



Interview

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Toungoo Interview: Saw Q---, December 2017

This Interview with Saw Q--- describes events occurring in Thandaunggyi Township, Toungoo District including a case of land confiscation by the Kaung Myanmar Aung Company.

- *In 2009, the Kaung Myanmar Aung Company (KMAC) confiscated around 5,000 acres of local villagers' lands. Although some villagers were forced to take unfair compensation, others were not paid. Most of the local population want to get back their lands rather than receive monetary compensation.*
- *In response, affected villagers fenced their lands and organised demonstrations on three occasions. They also wrote complaint letters to the Burma/Myanmar government. The local community tried many different ways of getting the attention of the authorities, to no avail.*
- *The KMAC responded by suing villagers who confronted for their ancestral lands. 10 villagers in Aa--- village, Bb---village, Fj--- and Fk--- village were sued. Currently, villagers are still facing a lawsuit at the Bago Division court.*

Interview | Saw Q---, (male, 42), A--- village, Thandaunggyi Township, Toungoo District (December 2017)

The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Toungoo District on November 10th 2017 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 Toungoo District, including one other interview.²

Ethnicity: Karen
Religion: Christian
Marital Status: Married
Occupation: Unknown
Position: Villager

Can you please tell me your name?

¹ KHRG trains community members in southeastern 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 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 southeastern 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.

My name is Saw Q---

How old are you?

I am 42 years old.

Are you married?

Yes.

How many children do you have?

I have five children.

How old is your eldest child?

My eldest child is 18 years old.

How old is your youngest child?

My youngest child is seven years old.

What is your ethnicity?

I am Karen.

What is your religion?

I am a Christian.

Where do you live?

I live in A--- village, Thandaunggyi Township, Toungoo District.

Can I ask you about the land confiscation relating to the Kaung Myanmar Aung Company³ in your area?

Yes.

I heard that the Kaung Myanmar Aung Company confiscated villagers' lands. So can you please tell me about the Kaung Myanmar Aung Company?

Yes. The owner of Kaung Myanmar Aung Company is U Kin Maung Aye. He is also a chairperson of CB Bank. In 2009, he requested 2,400 acres of lands from the Myanmar

³ Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development within Myanmar. Their chairman is Mr Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Myanmar which have included intimidation and threats to villagers who were customary owners of the lands, and launching legal cases against villagers accused of trespassing on the confiscated land. See "Chapter 6: Development, ["Foundation of Fear: 25 years of villagers' voices from southeast Myanmar,"](#) October 2017, KHRG. For an interview with a KMAC day labourer, see ["Toungoo Interview: U A---, 2017,"](#) November 2017, KHRG, and for a villager sued of trespassing, ["Toungoo Interview: Htantabin Township, November 2015,"](#) June 2017, KHRG.

government for an evergreen forest project. However, he confiscated more than 2,400 acres of land. Approximately 5,000 acres of land were confiscated by the Kaung Myanmar Aung Company. Villagers did not receive any compensation. In some cases, some villagers were forced to take unfair compensation although they did not want to.

For example, the Kaung Myanmar Aung Company just gave villagers 30,000 to 50,000 kyats [\$22.32 to 37.20 US] per acre. However, not every villager received this compensation, only a few villagers did. Most of the villagers did not get any compensation. Some villagers do not want the compensation because they only want their lands back. Some villagers did not even know that their lands were confiscated by Kaung Myanmar Aung Company. Villagers just learned that their lands were confiscated when Kaung Myanmar Aung Company workers came to clean vegetation and to plant [teak] trees on their lands. Due to land confiscations, villagers went from landowners to being landless.

As you said, the Kaung Myanmar Aung Company requested permission from the Myanmar government to use 2,400 acres of land to implement an evergreen forest project, and then they confiscated more than 5000 acres of villagers' lands. Did it happen this year?

Yes. They confiscated 5000 acres of land in 2017. This year, both the Land Department from the Karen Nation Union [KNU]⁴ and the Land Measurement Department from the Burma/Myanmar government came to measure the lands that have been confiscated by the Kaung Myanmar Aung Company. They confiscated more than 5,000 acres of land total. To be more accurate, one of the villagers, who went to investigate the situation when the Land Measurement Department measured the lands, told me that the Kaung Myanmar Aung Company confiscated approximately 5,000 acres of villagers' lands.

Regarding this land confiscation case, they tried to protect their lands in many different ways. They know that their lives will be ruined if they lose their lands. First, the villagers did not even know that their lands were confiscated. They just worked on their lands. Then, they started to know that their lands were confiscated when Kaung Myanmar Aung Company workers came to clean vegetation off their lands. There was a conflict between Kaung Myanmar Aung Company workers and local villagers. They argued with each other about land cases. Kaung Myanmar Aung Company workers told villagers, *"We are just the workers and the company already confiscated your lands. You do not have any place to live now"*. However, some company workers forced villagers to vacate their lands. It has caused a land dispute.

What villagers' lands did Kaung Myanmar Aung Company confiscate?

Kaung Myanmar Aung Company came to confiscate villagers' lands in many villages. Those are Aa--- village, Bb--- village, Fj--- village and Fk---village as well as other villages in Thandaunggyi Township.

Is your village, M---village included?

No. My village is not included but I always travel to those villages and I have a good relationship with those local villagers. That is why I know about their activities regarding the protection of their lands.

What advantages does the evergreen forest project bring to the local villagers?

In the past, before this evergreen forest project was implemented, U Kin Maung Aye conducted logging in this area. In 2015, he confessed that he used to be a person who conducts logging in

Comment [SS1]: I think it is a teak plantation project?? All the other sources say teak? Can you please check? If yes, can you let me know so I can replace!
-Yes, I think it refer to the teak plantation. We can put it in bracket or replace it. Up to you.

⁴ The Karen National Union is the main Karen group opposing the government.

this area for profit. Because of the logging, it caused deforestation. Now he feels guilty about the deforestation. That is why he said that he will plant more trees in this area. However, if we ask how villagers benefit from this evergreen forest, in my view, villagers do not get any benefits but only suffer instead. I do not see how this evergreen forest project brings many benefits to local villagers. Most of the villagers are disadvantaged because their lands are confiscated due to this evergreen forest project. Now, Kaung Myanmar Aung Company workers and villagers argue with each other over land. As villagers try to protect their lands, they went to talk to Kaung Myanmar Aung Company workers to ask them not to confiscate their lands but they were not successful. So villagers fenced their lands to prevent them from being confiscated.

Villagers also organized a *Lel Tha Mar Tun Tone Taik Pwe* [an event where villagers fence their lands] but this was also unsuccessful. In 2015, villagers held a demonstration against Kaung Myanmar Aung Company three times. Villagers from three or four villages gathered to protest. During the protest, villagers chanted, *"We do not want the Kaung Myanmar Aung Company. We want the Kaung Myanmar Aung Company to return our lands. We want the Kaung Myanmar Aung Company to stay out of our lands"*. However, Kaung Myanmar Aung Company workers continue to stay on villagers' lands. Furthermore, they tried to sue villagers in Toungoo Township. In the beginning, they just sued two or three villagers. Later on, they sued many villagers. As you are aware, the villagers are very afraid that they will be sued. They did not dare go to court. The Kaung Myanmar Aung Company used many methods to threaten villagers.

For example, KMAC said, *"If you [villagers] go to court, you will surely lose the case. If you lose, you will be in jail"*. However, two or three villagers went to court for a solution as they really wanted their lands back. The villagers won the cases in the court at Township level. Nevertheless, Kaung Myanmar Aung Company sued more than 10 local villagers again. In some cases, the husband and wife were sued at the same time. These villagers [more than 10 villagers] won their cases once in court at Township level. However, the Kaung Myanmar Aung Company was dissatisfied that they did not win the case so they filed a lawsuit against villagers at the Toungoo District level in 2016. This time, Kaung Myanmar Aung Company once again lost the lawsuit. In 2017, the Kaung Myanmar Aung Company has sued 10 villagers in Bago Division court.

So how did those 10 villagers respond to the lawsuit filed against them?

They are just daily laborers but they really want their land back so they always go to the court on every appointment date. Villagers were being sued from 2014 until 2017 and they have had to leave their jobs and to go to court at all the appointed times. They went to court every time. However, responsible staff from the Kaung Myanmar Aung Company did not regularly go to court if the appointment was set. If the appointment date was set for three different dates, Kaung Myanmar Aung Company workers only went to court on one of those dates. That is why villagers face livelihood challenges because they have to pay lawyer fees, transportation fees, and other service costs as well.

Some villagers borrowed money from other villagers to pay lawyer fees. Some villagers said that they do not eat anything when they go to court. Sometimes they only have 1,000 [\$0.74 US] kyats to buy food for their lunch during court proceedings. This continues to happen. Villagers told me that this is what they are struggling with in their daily lives. Sometimes they do not have any food to eat when they go to face trial in court.

This year, the Kaung Myanmar Aung Company sued villagers from Na Ga Mauk village, Hton Bo village and Kyat Chi Chaung village at the Bago Division court level. So it is very far from the area where villagers live. According to villagers who were sued, it is not possible to go to the Bago Division court. This is the company's power over villagers that weaken villagers' ability to reach the court because the travel costs will be high if villagers go to Bago Division court and they will also have to pay food costs and other costs.

Now, villagers cannot pay lawyer fees anymore so they tried to seek support from Community-Based Organizations and Civil Society Organizations. They also asked KHRG community members to help them contact non-profit organizations. KHRG community members cannot support them but KHRG community members can contact other non-profit organizations who can help villagers in order to reclaim their lands.

More importantly, these 10 villagers only want their lands back. I think I can tell you the names of 10 villagers who were sued. They are Saw De---, Saw Dj---, Soe Df--- and Ko Z--- from Aa---village; U C-----, Daw Dh---, Daw Di--- and from Ab---village; Saw Dg----- from W--- village. Another one is U Myint Soe and he is a person who tries to help villagers regain their confiscated lands. He was also sued by the Kaung Myanmar Aung Company.

Was his land also confiscated?

No. U Myint Soe does not have lands but he tries to help villagers get their lands back for free. When he tried to help villagers, he was also sued together with the villagers.

What is his position?

He is a member of the Independent Labor Union. Sorry, I cannot tell you the name of the last villager who was sued because I totally forgot his name.

It is fine. Let's keep talking.

Yes. He is currently facing a lawsuit in a Division level court. On November 21st 2017 U Thaug Nyout, the deputy manager of Kaung Myanmar Aung Company filed a lawsuit against him as the plaintiff.

Did U Thaug Nyout sue 10 villagers together on November 21st 2017?

Yes.

At which level did he sue villagers?

He sued villagers at Division level. Yes, Ko Q--- and another two villagers faced a lawsuit in Township court but the case is not over yet. Yet, Kaung Myanmar Aung Company continues to sue them at Division court.

What was the result after villagers faced the lawsuit at Division court?

Villagers faced many difficulties because they cannot hire lawyers. I mean they cannot pay lawyer fee because the lawyer fee is set at 1,100,000 kyats but they were just able to save a bit more than 300,000 kyats [\$221.05 US] to pay lawyer fee. They really need help. Even though they saw that they can get justice from the court, they felt that there is no guarantee for their land will be returned because Kaung Myanmar Aung Company has a lot of money.

Even if they do not win the case at Division court, they will sue villagers at a central government court. It will be very difficult for villagers to try to claim their lands. They really want a different result but they have to overcome many barriers. Those people who helped villagers cannot help villagers anymore because they can only speak up for villagers at Township court and District court but it will be very difficult for them to face trial at Division court. Villagers really need money for lawyer fees, more people to support them, knowledge about land laws as well as law experts who can protect them.

Do you know who is winning and who is losing the trial at Division court?

No. We do not know about it yet because this is just the first time that they started talking about the lawsuit in court.

So, the Kaung Myanmar Aung Company has not sued the villagers yet. Is this right?

Yes. They just tried to open a lawsuit.

What does it mean that they were trying to start a lawsuit?

Yes. They have already sued villagers but this is the first time that they were investigated about whether or not the case is real [confirmed].

So they were just trying to appeal a court decision?

Yes.

Did these 10 villagers try to submit complaint letters to the Burma/Myanmar government or KNU authorities during 2017?

Yes. They reported the land confiscation cases to relevant authorities. Villagers also tried to prevent their lands from being confiscated. For example, as I told you earlier, Kaung Myanmar Aung Company workers came to destroy Ko Q--- and Daw S---'s banana plantation in 2016. That year was a good time when the bananas were ready to sell. These villagers just rely on their banana plantations. They just get income by selling bananas and they use that money to pay lawyer fees and other service costs.

The land confiscation made it difficult for villagers to secure their livelihood. In response, villagers sued Kaung Myanmar Aung Company workers for destroying their plantation.

What challenges did villagers face when they sued Kaung Myanmar Aung Company workers?

Yes. When they sued Kaung Myanmar Aung Company workers, they always had to go to court but the company workers were very often absent from court. It has been more than one year now and the case has not been finished yet. On November 26th, 2017, the [villagers] had to go to court for the trial. Kaung Myanmar Aung Company made many appointed times to call villager to come to court because they want to weaken villagers' agency and to reduce their motivation.

I think they [the company] assume that the villagers will give up if they are no longer motivated. The lawsuit has been going on for about two years now. Villagers are very tired and their money has been spent on the lawsuit which has resulted in livelihood challenges for villagers. Villagers are now really in trouble and they feel stressed. They really need financial aid and psychosocial support.

Are there any other agency strategies that villagers used to try to reclaim their lands?

Firstly, villagers fenced their lands to prevent the company from growing plantations on it. It was not effective. Then, they fenced their lands together in order to hold a protest but it was also not effective. They held a demonstration three times. The first time they held a demonstration by walking on their confiscated lands.

You mean people who held the demonstration were these 10 villagers who were sued. Is that right?

No. These 10 villagers who were sued are the representatives of all villagers whose lands were confiscated. However, villagers also held a demonstration two times walking on the street in Toungoo town but it was not successful. Kaung Myanmar Aung Company said that they would just negotiate with villagers but they did not return the lands to villagers. However, as far as I know, they just negotiated with villagers on their chosen time. The chairperson of Kaung Myanmar Aung Company, U Kin Maung Aye, said that he will meet any villager who wants to meet him but the way he talked to villagers was mean.

He told villagers, *"If I do not return your lands or give you compensation, what will you do? You will be in a big trouble. So you have to take the amount of the compensation based on what decision I make."* The compensation is just 30,000 kyats [\$22.11 US] per acre of land. Villagers cannot take that compensation. How can villagers support their livelihood with this amount of money? The way he talked to villagers makes it sound like villagers have to follow whatever decision he makes. We recorded his voice when he talked to villagers.

When did he talk to villagers?

He talked to villagers at his hotel in 2015. The name of his hotel is Royal Kaytumadi Hotel and it is located in Toungoo town. Some of the villagers who were sued went to meet him at his hotel but some of the villagers' whose lands were confiscated did not go to meet him because the Royal Kaytumadi Hotel belongs to U Kin Maung Aye's, so many of his workers were at the hotel.

Most of the representatives that he invited to meet him are his people. This is the way he tries to dominate the villagers and get them to agree with what he says. That is why many villagers did not want to go to the Royal Kaytumadi Hotel to meet him. Until now, Kaung Myanmar Aung Company continues to sue villagers for many different reasons because they want to oppress villagers until villagers cannot stand against them.

If I say honestly and openly, they deliberately want to attack villagers until villagers' lives are ruined. They started to take action against the villagers in 2009 in order to confiscate villagers' lands. They are still doing this until now. Villagers have faced many barriers in getting back their lands villagers mainly want to protect their lands from being confiscated. If they regain their lands, they will be able to secure their livelihood.

If they do not get their lands back, their lives will be destroyed. Therefore, they just try their best to protect their lands. Villagers mainly work on their plantations and farms in order to secure their livelihood. They do not have other skills to do other work such as mechanics, so it [businesses] will not bring any benefits for villagers even if industrial projects are implemented in their areas. Above all, they just want to protect their lands for their livelihood.

What other agency strategies did villagers use to claim their lands?

Yes. Villagers also tried to submit complaint letters through different levels of the Myanmar government departments and also the Myanmar president office.

Is the Myanmar president office located in Toungoo District?

No. It is located in Naypyitaw, the capital city of Myanmar. They also reported the land confiscation case to the Ministry of Defense with copies of complaint letters.

What do you mean by the Ministry of Defense?

It means Min Aung Hlaing's office, the highest office of Myanmar's military. Villagers also submitted the case to the relevant departments of Myanmar government. However, no action has been taken yet. In addition to that more and more villagers are being sued by the Kaung Myanmar Aung Company.

Did they really submit the land case to the Myanmar president office and the office of the Ministry of Defense?

Yes. They did. They also submitted the case to the Myanmar State Counselor Office.

Even though villagers submitted complain letters to the Myanmar president office, Myanmar State Counselor Office, the office of Ministry of Defense and other relevant Myanmar government departments, no one has taken this issue into account. So why do you think no action has been taken?

I think firstly, the Burma/Myanmar government lacks cooperation with the citizens of Myanmar. Secondly, regarding the land issue, the Burma/Myanmar government does not have a stable land law policy to guarantee the lands that belong to the citizens of Myanmar. The Burma/Myanmar government has enacted the Vacant, Fallow and Virgin Land Management Law in 2012.⁵ When U Thein Sein was about to resign from the presidency and the new government was coming to power, a new land law act was again drawn in 2015.

The land law policy is very complicated. There is no guarantee for villagers' lands. That is why it is not easy to handle land disputes. This is my view.

It is complex because some people can apply for Land Form #7⁶ but some people cannot apply. Some people just get rights to work on the land but they cannot own it. Some people get the 30 years' land titles to work on the land. There are no rights to own lands. Thus, it is difficult to solve land issues.

So you mean the Burma/Myanmar government cannot solve the land issues because of the complicated land law policy that they have drawn. Is this right?

Yes. The land law policy is weak and complicated. Villagers just know about the customary land practice so they think they can own the land, but the Burma/Myanmar government's land law policy stated that there is only the right to work on the land. Therefore, rights to own land are not in line with rights to work on the land.

What I mean is, the Burma/Myanmar government has not solved issues with the land law and policy. Instead, they just try to solve civil cases such as lawsuits on land disputes. So, it is

⁵ The perpetrator of this abuse 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 virgin land"). This practice was recently reaffirmed by the Vacant, Fallow, Virgin Land Law (2012). As development has increased in southeast Burma/Myanmar since the signing of the government-KNU ceasefire in January 2012, KHRG received an increasing number of complaints of confiscation of "uncultivated land" or "wasteland." For KHRG documentation of land confiscation arising from development projects, see ["With only our voices, what can we do?": Land confiscation and local response in southeast Myanmar.](#) KHRG, June 2015, as well as, ["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.

⁶ Land form #7 is the land grant required to work on a particular area of land. In Burma/Myanmar, all land is ultimately owned by the government.

difficult to solve land issues. For example, Kaung Myanmar Aung Company confiscated villagers' lands and they sued villagers on civil charges such as trespassing on the confiscated lands and damaging their business projects. In reality, the Burma/Myanmar government should solve the case for villagers who are landowners. Now, the [Burma/Myanmar government] tried to solve the lawsuits instead of the issues with the land law and policy. I just want the Burma/Myanmar government to amend the land law and policy. Otherwise, in my opinion, these land disputes will never get solved.

I just want to know one more thing. Kaung Myanmar Aung Company requested permission from the Burma/Myanmar government to use lands for an evergreen forest project. So how many years will they carry out their project for?

As far as I know, they just requested a 30 years' land grant for their project from the Burma/Myanmar government, but if the Burma/Myanmar government gives them a permanent land grant, villagers' lives will be destroyed.

What do you mean by that?

I mean the Kaung Myanmar Aung Company can request permission from the Burma/Myanmar government for another 30 years' land grant if their current land-grant expires.

The Kaung Myanmar Aung Company started their project in 2009. Ideally, when will their project's timeline be finished?

Their project will be finished in 2039. However, the Burma/Myanmar government's land policy is very complicated. If the Kaung Myanmar Aung Company's project is in vacant land and is not implemented within four years, their project must be terminated and they must return the land to the original landowners.

Can you please explain what you said about the Vacant, Fallow and Virgin Land Management law?

Yes. If anyone carries out a project on vacant land, the project must be implemented. If their project is not implemented within four years, the land that they originally requested to use can be confiscated by the Burma/Myanmar government or it must be returned to the original landowners. The Kaung Myanmar Aung Company has confiscated lots of acres of villagers' lands since 2009 but they have only used 200 acres of land for their teak plantation project.

What kind of project can be requested?

Any project.

As you said earlier, the Kaung Myanmar Aung Company confiscated almost 5,000 acres of villagers' lands but they just used no more than 200 acres of land for their project. There is a big gap between the amount of lands confiscated and the amount of land being used. So, how did the Burma/Myanmar government solve this case? What action did they take to protect villagers? As you said before, Kaung Myanmar Aung Company has to prove that their project is implemented within four years but until now their project has not been implemented yet.

Yes. The Burma/Myanmar government cannot protect the local villagers. They also did not take any action against the Kaung Myanmar Aung Company. The Burma/Myanmar government said that they will take back the confiscated lands if the Kaung Myanmar Aung Company cannot implement their project, but they have not taken the lands back yet even though the Kaung Myanmar Aung Company's project is impractical.

Besides, the Burma/Myanmar government police from Hton Bo police station #3, Toungoo Township would help the Kaung Myanmar Aung Company if villagers opened the land confiscation case. I mean they [police] speaks for the company, they do not speak for local villagers.

Kaung Myanmar Aung Company started to confiscate villagers' lands in 2009. When did they start to sue villagers?

They started to sue the villagers in February 2014. They continued to sue villagers every year from 2014 to 2017.

Were the lawsuits different in 2014 and 2017?

In the beginning, Kaung Myanmar Aung Company sued one or two villagers because they were just trying to intimidate the villagers so that they would not try to reclaim the lands confiscated by the company.

How did Kaung Myanmar Aung Company threaten villagers?

Regarding land confiscation, the Kuang Myanmar Aung told villagers *"Do not try to claim your lands. If you try, we will sue you. Then, you will be in jail"*. Saw V--- and Saw De--- were sued. They are a father and son. They had to face trial in Township court but they won the case in Township court. When other villagers whose lands were confiscated heard about this, they tried to work with them [Saw V--- and Saw De---] in order to help them get their land back. Then, they [the company] increased their activities. Villagers cleared vegetation on their lands and cultivated them. That is why the Kaung Myanmar Aung Company tried to sue more and more villagers.

However, the villagers felt empowered and gained the confidence and motivation to claim their lands. Cooperation among villagers also increased and they formed a village committee and attended a land law awareness workshop and a land rights workshop that was provided by the Independent Labour Union and other civil society organizations, non-governmental organizations, human rights organizations and individual land law experts.

Did Saw V--- and Saw De--- win the case at both Township court and District court?

Yes, they did. That is why more and more villagers worked together to claim their lands because they gained motivation and confidence by looking at the example of Saw V--- and Saw De---.

However, as you said before, the Kaung Myanmar Aung Company will continue to sue villagers by using many different methods until they secure villagers' lands. Is this right?

Yes. The Kaung Myanmar Aung Company will deliberately try to sue villagers by using many different methods until villagers give up on their lands. They will try to weaken villagers' agency in many different ways. If the villagers give up, they can take the land easily.

On the other hand, villagers have also bolstered their activities and cooperation to claim their lands. They help each other. They try to improve their agency strategies to protect their lands by working together with the Independent Labor Union and civil society organizations. Is this right?

Yes. Another thing I want to say is that villagers are now facing challenges, especially financial challenges, regarding going to Division court. They really need help and legal support.

As you explained earlier, the Kaung Myanmar Aung Company deliberately tries to weaken villagers' agency but villagers also try their best to improve their agency to protect their lands. Both sides refuse to give up. So what do you think is the best solution to solve this land dispute?

In my opinion, Kaung Myanmar Aung Company implemented a project for their business profits and confiscated villagers' lands. Villagers have only their land to work in order to support their livelihoods. If the Kaung Myanmar Aung Company gives fair compensation to villagers, villagers will probably be satisfied. I am not sure, but I think villagers will surely be satisfied if the Kaung Myanmar Aung Company returns its unused land to villagers.

However, the Kuang Myanmar Aung Company has not returned any land to villagers yet. Besides, they continue to sue villagers. It is very sad. Since KMAC is a company, the company must have dignity. So they [KMAC] should maintain it. Now this company does not maintain their dignity because villagers had to hold a demonstration because of their [KMAC] actions.

They [KMAC] just undermine their company's image and reputation. Their company has low self-respect. In order to maintain their company's dignity and image, they have to consult with the villagers. They have to cooperate with villagers. They have to make villagers satisfied. They have to fulfill the villagers' needs and demands. They have to say "sorry" to the villagers for what they have done. They have to return the lands to villagers. If they do this for the villagers, the company's dignity will not be dishonored and their business reputation will get better. Otherwise, their company will never have a good reputation and dignity. According to villagers, they will never give up until they get their land back. They will never leave their lands. They will protect their lands until they die on their lands. That is why Kaung Myanmar Aung Company should consider villagers' feelings, villagers' lives and villagers' future. The company should negotiate with the villagers.

What about the Burma/Myanmar government? What should they do about this land confiscation?

The Burma/Myanmar government should make land law and policy that can give villagers a guarantee of their lands. They should make an official and recognized land document for villagers that gives them the right to own land. They should take action to get justice for villagers. They should take land confiscation cases into account. In my opinion, the Burma/Myanmar government currently just ignores villagers' concerns regarding land confiscation. I think this land issue is still ongoing because the Burma/Myanmar government does not take any proper actions to solve the problem. The Burma/Myanmar government is responsible for this. I think the Burma/Myanmar government should come up with a fair and proper solution for both sides [the Kaung Myanmar Aung Company and villagers].

Even though the Burma/Myanmar government knows about the land confiscation by Kaung Myanmar Aung Company, they do not take any actions against the company. They just ignore the villagers' demands and voices. Do you think that there is any special relationship between the Burma/Myanmar government and Kaung Myanmar Aung Company?

Yes. The company can confiscate the villagers' land. So, I think they have a special relationship with the Burma/Myanmar government because the Burma/Myanmar government gave the company permission to implement the project. They both share business interests. I mean, the company pays taxes to the Myanmar government. Maybe they can share the business profits based on the product that the company produces. However, the company can confiscate the

land because of the permission granted by the Burma/Myanmar government. Why does the Burma/Myanmar government grant them permission? It is because they need to generate income for the national budget.

Yes. I think you have given me very detailed information. Regarding the land confiscation case, what else would you like to add?

I want to say that U Kin Maung Aye, the chairperson of Kaung Myanmar Aung Company and the company's managers, U Thoung Nyout and U Saw Maung, are just human beings. As they are human beings, they should respect other people. They should not treat other inhumanely. I mean they do not listen to villagers. They do not recognize the villagers' voices. Therefore, a conflict has risen between the Kaung Myanmar Aung Company and villagers because they also are trying to demand lands that are rightfully theirs, but the company does not respect villagers' rights. That is why the company's image became bad.

If possible, I think Kaung Myanmar Aung Company should negotiate with villagers and fulfill villagers' needs and demands. They should make something for villagers. They cannot promise that they will return the land to villagers by word. They have to turn their words into actions. They have to make legal documents for villagers.

Thank you for your information and patience.

I also thank you very much. I am feeling overwhelmed the same way the villagers are.

Do you allow KHRG to use your information for publication and sharing?

Yes. I agree. KHRG needs to publish what I have told you. KHRG should disseminate the information worldwide.

Further background reading on the situation in Mergui-Tavoy District can be found in the following KHRG reports:

- "Toungoo Interview: Naw A---, February 2017," (January 2018)
- "Toungoo Situation Update: Thandaunggyi Township, March to May 2017," (December 2017)
- "Toungoo Interview: Naw Ka---, October 2016," (June 2017)
- "Toungoo Interview: Saw A---, January 2016," (February 2017)
- "Toungoo Interview: Naw A---, November 2015," (February 2017)

Taw Oo (Toungoo) District



Karen Human Rights Group (KHRG)