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## Flouting the Ceasefire

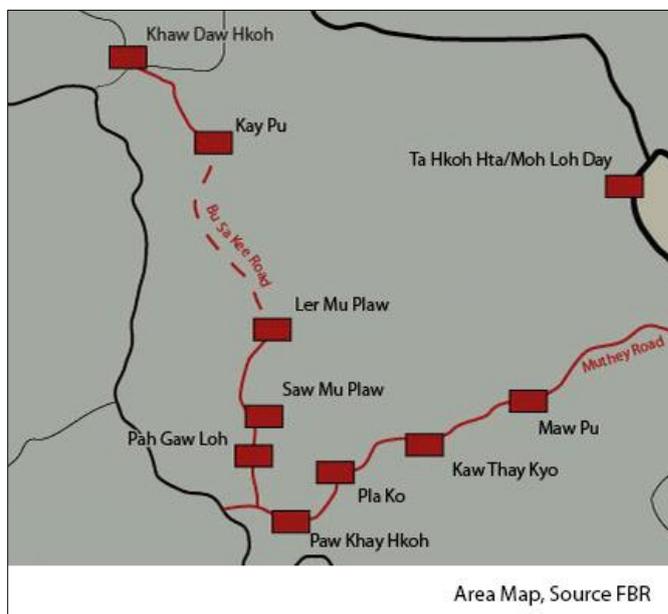
### Tatmadaw incursions in Karen State

The Karen National Union (KNU), alongside the Restoration Council of Shan State (RCSS), were instrumental in encouraging a number of Ethnic Armed Organisations (EAOs) to sign Myanmar's Nationwide Ceasefire Agreement on 15 October 2015. It was the actions of these two groups and the positions they have held within the armed ethnic resistance movement that allowed for the peace process, no matter how flawed it may be, to move forward.

That said, however, despite their support for the process and the current government's efforts, through the Union Peace Conference, to secure a more permanent peace, both groups have found themselves attacked by the Myanmar military, the Tatmadaw. While such skirmishes were expected initially due to little official demarcation of territory and a lack of conflict solving mechanisms,<sup>1</sup> one and a half years later it would appear the Myanmar military is selectively applying the NCA in areas where it operates.

Most recently the Tatmadaw has attempted to exert its influence further into the KNU controlled 5<sup>th</sup> Brigade area of Mutraw (Papun) resulting in human rights abuses, displacement and the unlawful killing of a local environmental activist.

#### The Bu Hsa Kee Road



The main reason given for the incursion was the reconstruction of an all-weather road, the Bu Hsa Kee Road, connecting the Myanmar military camps at Ler Mu Plaw and Kay Pu. The original road had been built during the Tatmadaw's offensives in 2006 and 2007, Tatmadaw soldiers had the north-south road built to connect their camps, and many small security outposts were built at intervals along the side of the road.

According to Free Burma Rangers, roads built by the Myanmar Army served three purposes in the projection and expansion of Myanmar army power and control in Karen State, namely,

1. To resupply and connect camps
2. To more rapidly launch offensives and patrols and
3. To compartmentalise and isolate ethnic communities to better be able to control them within a network of roads and camps.<sup>2</sup>

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Due to continued resistance by the KNLA, the Bu Hsa Kee road was cut in two between Kay Pu Camp to the north and Ler Mu Plaw Camp to the south. While the Burma Army attempted to rebuild this road after the ceasefire, the KNLA resisted the construction and the road remained used by troops but impassable for vehicles

The Tatmadaw now seeks to rebuild and upgrade it so that it can connect the two military camps and as a result, six Tatmadaw battalions comprising over 600 soldiers entered the area on the 4 March resulting in a number of minor skirmishes with the KNLA up until 8 March.<sup>3</sup> By 8 March, over 1,500 villagers, who had only returned to the area over the last two years due to security fears,<sup>4</sup> had fled from at least 15 villages in Ler Mu Plaw and Kay Pu village tracts.<sup>5</sup>

According to Joint Monitoring Committee - Union (JMC-U) secretary (2) Col. Wunna Aung,

Our front-line headquarters are in Ler Mu Plaw and Kay Pu, and we are arranging to stockpile provisions before the rain starts. In order to do this a road for vehicles to transport the provisions had to be built. There are about eleven Kayin villages between Kay Pu and Ler Mu Plaw. After sending the provisions, Tatmadaw (vehicles) will return to their own places. The existence of a road would be very beneficial for regional development. It will permit motorcycle transport. But the other side is concerned by what we'll do with this road. On the one side, regional development and good administration is required. It means we need to coordinate more...It is decided for Tatmadaw, KNU and KNLA leaders to meet in Kyaukkyi.<sup>6</sup>

Initial media reports had stated that the Tatmadaw initially clashed with Home Guards, formed by local Karen ethnic villagers. According to Saw Eh Kalel an official of KNU Brigade 5,

[Karen] villagers formed groups, on their own, which they call Home Guards, for the security of their villages. They have improvised firearms and maintain regular patrols around their villages. I think the Tatmadaw troops opened fire on them for their security,<sup>7</sup>

Local villagers including Home Guard members then apparently fled after the clash.

According to media reports quoting Colonel Saw Kler Doh from the KNLA's Brigade 5, the Myanmar Army first sent the KNLA a statement telling them they were going to rebuild the road.<sup>8</sup> But, the KNLA replied they would only let them do so once the peace process had improved. He was also quoted as saying,

They arrived on the ground first. Then, they issued a statement saying they sought to rebuild the road. Their main aim is to control our areas. Therefore, they tried to build a road for their military strategy,<sup>9</sup>

According to the report 'The Nightmare Returns' a letter from the Taungoo based Southern Command had already been sent to the KNU HQ and 5th Brigade notifying them of the Myanmar Army's intention to 'repair' the road to service their military camps on the 25th December 2017.<sup>10</sup>

In response to the latest developments, on March 6, the KNLA 5th Brigade wrote a letter to the vice-chairperson of the Joint Ceasefire Monitoring Committee – Union (JMC-U) level stating that the Myanmar army actions were against Chapter 3, Article 8 and Chapter 3, Article 5a of the NCA. The former says,

8. The Tatmadaw and the Ethnic Armed Organizations shall abide by the following provisions governing the free movement of troops:

- a. Free movement of unarmed troops is allowed in all areas except in security restricted areas.

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- b. Movement of armed troops in the areas controlled by the other is allowed only after obtaining prior agreement.

Meanwhile, Chapter 3, Article 5(a) states,

5. The Tatmadaw and the Ethnic Armed Organizations agree to abide by the following troop-related terms and conditions:

- a. Cease the following actions in ceasefire areas: troop movements for territorial control, reconnaissance, recruitment, armed attacks, laying of mines, acts of violence, destruction of property, and launching of military offensives.

It was hoped that the JMC-U would be able to negotiate with both sides to de-escalate the conflict, meanwhile, according to a statement on March 19, residents demanded the Tatmadaw withdraw its military outposts in their areas and called on KNU leaders and the Tatmadaw to give priority to this issue. The residents also demanded the Tatmadaw stop building the road and urged the international community to provide aid to displaced residents.<sup>11</sup>

A meeting between the Tatmadaw and the Karen National Union (KNU) to be held in Kyaukkyi Township, Bago Region was scheduled for March 29-30 but was postponed because the commander of 5th Brigade would not be attending. According to Thamein Tun, KNU Central Executive Committee member,

The reason they gave us is that it was not suitable to have the meeting without the KNLA Brigade 5 commander. They said he has the most authority in the region,<sup>12</sup>

He also said the KNU had decided not to send the Brigade 5 commander because he was not fluent in Burmese and a subordinate went instead. In a statement addressing the issue, released on 2 April, the KNU said the commander was not a member of its negotiation team and that a Brigade 5 major who had been sent to the meeting was. Ta Doh Moo, KNU General Secretary, said that the negotiation team assigned to the meeting had been formed in 2016 to deal with military disputes but had yet to have any formal talks with the Tatmadaw. He added that the seven-member team is led by Brigadier General Saw Eh Kulu Thein of the KNU's Brigade 3. He is also vice chairman of the Bago Regional JMC.<sup>13</sup>

On the JMC's Facebook page, Major General Myat Kyaw, commander of the Tatmadaw's Southern Command and chair of the Bago Region JMC, was quoted as saying that,

the standoff was just a misunderstanding because the Tatmadaw is rebuilding the road started in 2008 for administrative purposes only, not for military operations, and there was no deployment on the hills along the road.<sup>14</sup>

That said, however, the KNU sees the incursion as a military land grab, in contravention of the NCA, which requires further negotiation. In addition, the Myanmar military insists that such disputes be settled by the JMC; however, the KNU maintains that,

The JMC lacks the authority to make the necessary decisions because it is mandated only to monitor and verify ceasefires.<sup>15</sup>

## Unlawful Killing

In response to the displacement caused by the Myanmar army incursion the KNU's Mutraw district authorities set up an emergency response team, the Mutraw Emergency Assistance Team (MEAT) to provide supplies to villagers forced from their homes. It was during one such trip that environmental activist and community leader

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Saw Oh Moo, was shot as he returned home on a motorbike to Ler Mu Plaw on April 5. Saw Oh Moo, had gone to the area to discuss environmental work, after the discussion he decided to return home.

According to the KNU,

Just when he [Saw O Moo] was getting ready to leave, a KNLA soldier from 1st militia Battalion, carrying 4 RPG-7's grenades and 6 boosters, asked if he could get a ride with Saw Oh Moo. Saw Oh Moo agreed and they left.<sup>16</sup>

The KNU statement continues,

As they were approaching Wah Klo Hta, nearby Tee Si Ta field at around 17:20 pm, the KNLA soldier who was riding with Saw Oh Moo, saw the Burma Army (BA), about 8 meters away, on the road positioning to shoot [at] them with their machine rifles. The KNLA soldier swiftly jumped off of the motorbike and fled. Burma Army began to shoot at Saw Oh Moo without any questioning. Saw Oh Moo fell on the spot immediately.

The location where a civilian, Saw Oh Moo, was murdered is a demarcated area where the BA is forbidden to patrol or conduct military activities. It is about 2000 meters (1.24 miles) away from their (BA) Lermuplaw military base,<sup>17</sup>

Not unsurprisingly, the Myanmar military tried to downplay its conduct noting, according to media sources, that,

Tatmadaw troops “shot at two fleeing plainclothes men who were suspected of being involved in sabotage attacks and planting mines,” adding that it “captured one of the men dead.”<sup>18</sup>

There has been no evidence provided to support such an accusation, and the fact remains that neither Saw Oh Moo or the KNLA soldier were acting unlawfully. As per the NCA, the KNLA soldier was allowed to travel with arms in a KNLA designated area, unlike the Myanmar military, and Karen civilians can no longer be stopped or arrested under the Unlawful Associations act for contact with the KNU.

While the Myanmar military continues to maintain that the construction of the road is for the benefit of the people, its actions have shown little regard for the NCA or the local Karen population in general. If, as we move towards another Union Peace Conference, the Myanmar military seeks to build trust in ethnic states then it must follow the NCA to the letter and bring to justice those responsible for the unlawful killing of Saw Oh Moo.

It is incumbent on the JMC-U to ensure that suitable mechanisms are utilised to ensure that both sides follow the rules and regulations laid down in the NCA, failure to do so threatens to see a return to ethnic conflict.

## Notes

<sup>1</sup> According to Saw Mu Heh, KNU 5<sup>th</sup> Brigade Commander, the 5<sup>th</sup> Brigade had told the Army where Myanmar Army troops could operate. See the video 'The Nightmare Returns: Karen hopes for peace and stability dashed by Burma Army's actions', KPSN, April 2018

<sup>2</sup> <http://www.freeburmarangers.org/2013/01/31/northern-mu-traw-district-karen-state-tense-peace-amidst-burma-army-road-and-camp-improvements/>, accessed 16 April 2018

<sup>3</sup> 'Tatmadaw, KNLA in Standoff After Fighting Over Road Rebuilding' Lawi Weng, The Irrawaddy, 13 March 2018

<sup>4</sup> KNU GHQ official, email correspondence April 28,

<sup>5</sup> 'Burma/Myanmar Military Aggression Violates the Nationwide Ceasefire Agreement and Endangers Villagers in Mutraw District, Karen State' KPSN, 9 March 2018

<sup>6</sup> <http://www.globalnewlightofmyanmar.com/tatmadaw-knu-meet-kyaukkyi-engagements-papun-area>, accessed 20 April 2018

<sup>7</sup> 'KNU, Tatmadaw on Alert After Recent Clash', Kyaw Kha, The Irrawaddy, 7 March 2018

<sup>8</sup> The initial letter was sent according to a KNU GHQ official on 2 March 2018, email correspondence April 28,

<sup>9</sup> 'Tatmadaw, KNLA in Standoff After Fighting Over Road Rebuilding' Lawi Weng, The Irrawaddy, 13 March 2018

<sup>10</sup> 'The Nightmare Returns', KPSN, April 2018,

<sup>11</sup> <https://www.bnionline.net/en/news/hpapun-displaced-residents-pray-peace-demand-withdrawal-tatmadaw-troops>, accessed 18 April 2018

<sup>12</sup> <https://www.irrawaddy.com/news/burma/knu-says-army-cancelled-meeting-settle-standoff-missing-delegate.html>, accessed 20 April 2018

<sup>13</sup> 'KNU Still Wants Talks with Military to Settle Standoff After Meeting Postponed', Nyein Nyein, The Irrawaddy, 3 April 2018

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> [https://www.facebook.com/KNLA-GHQ-192600044583929/?hc\\_ref=ARRPS0AgvCUOmh743udhGZXz0on8buCPKYQ4tQNNhwyvX1q7s5VxCdpoGy4wx78cwBo](https://www.facebook.com/KNLA-GHQ-192600044583929/?hc_ref=ARRPS0AgvCUOmh743udhGZXz0on8buCPKYQ4tQNNhwyvX1q7s5VxCdpoGy4wx78cwBo), accessed 13 April 2018

<sup>17</sup> Ibid.

<sup>18</sup> <https://www.irrawaddy.com/news/burma/tatmadaw-claims-killed-karen-community-leader-plainclothes-fighter.html>, accessed 23 April 2018