



Karen Human Rights Group

Documenting the voices of villagers in rural Burma

News Bulletin

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Villagers raise concerns regarding proposed stone mining and cement production in Win Yay Township, Dooplaya District

This News Bulletin describes villagers' concerns about the testing of Khonkhan rocky mountain in A-- village, Sin Pyay village tract, for potential limestone mining for cement production. The testing is being done by the Asian Falcon Company. When the Asian Falcon Company began to test the stone of rocky mountain in their area between March and December 2016, villagers in Sin Pyay village tract, Win Yay Township reported that they did not receive clear or transparent information about what was happening. Although they have raised their concerns about the potential negative impacts, villagers express that the local Karen National Union (KNU) authorities have ignored their voice by permitting the company to conduct its business activities for the proposed cement production.¹

Introduction

This news bulletin presents the compilation of villagers' concerns from the surrounding villages of Khonkhan mountain, Sin Pyay village tract, Win Yay Township/Three Pagoda Pass sub-township, Kyainseikgyi Township² regarding the quarrying of limestone from the mountain, known locally as 'rocky mountain', for the purpose of cement production. From January until November 2017, KHRG received a numbers of reports describing villagers concerns for the potential negative impact related to the quarrying of the rocky mountain and the proposed cement production by the Asian Falcon Company.³ The Asian Falcon Company has been testing⁴ the rocky mountain since March 2016 in Sin Pyay village tract, Win Yay Township after they held a direct consultation with local authorities (KNU leaders)

¹ This News Bulletin was written by KHRG office staff and is based on information from a community member from Dooplaya District who has been trained by KHRG to monitor local human rights conditions. It summarises information from one other document, one complaint letter, one situation update and two interviews received by KHRG in within 2017. In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in southeast 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.

² The place of the Asian Falcon company site visit is a mixed controlled area. Therefore, the visit site area was mentioned with two townships name according to the KNU and Myanmar-government defined territory.

³ This company name is also translated as the Asia Eagle Company. For previous KHRG reports regarding the company's involvement in stone mining in Dooplaya District, see "[Dooplaya Situation Update: Kawkareik Township and Win Yay Township, November 2016 to January 2017](#)," August 2017.

⁴ Although there is a lack of transparency regarding the details of the testing, it is likely that the company is testing the quality of the limestone to assert that it is of suitable standard for cement production. According to the internationally held standard for natural resource governance, exploration and licensing of potential mining sites should be allocated to companies in a transparent process, and closely monitored by the government. For more information see Precept 3 of '[Natural Resources Charter Benchmarking Framework](#)' NRGI, 2017.

in Win Yay Township. However, villagers did not receive clear information about the company or the proposed process and information from this consultation was not openly shared with villagers.

In January 2017, the Asian Falcon Company returned to Khonkhan rocky mountain to test the stone again. At this time, villagers from eight affected villages formed an environmental conservation committee in order to have a more effective outlet for their concerns. Despite this committee sharing villagers' concerns and disagreements regarding the potential impact and consequences to the project, the Asian Falcon Company continued with their site visit and examination. Villagers felt that this action clearly showed that their voices and concerns were ignored and their rights to the land and local resources were not respected by the company or by local authorities who were complicit in giving permission.

Negotiation and consent

The Asian Falcon Company conducted site visits from March to December 2016 to Khonkhan rocky mountain after they negotiated with the Karen National Union (KNU) chairperson from Win Yay Township. During these site visits, the site visit team measured and tested the stone of the rocky mountain to survey for industrial mineral raw materials and the possibility of stone production.⁵ Villagers were isolated from this negotiation process and not informed of the company's site visits. According to a villager from B--- village, Than Pa Yar, [P'Naw Kleh Hkee in Karen] village tract, Win Yay Township, Doolaya District,

"Except knowing that the company is measuring and testing the rocky mountain I do not know any specific information about this project. They [company workers] brought the recommendation letter from Win Yin Township and conducted their site visit."⁶

Villagers from other villages in Win Yay Township also reported that there was no consultation or transparent sharing of information with them throughout 2016. The company received permission for their site visit after meeting with Win Yay Township leaders only.

Consultation

On August 12, 2017 the company returned to the Khonkhan rocky mountain and this time held a consultation with the local villagers. Local villagers reported that during the consultation, many of the questions and concerns that they raised were not answered. For example, when a village head questioned about the Asian Falcon Company's aim behind the measurement and examination of the rocky mountain, company workers responded that they just had to take measurements to report to the Karen State Minister Nan Khin Htway Myint and responsible leaders from Nay Pyi Taw. The company workers who attended the consultation claimed that they only held responsibility for the site visit and measurements, and therefore they could not make other decisions based on the concerns villagers raised. They confirmed only that they submitted the necessary permission letter to the local authorities in Win Yay Township for the site visit.⁷

The permission letter that the company submitted to the Win Yay Township leaders requested permission for a mineral exploration group to conduct a survey, from October 14th to October 15th 2017. The mineral exploration group is led by the Asian Falcon Company and a field investigation group led by a director of Ministry of Natural Resources and Environmental Conservation, under the Myanmar Department of Geological Survey and Mineral Exploration, from Nay Pyi Taw.⁸ Therefore, based on the information from the letter, villagers gathered that the project on Khonkhan rocky mountain is set to continue despite villagers withholding their

⁵ This information is taken from unpublished report from Win Yay Township received in November 2017.

⁶ This information is taken from an unpublished interview from Win Yay Township received in September 2017.

⁷ This information is taken from an unpublished interview from Win Yay Township received in September 2017.

⁸ This information is taken from unpublished report received in November 2017.

consent. They reflected that the consultation that was held with villagers was not transparent or effective as they had not been informed that testing and exploration for the project would continue.



The first photo was taken on August 30, 2017 in B--- village, Than Pa Yar [P’Naw Kleh Hkee in Karen] village tract, Win Yay Township, Dooplaya District. The photos show a manual distributed by the Asian Falcon Company to villagers via the village head. It is a manual that describes about the process of stone examination and the extraction of sample stone with a drilling machine. Villagers reported to KHRG that they do not accept this project at all. [Photo: KHRG]

The second photo was taken on August 30, 2017 in B--- village, Than Pa Yar [P’Naw Kleh Hkee in Karen] village tract, Win Yay Township, Dooplaya District. This is a photo of B--- villager Saw C--- who was interviewed by a KHRG community member regarding the proposed stone mining and cement production. In the interview he stated that, “*The reason for my disagreement is because the bottom of this rocky mountain is full with gardens and land owned by villagers. The gardens, the land and the plants also depend on the shade from this Kon Hkaw [Khonkhan in Burmese] Mountain. If this mountain is removed [destroyed or reduced by stone mining], all the gardens and plants will be destroyed. The local people also use the bamboo and trees from this mountain to build their houses. They would have big problems finding the trees and plants to build their houses [if the mountain is destroyed by mining]. [Also,] there are many animals that live on this mountain; these animals will disappear when the mountain is destroyed.*” [Photo: KHRG]

Villagers’ concerns

Villagers have raised their concerns about several potentially negative consequences of the stone mining and the proposed cement production, including livelihood concerns. According to local villagers in Win Yay Township,

“There are many villagers who rely on this rocky mountain [for their livelihood security].

According to one villager from B--- village, P’Naw Kleh Hkee village tract, Win Yin Township,

“Most villagers who live [in the area] surrounding the rocky mountain mainly keep plantations such as betel nut plantations and rubber plantations for their livelihood [economic subsistence]. Therefore, if this rocky mountain is removed [damaged by stone mining] and the cement industry is established, our livelihoods will be damaged. The river can also dry up. These are the main reasons we worry for our livelihoods.”⁹

Other villagers have also stated that the mountain is near to their drinking water source, which they predict may be disrupted by the project,

⁹ This information is taken from an unpublished interview from Win Yay Township received in September 2017.

“Also there are a lot of villagers from many villages who rely on the Win Yay [also known as Win Yaw] river [which is located] nearby this rocky mountain.”

Moreover, villagers worry that the livelihood impacts may be so dramatic that it may result in their displacement from their homes,

We, local residents, are not sure when we have to move away because when the company [Asia Eagle Company] came [to conduct a survey on the rock mountain], they brought a permission letter from the KNU headquarters. We do not know whether P’doh¹⁰ Saw Sein Ler [secretary of the KNU Mining Department], himself came together with the company or not. They [the company] also brought a permission letter from the [Myanmar] Ministry of Mines [when they came to conduct a survey]. However, they [the company] did not explain to local residents anything about the cement factory project nor about the permission letters. Villagers were [also] not consulted during the planning stages of the Three Pagodas Pass-Thanthphyu Zayet road. We have to deal with the negative impact of development projects although we did not agree to them.”¹¹

Response of local authorities

Problematically, when villagers have raised their concerns at the local level, no action has been taken as the KNU has already granted permission for testing and exploration, undermining any need for consent to be granted by the local community. According to local villagers,

“They [the company] will not get a chance to conduct a survey on the rocky mountain if the KNU headquarter/ national leader does not give permission [to the company] to conduct the survey. Due to the KNU’s permission [given to the company], villagers have to be silent [cannot resist the cement factory project].”¹²

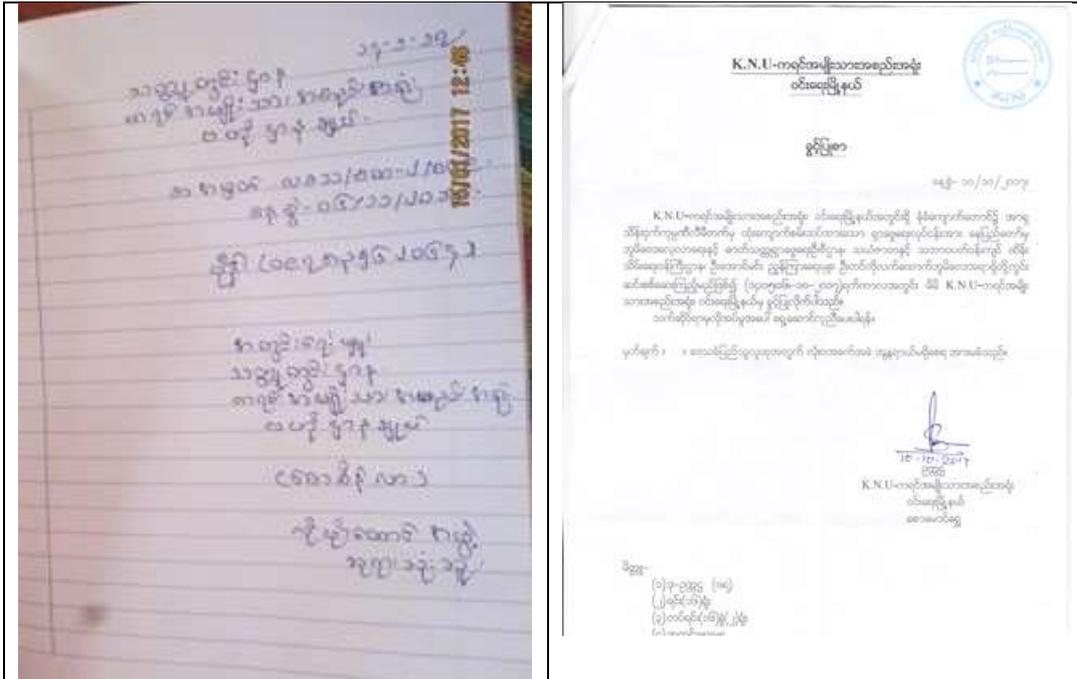
Therefore despite villagers concerns about their livelihood security and other potentially negative impacts, villagers rights to prior, meaningful, informed consultation and consent were not respected.¹³ Without taking villagers concerns into account, this proposed stone mining and cement production will cause a lot of serious human rights impacts including livelihood insecurity and health consequences due to water channel disruption.

¹⁰ P’Doh is a Karen title used for a government or military governor or officer.

¹¹ [“Dooplaya Situation Update: Kawkareik Township and Win Yay Township, November 2016 to January 2017,”](#) KHRG, August 2017.

¹² [“Dooplaya Situation Update: Kawkareik Township and Win Yay Township, November 2016 to January 2017,”](#) KHRG, August 2017.

¹³ The international standard of Free, Prior, and Informed Consent (FPIC) relates to the rights of indigenous persons in relation to decisions which affect their community. It is enshrined in Article 32, [“United Nations Declaration on the Rights of Indigenous Peoples,”](#) 2007, and expanded on in [“Free, Prior and Informed Consent of Indigenous Peoples,”](#) OHCHR, September 2013.



The first photo was taken on January 15th 2017 in D--- village, Sin Pyay village tract, Win Yay Township, Dooplaya District. This photo shows a [handwritten] letter that a [Asian Falcon] company member brought from KNU when they came to examine the rocky mountain. The document merely describes the contact information of the KNU mining ministry which gave their permission for the site visit and stone testing. [Photo: KHRG]

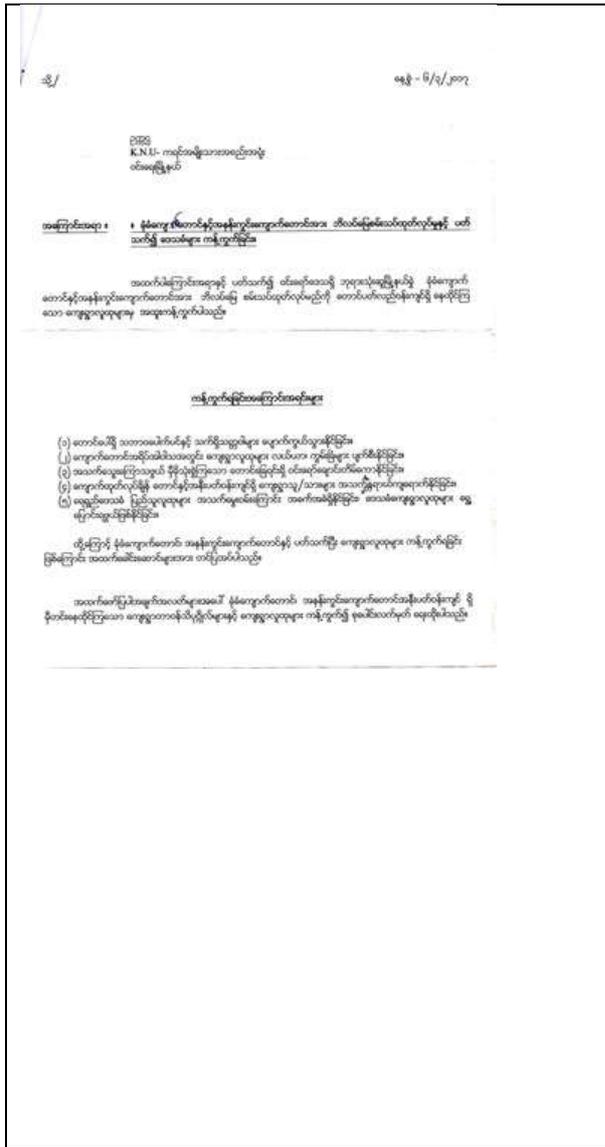
The second photo shows a permission letter from the KNU Mining Department [providing permission to the relevant Myanmar department]. This permission letter was released by the relevant Myanmar department on October 10, 2017. It states that the KNU has given permission to the Ministry of Natural Resources and Environmental Conservation, under the Myanmar Department of Geological Survey and Mineral Exploration from Nay Pyi Taw. The permission is granted to conduct the site visit for the examination of limestone production activities on Khonkhan rocky mountain for the Asian Falcon Company. This document was passed to KHRG on November 3, 2017 from Kwee K'Chaw Kyi village tract, Win Yay Township, Dooplaya District. [Photo: KHRG]

Village Agency

After villagers found out that the Asian Falcon Company had come to examine the rocky mountain many times, they formed a Natural Conservation Committee in January 2017. The Natural Conservation Committee was formed in order to protect their community forest.

Despite exclusion from the formal permission process, villagers have worked in diverse ways to protect the rocky mountain and the community forest that grows on it, which they perceive as under threat. Villagers including village tract leaders have collectively held meetings regarding the company testing for the quarrying of the rocky mountain and the proposed cement production. As an outcome of these meetings, on March 6, 2017 they reported their collective concerns through submitting a complaint to the KNU Township leaders in Win Yay Township.

Secondly, when staff members from the Asian Falcon Company came and held one consultation meeting with villagers on August 12, 2017, the villagers also directly spoke up to explain the reasons why they do not allow the company to examine the rocky mountain for mining.



This photo shows the objection letter from villagers submitted to the KNU chairperson in Win Yay Township, Dooplaya District on March 6, 2017. KHRG received this document on May 23, 2017. Villagers also sent a request to KHRG, via a local KHRG community member in Win Yay Township, to advocate to the KNU headquarters regarding their complaint. In this letter, villagers from the areas surrounding the rocky mountain confirm that they are against the examination of rocky mountain for mining purposes. They give five main reasons for their objection. 1) The biodiversity of the mountain, including plants and animals, is at risk. 2) The extensive shade provided by the mountain is beneficial for local farmers' plantations; plantations may therefore suffer if this shade is lost. 3) The Win Yaw [Win Yay] River at the bottom of the rocky mountain is relied on by villagers as their main water source; it may dry up or become unusable if mining activities interrupt or block the river, or pollute it with dirt and dust. 4) There may be potential stone falls caused by mining; villagers who stay close to the rocky mountain therefore feel unsafe. 5) Villagers predict future livelihood problems caused by the disruption to their land and community, and fear that this may eventually lead to their displacement. [Photo: KHRG]

Furthermore, when local villagers gained information on October 10, 2017 via the permission letter that a site visit and sample testing would be conducted local villagers organised themselves by requesting a Karen CBO (Community Based Organisation) to advocate to the leaders and responsible people from KNU headquarters to reverse their permission and not allow the company to continue with the proposed project.

On December 6, 2017, a KHRG community member returned to the proposed project area and reported that villagers also have tried another strategy to protect their community forest on the rocky mountain. Villagers, led by a local monk, built a religious stupa on the top of the rocky mountain to make the company respect the mountain.

On January 4, 2018, a KHRG community member reported that the locally established Environmental Conservation Committee held a meeting at E--- village, Win Yay Township and set up the rules for environmental conservation and they again discussed how to find different ways to protect the rocky mountain. Around 50 participants attended this meeting including four local monks. According to the KHRG community member, villagers are determined to continue protecting their rocky mountain and community forest in many ways until the company stops their proposed project.



The first photo was taken on January 15th 2017 in D--- village, Sin Pyay village tract, Win Yay Township, Dooplaya District. This photo shows a meeting organised by D--- villagers. The Asian Falcon Company came many times to test a local rocky mountain for stone mining potential nearby D--- village. Villagers disagreed with the proposed stone mining for cement production. Therefore, villagers gathered together, held a meeting to discuss their concerns, and formed a Natural Conservation Committee. *[Photo: KHRG]*

The second photo shows Khonkhan rocky mountain marked with a blue circle on the satellite map. This rocky mountain is over ten miles long and is surrounded by eight villages. It hosts around 4000 acres of extensive forest. It is a vital resource that villagers rely on for their livelihood security, including for forest products, hunting, and shade for their plantations. Therefore, if the Asian Falcon Company extract stone from this rocky mountain for cement production it is predicted to lead to negative livelihood consequences for local community members. Predicted consequences include the loss of community forest, environmental damage and loss of biodiversity, and potential eventual displacement due to livelihood problems. Despite these predicted consequences, the project has been allowed to continue without villagers' consent. *[Photo: Google map/KHRG]*

The last two photos were taken in D--- [Taung Swun] village, Kwee Ka Chaw Kyi village tract, Dooplaya District, Win Yay Township on December 6, 2017. Since the Asian Falcon Company has examined the rocky mountain many times for stone for cement production, it has caused great concern for the villagers. Therefore, villagers organised a local protest in the form of construction of a stupa [Buddhist religious monument] on the top of the mountain. In the picture, villagers are carrying stone to the top of the rocky mountain in order to construct the stupa. This is one of the villagers' strategies in protecting their environment from destruction, by showing it is sacred. This activity was led by the monk of F--- village and villagers including village head also volunteered. The name of the monk is unknown. *[Photo: KHRG]*

Conclusion

Local and international companies have been able to implement business enterprises more freely throughout Myanmar recently, compared to the previous government era (most

notably prior to the 2012 preliminary ceasefire¹⁴). According to villagers in southeast Myanmar, companies have performed their business activities on the ground with a lack of transparent Environmental and Social Impact Assessments (EIA/SIA) and low standards of Free, Prior, and Informed Consent (FPIC). Without these safeguards, only the local villagers suffer the negative consequences and human rights impacts.

The potential quarrying of Khonkhan rocky mountain in Win Yay Township, Dooplaya District by Asian Falcon Company is one of the clear examples that villagers are still at risk of their human rights being undermined by the negative impact of business activities. In this case, Khonkhan rocky mountain is one of the main resources that local villagers rely on for their livelihood, including for drinking water and forest resources from the community forest. Although villagers have tried many ways to protect their rights, their voices and concerns have continually been ignored and undermined by the local authorities providing permission to the company. Villagers' right to FPIC and well as their human rights to life, health, work, an adequate standard of living, and the indigenous right to land, were not respected by the authorities or the company.

Local and international companies have proceeded with development projects especially business activities across KHRG operation areas of southeast Myanmar more frequently since the NLD government came to power.¹⁵ Across the seven locally-defined districts of southeast Myanmar, KHRG has received information about villagers concerns from the negative impact of business activities. This highlights that whilst the Myanmar government is trying to change and develop the country across many different sectors, the need remains to accommodate community-level concerns and to monitor the human rights situation effectively so that the country will be improved in-line with the necessary protections for community members on the ground.

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

- "Dooplaya Situation Update: Kyainseikgyi Township, July to August 2017," (December 2017)
- "Dooplaya Situation Update: Kawkareik Township, November 2016 to January 2017" (October 2017)
- "Dooplaya Interview: Saw A---, September 2016," (May 2017)
- "Dooplaya Situation Update: Kawkareik Township and Noh T'Kaw Township, April to May 2016," (March 2017)
- "Dooplaya Situation Update: Win Yay Township, June to July 2015," (March 2017)

¹⁴ 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. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see ["Seventh Round of Nationwide Ceasefire Negotiations," Karen National Union Headquarters](#), March 18th 2015. Following the negotiations, the KNU held a central standing committee emergency, see ["KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit," Karen News](#), April 22nd 2015.

¹⁵ The National League for Democracy (NLD) was elected in November 2015 and officially took office in March 2016. The State Councillor of Myanmar and de-facto head of the NLD is Aung San Suu Kyi, whilst the President is Htin Kyaw.

Dooplaya District



Karen Human Rights Group (KHRG)