



Interview

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Nyaunglebin Interview: Daw U---, December 2012

This Interview with Daw U--- was conducted in Kyaukkyi Township, Nyaunglebin District in December 2012 and includes issues of land confiscation and arbitrary taxation by the Tatmadaw.

- *Daw U--- describes the confiscation of land by the Tatmadaw in 1989 and subsequent taxation applied to farmers working on their own lands. Starting in 1994, farmers were forced to provide 15 baskets of paddy per acre of farmland each year to the Tatmadaw.*
 - *Since 2011, villagers have no longer been required to pay leasing fees in order to farm on their own land, however, villagers still have not had their lands returned to them.*
 - *Daw U--- also records how villagers submitted a complaint letter to the Burma government in order to reclaim their land. Subsequently, the Burma government's Land Registration Office divided the farm land into that which was confiscated for the military by law [La Na 39] and would not be returned and land that was confiscated arbitrarily, but would be returned. However, no action to return any confiscated land has been taken yet.*
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Interview | Daw U---, (female, 59), M--- village, Kyaukkyi Township, Nyaunglebin District (December 2012)

The following Interview was conducted by a community member trained by KHRG to monitor human rights conditions. It was conducted in Nyaunglebin District in December 2012 and is presented below translated exactly as it was received, save for minor edits for clarity and security.¹ This interview was received along with other information from Nyaunglebin District, including seven other interviews, one situation update, 119 photographs and two video clips.²

Ethnicity: Burmese

Religion: Buddhist

Marital Status: Married

Occupation: Farmer

Position: Villager

¹ KHRG trains community members in eastern Burma to document individual human rights abuses using a standardised reporting format; conduct interviews with other villagers; and write general updates on the situation in areas with which they are familiar. When conducting interviews, community members are trained to use loose question guidelines, but also to encourage interviewees to speak freely about recent events, raise issues that they consider to be important and share their opinions or perspectives on abuse and other local dynamics.

² In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in eastern Burma, KHRG aims to make all field information received available on the KHRG website once it has been processed and translated, subject only to security considerations. For additional reports categorised by Type, Issue, Location and Year, please see the Related Readings component following each report on KHRG's Website.

What is your name?

Daw U---

How old are you?

59.

What is your father's name?

U N---

What is your address?

M--- village, Thonekyi village tract, Kyaukkyi Township, Bago Division.

What is your occupation?

Farming and cultivation.

What do most of the people from here do for their livelihoods?

They are doing farming, cultivation and foraging for natural fruit from the jungle to sell. Some people are doing plantation [work]. Lower class, poor people pick fruit and vegetables from the jungle and sell it.

Is that enough [to live on]?

It is not enough. People who are doing farming and cultivation are also poor and people who pick vegetables and sell it are poorer. Poor people dig for wild yam and pick orchid flowers for their livelihoods. The farmers are poor too. The paddies have been [in poor production] and the weather is not normal [unstable]. We have had to pay leasing fees to the Tatmadaw [in the past], even though we are working on our own farms. So, how to say, it [our livelihood] is very vulnerable.

Are there farms and cultivation fields that have been confiscated by the Tatmadaw in this area?

Almost all [farms and cultivation fields] were confiscated. 142 acres of farms were confiscated and I am one of the owners of confiscated lands.

Who or which organisation confiscated the farms?

[Tatmadaw] Light Infantry Battalions (LIB) #351, #590 and #599 and Infantry Battalion (IB) #60 confiscated them and we had to pay 15 baskets (313.5 kg. / 691.2 lb.)³ [per year] for one acre of farm land to these battalions as leasing fees in the past. The operations commander told us not to give the leasing fees this year.

How many acres of your land were included in the confiscated land?

I have 20 acres of land [that was confiscated], but only seven acres of land can be worked on. We could not sleep in the jungle or work on our fields during the military

³ A basket is a unit of volume used to measure paddy, milled rice and seeds. One basket is equivalent to 20.9 kg. or 46.08 lb. of paddy.

ruling era. We had to stay in the village. So trees and bushes grew in our farms and it became overgrown. We have had to clear our land again.

When did they [Tatmadaw] confiscate the farms?

They confiscated the farms closest to their [army] camps in 1989 and began asking for leasing fees. Starting in 1994, they asked the people who were working on the land that they confiscated to give them 15 baskets [per acre each year] as leasing fees. We had to pay [that amount] until 2011.

You had to give 15 baskets for one acre as leasing fees. What if you could not give it to them because the weather was not good and you did not harvest enough paddy?⁴ What did the farmers do?

You had to find money for them if you could not provide them with the paddy. You had to pay the full amount [necessary to buy 15 baskets of paddy]. [Also], they would not allow you to work on the farm land and would let another person work on that farm the next year if you could not pay the fees. In 1998 or 1999, sometimes they arrested people for about five or ten days and their family members had to find the money [for the Tatmadaw] before they would release them. They have not arrested people in the last few years, but people [still] had to pay them money until it reached the amount [equivalent to 15 baskets of paddy]. The operations commander told us that we did not need to pay the leasing fees starting in 2011 and [continuing in] 2012, but they still control the land and have not given it back yet.

You had to give leasing fees to the Tatmadaw to be able to work on your own farms in the past?

Yes. We do not need to give leasing fees to the Tatmadaw to be able to work on our farms this year, but we still have not got back our own land. We want our farms back.

Have the farmers submitted this case to the government authorities?

Yes, we have. We submitted this case to the Government. We submitted it to the ministers and the president stating that we want to work on our own land without having to pay leasing fees. But there is no response yet. The township administrator summoned us and told us that the farms are still owned by the Tatmadaw and it means that the Tatmadaw will not return the land back to the owners.

How long does it take to travel from the Tatmadaw camp to your confiscated farms?

It takes 45 minutes. We can travel up to three miles in one hour. So it is [approximately] two miles from the [Tatmadaw] camp.

So, the distance from the Tatmadaw camp to the places [farms] that they confiscated is very far?

Yes, it is very far.

How many people's lands were confiscated?

⁴ Paddy is rice grain that is still in the husk.

1,420 acres of farms were confiscated. So there are many people, because some people own five acres and some people own ten acres. They confiscated 1,420 point [something] acres, but I do not know the point [decimal number].

You said that you submitted the case to the Government, but they have not responded to you. So, do the farmers have any plan to submit this case [to other government departments] in the future?

We have always had a plan [to submit our case again], but we do not know where and who we should submit our case to and ask for help next time. We do not have much knowledge [about these procedures]. We want to submit this case to all of the government departments and maybe the KNU [Karen National Union] to help us get our land back.

Could you tell me about the difficulties you faced when you farmed on your own land while [at the same time] having to give leasing fees to the Tatmadaw?

We had no problem providing them with the leasing fees if the weather was good and we produced enough paddy. We gave them [the leasing fees] peacefully. But, sometimes the paddy was destroyed [by inclement weather] or were not in good [production], then we could not give them [the leasing fees]. We would feel stressed and disappointed. One thing is, [there was] no profit left for us every year because we had to give them [the leasing fees]. What we mean by no profit is that it cost 50 baskets (1,045 kg. / 2,304 lb.) of paddy for a farmer to hire a pair of cattle, 50 baskets of paddy to hire a man [to assist the farming] and you had to give 105 baskets (2,194.5 kg. / 4,838.4 lb.) of paddy to the Tatmadaw if you were working on seven acres of land. So, you already spent over 200 baskets (4,180 kg. / 9,216 lb.) of paddy and that does not include the cost of growing paddy and harvesting the paddy. Seven acres of farm produces [approximately] 300 baskets (6,270 kg. / 13,824 lb.) of paddy and this is in the higher range. So we had to use our money from home [to be able to pay the leasing fees]. The paddy we produced was not enough [to survive on] if we subtract from it the leasing, cattle, labour, growing and harvesting fees. Only a bit paddy would be saved if we grew and harvested the paddy by ourselves. Nothing would be saved for ourselves if we were not able to do it [by ourselves; for example, if] we were old and we had to hire everyone. We were not able to save paddy for ourselves for many years.

What do you want the government to do for the farmers?

We would be very grateful to the government if they returned our land to us without asking for leasing fees, provided us with good seeds, supported the cost of growing paddy and trained us in good farming techniques.

What would you like to say to the international people about the suffering of the farmers?

We want the international people to go to the ground [visit our villages] and have sympathy for the farmers, to help and protect the farmers, to promote an increase in the living standard of the farmers and, please, to help the children of farmers to become educated people.

Some farms were totally confiscated as the land of the Tatmadaw [which they will not return to the owners] and some were not [which they may return]. In which group is your farm included?

My farm is included in the confiscated list. [Previously,] they [Tatmadaw] did not divide the land as confiscated land and un-confiscated land. They asked for leasing fees from all the farms that they saw with their eyes and from every place that they could reach. They declared all the farms as confiscated land and asked for leasing fees. But [recently], the Land Registration Office divided the confiscated land [which they won't return] and un-confiscated land [which they may return] after we submitted this case.⁵

What is the number of your plot?

My plot number is 101-A.

Where is that plot located?

It located in B--- field, A--- [village].

Would you like to say anything else?

I have nothing [more] to say, [except that] I have a little peace of mind as the situation is gradually getting better. We want to work on our own farms as we like and want to live peacefully and meditate on God's word. People are satisfied if they have enough food to eat. The farm owners would be satisfied if they had the chance to work on their land freely. Now, they are feeling a lot better. Also, we can travel freely because of the ceasefire.⁶ [But], we want to be happier than [we are] now. For example, we do not have a clinic in our village and there is no health care group for children and mothers. So, we want that. We also want a day-care. We also want a money grant from the Government. But the main thing is a clinic.

Do you have clinic in this area?

No, we do not. There is no rural clinic. It would be better if we had a rural clinic and first aid so that villages like Tha Pyay Gone and other neighbouring villages can come. We could go to our own clinic if we were injured.

Where do you go when you are sick?

We have to go to Kyaukkyi city. Health, education and the economy are the main things [that are important to us]. The others things matter less if we have good health, good education and a good economy. [Our community] knowledge is improving as more people are educated. I think there are so many uneducated children [in our area]. We also have children who cannot read and write. So it is difficult to talk to them [about community issues].

Are there any other human right abuses that were committed by the authorities [armed actors] against villagers in this area?

⁵ Here the interviewee is referring to La Na Law, in particular La Na 39. Under this law, land was confiscated for use by the Tatmadaw and will not be returned to farmers. However, land that was not confiscated using this law, but rather arbitrarily by Tatmadaw soldiers in the past, may be returned.

⁶ On January 12th 2012, a preliminary ceasefire agreement was signed between the KNU and Burma government in Hpa-an, the capital of Kayin State. The exact terms for a long-term peace plan are still under negotiation. For updates on the peace process, see the [KNU Stakeholder webpage on the Myanmar Peace Monitor website](#). For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014.

There are no [other] human rights abuses and we can say that the Tatmadaw has been good to people for now. They do not bully people anymore.

So, the only human rights abuse in this area is land confiscation committed by the Tatmadaw?

Yes.

What about other abuses?

The problems are land confiscation by the Tatmadaw, as well as asking for leasing fees for cashew plantations [in our village]. Just these two things. [Otherwise], they [Tatmadaw] are good in other cases.

Further background reading on the situation in Nyaunglebin District can be found in the following KHRG reports:

- “Nyaunglebin Interview: A---, December 2012,” (July 2014)
- “Nyaunglebin Situation Update: Kyaukkyi Township, January to June 2012,” (June 2014)
- “Chapter: Drug production, use and the social impacts in Southeast Myanmar since the January 2012 ceasefire,” (June 2014)
- *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*, (May 2014)
- “Nyaunglebin Situation Update: Kyauk Kyi Township, February to April 2013,” (December 2013)
- “Civilian and Military Order Documents: November 2009 to July 2013,” (October 2013)

Kler Lwee Htoo (Nyaunglebin) District



Karen Human Rights Group (KHRG)