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THE CONFLICT IN KACHIN STATE - TIME TO REVISE THE COSTS OF WAR?

For earlier background on the Kachin conflict see 'The Kachin's Dilemma – Contest the election or return to guerrilla warfare' EBO Analysis Paper No.2/2010, May 2010

Since 9 June 2011, Kachin State has seen open warfare between the Kachin Independence Army and the Tatmadaw (Burma Army). The Kachin Independence Organisation signed a ceasefire agreement with the regime in 1994 and since then had lived in relative peace up until 2008 and the creation of a new constitution. This constitution enshrines the power of the military and demands that all armed forces, including those under ceasefire agreements, relinquish control to the head of the Burma Army.

This, combined with economic exploitation by China in Kachin territory, especially the construction of the Myitsone Hydropower Dam, left the Kachin Independence Organisation with very little alternative but to return to armed resistance to prevent further abuses of its people and their territory's natural resources. Despite this however, the political situation since the beginning of hostilities has changed significantly.

There is little doubt that one of the main reasons for the continuing offensive was the Burmese Government's attempts to control all ethnic armed forces through its head of defence services. That said, however, the principle reason for both the KIO's reaction to increased Burma Army deployment, the breakdown of the ceasefire, and the resumption of open warfare in Kachin areas, was also the previous Regime's attempts to secure China's lucrative investment projects at the expense of ethnic rights and land. While the Myitsone Dam, and the Burma Army's security of it, appeared to be one of the main factors used by the KIO to resume hostilities, President Thein Sein announced the suspension of the project on 30 September 2011 for the length of the government's term. While a number of critics have pointed out that the suspension does not mean an end to the project, it removed, at least in the short term, one of the main reasons for continued fighting.

In addition, the regime has dropped all calls for ethnic armed groups to become part of its Border Guard Force program. Instead it has embarked on a number of peace talks and ceasefire agreements with both previously ceasefire and non-ceasefire groups. The Klu Htoo Baw Battalion (formerly DKBA Brigade 5) signed a ceasefire with the government on 3 November 2011, the Restoration Council Shan State/Shan State Army – South signed an initial ceasefire agreement with a union level peace group on the 3 December 2011 this was followed by the Chin National Front (CNF) on 6 January 2012, the Shan State Progress Party signed two peace agreements on 28 January 2012, the Karen National Union on 12 January 2012 and the New Mon State Party on 1 February 2012 (see Burma Centre Analysis Paper No1, January 2012).

These agreements provide a rare written understanding between the government and the ethnic groups. Previous regimes have for example refused to hold meeting in neighbouring countries, and yet most of the preliminary meeting with ethnic groups have taken place in Thailand. In addition, written agreements, with the exception of the Kachin ceasefire agreement in 1994, have never been agreed to.

While the KIO have had meetings with the Kachin State Peace Negotiating Committee, again outside of the country, this time in Ruili (Shweli) in China, there remains a great deal of apprehension on behalf of the KIO leadership despite the fact that its allies are continuing to acquiesce to government peace initiatives. President Thein Sein has identified three simultaneous principles necessary to achieve peace in the country:

1. Peace
2. Stability
3. Development

Although a number of groups have already agreed to ceasefire agreements, the continuing conflict in Kachin State, and the KIO's insistence on political dialogue prior to a ceasefire, threatens to derail any future hopes for peace throughout the country.

THE ROLE OF THE UNITED NATIONALITIES FEDERAL COUNCIL (UNFC)

Despite such overtures on behalf of the government, a number of obstacles remain to be dealt with. One of the main issues is that created by the formation of the UNFC in February 2011. At the beginning of November 2010 shortly after the election, three ceasefire groups, the KIO, the New Mon State Party (NMSP) and the SSPP/SSA and three non-ceasefire groups, the Karen National Union (KNU), the Karenni National Progressive Party (KNPP) and the Chin National Front (CNF), announced the creation of an organising committee, the Committee for the Emergence of a Federal Union (CEFU), to consolidate a united front at a time when the ceasefire groups faced perceived imminent attacks by the Burma Army. At a conference held from the 12-16 February 2011, CEFU declared its dissolution and the formation of the United Nationalities Federal Council (UNFC). The UNFC, which was comprised of 12 ethnic organisations¹, stated that:

The goal of the UNFC is to establish the future Federal Union (of Burma) and the Federal Union Army is formed for giving protection to the people of the country.²

Shortly after, wide-scale conflict occurred throughout areas controlled by the SSPP/SSA and a number of their bases were lost to the Burma Army. Then in June the KIO ceasefire broke down and the conflict continues to this day. The formation of the UNFC had occurred at a time of increasing uncertainty in relation to how the new Burmese Government would settle the ceasefire group issue. Consequently, the creation of a broad-based alliance enveloping both ceasefire and non-ceasefire groups was a reasonable move.

The political leadership of the alliance originally fell on the KNU with KNLA Commander-in-Chief General Mutu announced as Chairman and KIA commander Lt. Gen. Gauri Zau Seng as Vice Chairman No.1, KNPP's Khun Abel Tweed as Vice Chairman No.2 and the NMSP's Nai Hongsa as General Secretary. The creation of the UNFC occurred while a number of other ethnic alliances still remained. The National Democratic Front, formed in 1976, still contained members of armed ethnic groups, the NCUB was still active, and the five-party military alliance was still active, the latter was the reason given by the SSA-S for not joining the UNFC.

Despite the fact that Gen. Mutu was ostensibly chairman, the UNFC's policies have been mainly driven by the KIO and the NMSP. The Central Executive Committee was reformed in May and it was announced Lt. Gen. N'ban La

Awng of the KIA would take over as Chairman and Gen. Mutu would be commander of the Federal Union Army (FUA). Leadership changes were made once more at a meeting in November 2011, Gen. Mutu was replaced by Maj. Gen. Bee Htoo of the KNPP as C-in-C and Brig Gen Gun Maw of the KIO was appointed as Deputy#1. It was announced that the Federal Union Army had been formed at a meeting held on the 16-17 December 2011. According to its Circular #1 / 2011, the Federal Union Army's aims and objectives are:

- To defend the Union
- To achieve peace
- To restore democratic rights and fundamental rights of the people
- To struggle for Equality and Right of self Determination
- To oppose human rights violations and war crimes committed by some elements of the Burma Army
- To serve as a rally point for Burma Army members who wish to stand by the people
- To become a part of the armed forces of the future federal union³

The circular also designates the following as allies: Arakan Liberation Army (ALA), All Burma Student Democratic Front (ABSDF), United Wa State Army (UWSA), National Democratic Alliance Army (NDAA) and the Shan State Army (SSA) 'South'. The latter three have already made peace agreements with the Burmese government and the future role of the ABSDF, in light of Aung San Suu Kyi's release and the reregistration on the NLD, remains somewhat vague. This would leave the Arakan Liberation Party which is largely responsible for the continuation of the NDF.

While the Burmese government has resisted UNFC calls for dialogue with it, recent comments made by Khun Okker of the Pa-O National Liberation Organisation suggest that this may change in the future.⁴ However these comments, made late December 2011, occurred prior to the CNF's agreement in January and those of the KNU and NMSP, and consequently may make such talks unnecessary.

THE KIO AND THE NEW PARADIGM

The Kachin Independence Organisation continues to remain steadfast in its call for a political dialogue prior to ceasefire despite most of its closest allies signing agreements with the Government on what they consider to be reasonable terms. In its 19 January 2012 three-stage proposal⁵ the KIO outlined the following before it would agree to any ceasefire:

1.
 - a) Both sides must agree to discuss further talks
 - b) Both sides should be willing to engage in a political dialogue
 - c) Both sides should release information about the talks to the people
 - d) Both sides should avoid criticism and untruthful accusations
 - e) Both sides should agree military positions to avoid further conflict
 - f) Both sides should release prisoners captured in the conflict
 - g) Liaison offices should be set up
 - h) The public should be informed

2.
 - a) A Second Panglong Conference must be held
 - b) An agreement should be made at the conference to adopt the basic principles for the country
 - c) Destroyed Villages must be rebuilt and compensated
 - d) Further talks should be held

3. All agreed principles should be recorded and implemented by the Government, intellectuals, and appointed individuals.⁶

However no response has been received, and talks continue. In an attempt to prevent the continuing conflict, President Thein Sein issued an order in December that Burmese army units cease all offensives in Kachin State except for defensive purposes. Additionally the government also allowed the UNHCR, UNICEF, and UNOCHA, access to refugees in areas under the KIO's control.

Despite such moves, however, the conflict continues. The refugees continue to face hardship and the Burma Army continues to move troops into areas around KIO territory and human rights abuses continue unabated. Fighting continues frequently and a number of KIO bases have been lost. A number of analysts have suggested that this may show a rift between the Thein Sein government and the army controlled by Min Aung Hlaing. However, as yet, there is little evidence to support this, and such outbreaks of fighting would not be uncommon in a conflict zone where only one side has been told to cease fire.

What remains unclear now however, is the difference between what groups like the SSA-S, UWSA, NDAA KNU, NMSP and CNF have agreed to, and what now the KIO continues to fight for. The Myitsone dam project has been suspended and the Border Guard Force program is no longer an issue. An agreement now would return them to a similar situation prior to the outbreak of hostilities, and while this may not have been mutually beneficial, new concessions made by the government do suggest at least some understanding of what is necessary to achieve peace.

The situation for ethnic resistance has changed markedly over the last year, and while there is still some way to go in building up a high enough level of trust between the government and the ethnic groups, the continuation of war is hardly likely to support such an endeavour. The KIO and the NMSP have had previous experience of dealing with a Burmese regime before, and there is little doubt that they were treated more than unfairly, what remains true now though, is the fact that the Thein Sein government has embarked on a number of previously unheard of concessions in relation to its dealings with the ethnic groups. Consequently, this has led to a number of previously wary groups, including the NMSP, accepting the government's initiatives.

It is likely that remaining groups will accept the government's offers, therefore leaving the KIO without allies and seeming intransigent in the face of a government that many are placing a lot of faith in. In such a situation, it is the KIO, despite the conflict and the accompanying abuses that will be placed in a weaker position.

MAIN CAUSES OF THE BREAKDOWN OF THE CEASEFIRE AGREEMENT

The KIO has consistently rejected the regime's attempts to transform its armed wing into a Border Guard Force which would place its forces under the direct control of a Burma Army commander. Other Kachin ceasefire groups have agreed to the request: the National Democratic Army – Kachin (NDA-K) and Lasang Awng Wa, were formed into Home Guard Force Battalions 1001, 1002, and 1003, and the Kachin Defence Army (KDA) became HGF Battalions 1009 and 1010 also known as the Khawngkha militia. However, the KIO proposed transforming its armed forces into a Kachin Regional Guard Force still under its own control. The proposal was rejected by the regime and it soon became clear that despite further negotiations, the Burmese government was not prepared to compromise. Consequently, the regime declared on 1 September 2010 that:

. . . [it] would deal with KIO as it did before [the] cease-fire agreement in 1994, the communication and cooperation between the KIO and [the] Myanmar government have halted.⁷

Tensions between the Kachin and the Burma army rose throughout the beginning of 2011, especially in relation to the number of Burma army units that were being situated around Kachin territory. This, combined with a Burma Army offensive against the former Shan State Army – North, exacerbated an already tenuous relationship between the two sides. It was quite apparent that the newly elected Burmese government, and especially the Burma Army, would have to neutralise the Kachin resistance movement for it to claim legitimacy and secure lucrative investment projects. The only question that remained would be when.

In May 2007, Burma's government signed an agreement with China Power Investment Corporation for the implementation of seven large dams along the Irrawaddy, Mali, and N'Mai Rivers in Kachin State. The largest is the Myitsone, located at the confluence of the Mali and N'Mai Rivers at the source of the Irrawaddy. It is estimated that the dam will impact millions of people downstream who depend on the Irrawaddy for agriculture, fishing, and transportation, and will also destroy the confluence - a location believed sacred to many Kachin.

According to the environmental group Burma Rivers Network:

Over 60 villages, approximately 15,000 people, will be forcibly relocated without informed consent for the Myitsone Dam alone. Families from six villages have already been forced to move and are currently suffering in a relocation camp.⁸

Local opposition to the construction of the dam has been fierce and in April 2010 a series of bombs exploded at the construction site Killing four Chinese workers, injuring 12 others, and destroying several temporary buildings and vehicles.

On the 16 March 2011, the Kachin Independence Organisation sent a letter addressed to the Chinese Premier, Hu Jintao, stating that it had:

. . . informed the military government that KIO would not be responsible for the civil war if the war broke out because of this hydropower plant project and the dam construction.⁹

Despite such entreaties, work continued and the Burma Army continued to strengthen its forces in areas around Kachin territory.

THE BEGINNING OF HOSTILITIES

The first provocation by Burmese forces occurred on the early morning of 17 May 2011. The Burma Army's Light Infantry Battalion (LIB) 320 fired three 75 mm mortar rounds close to the KIA's Battalion 25 HQ, KIA Brigade 5 at Dum Bung Krung, west of the Taping River which is home to a number of hydropower projects, in Manmaw (Bhamo) District. Shortly after, it was reported that Burma Army troops had been deployed around KIA Battalion 1 and Brigade 3 in Mansi.¹⁰

On 18 May 2011, in reaction to the attack and further Burma Army troop deployments adjacent to KIA bases, the KIO issued a directive to the Burma Army to withdraw from around its base areas by 25 May 2011. With no immediate withdrawal noted, on the 27 May 2011 a small skirmish took place between KIA Battalion 27 and government forces near Mansi Town, although no casualties were reported.

With the deadline ignored and what appeared to be no compromise in sight, forces from both sides were prepared for the worse but were able to maintain an uneasy peace until fighting broke out on 9 June 2011. The day before, 8 June, a Sergeant from Light Infantry Battalion 437 and a police private were found inside KIA territory. Although

the Sergeant was able to flee, the police officer was detained by KIA Battalion 15 troops. Shortly after, on the same day, a Captain and a Lieutenant were also found and held.¹¹ The commander of the Burma Army's Northern Military Command contacted the KIA demanding the release of those being held and ordered more troops to be deployed in KIA areas.

On 9 June 2011, Burmese troops of Battalions 437 and 348 started firing on the KIA outpost in Sang Gang village and arrested a KIA Liaison officer Lance Corporal Chyang Ying. The KIA ordered its Battalion 15 troops not to return fire and to withdraw from the area and go back to their Busan HQ¹², however this was then attacked by Burmese troops forcing the KIA to engage the attackers. A temporary ceasefire was finally negotiated the same day after the Burma Army's Northern Military Commander contacted the KIA and told them that if the Burmese detainees were freed he would release all KIA held personnel. Although no KIA soldiers were released, the Burmese army did admit that Chyang Ying:

. . . was dead from excessive bleeding due to the wound sustained in the battle field.

But, as the Kachin Independence Army noted in its 20 June 2011 statement, such an occurrence was unlikely as:

Actually, he was arrested at Sang Gang Liaison Office and not at the battle field. It is obvious that the Burma army troops reported to their superior with false information.

Despite the resumption of hostilities, the Commander of the Burma army's Moemaik Tactical Command, Colonel Aung Toe, requested that he, and his unit, be allowed to enter KIA territory on his way to Tapaing Hydropower Project for his regular inspection, a request that was granted by the KIO Headquarters. Although the Burma Army had failed to release any KIA detainees, they did finally release the body of Lance Corporal Chyang Ying, but, according to the KIA, it soon became evident that:

As we inspected the body, we found that he was killed by torture inflicted upon his body by the Burma army.¹³

The Northern Military Commander then informed the KIO HQ that Colonel Aung Toe and his troops would now be stationed at the Tapaing Hydropower Project and that all KIA troops had to withdraw from the area including the Busan Post by noon, 11 June 2011. In addition, the Burma army reinforced its troops in the area with more soldiers from Light Infantry Battalions Nos. 320, 348, 387, 321, Infantry Battalions Nos. 237, 236, 74, 21, 105, 141, and 37. As the KIA was not prepared to withdraw from Busan, the Burma Army launched a concerted attack against the Busan outpost before finally occupying it on 12 June 2011.

The 12th of June also saw the closure of the last KIO liaison office in Myitkina and the evacuation of the offices of the KIO's Buga company which had supplied essential electricity from its Mali Hka River hydropower plant to the towns of Myitkina and Waingmaw since late 2006.

The KIA seemed initially to try and avoid heightened conflict with the Burma Army and refrained from sending further reinforcements to support KIA battalion 15. As La Nang, a KIO Central Committee member noted:

We've ordered our battalions to resist the government attacks. Their offensives are beyond the limit of our patience. During the past two days, we did not send reinforcement to Battalion 15 because we don't want the fighting to spread. We remained patient...We tried to halt the fighting as much as we could, but they have launched a major offensive. We don't want war. We have to defend ourselves, but we don't like fighting.¹⁴

Despite such attempts however, fighting continued to rage throughout the dam areas resulting in the evacuation, by the KIA, of over 200 Chinese workers from the dam site. By the 14 June, the project had ceased to function causing ‘...a great loss to the State and the people.’¹⁵ According to the Regime, which had been increasing its troop deployments in Kachin areas throughout the latter part of 2010, the reason for the renewal of hostilities was:

Tatmadaw counterattacks on KIA just to protect its members, nation’s important hydropower project without even a single intention of aggression or oppression.

The conflict soon spread to other Kachin areas including the No1 Dam in Shweli in Northern Shan State and at Sinbo. In total it was estimated that by the 18 June 2011 over 9000 people had been forced to flee their homes and many were being sheltered by the KIO at their KIO headquarters in Laiza. With the offensive intensifying, a number of human rights abuses by the Burma Army soon emerged including the rapes of 18 women and girls, forced portering and execution.¹⁶

In an attempt to further prevent Burma Army attacks the KIA began to target infrastructure projects and it was estimated, by the Burmese regime that:

In response to the attack of the Tatmadaw, KIA blew up nine bailey bridges, 10 RC type bridges, four concrete bridges, two wooden bridges, altogether 25 bridges, which are of importance in transportation of Kachin State, from 14 to 16 June. Such destructive acts of KIA severely harm interests of the region and the nation, destabilizing tranquility of local people and seriously damaging transport facilities.¹⁷

By the end of January 2012, it was reported that over 55,000 people had been displaced and were staying in a number of refugee camps along the Chinese border (see map). While the number of incidents of conflict has been reduced, there are still sporadic clashes being reported daily.

CONCLUSION

The previous agreement with the Kachin Independence Organisation occurred only after a ceasefire was first put in to place and it was hoped that they could put forward a political solution via the National Convention. This, however, did not occur and any attempt by ethnic groups to put forward their proposals was rejected. Consequently the KIO, after 17 years of negotiated peace, found its influence gradually eroded and its areas of control exploited by the then Burmese regime. It is not unexpected, therefore, that at the current time it remains cautious in its negotiations with the current government and insists on a political solution prior to it ending hostilities.

The Cost of Conflict

55,000 The Number of IDPs and Refugees

83 The Number of IDP Sites and Refugee Camps

51 The Number of Schools Closed

7,872 Number of Student;s Affected by School Closures

3,153 The Number of IDP/Refugee Children Receiving Education

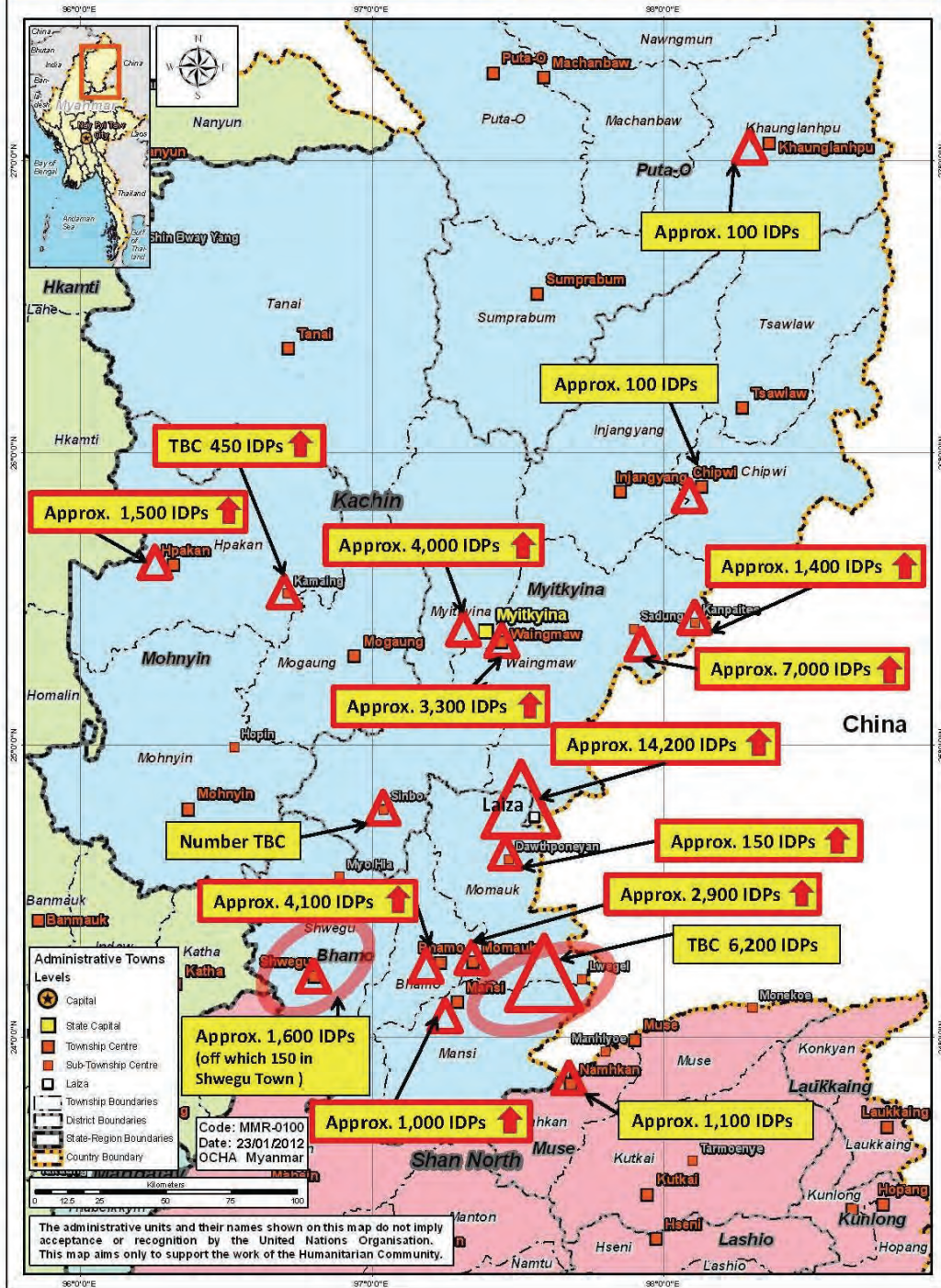
130 The Number of Burma Army Battalions Deployed

703 The Number of Clashes

Source: UN - OCHA Monthly Humanitarian Update (December 2011/January 2012), ‘A New Paradigm of Ethnic Armed Conflict in the Kachin Region’, Ja Nan Lahtaw

Therefore, the KIO is faced with a great dilemma. It can either continue its political stance based on its previous experiences of dealing with former governments or, like the other groups, trust in the fact that the new government is genuinely interested in addressing the ethnic issue and bringing peace and stability to the country. While the former choice may be preferable, failure to choose the latter may eventually see the KIO isolated not only from those groups that have now made agreements, but also from an international community that is eager to see political reforms and democracy brought to the country.

Reported IDP figures, Kachin, Status 19 Jan 2012, various Sources 



NOTES

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- ¹ Chin National Front, Kachin Independence Army, Kachin National Organisation, Karen National Union, Karenni National Progressive Party, Lahu Democratic Union, National Unity Party of Arakan, New Mon State Party, Palaung State Liberation Front, Pa-O National Liberation Organisation, Shan State Progress Party/Shan State Army, Wa National Organisation
- ² 'Statement of Expanded Meeting of the Political Leading Board and Central Executive Committee of UNFC', 14 May 2011
- ³ 'UNFC: Federal Army formed, better late than never', SHAN, 23 December 2011
- ⁴ 'Regime ready to meet UNFC now' SHAN, 26 December 2011
- ⁵ The proposal was in response to a letter received by the KIO from the President's Office on 12 December 2011
- ⁶ Unofficial translation
- ⁷ 'KIO warns China: Myitsone Dam could spark 'civil war'', Thomas Maung Shwe, Mizzima, 20 May 2011
- ⁸ <http://www.burmariversnetwork.org/dam-projects/irrawaddynmimali.html#5> accessed 28 June 2011
- ⁹ 'KIO warns China: Myitsone Dam could spark 'civil war'', Thomas Maung Shwe, Mizzima, 20 May 2011
- ¹⁰ 'Civil war close between the KIA and Burmese Army', KNG, 18 May 2011
- ¹¹ 'Tatmadaw columns inevitably counterattack KIA troops for their threats and armed attacks', New Light of Myanmar, 18 June 2011
- ¹² Also spelt as Bum Sen
- ¹³ 'Unofficial translation of the KIA press release', <http://pfb-japan.org/wp-content/uploads/2011/07/Unofficial-Translation-of-KIA-Press-Release-June-20-2011.pdf>. Accessed 7 June 2011
- ¹⁴ 'Kachin armed group gives ultimatum to government to stop offensives', Phanida, Mizzima, 14 June 2011
- ¹⁵ 'Tatmadaw columns inevitably counterattack KIA troops for their threats and armed attacks', New Light of Myanmar, 18 June 2011
- ¹⁶ 'Reported rape incidents by Burma Army during offensive in Kachin area', Kachin Women's Association Thailand
- ¹⁷ 'Tatmadaw columns inevitably counterattack KIA troops for their threats and armed attacks', New Light of Myanmar, 18 June 2011