

Burma's Cease-fires at Risk

Consequences of the Kokang Crisis for Peace and Democracy

By Tom Kramer

In August 2009, the Burma¹ army occupied the Kokang region after several days of fighting, ending two decades of cease-fire with the Myanmar National Democratic Alliance Army (MNDAA). Led by Kokang leader Pheung Kya-shin, the MNDAA was the first of over nearly 20 armed opposition groups to conclude a cease-fire agreement with the military government that assumed power in 1988. The recent fighting forced 37,000 people to flee across the border to China. Will the Kokang breakdown be where Burma's cease-fire unity ended?

The resumption of fighting in northern Burma raises speculation about the other cease-fires. Tensions are rising and the cease-fire groups have put their armed forces on high alert. They are preparing for battle but say they will continue to seek political change through dialogue, and will not fire the first shot.

The tensions come amidst pressure by Burma's military regime, known as the State Peace and Development Council (SPDC), to transform the cease-fire groups into Border Guard Forces (BGFs) and efforts to organise a general election in 2010, the country's first since 1990. Widespread opposition to the BGF proposal increases uncertainty about the future of the cease-fires and peaceful transformation to a lasting political settlement.²

THE KOKANG CRISIS

On 8 August, Burma army troops based in the Kokang region³ wanted to search what they claimed was an illegal arms factory in the small town of Yang Long Zhai (Yan Lon Kyaing or Yanglongjai) near the Kokang

Conclusions & Recommendations

- Ethnic conflict must be resolved in order to bring about a lasting political solution in Burma. If ethnic minority needs and goals are not addressed peace and democracy are extremely unlikely to be achieved in Burma.
- Instead of isolating and demonising the cease-fire groups, all national and international actors concerned about peace and democracy in Burma should actively engage with all ethnic opposition groups (including cease-fire and non-ceasefire forces) and involve them in discussions about political change in the country.
- Priority should also be given to addressing the humanitarian and social crises that underpin Burma's long-standing political and economic malaise. Actions needed include support for primary health care programmes and efforts to address tuberculosis, malaria and HIV/AIDS, as well as community-based development projects to assist marginalised communities such as former opium farmers.
- The international community should also engage with the SPDC, the democratic opposition led by the National League for Democracy, and new political parties contesting the 2010 election, on the importance of solving ethnic conflict in Burma.

capital Laukai, and opposite the Chinese border town Nansan. When Kokang troops refused permission, a confrontation developed. A resumption of fighting was feared and several

Ethnic Conflict in Burma

Burma is an ethnically diverse country, with ethnic minorities comprising about 40 percent of its estimated 56 million inhabitants. Ethnic minorities in Burma have long felt marginalised and discriminated against. Armed rebellions began at the country's independence in 1948 in response. The situation deteriorated after the military coup in 1962, when minority rights were further curtailed.

Since 1989 the majority of the ethnic armed opposition groups have signed cease-fire agreements with the military government. In many border areas, the cease-fires subsequently brought an end to the fighting, curtailed the most serious human rights violations, and created a suitable environment for community development projects. The main shortcoming of the cease-fires has been the lack of an inclusive peace process and political development as a follow-up to the agreements to build reconciliation and peace throughout the country.

Many cease-fire groups are based along the China border, notably the Kachin Independence Organisation (KIO) and New Democratic Army - Kachin (NDA-K) in Kachin State, and the Myanmar National Democratic Alliance Army (MNDAA), National Democratic Alliance Army (NDAA) and United Wa State Army (UWSA) in Shan State. The New Mon State Party (NMSP) and the Democratic Karen Buddhist Army (DKBA) are the main forces with cease-fires on the Thai border.

Other groups along the Thai border, such as the Karen National Union (KNU), the Karenni National Progressive Party (KNPP) and the Shan State Army South (SSA-S) are still fighting guerrilla wars. These groups say they want to reach political agreements first before entering into a cease-fire arrangement. The most serious human rights violations take place in these areas. Some 130,000 ethnic minority refugees from Burma presently live in camps in Thailand.

thousand people fled into China. Many of them were Chinese businessmen and shopkeepers in the Kokang capital Laukai, but local inhabitants left as well.

The Burma military authorities subsequently issued arrest warrants for Pheung Kya-shin, two of his sons, and his brother Pheung Kya-fu and under the Arms Act, the Export/Import Act, and the Emergency Provisions Act. The SPDC claimed it had been informed about the arms factory by the Chinese authorities.⁴

MNDAA leader Pheung Kya-shin responded that the SPDC had long been aware of the factory's existence, even visiting it previously. He argued that the factory belonged to the MNDAA, and not to individual leaders, as the SPDC claimed, and that the regime was just looking for an excuse to occupy the Kokang region.⁵

The situation was very tense. Pheung and his family refused to surrender to the SPDC if it would not drop the charges against them and guarantee their security. A number of Pheung's family members were arrested in Burma and China, although some were later

released. Pheung and his troops were uncertain how to proceed. The SPDC sent police units into Kokang on 22 August, occupying the MNDAA arms factory. Pheung's position was further weakened when a faction of MNDAA troops led by the Bai family rebelled against him and joined the SPDC. This forced Pheung and his troops to abandon Laukai and withdraw to the China border near Yang Long Zhai and Chin Shwe Haw.

On the morning of 27 August Kokang troops loyal to Pheung detained 36 Burma government policemen at Yang Long Zhai. The SPDC ordered their release. Pheung's group demanded the government drop the charges against him and his family members. Fighting broke out on the same day near Yang Long Zhai and Chin Shwe Haw between Kokang troops loyal to Pheung Kya-shin and Burma army and police units, supported by the Bai mutineers. Each side accused the other of initiating hostilities.

Fighting ended 29 August with the Burma army effectively taking control of the Kokang region. An estimated 700 Kokang troops loyal to Pheung crossed the border into China, handing over their weapons to the Chinese

authorities. Kokang sources report they ran out of food, water and ammunition.⁶

On 1 September the SPDC set up a "Leading Committee for Development in Kokang Region", consisting of high-ranking SPDC leaders. The MNDAA mutineer Bai Xuoqian, not listed in the new committee, announced that he had agreed to transform his group into a Border Guard Force and would take part in the 2010 election.⁷ Pheung Kya-shin went into hiding, his property confiscated in both Burma and China.

IMPACT OF THE FIGHTING

The outbreak of hostilities in Kokang left unknown numbers of combatants and civilians dead or wounded. According to Pheung Kya-shin, 14 of his troops were killed in the fighting, and 27 Kokang youth, forced to join the Bai defection, were disarmed and killed by the Burma army when they refused to fight the MNDAA.⁸ The SPDC claims 11 Burma army soldiers and 15 policemen were killed, and another 34 soldiers and 13 policemen wounded. There are also reports of some 200 civilians killed in various parts of the Kokang region.⁹ None of these claims can be independently confirmed. A Chinese police officer stated that one Chinese citizen was killed and two wounded by shells that landed in China. He also said a Chinese citizen was killed and 13 wounded in Kokang during the violence.¹⁰

As mentioned above, 37,000 civilians fled across the border into China. Authorities there provided temporary shelter and food to 13,000 refugees. Other displaced persons found shelter with relatives living there. By early September, Chinese government sources said that 9,000 people had left the temporary camps in Yunnan province and returned to Kokang. Some of them wanted to return to their shops and property. Many others may have been "persuaded", as China does not welcome refugee populations along its borders.¹¹

There were various reports of widespread looting of shops and other property by Burma army units. Most inhabitants of Laukai

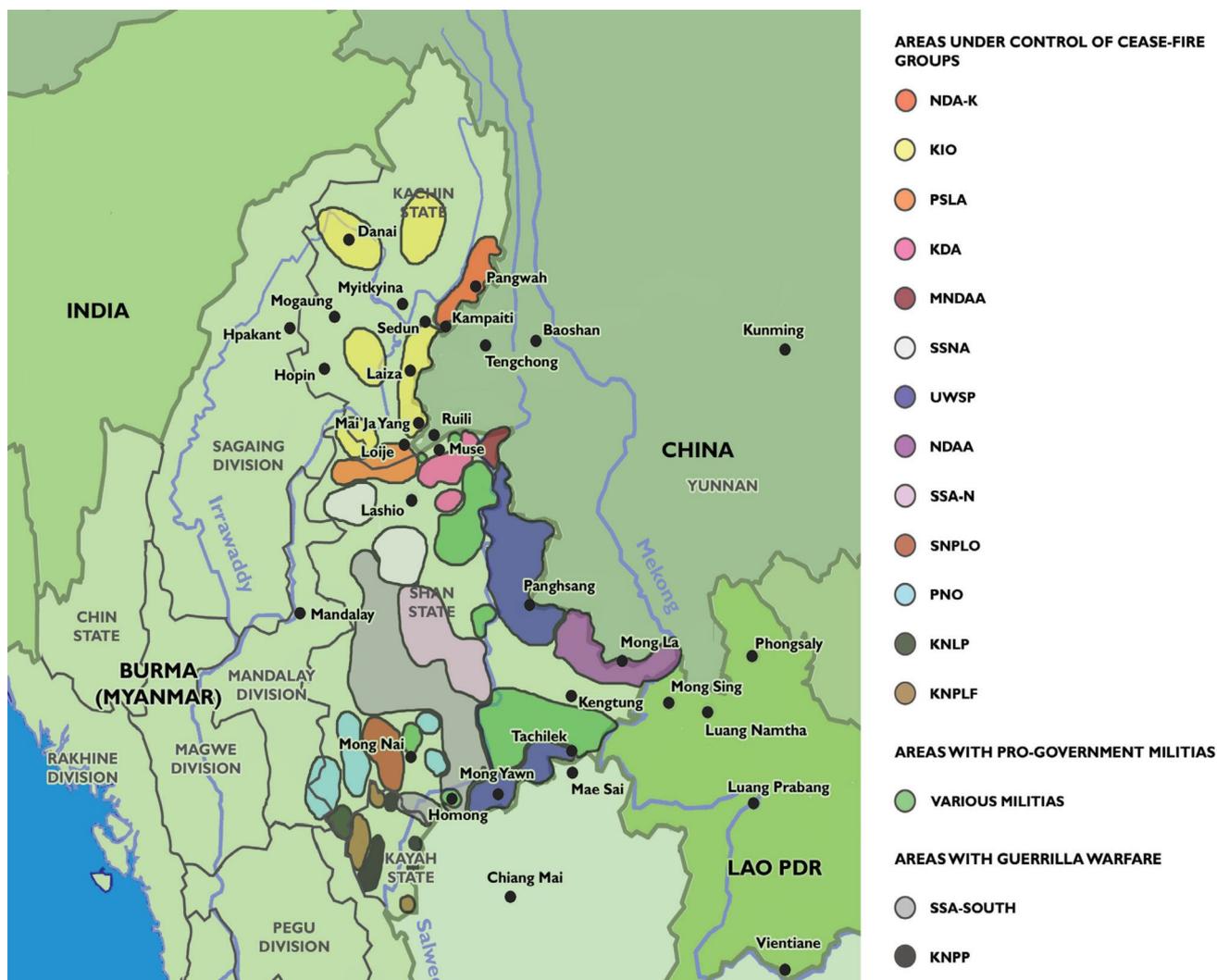
fled to China during the fighting, leaving the town almost empty. Many of them found their property destroyed and looted upon their return.¹² According to the deposed Pheung Kya-shin: "There were many reported cases where [government] soldiers committed robbery, rape and killed civilians. Many people are still afraid to go back home. Most of the shops owned by Chinese businessmen were either destroyed or robbed. The prosperous environment of Kokang of only a few months ago no longer exists. People are living in deep distress."¹³

About 100 workers from international NGOs and UN agencies based in Kokang gathered in the World Food Programme compound in Laukai during the fighting. They were evacuated 3 September. These organisations suspended activities, including projects to assist former poppy farmers to find alternative livelihoods following the 2003 ban on opium cultivation.¹⁴ The MNDAA and other cease-fire groups such as the Kachin Independence Organisation (KIO) have urged international NGOs in the areas under their control to continue their activities should their cease-fires break down.¹⁵

FRAGILE AGREEMENTS

The breakdown of the Kokang cease-fire clearly demonstrated the fragility of the agreements and that the SPDC does not rule out a resumption of fighting. What little trust there was between the cease-fire groups and the regime is now gone. Trust had already decreased significantly following the purge of former Military Intelligence chief Gen. Khin Nyunt in 2004. Khin Nyunt was the original architect of the cease-fire movement in the late 1980s and had developed personal relationships with many cease-fire leaders. The new Military Affairs Security chief Lt. Gen. Ye Myint is now responsible for relations with the cease-fire groups but he has failed to build confidence and personal rapport with them.¹⁶

The Myanmar Peace and Democracy Front, an alliance of cease-fire groups that used to be part of or close to the now defunct Communist Party of Burma, stated during the Kokang crisis that the "existing cordial relationship



and the SPDC is now tarnished and fallen under a dark period of animosity.” The alliance urged that “through trust, respect and negotiations all efforts be made in contributing to the path towards the successful building of a peaceful and developed nation.”¹⁷

During the fighting there were many rumours about cease-fire groups, especially the United Wa State Army (UWSA), supporting the Kokang army. Wa sources refute this, claiming they did not fire a single shot. Instead, they say, the UWSA sent troops to the Kokang region to mediate between the SPDC, Pheung and Bai, calling for a peaceful solution to the conflict. “We asked for the Kokang to release the detained Burmese police, and hoped that the SPDC could be tolerant and drop the charges against Pheung Kya-shin, and allow him to resume his leadership, and ensure the safety of him and his family and property.”¹⁸

According to UWSA leaders, Lt. Gen. Ye Myint claimed the Kokang troops opened fire first and detained the Burmese police, and that this incident had nothing to do with the Wa. However Ye Myint also warned them that, should the UWSA allow Pheung Kya-shin or his family to enter the Wa region, this would provide the military government a reason “to take action”.¹⁹

The UWSA says that it stationed one battalion of its soldiers between troops loyal to Pheung Kya-shin at Chin Shwe Haw (bordering China and the Wa region) and the Burma army troops based nearby. The UWSA called on the two sides not to fight, and it claims that the mediation effort was accepted by both sides. The UWSA says that it withdrew its troops from Kokang on 28 August after judging that its mediation had failed, but left UWSA soldiers to protect the important

bridge at Chin Shwe Haw between the Kokang and Wa regions.²⁰

A statement surfaced, detailing a new military alliance between four key cease-fire groups along the China border: the KIO, UWSA, MNDAA and National Democratic Alliance Army (NDAA).²¹ However, when the fighting in Kokang started, none of them came to the aid of the MNDAA. This raises questions about the strength of the alliance should another member face attack by the Burma army. Of the alliance members, only the KIO and UWSA have a significant number of troops.

The military government now accuses Pheung Kya-shin of the “illegal production of narcotics drugs and smuggling, and also the manufacturing of arms and smuggling of weapons.”²² In the past, when it was politically convenient, the SPDC presented the Kokang region as a showcase of drug-control efforts in the country. Several diplomatic missions were flown into Kokang to meet Pheung Kya-shin and to observe “drugs eradication activities in Kokang region, cultivation of opium substitution crops and development of the region.”²³

Pheung Kya-shin has continued to defend himself, arguing that, while cease-fire groups such as the MNDAA, UWSA and the NDAA have all implemented opium bans, poppy continues to be cultivated in SPDC-controlled areas.²⁴

EFFECTS FOR OTHER CEASE-FIRES

All other cease-fire groups in Burma followed the events in Kokang region closely. Speculation was rife about which group would be the next target of SPDC pressure, especially among those based along the Chinese border. Every group was putting its troops on high alert and civilians were sending family members and valuables into safety across the border. Sources in the NDAA capital Mongla say that half the town’s population left for China. International and local NGOs suspended many of their activities in cease-fire areas. A breakdown of the cease-fires would threaten many critical humanitarian projects in the region, including life-saving anti-retro

viral treatments for people living with HIV and support for former opium farmers.

Burma army regional commanders were dispatched to warn the cease-fire groups not to become involved in the Kokang fighting, and to concomitantly assure them they would not be attacked. But the dispatch of Burma army reinforcements, including tanks, to areas adjacent to cease-fire regions only fuelled suspicions about the regime’s intentions.

The Burma army regional commander in Kengtung in the eastern Shan State told the Mongla-based NDAA that it should not worry about an attack by the Burma army “because the situation in Kokang was very different” and criticised the NDAA’s policy of telling ethnic Burmans to leave their region.²⁵

The KIO had several meetings with representatives from the Burma army and the SPDC. They, too, were told not to join the Pheung’s Kokang group and not to worry about the crisis.²⁶

Should the SPDC decide to attack the KIO or UWSA, the situation would be very different from Kokang. While the strength of the MNDAA is estimated at 1,000-1,500 troops, the troop strengths of the KIO (5,000-6,000) and the UWSA (15,000-20,000) are significantly larger. Both organisations have clear political goals and nationalist agendas, with a notable degree of popular support. Furthermore, the Burma army does not have a presence inside KIO or UWSA cease-fire areas, as it does in Kokang. Government troops would have to fight their way in, as well as risk further spread of conflict.

MILITARIZATION

The Burma army’s strategy in Kokang follows a long and consistent pattern. Given the country’s turbulent history of internal violence, the military regime has focused on “managing” conflict rather than solving it. The aim is not to eliminate armed opposition and insurgent groups, but rather to contain and divide them. Stimulating a wide variety and number of armed groups has further contributed to a high degree of militarization in the country.

Inevitably, the civilian population has suffered the most from this, especially in areas with a presence of different armed groups.

Instead of an all-out military offensive against all cease-fire groups, the Burma army is more likely to take them on one by one, focusing on weakening them by military, political and economic means, hence stimulating the fragmentation of groups. When internal divisions within opposition groups develop, the army subsequently allies itself with breakaway factions. An example of this is the creation of the Democratic Buddhist Army (DKBA), which broke away from the armed opposition Karen National Union in 1995 following an internal conflict between Buddhist and Christian leaders.

The SPDC will also probably continue to strengthen various pro-government militias in areas near cease-fire groups and attempt to use them as a buffer. It has recently stimulated the formation of new groups, such as the Rebellion Resistance Force (RRF) in the northern Kachin State, which challenges both the KIO and New Democratic Army - Kachin (NDA-K) presence in the strategic N'mai Khu area. The RRF group, led by a Kachin businessman, describes itself as a "people's militia". Some of the many other militias in the country date back to the 1970s, established to counter the threat posed by the Communist Party of Burma. Others in the Shan state were formed by remnants of Khun Sa's Mong Tai Army, which agreed a "surrender" cease-fire with the military government in early 1996.

BORDER GUARD FORCE (BGF)

The SPDC wants all the cease-fire groups in Burma to transform into Border Guard Forces (BGF). This would effectively break up cease-fire groups into small separate units of 326 soldiers, divorced from their present ethnic administrations and military structures. Each BGF would include 35 members of the Burma army, including one of the three commanding officers in each unit. The SPDC has given the groups a 15 October deadline to agree to this proposal.

Most cease-fire groups have rejected the SPDC's proposal. So far, only the NDA-K, Pao National Organisation, DKBA and two other break-away groups from the KNU have accepted the BGF proposal. Exactly how this military and territorial transformation will be put into practice has yet to be worked out, and negotiations are ongoing.

Militias, such as the RRF, say that they have told by the regime that they do not have to transform into a BGF but that they can continue to exist in their present form.²⁷

The KIO has proposed to the regime that it should become a Kachin Regional Guard Force (KRGF), remaining a single organisation under a central command. The KIO argues that the BGF proposal is too limited, only dealing with the transformation of its military wing, the Kachin Independence Army (KIA). The KIO has a large administrative structure with many civilian departments, including health, education, culture and justice. Said one KIO official: "We explained that we have different departments and thus different things to transform. So why only talk about transforming the KIA? We also have the KIO."²⁸

Given the critical importance of resolving Burma's political and ethnic problems, the KIO is opposed to dealing with issues summarily, proposing they be negotiated after the 2010 election. "It is not possible to make a transformation within a limited time frame," said a KIO leader. "We need more time and negotiation for such a transformation process, and will need to do this step by step."²⁹

The cease-fire groups are adamant they will not be the ones to resume hostilities. "We do not prefer fighting," says a KIO source. "It is not supported by the international community and Burma's neighbouring countries. But if the SPDC does not consider our demands, and does not give concession to our rights, and if they approach the KIO with their arms, we will stick to self-defence. The KIO will not fire first, so it depends on what the SPDC will do."³⁰

The civilian population fears the future. "We are worried the fighting will break out again,

and can't even sleep at night because of the situation," says a villager in a KIO area. "We have had the experience of war, of those difficult times, when our villages were burnt down. If the fighting will break out again, the civilians are the ones who will suffer most. If war will start, many people will flee to China."³¹

2010 ELECTIONS

The breakdown of the Kokang cease-fire and the rejection by most cease-fire groups of the BGF proposal poses many questions and uncertainties for the upcoming 2010 election. The SPDC has neither set a date nor published the election law.

The SPDC has told the cease-fire groups they can participate in the elections, but must form new political parties. Members of such parties will not be able to hold positions in existing armed or political wings of cease-fire groups. Most cease-fire groups are therefore waiting for the election law to be published before deciding on their future courses of action.

In Kachin State the KIO, in cooperation with the NDA-K, the Kachin Defence Army and representatives of Kachin civil society, set up a temporary Kachin State Interim Committee. Upon promulgation of the election law, they plan to register as the Kachin State Progressive Party (KSPP) to contest the 2010 election. In anticipation, six KIO leaders, including KIO Vice-Chairman Dr. Tu Ja, were allowed to resign from their KIO duties in September 2009.³²

In Mon State, four former central committee members of the New Mon State Party (NMSP) and several Mon community leaders set up an "election working committee" to prepare a political party to participate in the 2010 election. The NMSP will not run, but it will allow members to resign in order to join the party.³³

INTERNATIONAL RESPONSES

The international community, especially Western governments and campaign groups, largely ignore the cease-fire agreements in Burma. Instead, critics have demonised these groups – either as being "pro-SPDC" or "narco-trafficking armies" – rather than con-

sidering their political demands and humanitarian concerns. Hence the strong opposition to the SPDC's BGF proposal and the recent fighting in Kokang caught the international community by surprise. There is now some renewed interest in and a slightly less condemnatory view of the cease-fire groups.

China has been more supportive of the cease-fires. It wants peace and stability along its borders. However when the Kokang fighting broke out, China made an unusual public statement, calling on the Burmese authorities to "properly handle domestic problems and maintain stability in the China-Myanmar border region..." the foreign ministry urging the regime "to protect the security and legal rights of Chinese citizens in Myanmar."³⁴ China has denied any interference in Burma's internal affairs.

A U.S. State Department spokesperson urged the SPDC to "cease their military campaign and to develop a genuine dialogue with the ethnic minority groups, as well as with Burma's democratic opposition."³⁵

NOTES

1. In 1989 the military government changed the official name of the country from Burma to Myanmar. Using either has since become a highly politicised issue. The UN uses the latter, but it is not commonly used elsewhere in material written in English about the country. Therefore Burma will be used throughout this publication. This is not meant to be a political statement.
2. See: Tom Kramer, *Neither nor Peace, the Future of the Cease-fire Agreements in Burma*, TNI July 2009. <http://www.tni.org/reports/drugs/ceasefire.pdf>
3. Unlike the situation in other cease-fire areas, the Burma army had already occupied a number of strategic hilltops in MNDAA-controlled territory, following an earlier internal conflict in the MNDAA between the Pheung and the Yang families in 1995-96. Interview with Pheung Kya-shin, 3 March 2009.
4. *Clarification of Brig.Gen. Phone Swe, Deputy Minister for Home Affairs, Concerning with Kokang Incident*, document circulated to diplomats visiting Kokang region, 7 September 2009.
5. Confidential communication, and: *Chinese blood on Burmese soil*, Irrawaddy, 14 September 2009.
6. Communication with sources close to Pheung Kya-shin, August 30 2009.

7. Myanmar claims Chinese intelligence led to Kokang conflict, DPA, 9 September 2009.
8. Chinese blood on Burmese soil, op.cit.
9. Hannah Beech, *Inside Burma's war*, Time, September 21, 2009.
10. Myanmar border inhabitants begin to return from China as situation calms, Xinhua, 31 August 2009.
11. Refugees wary of returning from China, Reuters 31 August 2009, and communication with sources in Kokang, August-September 2009.
12. Ng Han Guan, *Myanmar refugees leave China as battles ending*, Associated Press, 31 August 2009; *Refugees wary of returning from China*, Reuters 31 August 2009; and Saw Yan Naing, *Laogai is a Silent Capital*, Irrawaddy, September 1, 2009.
13. Chinese blood on Burmese soil, op.cit.
14. Lawi Weng, *Aid workers safely evacuated from Kokang fighting*, Irrawaddy, September 4, 2009.
15. Interviews with representatives of cease-fire groups, September 2009.
16. Interviews with representatives of several cease-fire groups, February-March 2009.
17. *Declaration on the Kokang 8.8 Disturbances by the Myanmar Peace and Democracy Front, 21 August 2009*. The front consists of the UWSA, MNDAA, NDAA, NDA-K and SSA North.
18. Briefing of UWSA Vice-Chairman Xiao Min Liang to international NGOs in the Wa region, Panghsang, 29 August 2009.
19. Ibid.
20. Ibid. The UWSA added that this bridge had cost 6 million RMB to build.
21. *Declaration on the Kokang 8.8 Disturbances by the Myanmar Peace and Democracy Front*, 21 August 2009.
22. *Clarification of Brig. Gen. Phone Swe*, op.cit.
23. The participants of the Fourth International Heroin Conference, for instance, were all flown to the Kokang capital Laukai for a one-day field trip. *The Fourth International Heroin Conference Record Book, 23-26 February 1999*, Yangon, Myanmar, pp.60-61.
24. *Chinese blood on Burmese soil*, op.cit. See also Tom Kramer, Martin Jelsma and Tom Blickman, *Withdrawal Symptoms in the Golden Triangle, A Drugs Market in Disarray*, TNI, January 2009.
25. Interview with representative of the NDAA, 4 September 2009.
26. Interviews with representative of the KIO, 1 September 2009.
27. Interview with source close to the RRF, 2 September 2009.
28. Interview with KIO official 1 September 2009.
29. Interview with senior KIO leader, 1 September 2009.
30. Interview with KIO official 1 September 2009.
31. Interview with 50-year-old woman in a village in KIO area, 31 August 2009.
32. Interview with Dr. Tu Ja, 2 September 2009.
33. Lawi Weng, *New Mon party forming for election*, Irrawaddy, September 8, 2009.
34. Tim Johnston, *China urges Burma to bridle ethnic militia uprising at border*, Washington Post Foreign Service, August 29, 2009.
35. US urges Myanmar to halt ethnic attacks, AFP, 31 August 2009.

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