



Karen Human Rights Group

Documenting the voices of villagers in rural Burma

Interview

September 19, 2017 / KHRG #17-32-A1-I1

Mergui-Tavoy Interview: Saw A---, February 2017

This Interview with Saw A--- describes events occurring in Ta Naw Th'Ree Township, Mergui-Tavoy District, during the period between 2014 and February 2017, including the negative consequences of road construction, land confiscation and an update on villager livelihoods.

- *In B--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District, the Burma/Myanmar government Ministry of Construction has led a road construction project for four years. They did not hold a consultation meeting with the villagers or ask permission from the land owners before they started the road construction project.*
- *The road construction damaged around ten villagers' plantations. Rubber, cashew, betel nut and other fruit tree plantations. Lands were damaged by the dumping of rocks and soil on villagers' plantations. The interviewee reports that on his land more than 300 cashew trees and 500 rubber trees were damaged. No compensation has been given for any damage caused by the road construction project or any land that was confiscated.*
- *The Forestry Department of the Burma/Myanmar government confiscated B---villagers' land and has planted teak trees and rubber trees on the confiscated land for reserved forest. No compensation was given to the land owners for the confiscated land.*

Interview | Saw A--- (male, 50), B--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District (February 2017)

The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Mergui-Tavoy District on February 17th 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 Mergui-Tavoy District, including seven other interviews, one incident report, one situation update and 100 photographs.²

Ethnicity: Karen

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.

Religion: Christian

Marital Status: Married

Occupation: Farmer

Position: Villager

Pa Dtee,³ could you please tell me your name, address and job?

My name is Saw⁴ A---. My village is B--- village and my wife's village is C--- village. I [own and] work on [my] rubber plantation, cashew plantation, jackfruit plantation and other kinds of tree plantations.

I heard that the Burma/Myanmar government's road construction project damaged your land. Is this true? Can you please describe what they did?

Yes, it is true. They [road construction workers] damaged my land and a lot of my plantations. When I went and talked to them

[the road construction workers about my damaged land and plantations], they replied to me, *"[The Burma/Myanmar] government ordered us to do it [construct the road on your land]. Therefore, you should not complain to us."* When they constructed the road, they cut down a lot of my trees and they also dumped the soil from the road construction on top of my trees. Furthermore, they [road constructors] dumped rocks from the road construction into my plantations so the rocks damaged a lot of [the trees on] my plantations [because when] the rocks hit the bark they damaged the bark. Therefore, I cannot extract latex from the rubber trees anymore. When I talked to them [about my damaged land and plantations], they did not explain to me [how to solve this case], but they just said, *"You should not complain to us because we are just workers [we don't have the power to change the construction project plans]."*

Did they have a consultation meeting and make an agreement with you or with the village leaders before they started the road construction?



This photo was taken by a KHRG community member who interviewed Saw A--- in B--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District on February 17th 2017. Saw A--- reported to the KHRG community member about the damage caused to his land and plantations by the Burma/Myanmar government's road construction project. [Photo: KHRG]

³ *Pa Dtee* or *Dtee* is a familiar term of respect in S'gaw Karen attributed to an older man that translates to "uncle," but it does not necessarily signify any actual familial relationship.

⁴ Saw is a S'gaw Karen male honorific title used before a person's name.

They did not ask me for permission. They did not have any consultation meetings with me or any other villagers before they started the road construction project. They just came here and started constructing the road.



These photos were taken on February 17th 2017 in B--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District. These photos show road constructors constructing the road on Saw A---'s land. Saw A---'s cashew and rubber plantations were damaged after the road constructors dumped soil and rocks onto his trees. [Photo: KHRG]

How many years have they been constructing the road?

I do not remember it exactly, but [I think] it has been around four years [since they began constructing the road]. They said that they would only construct the road to be 42 feet wide, but their road is very wide [wider than 42 feet]. The road construction cuts across the centre of my plantations and my land. The road construction has damaged more than 300 of the cashew trees and 500 of the rubber trees on my land. Around ten villagers' plantations have been damaged by the road construction. The road construction damaged [other villagers'] betel nut, cashew and rubber plantations, but it mostly damaged mine [my rubber and cashew plantations] because the road construction cuts across the centre of my plantations.



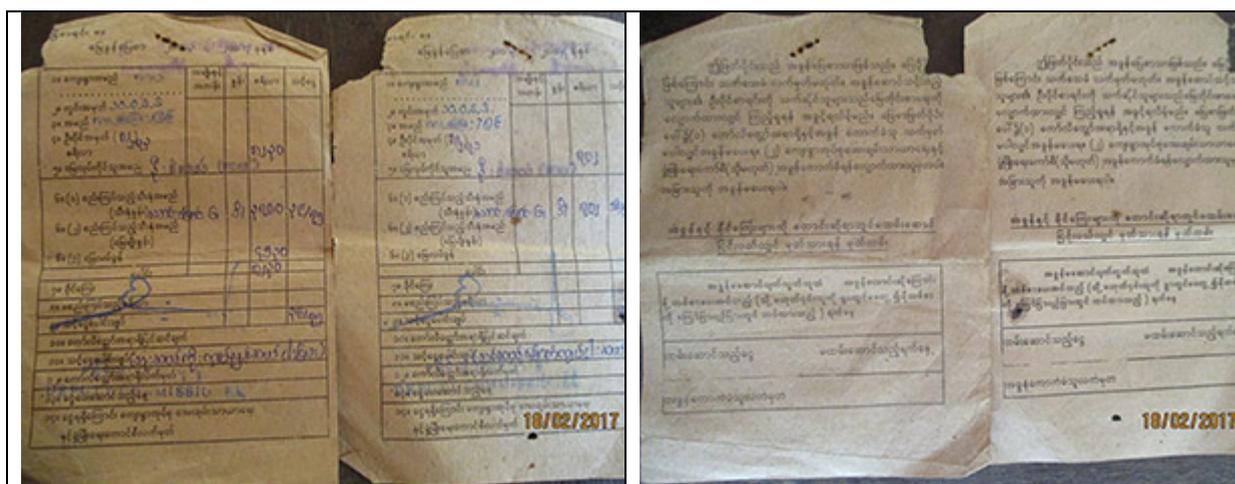
This photo was taken on February 16th 2017 in B--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District. This photo shows the sign board of the Department of Burma/Myanmar government road construction project. The sign board states the following information: *The Burma/Myanmar Government Department of Road Construction is responsible for leading the road construction project; the project budget is 80,500,000 kyat [US \$59,278.35] for paving the road and 220,640,000 kyat [US \$162,474.22] for dumping the soil from the construction; the period of the project is 2016-2017; the distance of the road is between 22.5 km and 24.5 km.* The sign board also lists the names of the engineers, township administrators, village tract administrators, department of development administrator and village leaders involved in the road construction project. [Photo: KHRG]

Are the plantations of villagers from other villages damaged by the road construction?

Their plantations are also probably damaged by the road construction but I do not know how much it damaged their plantations. I annually earn around 1,000,000 kyat [US \$736.38]⁵ from my plantations which have been damaged [by the road construction]. I do not know what the name of the company that constructed the road is; it is a kind of *Kyay Leh* [Local Development Project] or something, but I think the company's name is written on the signboard [beside the road].⁶

How old are your trees?

My grandfather worked on this plantation. [When he died], my uncle inherited the plantations and [when he died], I inherited [the plantations]. Therefore, my family has owned this land since a long time ago. I have a land title⁷ and a map that I showed to them [the road construction workers] but they just said, "*It is impossible [to get compensation with your document]*". Therefore, I could not do anything else [for my damaged plantations]. I showed them my land title but they just told me, "*It is impossible.*"



These photos were taken on February 18th 2017 in B--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District. These photos show Saw A---'s land tax receipt. [This is the document that Saw A--- referred to as his 'land title' in the interview. This reflects a common misperception amongst villagers that holding a land tax receipt is equivalent to holding an official 'land title.' After further follow up after this interview, KHRG has been able to confirm that Saw A--- does not have a land title for his land but only a land tax receipt (which is photographed above)]. [Photo: KHRG]

⁵ All conversion estimates for the kyat in this report are based on the September 7th 2017 official market rate of 1358 kyat to US \$1.

⁶ According to the signboard referred to by Saw A--- the Burma/Myanmar Government Department of Road Construction is responsible for leading the road construction project, not a particular company. It is not known if a company was hired to construct the road.

⁷ After further follow up after this interview, KHRG researchers learned that Saw A--- does not have a land title for his land but only a land tax receipt. In this interview, he incorrectly referred to his land tax receipt as a 'land title.'

Did the Karen and Burmese leaders [Burma/Myanmar government/Karen National Union (KNU) government] inquire into your land confiscation case?

Yes, they [the Burma/Myanmar government] did, but they just met with me and questioned me a little bit [about my land when I met them] on the road. They did not call me to the [police] office. They said, *“You don’t have your land title. It is impossible [to get compensation]. This land is the [Burma/Myanmar] government’s land, so they have the right to construct the road anywhere they want.”*

Did the other villagers go and meet with the [Burma/Myanmar government]? Did they come and meet with villagers or were you the only one who talked to them?

I am the only villager who met with them [the Burma/Myanmar government]. They did not talk to the other villagers. The other villagers also do not want to meet with them [the Burma/Myanmar government]. Furthermore, the road construction project damaged my land and plantations more than the other villagers’ land. They [the road constructors] said that we [villagers] do not have land titles so they can do whatever they want [on villagers’ land].

Did the Karen leaders from the KNU [government] come and inquire into this incident?

The Karen leaders also came and inquired into it [the incident]. They inquired into whether the [the road construction] damaged villagers’ plantations. They asked the villagers how much damage to their trees was caused by the road construction and if they [the Burma/Myanmar government] asked for permission from the villagers [to do the road construction] or not. They also took pictures [of the damage].

Did other organisations come [to inquire into this case]?

P’Neh Ta K’Paw [Candle Light Group, a local Karen Christian CBO who works on land issues] came [to my village once], but I was not at home when they came. My son submitted a complaint letter to them [Candle Light Group], but we have not gotten any answer [response] from them. I also reported it to [Mergui-Tavoy] Ethnic Administrator Hoby, but I have not gotten any answer [response] from him either. Furthermore, they [the road constructors] recently repaired and widened the road so it damaged [my land and my plantations] more [than before]. They dumped the large rocks [from the road construction] into my plantation, so those rocks damaged my rubber trees’ bark and some rubber trees were broken down by those large rocks.

Therefore, I cannot extract latex [from the damaged rubber trees]. The road construction project damaged [my plantation and land] more than the first time [the road constructors visited].⁸

Are you still able to extract latex [from your rubber plantation], Pa Dtee?

No, I am not [able to extract latex]. They [road construction workers] dumped soil and big rocks from the road construction into my rubber plantation. How could they [rubber trees] survive? The soil landed on top of the rubber trees and the rocks damaged the rubber trees and broke the rubber branches, so a lot of my rubber trees died. On that day, the latex were destroyed without any benefit; I would not complain [as much] if they constructed the road [and damaged my rubber] trees after I had already extracted the latex from my rubber plantation. Since that day, I have not been able to extract anymore latex. We [Saw A---'s family] did not dare to keep working on our plantations while road constructors were dumping rocks and soil into the rubber plantation. Even the trees could not withstand it, so who would feel safe working there? Therefore, we have not been able to extract any more latex since that day.

How many times did that incident [road construction] happen in your plantations?

The incident [road construction] has already happened three times [in four years]. I was not at home when they started constructing the road; my children were at home but they did not feel it was safe to complain to them [road construction workers] so they did not speak up.

Do you feel that it is currently safe to work on your plantations?

They [road construction workers] are paving the road with stone so the stones, rocks and soil no longer fall into my plantations; we can now work on our plantations.

Did they give you any compensation for your losses [damaged land and trees]?

We do not feel safe opening our mouths [to request] for compensation. If we do [request for compensation], they will reject us and might retaliate. Even though the plantations are planted by me it is as if it is their plantations [they have more power to control the land than I do]. Therefore, it is not safe for me to request for compensation.

Why would they retaliate against you?

They [Burma/Myanmar government] said, *"The road that they are constructing is for the civilians [to be able to travel easier] so it is also for [the benefit of] the plantations' owners [like you]. You*

⁸ This was the road construction company's third visit to the land as part of the road construction project. When they initially came, the company constructed but did not pave the road. When the company came in 2017, they paved and widened the road.

had to carry loads on your back in the past, but you can go [carry the loads] by car now. We do it [construct the road] for [the benefit of] you and for [the benefit of] civilians.”

How did you respond to them [Burma/Myanmar government], Pa Dtee?

I replied, “Since our forefather’s time, we have not travelled by car and we have been carrying [loads] on our backs [from our plantations]. We carried [our crop or materials from our plantation] on our back several times; we carried some [crops or materials] each time and brought around 200 viss⁹ [320 kg] home. This technique did not damage the trees and plantations that we planted. Most of the trees that I planted and that I rely on for my livelihood were damaged by the road construction project [workers]. If I were going to start planting new [rubber, cashew...] plantations, when would I be able to harvest it?”¹⁰

[Inaudible for around 20 seconds, causing one question asked by the KHRG researcher to be missed]

In the rainy season, soil from the road construction project ran into the river so the water [in the river] turned red [turned into muddy water], but all villagers had to drink [use] that [muddy] water because we do not have a water well. Therefore, we do not have fresh water like before.

Does this only happen during the rainy season? Does it also happen in other seasons?

It only happens during the rainy season because they [road construction workers] dumped the soil at the river source, which then caused the muddy water to run into the river mouth. Therefore, the whole river became red [muddy] and all of the villagers have to drink muddy water during the rainy season. This does not happen during other seasons because the mud from the road construction cannot run into the river [in other seasons].

Does the soil [pollute] the river beside the mountain?

The road that they constructed is mostly located beside the mountain range on the side of the valley while some [parts of the road] are constructed on the plains land where there are mile posts. Therefore, the muddy rainwater ran into the river source and then ran into the river mouth.

Is the river red [muddy] during the entire rainy season or only for around two to three months?

It was red [muddy] whenever it was raining. It was not be muddy when it was not raining.

Does it [the muddy river] also flow into other villages?

⁹ A viss is a unit of weight equivalent to 1.6 kg or 3.52 lb.

¹⁰ Rubber tree produce latex when they are 7 years old and above.

The river has many tributaries [river branches]; all of the branches flow into the one river and it then flows into the sea. Therefore, all villages drink water from that river.

How many households are there in your village?

There are around 400 Karen households in my village. It [this number] does not include [the number of] Bamar¹¹ households. All villagers drink water from the river. Some [areas] cannot dig water well [cannot produce water]; some [areas] can get water from water wells, but that water is not good [not good quality]. Therefore, most villagers drink water from the river.

If people [road construction project leaders] were to pay compensation to you, how much do you want them to pay per [damaged] rubber tree and cashew tree?

They have to pay me at least 100,000 kyat [US \$ 73.63] per rubber tree because rubber trees have a long life period. I [annually] earn 20,000 kyat [US \$14.73] or more from one cashew tree when they are giving fruit. I do not know any people [authorities] who have paid compensation in this area, but I heard they compensated the plantations' owners in Tavoy area. They [plantations' owners in Tavoy area] reported the number of their destroyed trees [to the development project committee]; then the development project committee investigated the case and then they [victims] received compensation. No one has come to help me [receive compensation]. I don't know if it is because of my leaders [KNU] or if it is because the NLD [National League for Democracy, Burma/Myanmar] government [is not taking action]. I do not know if I will receive compensation or not. The trees that I planted were destroyed [by the road construction project workers]. I have been planting [taking care of] my trees [plantation] with a lot of my strength and faced many difficulties while cleaning the vegetation in the rainy and summer seasons for a long time. I did this work because I wanted my trees to survive and I hoped to get fruits from them, but I cannot get anything from my plantations after this incident [road construction project]. Therefore, I want the [KNU and Burma/Myanmar] government to do a full and comprehensive investigation into this case.

How many viss of latex do you annually extract from one rubber tree?

I annually extract around four viss [6.4 kg] of latex per [rubber tree]. Sometimes, the price of the latex is high and sometimes it is low. I can sell around 4,500 kyat [US \$3.31] per viss of latex because the latex price increased this year. I annually collect around five viss [8 kg] of cashew from each cashew tree. Last year, I was able to sell [my cashews for] around 1,500 kyat [US \$1.11] per viss, but some people have been saying that the cashew price increased this year. I

¹¹ The majority ethnic group in Myanmar, also known as ethnic Burmese or Burman.

own more than 500 rubber trees and 400 cashew trees. Therefore, I would have earned a lot of annual income from my plantations, but my rubber and cashew trees were damaged so I was unable to earn anything from them [my plantations]. I don't have the necessary land to plant [new rubber and cashew trees] again. I cannot sell fruit or latex because most of my trees are gone [damaged]. If we consider that it takes a long time [to grow the tree] it will be a very hard workload for poor people [villagers whose plantations were damaged].

Do you have anything to report about your other land that was damaged by the road construction? If you do, you can report it now.

The road construction project [workers] damaged a lot of my land, but nobody [no government authority] did a full and comprehensive investigation of this case for me. There are many groups of Karen [authorities], but none of them came to me and asked me if I had anything to report to them or if I have been facing any problems or not. Only [KNLA] General Htee Wah came to me [to ask me about the incident], but he is also unresponsive [did not take any follow-up action]. The Burmese leaders are also the same [act the same way]. They came to me and asked me about the incident, but they are also unresponsive. No authority has taken action on this case yet. I think it would be best if the upper authority leaders [Burma/Myanmar or KNU government officials] come [and investigate this case]. They can travel [to my area] by boat or by car in an hour and examine the condition of my tree plantations that were damaged by the road construction. They will then clearly know how much damage the road construction caused to my plantations and I would not have to explain my problems to them. Currently, I am reporting on the problems that I am facing to them but they have not come to me [responded]. Therefore, I am not sure if they received my information or not. Even if they receive this information, I am not sure if they will believe me or not. Therefore, I request that they [Burma/Myanmar or KNU government officials] come and see [investigate] what is really happening to me. If the upper authority leaders [Burma/Myanmar or KNU government officials] investigated this case then I will learn [how to solve this case] from them.

[Inaudible for around 15 seconds, causing one question to be missed]

The Bamar came to the Karen community and confiscated Karen old hill farms [land] and some land, including rubber trees. They set up the reserved forest on the land that they confiscated from the villagers. Therefore, the Karen people in my community cannot get their land back [from the Burma/Myanmar government] to farm for their livelihood. They [Burma/Myanmar government workers] cleaned the vegetation and planted on the land. The land owners did not receive anything [compensation].

Are the Bamar [who came to the Karen community] villagers or [Burma/Myanmar] government workers?

They [government workers] cooperated with Bamar village leaders and village heads in order to get a higher number of members [leaders who support land confiscation]. The land that they confiscated from the Karen villagers [and designated as reserve forest] is beside the vehicle road and the owners [of the land] could not work on their hill farms anymore. They [government] wrote the amount of land acres [on the sign board beside the land],¹² but I haven't checked it so I don't know how many acres of that land [were confiscated].

What did they plant on the land that they confiscated [from the villagers for the purpose of reserve forest]?

I do not know all the trees that they planted, but some of the trees that they planted are teak trees.

Did they talk [hold a consultation meeting] with village leaders and villagers before they confiscated the land?



The above photo was taken on February 17th 2017 in Ta Naw Th' Ree Township, Mergui-Tavoy District, and shows a sign board describing the reserved forest where Saw A--- says the Burma/Myanmar government confiscated B--- villagers' land. According to the sign board, the project title is: 'Ka Tan Kyon Pwin Community Reserved Forest'; the project is led by the Forestry Department of the Burma/Myanmar government; the area included in the project is 110 acres; the project period is from 2014 to 2015; 15 villagers from B--- and D--- village participated in this project. [Photo: KHRG]

¹² The sign board referred to by the interviewee states that 110 acres are included in the project but does not state how much of the land was confiscated from villagers.

They just made an agreement [without village leaders/landowners] at Way Thaw area office. They received saplings from the office and then they planted them on the land that they confiscated from the villagers.

Are the villagers [trying] to stop them?

The villagers do not feel safe trying to stop them because those people are all big leaders [in higher political positions] such as village tract administrators and land department administrators. We [villagers] do not have anything [enough power to stop them].

Did they give you [villagers] any permission letters from Burma/Myanmar government office [allowing them] to confiscate the land?

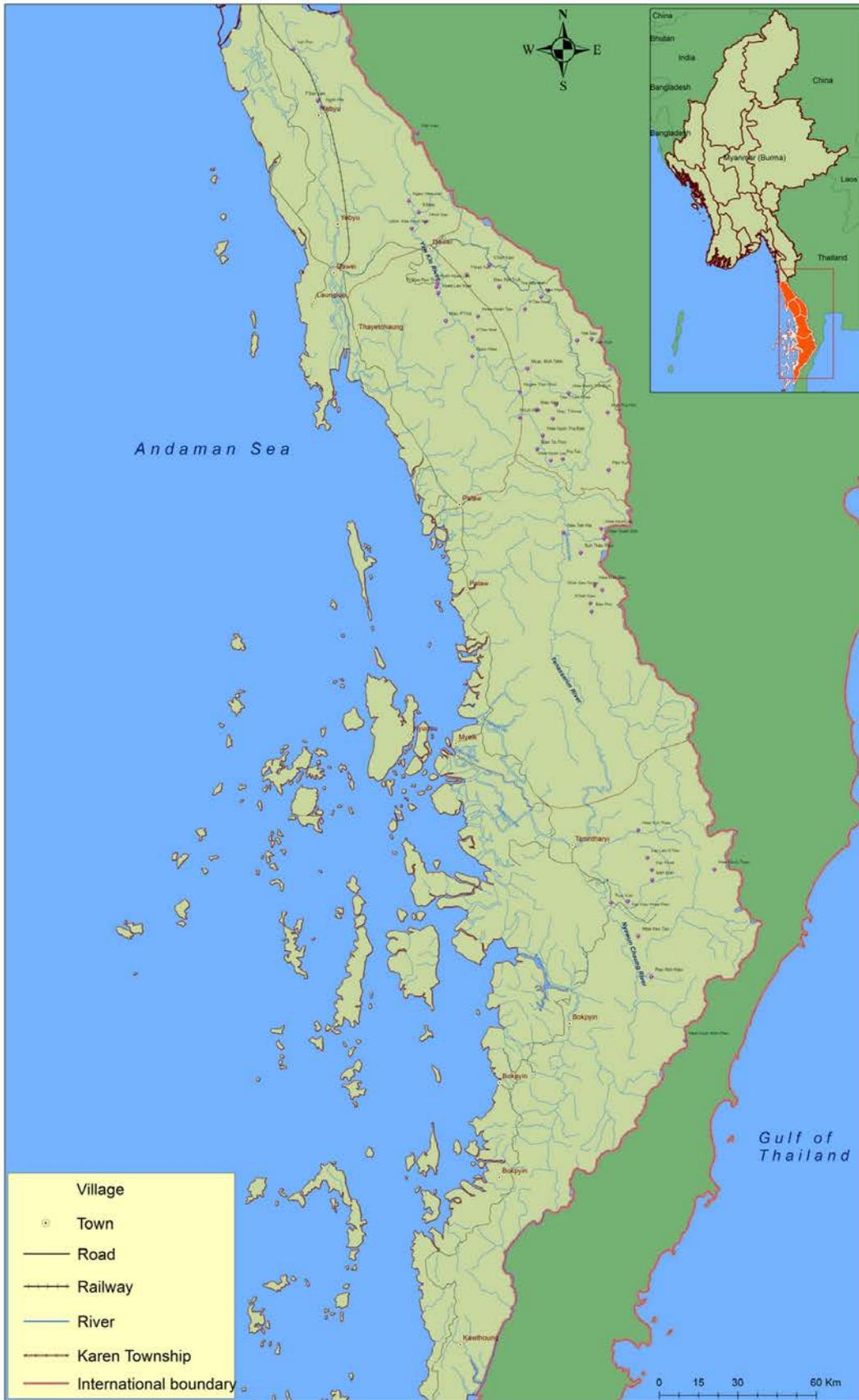
I did not receive any permission letters from them. They just came to our area and cleaned the vegetation on the villagers' land, measured the land, and set up their sign board [which stated that the land belonged to them] without any permission letter. It would be good if other people [other plantation owners] and I received financial compensation for our damaged trees [plantations and land]. I do not have any other issues to report. Thank you.

Thank you.

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

- “Mergui-Tavoy Situation Update: Ta Naw Th’Ree Township,” (July 2017)
- “Mergui-Tavoy Situation Update: Dawei Township, February to May 2015,” (June 2017)
- “Mergui-Tavoy Interview: Naw M---, October 2015,” (October 2016)
- “Mergui-Tavoy Situation Update: Ler Muh Lah Township, November 2015 to January 2016,” (August 2016)
- “Hidden Strengths, Hidden Struggles: Women ”s testimonie
(August 2016)

Mergui/Tavoy (Thanintharyi) District



Karen Human Rights Group (KHRG)