

# ***Ka Kwe Ye* to Border Guard Force: Proxy of Violence in Myanmar**

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## **Abstract**

Militia has been playing a crucial role in supporting the *Tatmadaw* in doing its duty, particularly domestic security role. Burmese authority formed the *Ka Kwe Ye* (KKY) in the 1960s to combat the ethnic insurgents and later the communist rebels in the country. In 2009, the State Peace and Development Council (SPDC) of Myanmar formulated the Border Guard Force (BGF) programme to include formally former ethnic insurgents into *Tatmadaw*'s structure. Study on government-sponsored militia in Myanmar is mainly still underdeveloped, though previous discussion on the internal armed conflicts in the country occasionally included a brief discussion on the role of the militia in conflicts. Furthermore, existing literature provided little discussion on government-sponsored militia utility in the post-democratization period, though studies on civil war and post-conflict circumstance have been extensively done. This article elaborates KKY and BGF in order to identify the use of government-sponsored militia in Myanmar. The paper argues that Myanmar political liberalization and incorporation of government-sponsored militia into the official structure of military failed to diminish the use of the auxiliary force as proxy of violence.

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After the end of the Cold War, the world has been witnessing an intensifying trend of diversification of security threats with the emergence of non-state actors. The conception of security was also undergone a dramatic change, moving from state-focused into a much broader scope and including security of individuals in the form of human security concept.<sup>1)</sup> The growing use militia emerged in the midst of this situation. Militia became a buzz word in the post-Cold War period due to its massive role in various conflicts across the globe. Militia has been playing a crucial role in supporting Myanmar military (*Tatmadaw*) in doing its duty, particularly domestic security role. The use of militia itself in Myanmar was not only monopolized by the authority, as ethnic rebels utilized it as well. Burmese authority formed the *Ka Kwe Ye* (KKY), literally means 'defence', in the 1960s to combat the ethnic insurgents in the Shan State and later the communist rebels in the area. In 2009, the State Peace and Development Council (SPDC) of Myanmar formulated the Border Guard Force (BGF) programme to include formally former ethnic insurgents into *Tatmadaw's* structure. Since then, the BGF has been working side by side with the *Tatmadaw* to impose stability both in the conflict areas and in the peripheral regions. The arrival of political liberalization through the general elections in 2010 and the end of SPDC in 2011 signed a start of change, at least the country's political stage. However, the military is practically still enjoying an enormous power and privileges due to the ratification of 2008 Constitution. The constitution guaranteed the autonomy of *Tatmadaw* as well as its political influence, through automatic cabinet positions and parliament seats.<sup>2)</sup>

Study on militia in Myanmar is mainly still underdeveloped, though previous discussion on the internal armed conflicts in the country occasionally included a brief discussion on the role of the militia in the brawls (Smith, 1991; Lintner, 1994; South, 2008; and Lintner & Black, 2009). John

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1) See (UNDP, 1994) for the emergence of human security concept.

2) For further study on the *Tatmadaw* and political liberalization in Myanmar see (Taylor, 2015; Egretreau, 2016).

Buchanan (2016) provided an extensive description on the role of the militia in the country. Several reports from human rights advocates<sup>3)</sup> and NGOs also offered a great information on the involvement of militias in the drug trade and repressions in the conflict areas.

Generally, lack of authority became the culprit that caused militia doing illicit activities. As a result, putting the force under government's control is a suitable answer for the issue. The arrival of democratization meanwhile is hoped to facilitate the reform. Although the introduction of BGF catered a clearer situation on who wields the authority over paramilitary forces in Myanmar, the circumstance did not ensure those militias act lawfully. Instead of doing so, illegal activities and violence persisted in the rural and conflict areas. Why the formation of Myanmar's BGF failed to restrict felonious acts of those militia? The incorporation of militia into the official structure also did not ensure it acting lawfully. In fact, the case of Myanmar displayed the inclusion served as another political tool for the military.

The use of militia represented an outsource of violence by the authority to achieve its objectives. Such strategy often ended up in human rights abuse which consequently jeopardized the state of human security. Interestingly, militia utilization was seen as a gizmo for dodging accountability of who is responsible for violence (Carey, Colaresi, & Mitchell, 2015). Then how did the BGF case affect human security in Myanmar, particularly in the conflict-ridden area where many of these militias residing? Has the formation of BGF alleviated human security issues?

To elaborate the argument, this paper employs KKY and BGF which have been well known for having ties with the *Tatmadaw*. The examination of these two groups allows us to pursue two-pronged objectives. First, we can see the transformation of the use of militias in Myanmar. The next target is to discuss the impact of the country's democratization to relations between Burmese military and militias, notably BGF. Then, we can also draw some propositions of which will be useful to understand the use of militia following regime change. The discussion in this paper starts with a brief elaboration on the conceptual framework to shed a light on the *raison d'être* and role of the government-sponsored militias. The following

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3) Some of the most notable group is Karen Human Rights Group (KHRG) and Shan Herald Agency for News (SHAN).

section examines the militia in Myanmar through the case of KKY and BGF. The last part will be the conclusion for this study.

## **GOVERNMENT-SPONSORED MILITIA: PROXY OF VIOLENCE**

The use of violence in the past decade was no longer monopolized by the state as it was also done by other non-state actors, notably militia, with conventional military seemed to be no longer at the centre of the stage (Kaldor, 1999). Militia played crucial roles in many civil wars since the Cold War (Jentzch, Kalyvas, & Schubiger, 2015). Starting from about a half century ago, the government started to deploy and sponsor militia to boost their chance of winning in civil wars. This so-called pro-government militias wielded roles ranging from minimizing the cost of counterinsurgency, improving access to local knowledge, extending reach to rural area, and boosting the government's legitimacy as if it has a broad base of public support (Stanton, 2015). In addition, they could act as a force multiplier for the military, particularly when the army is in a weak condition to maintain security (Eck, 2015). The auxiliary troop's vast local knowledge turned into its primary capital.

On another note, militia employment in civil wars reflected the outsourcing of the use of violence to non-state actors by the state which often led to law violation. The utilization might sign an attempt to avoid accountability of who is responsible for violence (Carey, Colaresi, & Mitchell, 2015). The intensifying use of militia by the government thus signified the increase risk of state-sponsored repression or human rights violations (Mitchell, Carey, & Butler, 2014). According to Morris Janowitz (1977), paramilitary utilization displayed the goals, aspirations, and organizational effectiveness of the elites who manage them. Government's penetration to the local levels, urban and rural, could be seen through dissecting this force of suppression (Janowitz, 1977, pp. 6-7). Such penetration by the use of violence turned out to be an imperative political power for military regimes and regimes dependent on military forces (Janowitz, 1977, p. 20).

A study from Ariel I. Ahrum (2011) revealed some characteristics of militia usage by comparing Southeast Asian countries and Middle Eastern countries. The study found the intensity of poorer countries in using militia is higher than wealthier countries. Furthermore, states with intense ethnic polarization were likely to use militias rather than other countries.

Ahram's study did not unveil strong correlation between democracy and militia deployment. The continuation of the usage of militia by the government is vary as it depended on the length of the conflict and the outcome of the brawl. In protracted conflicts, government-sponsored militias tend to disperse faster in a protracted conflict according to a research by Huseyn Aliyev (2018) through large-N method analysis. In addition, the research exposed conflicts culminating in cease-fire or low-level insurgency are likely to produce pro-government militias' survival after civil wars end. Government's future plan to re-deploy those militias in case the dormant conflict heightens presented a strong incentive for such decision.

The above discussion indicates that the use of militia is closely associated with authoritarian period, particularly when the military is the *primus inter pares* in the political stage. Limited sources forced the regime to outsource violence to other party. These literatures however did not cover militia usage in the time following democratic change. The arrival democratization set a new political environment and set of rules that ideally demanded degree of reform. Accountability is one of the crucial elements that must be adopted in democracy. The case of Myanmar nevertheless serves an intriguing scene. The democratic transition in the country itself did not entirely curtail military domination in politics. *Tatmadaw* still holds a considerable political influence, though not the decisionmaker. This provides a unique nuance for the practice of deploying militia as an auxiliary force for the military. The Burmese military itself is familiar with the use of militia. We will discuss further about militia in Myanmar below.

## MILITIA IN MYANMAR

In the case of Myanmar, the use of militia in conflict by the authority is not an alien concept. John Buchanan in his Asia Foundation report in 2016 divided three types of militia that are under *Tatmadaw*'s supervision. The first type is *Tatmadaw*-integrated militias. This type refers to those militias that are incorporated into the military's command structure, both former pro-government militias and former anti-government militias, in the form of BGF. The second type is *Tatmadaw* non-integrated militias. The militias under this type are not directly integrated into the military, but *Tatmadaw* still supervises them, in example breakaway factions of

Ethnic Armed Organizations (EAOs). The next type is *Tatmadaw*-supported community militias. These militias were recruited from the local population, smaller than the previous two categories, and unarmed or armed with a few weapons, though local *Tatmadaw* units trained and supervised them (Buchanan, 2016). Below we will examine the use of militia by the Burmese government and the changing role of militia through the case of KKY and the BGF. These two forms of government-sponsored militia were notorious in supporting the Burmese military in the conflicts within the country.

#### *Emergence of People's War Doctrine and Ka Kwe Ye*

The emergence of *tat* (volunteer corps) in 1930s marked the early form of militia in Burma.<sup>4)</sup> The British colonial government did not include the majority Burmans to join the armed forces. However, the British permitted many Burman-majority political organizations to establish its own *tat*. These *tats* were not allowed to carry firearms, though they could do military drills and war exercises with bamboo staffs. The British tolerated the *tat* existence as they believed it would not turn against them. (Callahan, 2003, p. 36). The creation of *tat* became an instrument to develop British-Burma's self-defense capacity as the British did not allow the Burmans to join military service at that time (Taylor, 1974, p. 188). Mary Callahan, an expert on Myanmar military, noted 3 paramount implications of the existence of these *tats* for the development of state institutions in Myanmar. First, the formation of party politicians' private armies is a direct result of the *tat* phenomenon. Second, *tat* institutionalized the ethnic based boundaries between 'collaborators' of colonial rule and 'nationalist'. Third, the translation of military terminology, institutions, and symbols occurred due to this *tat* (Callahan, 2003, p. 39). The close association between *tat* and politics became another contributing factor to the attachment of modern Myanmar armed forces to politics as many of their former members became part of *Tatmadaw*.

Burma has been facing insurgency threats since the early days of the Union. However, the early version of *Tatmadaw* doctrine did not put emphasize on counterinsurgency practice as the military focused its attention

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4) The country's name was later changed into Myanmar in 1989 under the State Law and Order Restoration Council (SLORC) government.

on facing external threat in the form of conventional warfare. The rise of communist government in China was perceived as Burma's immediate threat. Lt. Col. Maung Maung, a General Staff at the War Office, was the main promotor of such external oriented doctrine. Maung Maung developed a doctrine with the objective to contain invading forces at the border, while hoping for international forces.<sup>5)</sup> His doctrine was based on strategic denial with mechanized warfare.<sup>6)</sup> The doctrine faced its big challenge when the remnants of Kuomintang (KMT) force entered Burmese border. The endeavour was ended in the catastrophic failure for *Tatmadaw* due to lack of an appropriate command and control system, a proper logistical support structure and training regime, adequate economic and technological sources, and efficient civil defence organizations (Maung Aung Myoe, 2009, p. 17).<sup>7)</sup>

The adoption of external threats focused military doctrine by *Tatmadaw* was surprising as the Union faced many ethnic armed uprisings at the same time, particularly the Karen National Defence Organization (KNDO). The failure of handling the threat of KMT remnants forced the Burmese military to review its doctrine, though Maung Maung<sup>8)</sup> insisted the fiasco was happened due to excessive media coverage on the operation (Maung Aung Myoe, 2009, p. 17). *Tatmadaw* generals in the late 1950s started to develop a military doctrine which emphasizes on counterinsurgency as the rebel activities were intensified. The 1959 *Tatmadaw* conference reviewed the Union's latest internal security situation as well as counterinsurgency operations of the military. Since then, the Burmese mil-

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5) This kind of scenario appeared in the Korean War where the international forces under the United Nations intervened to stop North Korean invasion.

6) Armoured warfare refers to the use armoured units, such as tanks, to attack conventional defence. See (Azar Gat, 1996) for further discussion on armoured warfare.

7) In February 1953, the *Tatmadaw* launched a military operation against the KMT, with *Naga-Naing* (Victorious Dragon) codename. The operation however turned into a humiliating defeat for the Burmese side and was afterwards nicknamed *Naga-Shone* (Defeated Dragon).

8) Later in February 1961, U Nu government dismissed Maung Maung (at that time Director of Military Training) together with nine brigade commanders, and one regional commander. The reasons behind this purge were varied and did only solely relate with the conspiracy to oust Ne Win as Chief of the *Tatmadaw*. Maung Maung's dismissal was allegedly due to either his personal rivalry with Director of Military Intelligence Bo Lwin which could produce internal friction within the military or his anti-communism stance that contrasted with U Nu and Ne Win's accommodating gesture to China. See (Callahan, 2003, pp. 198-199).

itary were seriously crafting a fit and proper military doctrine for internal security purpose.<sup>9)</sup>

During a series of discussions from 1961 to 1964, military officers discussed the new doctrine and counterinsurgency strategy for *Tatmadaw*. The discussions finally produced a fruitful outcome in 1964 with the introduction of 'People's War' doctrine.<sup>10)</sup> The 1964 discussion noted three potential adversaries of the Union: internal insurgents, historical enemies with roughly an equal power, and enemies with greater power. In addition, the idea bringing the military and the people together became an important cornerstone of the military's counterinsurgency operation. The idea for establishing people's militias was also discussed in the meeting. The 1964 conference was proven pivotal for *Tatmadaw* as it set the foundation for the new military doctrine which emphasized on internal security matter (Maung Aung Myoe, 2009, pp. 21-23; and Nakanishi, 2013, p. 232).

The *Tatmadaw* began to use militias in the early 1960s, particularly with the intensifying of insurgency threats in Shan State as well as communist rebels' activities in the northern part of the country. The formulation of Four Cuts counterinsurgency strategy in the 1968 *Tatmadaw* conference had further galvanized militia utilization. The strategy focused on detaching the insurgents from the four resources: food, funding, information, and recruits. The strategy was based on the idea to taking the 'fish (guerrilla) out from the water (population)'. The militia came handy to complement the military in executing this Four Cut strategy, particularly for disengaging and mobilizing the population against the insurgents. Below we will examine the use of KKY militia by *Tatmadaw* in combating the rebels as well as the human security issues caused by the troop. The case of KKY displayed the ebb and flow of *Tatmadaw* and militia dynamics.

KKY was the most notorious militia group that employed by the BSPP regime. The formation of KKY initially aimed to undermine the activity of Shan State Army (SSA) in the Shan State, eastern part of Burma. The BSPP government in 1963 formed KKY with the objective to have additional force to fight the insurgents in the Shan region as *Tatmadaw*

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9) In the 1988, the *Tatmadaw* revised its military doctrine by adding arms modernization, though the main idea is still the 'People's War'. See (Maung Aung Myoe, 2009, pp. 33-42).

10) Brigadier General San Yu, Vice Chief of General Staff (Army), brought back the idea to review the existing *Tatmadaw*'s doctrine and replace it with a new one.



faced difficulties in reaching to most rural areas there. To fulfil the objective, the military, through its intelligence, recruited local warlords, particularly those non-political brigands and private army commanders, and defected rebels (Lintner, 1994, p. 187). The inclusion of the latter category displayed that the insurgents had been fighting between each other, despite antagonizing the central government at the same time.<sup>11)</sup> The government hoped the establishment of KKY could improve Burmese Army's Four Cuts counterinsurgency strategy of Burmese army against the rebels. The formation of KKY in the Shan State had fostered further fragmentation of the Shan nationalist movement. However, this progress did not reduce the scale of insurgency in the area significantly (Smith, 1991, p. 95).

In order to gain those militias' loyalty, the government granted unofficial permission for them to use all government-controlled roads and towns in Shan State for opium smuggling. This shady agreement thus increased the opium trade activity in the region exponentially.<sup>12)</sup> Lo Hsing-han, a local warlord in the Shan State, was an example of KKY's recruitment of indigenous chieftain that pledged loyalty to the government in exchange for material benefits in the form of opium trade. Another notorious example was Khun Sa, a defector of Shan insurgents and a leader of United Anti-Socialist Army militia. Both of them however joined the insurgency movement against the central government when the authority ended its cooperation with them.

The decision to allow KKY handling opium trade was intended to make the organization financially independent since the central government did not have much money for supporting the militia. Besides that, the BSPP administration hoped that the participation of KKY in opium trade cycle can undermine the Shan rebels that depended heavily to opium tax in the area. The control over opium trade allowed KKY to fill its armoury with decent weapons, such as M-16 and Browning automatic ri-

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11) In example, there has been a historical rivalry between ethnic Kachins, inhabiting in north eastern part of the Shan State, and the Shans which represented in the clash between the Kachin Independence Army (KIA) and the SSA. This kind of clash also gave KKY no shortage of rebels to fight for the organization.

12) Besides the militia factor, the failure of Ne Win's centralized economy that created a black-market economy with opium as one of its main commodities and Thailand's toleration to drugs trade on its northern border enabled the opium trade to blossom. See (Meehan, 2011).

fles, M-70 grenade launchers and 57mm recoilless, which were available on the black market in Thailand and Laos (Lintner, 1994, p. 188).

The KKY benefited from the opium trade through becoming a courier for opium merchants to smuggle the poppies across the border. KKY members who are also opium traders, such as Lo Hsing-han and Khun Sa, often smuggled their own opium with other merchant's drugs. KKY commanders brought those poppies into the market town of Tachileik, a border town in the Shan State near the junction of Burma, Laos, and Thailand. Furthermore, those warlords gained additional extra incomes through selling goods that they bought with opium money and brought back as return cargo in their lorries and mule trains. The opium trade was not only enjoyed by local warlords of KKY, as government troops gained significant amount of incomes from the opium trade. The Burmese military gained the money in two forms. The first was 'tea money' from private merchants and KKY commanders who passed the government posts or protecting KKY's convoys that smuggled the opium. Second, those officials received fancy furnitures that brought back by KKY smugglers after delivering the opium to the border (Lintner, 1994, p. 193).

The rise of communist movement in the late 1960s<sup>13)</sup> gave KKY another important contribution to the success of *Tatmadaw's* counterinsurgency campaign. However, the inadequate discipline of KKY and the superiority of the communist insurgents made the militia giving a limited assistance to the success of the central government's military operations. Endless logistical supplies for the CPB from Chinese border became the primary advantage for communist movement. Despite the failure of KKY to counter the CPB, *Tatmadaw* maintained the use of militia personnel due to their vast knowledge of local terrain and intelligence network in the region. Being an outsider of Shan State, the Burmese army certainly had little knowledge over the rural area which made *Tatmadaw* depended on KKY's guide.

The ultimate failure of KKY in handling the CPB threat culminated in the triumph of the communist over the Wa hills at the northern part of Shan State in 1972. The triumph added the resentment of central government over the performance of KKY. In addition, KKY commanders had be-

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13) In 1968, the CPB started its expansion in northeast Shan State which made the militia a useful bulwark against the communist insurgents.

come deeply entailed in opium trade, instead of combating the insurgents. The situation brought international criticism towards Ne Win regime, particularly from neighbouring countries. In 1973, Ne Win finally ended KKY program officially on the country's Independence Day, 4 January. Some smaller groups followed the order and dissolved themselves as well as surrendered their weapons to the government side. A few others sold their guns to the rebels and dispersed. However, the majority of those militia went underground (Lintner, 1994, p. 224). Many former KKY commanders after the end of the programme evolved into drug lords, notably Lo Hsing-san<sup>14</sup>, or insurgents, such as Khun Sa with his Mong Tai Army (MTA).

Several explanations emerged as factors that led to the disperse of KKY by the BSPP government. First, the intensifying opium trade and Burma's emerging black market caused a discontent. The association of those militia with the Burmese government became a burden for Ne Win regime. Second, the United States started its 'war on drugs' campaign in the 1970s which also provided counter-narcotics assistance incentives for the *Tatmadaw*. This added another reason for the Burmese army to cut ties with KKY that heavily involved in opium trade. Third, KKY did not tremendously help *Tatmadaw*'s counterinsurgency operations. Many of KKY members kept their close relations with the rebels and grew powerful due to opium money which caused them hard to control (Buchanan, 2016, p. 11).

The emergence of new military leadership was also accompanied with change in the internal security environment which consequently affected the way *Tatmadaw* operating<sup>15</sup>) as well as the use of militia. The military was afraid the realisation of the scenario of National League for Democracy (NLD) forging a cooperation with the ethnic armed groups against the government. Therefore, SLORC initiated ceasefire negotiation, led by Khin

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14) During his KKY tenure, Lo forged a close relation the then North East Commander of the *Tatmadaw*, Col. Aye Ko, who later became a prominent BSPP figure (Army Chief of Staff 1976-1981 and Acting President of Burma 1988). Later in the 1980s, Lo and some other former militias emerged to the surface quietly as the government employed him to cause further fragmentation within the already fractured CPB. Their emergence was also accompanied with the spike of opium and heroin production from the Shan state (Smith, 1991, p. 315).

15) Maung Aung Myoe noted the 1989 onwards period as the third phase of the *Tatmadaw* military doctrine development which characterized by a special attention on technology development, particularly the implication of the Revolution of Military Affairs, though maintains the focus on People's War thinking. See (Maung Aung Myoe, 2009, pp. 33-42).

Nyunt, with those ethnic insurgents (Callahan, 2003, p. 215). Between 1989 to 2009, the military government discussed ceasefire agreements with 40 ethnic armed organizations. Most of those groups were dissolved themselves or joined the government as pro-government militia or BGF (Buchanan, 2016, pp. 13-14).<sup>16)</sup>

The ceasefire agreement created a new dynamic between the military and the former rebels as the many of the latter siding with the military as its militia to combat the larger ethnic EAOs. The coalition certainly benefited both of *Tatmadaw* and the ex-insurgents. The involvement of both of them in drug trade was intensified since 1996 since the rapidly expanding Burmese Army obliged its officers to do a self-support system for each unit and officers' families. In addition, land grabbing activities became rampant with each battalion confiscating 280 acres of land for buildings plus 2 acres for each army member with a family. According to a 2006 report from Shan Herald Agency for News (SHAN)<sup>17)</sup>, the opium trade started to increase after 2004 following the purge of General Khin Nyunt.<sup>18)</sup> The general was the main actor in initiating ceasefire agreement under the SLORC/SPDC regime until his dismissal in 2004. Since then, the military and pro-government militia escalated the opium production, particularly in the Shan State (SHAN, 2006).

The government-controlled area in the Shan State became a strategic spot for opium fields as the military and the militia protected those poppies. The 2006 SHAN report also found that the government's anti-drug efforts were mainly farcical as the authority only abolished selected poppy plantations and preserved most of them. The mushrooming of poppy fields was also accompanied by the emergence of new drug lords who many of

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16) A few of the ethnic insurgents did not forgo their struggle and kept resisting the government, such as Kachin Independence Organization and United Was State Army. For complete list of ceasefire groups 1989 to 2009 see (Buchanan, 2016, pp. 13-14).

17) The report argued that the drug problem occurred due to several reasons. First, there was lack of attention from the military junta as the authority solely focusing on undermining the opposition. Second, the regime granted immunity to drug mafia who were loyal to the military. Third, the expansion of the *Tatmadaw* required big funding in which drug trade became a prominent source. Fourth, corruption contributed significantly to sustain drug issue in Myanmar as officials became less eager in cracking down the opium trade as they gained 'pocket money' from the shady business (SHAN, 2006).

18) The purge was a result of power struggle within the military junta elites. Khin Nyut was perceived as being too lenient to the opposition in contrast with the junta's tough stance against Daw Suu and the NLD (Levett, 2004).

those assailants were affiliated as pro-government militias. Many of methamphetamine factories in Shan State were owned and managed by pro-government militia, such as Lahu Militia, and ceasefire groups, such as Myanmar National Democratic Alliance Army (MNDAA) and United Wa State Army (UWSA). Besides becoming the owner, the militia also acted as opium tax collector to the opium farmers as well as security guards for those poppy fields (SHAN, 2006).

In addition to employing local militia, the military introduced the BGF programme in 2009 to formally include the formal rebels into the military structure. However, not all of ceasefire signatories accepted the programme as they perceived it as an effort to dismantle their forces which means those armed groups' bargaining power. The next section will discuss the employment of militia after the military junta handed over the authority towards the civilian in 2011 with the focus on BGF.

Here we can see that the utilization of militia during military junta period had seriously undermined human security in the conflict area where those auxiliary operated. Self-fund obligation and the privilege to control certain areas allowed the unchecked behaviours of KKY, notably drug trafficking. The discontinued affiliation between KKY and the central government however did nothing in improving the state of human security there. The Burmese authority at that time only opted a short-cut solution through ending its affiliation with KKY rather than comprehensively tackling the drug issue. Furthermore, the obligation to do a self-support system forced local military commanders to engage in illicit activities. The situation thus maintained the drug trade in the conflict-ridden area. The promulgation of the 2008 Constitution caused a different circumstance for the relations between *Tatmadaw* and militia. We will examine the issue in the below section.

#### *Tatmadaw and Its Militia in Post-SPDC Era: BGF and Others*

Article 338 of the 2008 Constitution stated that 'All the armed forces in the Union shall be under the command of defence services.' Consequently, the SPDC prior to the 2010 General Elections launched an initiative of BGF and Home Guard Force (HGF) to control military units of the ethnic ceasefire groups. Those armed ethnic ceasefire groups need to register their forces to BGF, for those who reside in the border area, and HGF, for those who stay in non-border area. The BGF scheme mainly absorbed

former rebels and local militias to work for the government side, each battalion should comprise of 326 soldiers. Many of those former rebels were signatories of the ceasefire agreement, such as National Democratic Army – Kachin (NDA-K) in Kachin State, the Karenni National People's Liberation Front (KNPLF) in Kayah State, the Democratic Karen Buddhist Army (DKBA) in Kayin State, and the Myanmar National Democratic Alliance Army (MNDA) in the northern Shan State. With the exception of the KNPLF and MNDA<sup>19)</sup>, those former rebels were splinters of the bigger and on-going insurgency struggles against the government, NDA-K was a fragment of Kachin Independence Organisation (KIO) while DKBA and KPF were parts of Karen National Union (KNU). The cooperation between the *Tatmadaw* and those splinter groups was a form of symbiotic mutualism as both of them share the same enemy which is the bigger insurgent forces. The collaboration<sup>20)</sup> thus did not only serve the central government's objective, but also those splinters' interest.<sup>21)</sup> Besides those former insurgents, BGF also included ex-government trained militia, such as Lahu militia, Jakuni militia, and Metman militia in the Shan State.

The BGF program itself found some challenges. First, some of the armed ethnic ceasefire groups rejected to join the scheme, such as the KIO, United Wa State Army (UWSA), and the New Mon State Party (NMSP) as they worried about losing the authority over their forces (Mizuma News 2009). Their anxiety was proven as the military has been slowly building up its force in the conflict area using the stable period due to ceasefire agreement. Such military build-up was apparent in the southeast Myanmar after the signing of Nationwide Ceasefire Agreement (NCA) in October 2015 (KHRG, 2016).<sup>22)</sup> The recent brouhaha in the Karen

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19) KPLF and MNDA were parts of the CPB before its demise in the late 1980s.

20) In the case of Arakan Army of Rakhine State, the collaboration between the EAO and the *Tatmadaw* aimed to prevent the flow of 'illegal immigrants' for coming to the region. Arakan Army deemed Muslims in the Rakhine State, commonly called Rohingyas, as 'illegal Bengali immigrants'. See (Brenner, 2014).

21) Interview with Soe Myint Aung, political analyst of Tagaung Institute Yangon, Skype interview, 26 November 2017.

22) The NCA was signed between the Myanmar government and eight EAOs (All Burma Students' Democratic Front, Arakan Liberation Party, Chin National Front, Democratic Karen Buddhist Army – Brigade 5, Karen National Union, Lahu Democrati Union, New Mon State Party, Pa-O National Liberation Army, Restoration Council of Shan State). The peace agreement was a realisation of President Thein Sein (2011-2016) agenda to bring peace to Myanmar. See (Słodkowski, 2015).

State galvanized the suspicion when 15,000 government troops invaded KNU controlled areas in April 2018. Prior to the latest attack, *Tatmadaw* had been expanding and upgrading its military infrastructure in the Karen State (The Nation, 2018). This situation may create further distrust to the BGF programme.

Second, BGF units involved in some misconducts, such as human right abuses and drugs trade (Paul Keenan 2013). Although human right abuses were mainly decreased following the signing of NCA, the abuses are still happening mainly due to the activities of the military and the militia, ranging from their presence to training near villages in the rural area (KHRG, 2016). Several reports from Karen Human Rights Groups (KHRG) have indicated forced labour and forced recruitment conducted by the BGF. Forced labour activities occurred in the Thaton District of Mon State and Papun District of Karen State in 2012 (KHRG, 2013a; and KHRG, 2013b). Besides forced labour, Thaton district also suffered from land confiscation<sup>23)</sup> by BGF. In addition, the BGF forced some villagers to be its members involuntarily in Thaton district, at least five people from a village. If the village failed to do so, BGF demanded it to give 50,000 Kyat (USD 58.07) as a compensation (KHRG, 2013c). Following the signing of NCA in 2015, the practice of forced recruitment and forced labour by the *Tatmadaw* and BGF was deteriorated. However, KHRG found the military and its militia still do the forced recruitment sporadically and demand villagers as forced labour under the term of 'voluntary labour'. Villagers are afraid to refuse the later practice due to fear of backlash from the security apparatus (KHRG, 2017, pp. 47-50).

Stealing of villagers' livestock cases were occurred in villages located near a BGF camp in Hpapun district of Karen State. BGF soldiers stole villagers' chickens, ducks, and goats. Villagers were unable to stop them due to the fear of repercussion by the BGF force (KHRG, 2015a). It is also known that BGF often opened fires in the village when engaging with EAOs. For an example, BGF often fired on villages in Dooplaya District of

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23) The KHRG report mentioned prior to NCA land confiscation in Shan State occurred regularly in the disguise of development projects that in reality providing access for the military to the EAGs stronghold rather than for the people's needs. Land confiscation by the Burmese government in Shan State after the NCA is deteriorated. However, the existence of private companies, that connected to former military and EAGs leaders, produced new issues as they use the military, including BGF, and EAGs to threaten people to let go their properties (KHRG, 2017, pp. 163-207).

Karen State in combating the Democratic Karen Buddhist Army (DKBA splinter)<sup>24)</sup> and Karen National Liberation Army (KNLA). The Burmese military, BGF, and EAOs also occasionally targeted civilians with the objective to undermine the support for each other adversaries (KHRG, 2017, pp. 41-43). The maintenance of 'Four-Cuts' strategy of the government force also contributed to the attacks towards civilian by the *Tatmadaw* and the BGF. In another occasion, BGF in Hpapun on 13 June 2015 caused civilian casualties due to the indiscriminate firing of mortars and small arms by its soldiers (KHRG, 2015b).<sup>25)</sup>

Prior to BGF era, the militia was notorious for its involvement in drug trade in Myanmar. Instead of deteriorating, the formation of BGF maintained the immersion of militia in drug trade activities, especially in the Shan State. Recruitment of local villagers as militia to assist the army operations in the rural area kept continuing. This practice is also accompanied by the permission for those militia to operate as local warlords, providing access to legal and illegal business sectors. According to 2016 report compiled by the Lahu National Development Organisation (LNDO), the militia had gained extra income mainly from drug trade which they did through taxing opium harvests<sup>26)</sup>, controlling opium sales<sup>27)</sup>, cashing in on refinery investments<sup>28)</sup>, and securing transport of the finished product<sup>29)</sup> (LNDO, 2016, pp. 18-20). This involvement in drug trade was closely related to the self-sufficiency policy implementation that *Tatmadaw* had been imposing to its militias.

On the one hand, the central government used the war on drugs nar-

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24) This DKBA (splinter) is different with the previous DKBA (1994-2010) that joined the BGF in 2010. The DKBA (splinter) was formed in January 2016, a break away from Democratic Karen Benevolent Army (DKBA benevolent). The DKBA (benevolent) was a splinter of the previous DKBA (1994-2010).

25) Later the BGF troop explained that they did the mortar shooting due to ghost presence in the area.

26) Each opium growing household is required to give a lump of raw opium (worth about 30,000 Kyat or USD 30) as a tax for the militia.

27) The militia forced the opium farmers to sell all raw opium to them in which they gained profit up to USD 6,000 each time a batch of opium is refined.

28) This investment is actually a method to keep the loyalty of those militia to the opium household in their area to ensure the security of the drug production. Through this activity, the militia could earn about USD 6,000.

29) The fee for delivering a package of drug (80,000 pills) across the Thai border could reach 10,000 Baht (USD 300) for militia leader, while the individual carrier will get between 1 or 2 Baht per pill or 80,000 to 160,000 Baht (USD 2,300 to 4,600).



rative to describe its effort in undermining the insurgents. On the other hand, the authority formed militia groups which notoriously involved in drug trade.<sup>30)</sup> The use of this war on drug narrative was used in August 2009 when *Tatmadaw* assaulting Kokang area, northern part of Shan State. The assault in reality did not only aim on drug factories, but also civilians, with extrajudicial killing and rape cases have been reported. Anti-drug operations, that consisted of local police, military personnel, pro-government militia, and members of the local fire brigade, often did not produce the intended result of reducing drug threats as those people collecting pocket money from the opium farmers rather than annihilating the poppies (PWO, 2010, p. 20).<sup>31)</sup> The rise of NLD government following the party's victory in 2015 General Elections did not stop the military, including its militia, from involving in the drug trade in the Shan State (LNDO, 2016). Therefore, those anti-drug operations only gave little impact to get rid the shady business.<sup>32)</sup>

Third, small salary of BGF members provided little incentives for those members to maintain their membership. Although the military promised to provide salaries<sup>33)</sup>, rations, and uniforms for the BGF members, such assurances were failed to materialize. In addition, being a member of BGF force gave those militia little opportunity to earn extra incomes comparing to their time as non BGF militia. As mentioned above, many of non BGF militias (local militia) could run their own poppy production, collecting opium tax, and getting security money while the BGF mainly only benefiting as an opium tax collector. This unfortunate circum-

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30) The *Tatmadaw* since early 2009 has been establishing new militia groups in the Palaung areas in the northern part of Shan State, especially Namkham city. The appearance of these new militia troops was accompanied by the usual practice of giving special privilege for them to deal in drugs which resulted in the increasing drug production from the Palaung areas as well as drug addiction issues (PWO, 2010, pp. 13-17).

31) In addition to pocket money, farmers are also required to provide food to the anti-drug teams who coming to their villages. Related to this drug issue, the central government seemed playing a crucial role in flourishing poppy fields in the Palaung. The areas were initially famous with tea production which was banned by the SPDC Ministry of Health in March 2009 due to chemical dye pollution. As a result, many of those tea farmers started to grow poppies as replacement (PWO, 2010, p. 26).

32) On 7 May 2018, *Tatmadaw* soldiers were arrested in Rakhine State due to meth possession worth USD 3,6 million. Rakhine State became another drug haven as it became a gate to smuggle drugs to South Asian markets (Frontier, 2018).

33) A new recruit should receive 25,000 to 35,000 Kyat (USD 18-26) and a major up to 180,000 Kyat (USD 133).

stance has made some of BGF members withdrawing from the corps (LNDO, 2016, p. 11). The second and third issue is closely intertwined as lack of incentives for the BGF members clearly contributed those soldiers to involve in shady business deals to cover their expenses. On the other hand, there is also possibility that the lucrative benefits from the illegal businesses attracted the BGF members to abandon their posts.

Based on the above discussion, we can see that the inclusion of militias into *Tatmadaw's* structure did little to improve safety of citizens in those auxiliary troops' jurisdictions. BGF might be a useful tool to control these armed ethnic ceasefire groups' forces and to improve the security condition in the conflict area. However, the abovementioned problems have hindered the initial objectives of the programme rather than achieving them. Besides that, the increasing number of pro-government militia was also apparent particularly in the Shan State where the *Tatmadaw* employed them in preparation to face UWSA and MNDAA (LNDO, 2016, p. 12).<sup>34)</sup> Incorporation of local militia into BGF gave the *Tatmadaw* greater control over the group as the auxiliary organization is formally included and operated under Burmese military system and hierarchy. While the inclusion of BGF provided additional labours for the *Tatmadaw*, the need of extra manpower made the military tolerating illicit activities of BGF and other *Tatmadaw*-affiliated militia groups.

## CONCLUSION

The arrival of democratization and political liberalization ideally brought together reform demand to the armed forces, including curbed the use of militia to execute violence against the population. Instead of disappearing, violence practices of this auxiliary force persist, though it has been put under *Tatmadaw's* jurisdiction through the BGF program. The circumstance also did little in decreasing human security problems caused by militia. In the past, the existence of KKY had greatly jeopardized the state of human security as the authority allowed the group doing illicit activities, particularly drug trade, extortion, and smuggling, to fund its day to day operations. The closure of KKY even did not stop those criminal acts, as its former members became drug lords.

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34) The government and the two EAOs are under ceasefire agreement.

The existence of BGF meanwhile could be a start of new relation between the military and the militia, particularly with political transition coming to the equation. Unlike during the KKY era, the Burmese government included the BGF into the military structure officially. Instead of improving human security in the insurgency-tormented regions, such inclusion did little to alter the miserable situation. *Tatmadaw* applied the same scheme of zero-support policy for the BGF. The same with the KKY, many BGF commanders had to fund their units independently, repeating the similar pattern of doing illegal business. Furthermore, the the authority's inability to maintain benefits distribution to the BGF contains an inherent danger for the future of the group, as many of its members opting to abandon their posts. The situation may create a potential problem as they could emerge as belligerent actors. Besides that, the inclusion of BGF produces a question for civilian government's control over the militia group due to the guarantee for military authority based on the 2008 Constitution. So far, the NLD government has not yet put a thorough concern on the issues resulted from the use of militia. This stance might complicate the success of peace negotiation as BGF is part of the package that included by the government in its conciliation with the EAOs.

Furthermore, the military kept the use of militia in safeguarding its development projects in the rural area, often through violence method and threatening the local population. Such practice by the authority is no longer significant after the signing of NCA in 2015. Nonetheless, a new kind of detrimental collaboration between the militia/military and private companies that managed development projects emerged as a new issue. The personal connections between the companies, that connected to high ranking military officers or EAO leaders, and the militia became the enabler of such violence outsourcing. Militia therefore played a role in safeguarding potential patronage source of the military through smoothing various development projects.

Myanmar case hints some caveats for the study of militia in the post-democratic change period. First, political liberalization failed to prevent human rights abuse acts done by the militia, not to mention involvement in other shady activities, such as drug trafficking and extortion, are still in place. Second, incorporation to the official structure of the military did not ensure accountability of militia force. Although the military is no longer at the helm of the government, it still holds a considerable political authority.

Moreover, each BGF battalion, as well as *Tatmadaw*'s battalion, is required to achieve self-sufficiency. The combination of these two elements caused accountability becoming a farfetched idea. Third, militia helped the army securing its corporate interests, range from maintaining its supremacy to obtaining patronage sources.

Instead of becoming a protector, the BGF evolved into a malicious entity to human security in Myanmar, particularly in the conflict-ridden area. The illegal activities and the armed friction had become inseparable from one to another. For example, the drug trade allowed local commanders to arm their units, not to mention fulfilling personal gains. The situations gave little incentives to expedite the peace process. Many of these BGF units controlled certain areas of which peace settlement provides no justification for such authority. The unchecked power also enabled the BGF to do other shady activities, notably extortion and other petty criminals. Hence, Myanmar's democratization has not yet delivered positive outcomes in terms of guaranteeing human security protection.

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