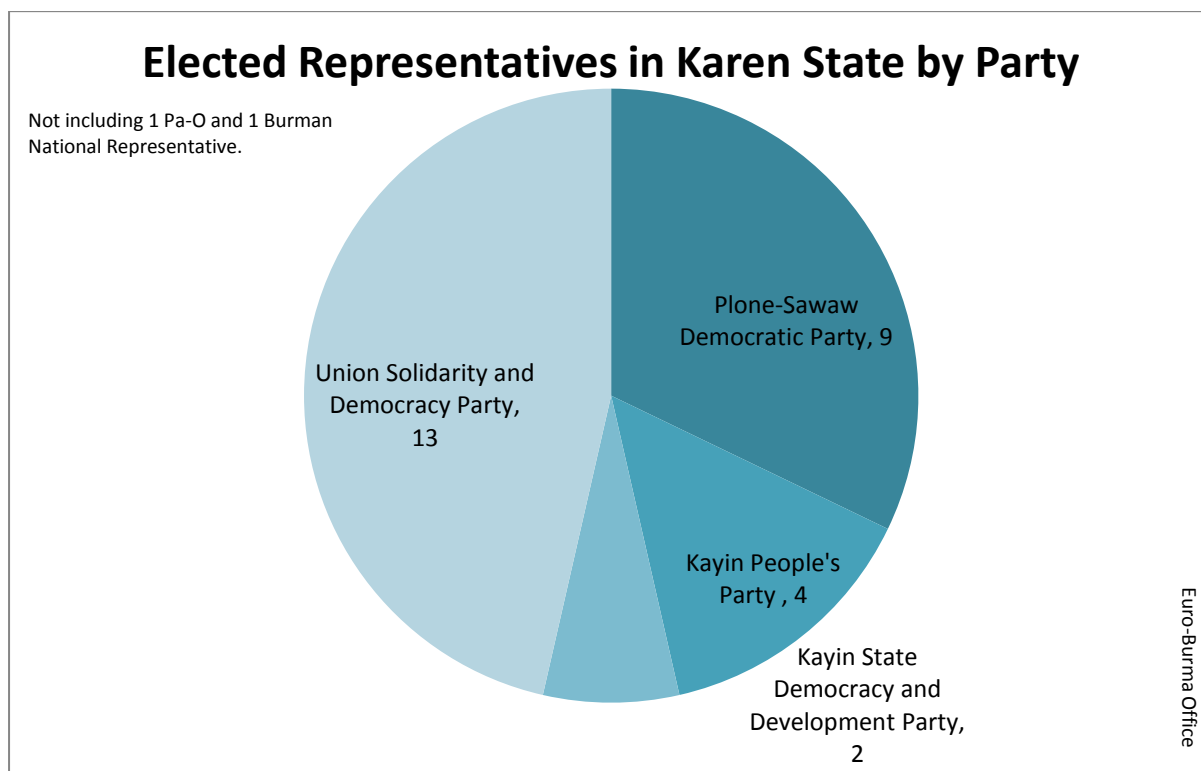
Despite the fact that Lah Pwe continues to maintain that the Klo Htoo Baw Battalion is separate from the Karen National Union, the State Peace and Development Council, perhaps to distance the group from the then pro-regime DKBA, has designated them KNU (Saw La Pwe [sic]). According to an article published in the New Light of Myanmar on 15 March 2011, fifty-one members of Saw La Pwe's group had 'exchanged arms for peace' since December 2010.<sup>23</sup>

## **THE ELECTION AND THE WINNING POLITICAL PARTIES**

Despite the Klo Htoo Baw's actions on the 7 November 2010, a number of Karen representatives were voted into various legislative bodies. Originally, four Karen parties had been formed to contest the election: the Phalon-Sawaw Democratic Party (PSDP), The Kayin People's Party (KPP), the Kayin State Democracy and Development Party (KSDDP), and the Union Kayin League (UKL). The latter party was eventually dissolved leaving three remaining Karen parties, the All Mon Regional Development Party (AMRDP) and the regime's Union Solidarity and Democracy Party (USDP) to contest the elections in Karen State.

Of the three Karen parties, the PSDP was considered to be the most independent. The KSDPP, believed to be created by SPDC Information Minister Kyaw San and funded by the regime, was made of ex-members of the DKBA and KPF. While the KPP, one of whose members was Dr Simon Tha of the Karen Peace Council, were also considered close to the junta.

Election results confirmed the PSDP as the strongest winner with 9 members elected while the KPP had 4 and the KSDPP received 2. The AMDRP got 3 with a further seat going to an independent, the regime's own party, the USDPP received 13 seats.



The Phalon-Sawaw Party, along with the Shan National Democratic Party (SNDP), the All Mon Region Democracy Party (AMRDP), the Rakhine Nationalities Development Party (RNDP) and the Chin National Party (CNP), has called for a lifting of sanctions in a joint statement made on 15 January 2011. This in itself echoes a similar call for a sanctions review based on conservation, social affairs and human rights factors made by the NLD on 4 January 2011.<sup>24</sup> In addition, the five parties also called on the current and incoming governments to reserve one vice-presidency in the Nationalities' Parliament for an ethnic representative, as well as one speaker or deputy-speaker in either the People's Parliament (Pyithu Hluttaw) or Lower House (Amyotha Hluttaw).

In March, the Karen State Hluttaw legislative committee was formed. The committee consists of 7 members including 3 State Hluttaw representatives and what was defined as 4 suitable citizens. Those nominated were U Saw Aung Pwint as Chairman, U Aung Kyaw Lin (Kayin State Law Office) as Secretary and U Min Aung Lin of Hlaingbwe Township No.1 Constituency. The 4 suitable citizens were Advocate U Maung Pu (a) U Kyaw Win, Advocate U Khin Si and Major Tun Tun Oo and Captain Zaw Min Tun as Defence Services Personnel representatives.<sup>25</sup>



The State Hluttaw National Races Affairs Committee was also formed consisting of 3 State Hluttaw representatives and 4 suitable citizens. Phado Aung San, Papun Township No.2 Constituency, was nominated as Chairman, U Saw Shar Tunt Phaung, Hlaingbwe Township No.2 Constituency, as Secretary and U Saw J A Win Myint of Thandaunggyi Township No.2. The four citizens are Daw Nan Than Than Lwin, U Khun Min Aung, U Mya Soe, and U Min Aung Win.<sup>26</sup>

ELECTED REPRESENTATIVES IN KAREN STATE

Plone-Sawaw Democratic Party (PSDP)		
Name	Location	Assembly
Saw Aung Kyaw Naing		National
Saw Than Tun		National
Saw Nyein Thin		National
Nan Sae Owa	Pa-an	People's
Saw Thein Aung	Hlaingbwe	People's
Saw Kyi Lin	Pa-an (1)	State & Regional
Saw Khin Maung Myint	Pa-an (2)	State & Regional
Saw Min Aung Lin	Hlaingbwe (1)	State & Regional
Saw SharTuntPhaung	Hlaingbwe (2)	State & Regional
Kayin People's Party (KPP)		
Saw Taw Pale		National
Saw Nay Kaw Kyee	Thandaunggyi	People's
Saw Christopher	Thandaunggyi	State & Regional
Saw J A Win Myint	Thandaunggyi	State & Regional
Karen State Democracy and Development Party (KSDDP)		
Mahn Aung Tin Myint		National
U Chit Hlaing	Myawaddy (1)	State & Regional
All Mon Region Democracy Party (AMRDP)		
Min Myo Tint Lwin		National
Naing Chit Oo	National Representative	State & Regional
Min Soe Thein (or) Naing Min Soe Thein	Mon National Representative	State & Regional
Union Solidarity and Development Party (USDP)		
Kan Nyunt		National
Saw Tun Mya Aung		National
Nan Ni Ni Aye		National
Aung Myint Thein		National
Saw Aye Myaing		National
Saw Mya Win		National
Sai Than Naing	Papun	People's
Thurein Zaw	Kawkareik	People's
Saw Htut Khaung Lwin	Kya-in-Seikkyi	People's
Phado Aung San	Papun	State & Regional
Than Daing	Myawaddy (2)	State & Regional
Mahn Hla Myaing	Kawkareik (1)	State & Regional
Aung Kyaw Min	Kya-in-Seikkyi (1)	State & Regional
National Representatives		
Khun Than Myint	Pa-O National Representative	State & Regional
Khin Kyuu	Burman National Representative	State & Regional

## CONCLUSION

The situation in Karen State, after the election, has, due to the seizing of Myawaddy on 7 November 2010, deteriorated, especially in areas which, prior to the arrival of the BGF issue, had been relatively peaceful. While there is little doubt that conflict would have affected these areas eventually, the timing of the attack and the lack of coordination with other armed groups has resulted in an increase in armed conflict and has impacted on the lives of over 20,000 civilians, many of whom remain displaced and vulnerable.

While the new constitution clearly states that there can be only one armed force in the country and, therefore, suggests heightened conflict in Karen State was inevitable; the timing of the attack has negated any other possible avenues of negotiation therefore resulting in increased conflict as remaining the main option available.

There have been many attempts to denigrate the elections, yet the fact remains that a number of ethnic representatives have now been elected. While it is too early to say whether these parties will be able to contribute meaningfully to addressing the ethnic issue, it must be recognized that an opportunity not earlier available has been created and should therefore be supported as an alternative to conflict.

In relation to the Border Guard Force, it would appear that little has changed in its operations towards the local villagers. While it is still too early to fully analyse the activities of BGF units, reports have already emerged of abuses by at least one BGF unit in Karen areas. As the Karen Human Rights Group (KHRG) notes:

*'On November 29th 2010 Saw T---, a 27-year-old man from Lu Pleh Township, Pa'an District was arrested, tortured and executed by soldiers from Tatmadaw Border Guard Force Battalion #1015, following accusations that he had made contact with and provided information to the KNU. In a separate incident that occurred on November 19th 2010 Saw M---, a 75-year-old man, was executed at point blank range by soldiers from a different unit of the same Border Guard Force Battalion #1015, after being asked to step outside his house in Dta Greh Township, Pa'an District...'<sup>27</sup>*

Most recently, it appears that both Kyaw Than and Maung Chit Thoo, who had been made advisors, have now been asked to take command of BGF operations against the KNLA and Klo Htoo Baw Battalion. This is primarily due to a lack of trust between Burma Army commanders and the Karen troops in the BGF units. In addition, recent reports have also suggested that the initial number of troops assigned to attend combat operations have now been reduced from 400 to 160.

There seems to be little to suggest that, after the election, the situation in Karen State will improve. The creation of the Border Guard Force and the failure of the SPDC to incorporate the DKBA's 5<sup>th</sup> Brigade, has resulted in an increase in conflict. While some limited political space has been created there is little to suggest it will have an immediate impact. However, if supported, over time this could result in limited improvement at least in areas not directly affected by conflict.

In the short-term, as conflict between the Burma Army and KNU/Klo Htoo Baw Battalion intensifies, Thailand, and the international community, must prepare for an escalation of abuses against the

Karen population and consequently an increase in the number of refugees and internally displaced people needing assistance. There is little doubt that until the military regime recognises the fact that continued conflict cannot solve the ethnic issues plaguing the country, the situation in Karen State will continue to deteriorate regardless of the changing political landscape.

## **BACKGROUND**

Under colonial administration Burma was divided into two very distinct entities: Burma proper or ministerial Burma, consisting only of what are now the majority divisions of the country, and the excluded areas which were comprised of what is now Karen State (then known as the Karen Salween Hill tracts), Chin State (Chin Hills), Arakan State (Naga Hills) and Kachin and Shan States (Federated Shan States).

Fighting in World War II had continued largely along the ethnic boundaries drawn by the colonial government. Many of the ethnic groups, including the Karen, Kachin and Chin, continued to support the British and fought against the Japanese and the Burma Independence Army. It was this support for the allies that led many of them to believe that the British would honour their calls for separation from an independent Burma under what was feared would be a Burman dominated government.

After joining with the British to force the Japanese retreat, Aung San formed a provisional government, the Anti-Fascist People's Freedom League (AFPFL), which included among its members a number of ethnic representatives. Although being given some representation, many of the ethnic groups still believed that the British would support their calls for independence.

As far as it was concerned, the British government had already made allowances for the former frontier areas to be given special dispensation for self-rule in any future independent Burma. Aung San and a number of AFPFL representatives were invited to London for discussions with then Prime Minister Clement Attlee. Despite the fact that Attlee had received a cable from the Shan Sawbas stating that '*Aung San and his delegation did not represent the Shan and the frontier areas*' talks continued.<sup>28</sup> The result was that the Aung San – Attlee agreement, originally designed to give the country full self-government within the commonwealth, stated that ethnic states could decide for themselves if they wished to join with the Union of Burma. It also stated that a conference to discuss ethnic representation must be arranged by the AFPFL.<sup>29</sup>

The subsequent conference, held at Panglong in Shan State on the 12<sup>th</sup> of February 1947, resulted in the signing of what became known as the Panglong agreement.<sup>30</sup> This agreement provided for autonomy for both the Shan and Chin states as well as the future demarcation for a Kachin state.<sup>31</sup> However, it was not inclusive, and Karen representatives, under the political leadership of the Karen Central Organisation<sup>32</sup>, refused actual participation in the Panglong conference due to the fact that its own AFPFL members had not been included in the London delegation.

The ethnic issue was later addressed in the 1947 constitution which included a provision that ethnic states could secede from the Union, but not within 10 years of the constitution coming into law.<sup>33</sup> It also included a provision for an autonomous Karen State or 'Kaw-thu-lay' based on the '*Salween district and such adjacent areas occupied by the Karens as may be determined by a special commission appointed by the President.*' But this was to be decided after independence. The Karen issue was further complicated by factional in-fighting. A number of Karen groups had met to create the Karen National Union (KNU), led by AFPFL member Saw Ba U Gyi, in February 1947. In March 1947, in response to the AFPFL failure to include Karen representatives in its London delegation, Saw Ba U Gyi resigned his post. This was then taken by San Po Thin, leader of the Karen Youth Organisation (KYO), who quickly allied himself to the AFPFL.<sup>34</sup> The KYO supported the creation of a Karen State as demarcated in the 1947 constitution, while the KNU sought a much larger area including access to a seaboard. The KNU began to train its own defence force, the Karen National Defence Organisation (KNDO) which was inaugurated on 15 July 1947.

Two days later, on the 17<sup>th</sup> of July 1947, Aung San and six members of his cabinet, including Mahn Ba Khaing of the KYO, were assassinated. Aung San was immediately replaced by U Nu as leader of the AFPFL and chief of the cabinet. U Nu hoped that he would be able to solve the Karen issue with the provision laid down for a future Karen State in the 1947 constitution. Although U Nu was supported by San Po Thin and the KYO, the KNU refused to accept the areas given. The Karen leadership stated that it could not accept the constitution because '*...[it] does not include the granting of a state to the Karen to satisfy their aspirations.*' Instead they demanded the creation of a Karen State to include Tenasserim Division, Taungoo District, Irrawaddy Division, Insein District, Hanthawaddy District, and Nyaunglebin sub-district.'

Although the KNDO had successfully defended Rangoon from communist attack, ethnic tensions between the Karen and Burman were still high. The Karen call for a separate Karen country had still not been adequately resolved. In addition, U Nu had openly accused the KNU of seeking to set up a parallel government in Karen areas and of attempting to buy large shipments of arms. The press seized upon the stories and their publication further stoked communal tensions.

With the prospect of communal violence and a fear that the Karen were preparing to take control of the capital, U Nu began training local militia units, the Sitwundans, under the command not of the army chief of Staff, an ethnic Karen, but the war office under Aung Gyi.<sup>35</sup> The Sitwundans and local UMP units began to order the KNDO units to disarm. On Christmas Eve 1948, in the Karen village of Palaw, Sitwundans disarmed the local Karen UMP units, and, not long after, threw grenades into the village church. Over 80 Karen villagers were killed in the first of many such incidents.

Despite a number of talks between U Nu and Saw Ba U Gyi, the situation continued to deteriorate as Sitwundans entered Karen areas and Karen forces began to seize a number of key cities including Taungoo, Tantabin and Pyu. Government forces attacked the Karen areas of Thamaing and Ahlone with automatic gunfire and mortars, shooting down innocent civilians as they fled their burning homes.<sup>36</sup> Finally, the government declared the KNDO illegal and two days later Karen forces took Insein in what would be a 112 days standoff before the Karen's retreat.

By 1950, the Burma Army had been reformed and had begun to take back a number of previously lost towns and cities. In March, they were able to take the Karen headquarters in the city of Taungoo. In August, the Karen suffered another disaster when their leader, Saw Ba U Gyi, was captured and killed.

The ethnic issue, and what would become known later as the federal issue, continued to be left unanswered. In what the military considered a compromise, U Nu arranged a federal seminar to take place on the 25<sup>th</sup> of February 1962 to amend the constitution and give greater rights to the ethnic minorities. Fearing the country's collapse, Ne Win seized power on 2 March 1962 and detained U Nu and over thirty Karenni and Shan leaders. The 1947 constitution, and the rights of the minorities to secede, was suspended.

In 1988, student led protests were brutally crushed by the regime. This resulted in a number of students fleeing to ethnic areas and soon Burman student armies were organized and trained to fight against the regime. The arrival of the student movement led to the creation of the Democratic Alliance of Burma (DAB), which saw the creation of a joint ethnic-Burman front consisting of the ten ethnic resistance armies of the NDF and 12 Burmese opposition parties.<sup>37</sup> The NDF and DAB would be joined by the government-in-exile, the National Coalition Government of the Union of Burma (NCGUB) (formed in 1990), the National League for Democracy – Liberated Areas (NLD-LA) (formed in 1991), in the creation, on 22 September 1992, of the all-inclusive National Council Union of Burma (NCUB).

The Karen Headquarters at Manerplaw became the de-facto capital of the resistance movement, both pro-democratic and ethnic. However, the situation within the Karen National Union was not stable. In 1994, a number of KNLA troops split to form the Democratic Karen Buddhist Army (DKBA). This split, due to perceived religious and social discrimination against the Buddhist Karen, would later result in the loss of the KNU's main headquarters at Manerplaw and lead to a schism within the Karen leadership.

Although the DKBA had no ceasefire agreement with the regime, it soon became a proxy force of the Burma Army and was used to launch a number of attacks against Karen refugees in Thailand and on the KNLA itself. Despite the fact that the regime had constantly used the DKBA to fight against fellow Karen, a number of other KNLA leaders from under units broke away to form new factions.

In February 1997, Lt Col. Thu Muh Heh commander of the 16<sup>th</sup> Battalion, 6<sup>th</sup> Brigade surrendered and formed the Karen Peace Army (later Force). A year later, Padoh Aung San, the former KNU Forestry Minister, also surrendered taking with him a large portion of the KNU's coffers. The last split occurred in January 2007, when the leader of the KNU's 7<sup>th</sup> Brigade split to form the KNU/KNLA Peace Council and officially sign an agreement with the Burmese regime.

While Karen factions were able to practice some form of autonomous control in their areas, the lives of Karen villagers under their control either changed little or became worse. Human rights abuses continued and villagers were forced to pay taxes to a number of different factions, and the Burma Army, thus further adding to the burden.

After the 2008 constitution was approved it soon became clear that all armed groups remaining inside Burma would be ordered to convert their armies into Burma Army controlled Border Guard Forces (BGFs). While most ceasefire groups have resisted such moves, most of the remaining Karen factions have agreed and therefore have come under direct control of the Burma Army.

## NOTES

<sup>1</sup> Notes from minutes taken at the 2<sup>nd</sup> BGF meeting held at LID22 H.Q. Pa-an, 8 October 2010

<sup>2</sup> Ibid.

<sup>3</sup> Notes from minutes taken at the 1st BGF meeting held at LID22 H.Q. Pa-an, 6 October 2010

<sup>4</sup> Ibid.

<sup>5</sup> Karen Strategic Studies Group

<sup>6</sup> There has been some confusion in regards to the naming of some DKBA Battalions. Lah Pwe had formerly commanded 907 and 906 Battalions and the DKBA had been designated under the brigade structure of 555, 333 and 999. Although the date is unclear, these brigade areas were designated as numbers 1 to 5.

Telephone conversation via translator with Colonel Lah Pwe, 9 January 2011

<sup>7</sup> 'Karen Armies Unite to Face Threat of War', Alex Ellgee, The Irrawaddy, 7 August 2010

<sup>8</sup> Ibid

<sup>9</sup> 'Myawaddy 'not overrun by breakaway DKBA group'', Mizzima, 7 November 2010

<sup>10</sup> 'Myawaddy police besieged by DKBA troops', Mizzima, 21 September 2010

<sup>11</sup> 'DKBA renegades seize border town', Naw Noreen, DVB, 7 November 2010

<sup>12</sup> Personal conversation with KNU official, 19 November 2010

<sup>13</sup> Telephone conversation (via translator) with Colonel Lah Pwe, 9 January 2011. One KNU official has noted that it is common for most Burmese authorities to threaten civilians when they want something. It is unlikely therefore that such a threat, in context, would be the sole reason for the DKBA to seize the town, especially if Kyaw Thet had already announced his intention prior to the 7th of November.

<sup>14</sup> Telephone conversation via translator with DKBA Tactical Operations Commander, 9 January 2011

<sup>15</sup> 'KNU terrorists shell Myawady, Phaya Thonsu, leaving some innocent people dead, injured', NLM, 10 November 2010

<sup>16</sup> Ibid.

<sup>17</sup> 'KNU Statement Condemning Election Related Violence in Burma's Border Areas', KNU, 10 October 2010

<sup>18</sup> 'FBR Report: School girl killed, villagers wounded and hundreds displaced as the Burma Army continues attacks in Central Karen State.', Free Burma Rangers, 20 November 2010

<sup>19</sup> 'DKBA Property searched, confiscated.', Naw Noreen, DVB, 15 October 2010

<sup>20</sup> 'Update on the Conflict and Displacement of Civilians along the Thai-Burma Border', Back Pack Health Worker Team (BPHWT), 15 February 2011

<sup>21</sup> [http://www.khrg.org/khrg2011/khrg11f1\\_update.html#47](http://www.khrg.org/khrg2011/khrg11f1_update.html#47) accessed 19 January 2011

<sup>22</sup> 'Situation Report: Promoting the Protection of Newly Displaced Civilians Affected by Conflict and Increased Insecurities on the Thai-Burma Border Mid-December 2010 to 11th January 2011', Back Pack Health Worker Team (BPHWT), 12 January 2010

<sup>23</sup> 'Eight Armed Group Members Exchange Arms for Peace', New Light of Myanmar, 15 March 2010

<sup>24</sup> See 'Economic Analysis and Vision of the NLD', NLD, 4 January 2011

<sup>25</sup> 'Regular Sessions of the First Region and State Hluttaw held Members of the Legislative Committee and National Races Committee nominated.' New Light of Myanmar, 2 March 2010

<sup>26</sup> Ibid

<sup>27</sup> 'Extrajudicial execution of two civilians in Pa'an District', KHRG, 15 February 2011

<sup>28</sup> 'The Shan of Burma', C.T. Yawnghwe, ISEAS, 1987 p. 99

<sup>29</sup> See the Aung San-Attlee agreement clause 8 reproduced in Rhododendron, Vol. 4 No 1, 2003, CHRO, p. 8

<sup>30</sup> A earlier meeting, the first Panglong Conference, had occurred in March 1946

<sup>31</sup> It must be noted that the 1947 constitution did not allow the Kachins to secede. See Union of Burma, Constitution, 1947, Chapter IX, 178

<sup>32</sup> Forerunner of the Karen National Union and a member of the AFPFL

<sup>33</sup> Union of Burma, Constitution, 1947, Chapter X, 202

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<sup>34</sup> San Po Thin, a leading KCO member, had originally advised Saw Ba U Gyi to resign from the AFPFL. 'A Just Country - The Karen of Burma : History, Identity, and Conflict', unpublished manuscript, Paul Keenan, 2009, p155

<sup>35</sup> The Sitwundan units were originally recruited in 17 districts, 6 of which were Karen. They were further expanded and by 1949 there were 26 battalions comprising 13,000 troops. 'Making Enemies: War and State Building in Burma', Mary P Callaghan, Cornell University Press, 2003, p. 128

<sup>36</sup> 'A Journalist, A General and an Army in Burma', U Thaung, White Lotus, 1995, p. 15

<sup>37</sup> 'Burma in Revolt: Opium and Insurgency since 1948', Bertil Lintner, White Lotus, 1994, p. 376