



Situation Update

February 6, 2015 / KHRG #14-90-S1

Hpapun Situation Update: Bu Tho Township, October 2014

This Situation Update was written in October 2014 and describes events occurring in Bu Tho Township, Hpapun District, including issues of land confiscation.

- *The Burma/Myanmar government Land Registration and Management Department and Land Administrative Department in Hpapun District confiscated villagers' lands and gave it to Tatmadaw Light Infantry Battalions (LIBs) #340, #341, #434 and #642, which are under Tatmadaw Southeast Command Headquarters.*
 - *Tatmadaw Operations Commander (G3) Zaw Myo Tin, who is operating in A--- military camp bought six acres of land from a villager in A--- village. However, when he fenced his land, he incorporated approximately sixty acres, which included other villagers' land.*
 - *The land owners reported the confiscation of their land to the Karen National Union (KNU), as well as to the Burmese Parliament Representative U Saing Than Naing. With the help of the KNU, some of the villagers were able to continue working on their land.*
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Situation Update | Bu Tho Township, Hpapun District (October 2014)

The following Situation Update was received by KHRG in October 2014. It was written by a community member in Hpapun District who has been trained by KHRG to monitor local human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.¹ This report was received along with other information from Hpapun District, including 100 photographs.²

I hear every day that government [officials] arbitrarily confiscate [land] if they need it in many different areas across Myanmar. This is according to the 2012 Land Management Policy.³ Land confiscation still happens in many different places in Myanmar and in

¹ KHRG trains community members in eastern Burma/Myanmar 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

² In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in eastern Burma/Myanmar, 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.

³ The perpetrators of these abuses may have been claiming authority under one of the Burma/Myanmar government laws that allows rights to land to be transferred from villagers to private entities. The Wasteland Instructions Law (1991) enabled both domestic and foreign investment in large-scale commercial enterprises through transfer of use rights to designated "wasteland" (or "vacant, fallow and

many townships in Karen [Kayin] state. The lands are arbitrarily confiscated by Hpapun District's Land Registration and Management Department (LRMD) and the Land Administrative Department (LAD) which is [administrated by] President U Thein Sein's staff. They [LRMD and the Land Administrative Department] then gave it [the lands] to the battalions that are under Southeast Command Headquarters which are LIB [Light Infantry Battalion]⁴ #340, #341, #434 and #642. These lands were confiscated before the discussion concerning the ceasefire⁵ and now the lands have been indefinitely confiscated following the KNU [Karen Nation Union] and [Burma/Myanmar] government ceasefire agreement.

An obvious example occurred in A--- village, Ka Taing Ti village tract. Operations Commander (G3)⁶ Zaw Myo Tin, who operates in A--- military camp, illegally bought six acres of land with 1,000,000 kyat (US \$974.95)⁷ from Saw B--- from A--- village. When he fenced the land he had bought, he fenced more than the six acres he bought, estimated to be sixty acres. He therefore forcibly confiscated the land around his [bought] land without letting the land owners know. The surrounding land owners therefore also lost their land. The land owners reported it to the resident KNU [Karen National Union] representative. Following these reports, he [Operations Commander (G3) Zaw Myo Tin] returned land to Saw C--- [whose confiscated land was nearby Saw B---'s]. [However], he forcibly asked him [Saw C---] to redeem his land for 2,500,000 kyat (US \$2,434.88). Since Saw C--- was afraid of him, he paid as requested. Now, Saw C--- is in trouble, as he is in debt for 2,500,000 kyat.

The land owners gathered together and reported to the Burmese Parliament representative U Saing Than Naing to try and stop their land being forcibly confiscated. However, there has been no response yet. The land owners then made further reports to the KNU. The KNU helped [some of] them [land owners] to get the opportunity to work on their own land.

I heard from a villager from D--- village, Saw E---, a member of the Land Management Committee in D--- village, Meh Ka Law village tract, Bu Tho Township, Mu Traw [Hpapun] District, that LIB #434 returned the lands to about five or six land owners in F--- village, Mel village tract, Bu Tho Township. As the land owners have been given their land back they are free to work on it without hindrance.

virgin land"). This practice was recently reaffirmed by the Vacant, Fallow, Virgin Land Law (2012). As development has increased in southeastern Burma/Myanmar since the signing of the government-KNU ceasefire in January 2012, KHRG has received an increasing number of complaints of confiscation of "uncultivated land" or "wasteland." For KHRG documentation of land confiscation arising from development projects, see: [Losing Ground: Land conflicts and collective action in eastern Myanmar](#), KHRG, March 2013. For summary and analysis of the legal and policy framework relating to land management in Burma/Myanmar, see: [Legal Review of Recently Enacted Farmland Law and Vacant Fallow and Virgin Lands Management Law](#), Food Security Group - Land Core Group, November 2012.

⁴ Light Infantry Battalion (Tatmadaw) comprised of 500 soldiers. However, most Light Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. Primarily for offensive operations but sometimes used for garrison duties.

⁵ On January 12th 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. 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.

⁶ Operations Commander (G3) is an operations, plans and training officer. Also known as strategic/Tactical Commander.

⁷ All conversion estimates for the Kyat in this report are based on the January 29th 2015 official market rate of 1026.74 kyat to the US \$1

Some of the farmers who have had their land confiscated, approached a member of Karen Human Rights Group (KHRG) to ask about ways to get their land back. The KHRG member suggested some options. Acquiring the recommendation letter from the village tract land management leader to work on paddy fields which have been confiscated [by the Tatmadaw] is very difficult. This is because the village tract leader is very afraid to ask the Tatmadaw [soldiers for permission] in order to write the recommendation for the farmers whose land was confiscated. Some of the land owners whose lands were confiscated have to pay money [to the Burma/Myanmar government] to work on their land [because they do not have the signed permission form]. In order to apply for the Form 7 [which gives them permission to work on their land], they first need the recommendation letter from the village tract leader [who needs permission from the Tatmadaw]. The land owners also need a recommendation letter from the chairman of the Land Management Committee. [In Bu Tho Township], the village tract leader and the chairman of the Land Management Committee at the village tract level is the same person. Therefore, it is very difficult for a farmer to get this recommendation letter [as the village tract leader/chairman is too afraid]. The farmers who do not have the Form 7 do not get compensation for the land or compensation for their crops. There is a high possibility that the villagers' land will be confiscated indefinitely.

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

- "Hpapun Incident Report: Landmine incident In Lu Thaw Township, May 2013," (December 2014)
- "Hpapun Situation Update: Bu Tho Township, February to June 2014," (December 2014)
- "Hpapun Interview: Naw A---, January 2013," (December 2014)
- "Hpapun Situation Update: Bu Tho Township, January to June 2014," (December 2014)
- "Hpapun Situation Update: Lu Thaw Township, March to May 2014," (November 2014)

Mu Traw (Hpapun) District



Karen Human Rights Group (KHRG)