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A Problematic policy

The continued use of Militias in Shan State

On March 26, the Tatmadaw abolished one of its local proxy armies, the Khawngkha militia, amid accusations that some of its leaders were involved in the illegal drugs trade, or had failed to inform the authorities about drug trafficking in the area.[1]

Since the 1950s, various Myanmar Governments have officially created and sanctioned the operations of militia forces in the county's ethnic states. These groups have been used primarily as a military force to fight against ceasefire and non-ceasefire ethnic groups, to control the lives of ethnic populations, and to further secure the country's border areas. These militias quickly became notorious for taxing the local population, drug trafficking, illegal gambling, and a wide variety of human rights abuses.

They have been allowed to do this with the express permission of local military commanders who have themselves allegedly earned money from the variety of illegal activities that the groups operate. Article 340 of the 2008 constitution states that:

> With the approval of the National Defence and Security Council, the Defence Services has the authority to administer the participation of the entire people in the Security and Defence of the Union. The strategy of the people's militia shall be carried out under the leadership of the Defence Services.

The Kawngkha Militia had previously been the 4th Brigade of the Kachin Independence Army and was based out of its headquarters at Kawngkha, eight miles east of Kutkai, and was responsible for a largely Kachin area north of Lashio town.

It opened a number of refineries in the area and was responsible for the transhipment of heroin north to the border of Manipur State. In addition to its narcotics involvement, it also derived some of its income by operating a number of gambling dens.[2]

In 1991 it signed a ceasefire with government forces before becoming a People's Militia Force (PMF) in 2010. The Myanmar Army had attempted, unsuccessfully, to get the KDA to surrender all of its weapons in May 2010 after Yaw Chang Fa, the KDA treasury official and Bang Hpik village military officer was involved in a shootout with Police and Special Branch. Yaw Chang Fa and his troops had opened fire on the officials on the road between Mung Hawm and Bang Hpik villages when they illegally arrested villagers from Bang Hpik and took them to Mung Hawm police station. Six were shot dead, seven fatally injured and three were detained. Consequently, more than 300 Myanmar soldiers from Infantry Battalion No. 45, No. 241 and No. 242 from Kutkai Township surrounded the KDA's Kawngkha HQ. and asked for Yaw Chang Fa to be handed over. Yaw Chang Fa and a number of KDA troops fled.

According to a Tatmadaw press briefing, the Myanmar military had been aware of

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> . . . the seizures of arms, ammunition, narcotic drugs and precursors in the surrounding areas of Kaungkha village and other villages in the area from 2018 to 26 March 2020.[3]

According to media reports on 1 April 2020, the Tatmadaw said it seized K48 billion worth of drugs in Kaungkha village but did not know who owned them. On 6 April 2020, K18 billion worth of drugs was seized in Lwekham village, and troops were looking for U Law Yon, who was believed to be the owner. They seized 8.24 million stimulant pills with the WY label, 420,000 stimulant pills with the 88/1 label, 5 kilograms of morphine powder and 5kg of raw opium.[4]

The Tatmadaw had started the search for illegal drugs in Kutkai on 28 February 2020, after receiving a tip-off about drug manufacturing in the area.[5]

U Zaw Yun, vice president of the militia, denied that his group was involved in illegal drugs while another militia leader said the precursor chemicals for the drugs had come from China via the Pyitaungsu Road, which is controlled by the military, telling media, "So they are responsible . . . We are scapegoats because the news of huge drug seizures is too important."[6]

It remains unclear as to the reasons why, after being aware of the militia's involvement in the drug trade, the Myanmar military decided it would act to disband it at the time it did. As noted the authorities were aware of the militia's activities at least from 2018, but most likely a lot earlier than that.

Many other militias operate in the same area and territorial and business disputes often occur. As far back as 2014, a tense standoff occurred between Kawngkha and Pansay militia troops near Old Man Mau village in northern Shan State when about 17 Pansay militia troops led by Kyang Koi Hkying allegedly fired randomly into a roadside gate where several Kawngkha soldiers stop trucks and collect money from traders.[7]

In another, more recent, case in 2015, fighting between the Kawngkha and Manpang militias, resulted in over 40 deaths and scores of injuries, with many casualties arriving at Lashio hospital, until "the North-east Commander ordered them to stop"[8]

While the Kawngkha militia had been a major player in Shan State, perhaps one of the most influential is the Namhkam based Pansay militia. The militia is led by Kyaw Myint who was selected as a USDP candidate of Namhkam for the Shan State Hluttaw.

The militia insists it is funded by its jade mines, cigarette factories and karaoke bars, denying knowledge of narcotics or other illegal activities along the border. Like other Muse based militias, it accepted a deal in 2009 to come under the Myanmar military's control in exchange for a degree of autonomy.[9]

Despite claims to the contrary, the Pansay militia has allegedly been involved in the opium trade which has led to open confrontation between armed ethnic organisations operating in the area. In March of this year, there were reports of clashes between the Pansay militia and the Ta'ang National Liberation Army (TNLA). According to the TNLA, its forces had gone to eradicate opium plantations but were involved in fighting against the militia which was, according to the TNLA, supported by MOC [Military Operations Command] 7 and IB [Infantry Battalion] 202. The TNLA said that they destroyed around 10 acres of poppies, seized more than 350 kg of opium, 40,000

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methamphetamine tablets, 24 rifles, and ammunition and military equipment from the Pansay camps. [10]

Again, this would cause one to query, why did the military, considering the Pansay militia's alleged involvement in the narcotics trade not act against it. Recently the Pansay militia HQ in Muse was attacked by unknown gunmen.

According to the militia, gunmen opened fire using artillery and guns before driving away in cars and on motorbikes. According to media reports,

> One militia member said they did not know why the gunmen came to attack the headquarters but added that the Ta'ang National Liberation Army (TNLA), an ethnic armed group active in the area, came to the headquarters to collect taxes recently.[11]

The TNLA denied any involvement in the attack.[12]

While the dissolution of the Kawngkha militia can be seen as a major step forward, its relevance when other militia groups are allowed to continue in a similar vein is somewhat questionable.

The Myanmar military's complicity in allowing militias to operate in areas where the army itself could operate with at least a degree of proper accountability needs to be addressed. The militias continue to to be a burden on the local population and are reportedly involved in the narcotics trade and money laundering.

If the Myanmar government wants to be seen to be upholding the rule of law the use by the Myanmar military of militias needs to be questioned and re-evaluated. As part of the peace process and Nationwide Ceasefire Agreement, armed ethnic organisation are prohibited from taxing or being a burden on the local population. If this is to be the case then the same should apply not only to the Myanmar military but the militias it controls.

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Endnotes

[1] Local sources suggest that some members of the militia have been seen in Muse, Shan State, while some mountain bases still remain occupied by Kawngkha militia troops. Email correspondence with Myanmar political observer 28 May 2020.
[2] http://www.shanland.org/drugs/2005/Gamblers/ accessed on 28 June 2007
[3] https://www.globalnewlightofmyanmar.com/tatmadaw-true-news-team-holds-press-conference-in-nay-pyi-taw-2/ accessed 12 May 2020
[4] https://www.mmtimes.com/news/tatmadaw-seizes-over-288m-drugs-shan.html
[5] Ibid.
[6] Ibid.
[7] https://www.kachinlandnews.com/?p=24290, accessed 12 May 2020
[8] [8] https://www.crisisgroup.org/asia/south-east-asia/myanmar/299-fire-and-ice-conflict-and-drugs-myanmars-shan-state, accessed 12 May 2020
[9] https://www.bangkokpost.com/world/1621118/muse-myanmars-militia-run-billion-dollar-gateway-to-china, accessed 12 May 2020
[10] https://www.bnionline.net/en/news/tnla-militia-clash-during-anti-drug-campaign-northern-shan-state, accessed 9 May 2020
[11] https://www.irrawaddy.com/news/burma/gunmen-attack-govt-militia-china-myanmar-border.html, accessed 9 May 2020
[12] Ibid.