



Interview

September 25~~0~~, 2017 / KHRG #17-62-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 related to an ongoing issue of large-scale land confiscation.

- *CKB Company confiscated 325 acres of land from 27 villagers in B--- Poe village, Ta Kel area, Ta Naw Th'Ree Township, Mergui-Tavoy District in 2003. The company workers then planted palm oil trees on the land that they confiscated from the villagers.*
- *They claimed the confiscated land was unused as the land was overgrown with vegetation. Yet the land that they confiscated contained villagers' plantations cashew trees, mango trees, betel nut trees and pastoral land for the villagers' buffalos.*
- *The land owners used to have a Burma/Myanmar government land title but the land titles were burned in a fire when the land owners experienced forced relocation. While the land owners have been trying to get new copies of their land titles from the Burma/Myanmar government, they have yet to receive them.*
- *The land owners reported the land confiscation case to the Burma/Myanmar government and requested to get their land back, but the government has not taken any action on this case yet.*
- *Villagers request the Karen National Union (KNU) and the Burma/Myanmar government to cooperate on the investigation of this case so they will get their land returned to them. Villagers want their land back, because most of them are poor and some of them do not have land to build their house upon.*

Interview | Saw A--- (male, 35), C--- 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 6th 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, one situation update and 45 photographs.²

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.

Ethnicity: Karen

Religion: Christian

Marital Status: Married

Occupation: Farmer

Position: Villager

Good morning Kyaw³?

Good morning.

How are you?

I am good.

Which village do you live in?

I live in C--- village. In the past, I lived in B--- village, but I was forced to relocate [by the Tatmadaw] so I had to flee to C--- village.

How many households are there in C--- village?

There are around 100 households.

Are the households Karen or Bamar⁴ households?

There are some Karen and some Bamar households.

What is the religion of the villagers?

The villagers are Buddhist, Christian Baptist and Anglican.

I heard the [CKB] company⁵ confiscated villagers' land in C--- village and then they established a palm oil plantation. Is it true?

Yes, it is.

For additional reports categorised by Type, Issue, Location and Year, please see the Related Readings component following each report on KHRG's website.

³ Kyaw is a Karen term which roughly translates as older brother although it does not indicate a direct familial relationship.

⁴ The majority ethnic group in Myanmar, also known as ethnic Burmese or Burman.

⁵ It is unclear exactly what CKB stands for, and the company is known locally only by these initials. CKB Company states on its website that it has 20,000 acres of palm oil plantation and an additional 3,500 acres for further planting in Mergui-Tavoy District. According to additional research, it is under [Green Dragon Myanmar Company](#). For more information on CKB company see previous KHRG report, see "[Mergui-Tavoy Situation Update: Ta Naw Th'Ree Township, 2017](#)", July 2017.

How do you know? Could you please describe this case in more detail for me please?

They started this project [confiscating villagers' land and planting palm oil] in 2003. [Since 2003], we have not had land to farm for our livelihood. I reported the case to [local authorities] in order to get my land back from them, but they did not return the land to us [villagers]. There were my cashew trees on the land [that they confiscated from me]. They said my cashew plantation was full of vegetation [had completely overgrown] so they confiscated it. Yet my cashew plantation was full of vegetation because I had spent around 3 years forcefully relocated at Hter Mo Kaung [area] and then we had to move to Ta Kay [therefore could not look after the plantation]. They confiscated my land when they saw that my plantation was full of vegetation and said this land is not owned by anyone.⁶



These photos were taken on April 6th 2017 by a KHRG community member Ta Naw Th'Ree Township, in Mergui-Tavoy District. These photos show some of the land that was confiscated by CKB company. The company cut some cashew trees [that were owned by villagers] and established a palm oil plantation. [Photos:

⁶ According to The Vacant, Fallow and Virgin Lands Management Law 2012, the Central Committee, formed by the President, has management authority over lands classified as “vacant, fallow, and virgin” for the purpose of economic development of the State. Art. 2(e) Vacant Land, Fallow Land, means the land on which agriculture or livestock breeding business can be carried out and which was tenanted in the past and abandoned for various reasons and without any tenant cultivating on it and the lands which are specifically reserved by the State. As development has increased in southeast Burma/Myanmar since the signing of the government-KNU ceasefire in January 2012, KHRG has received an increasing number of complaints in which villagers' lands were classified as “uncultivated land” and were confiscated. For KHRG documentation, 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. According to Displacement Solutions, “*The Vacant, Fallow and Virgin Act (2012) adopted at the same time as the Farmland Law, allows leases of State land vaguely classified as ‘vacant, fallow or virgin’ for 30 year periods. It sets an allocation limit of 5000 acres at any one time, with a total maximum amount of 50,000 acres for any single person or entity. Both nationals of Myanmar and foreign entities can lease land under this law subject to a two-step process involving approvals from the Myanmar Investment Commission and then the Land Allotment Commission. Some have claimed that 50% of the land in the country could be classified as technically ‘fallow’, which, if correct, provides an indication that large-scale displacement and land disputes may occur as the new law is implemented.*” “Land Acquisition Law and Practice in Myanmar,” Displacement Solutions, May 2015.

What [fruit] trees are on your confiscated land?

There were cashew trees, mango trees and my pastoral land for my buffalos. They confiscated my land around three years after I had been forcefully relocated so my land was full of vegetation, therefore they said that this land is not owned by anyone.

How many acres of land did they confiscate?

The size of my land that was confiscated is ten acres, but it is also included with my younger siblings' land; Naw D---'s land is 15 acres, Saw F---'s land is 5 acres and Naw F---'s land is 5 acres.

How much of the villagers' land [in total] was confiscated [by the company]? Do you know their [villagers] names? If you know, could you tell me please?

There are 27 people whose land was confiscated, but I don't know all of their names.

How many people in total?

There are 27 people and the land is 325 acres.

What trees had been planted on the land before it was confiscated? What had they planted on their lands?

Mostly, they planted cashew trees, but some people, like Pa Dtee⁷ G---, planted betel nut trees on his land.

Did they [company staff] hold a consultation meeting and make an agreement with the villagers or the village head?

I don't know if they met with the village head or not, but I know that they did not inform any of the villagers about the project.

How did they start their project?



This photo was taken on April 6th 2017 by community member in Ta Naw Th'Ree Township, Mergui-Tavoy District. It shows villagers whose land was confiscated by CKB Company waiting for leaders [Burma/Myanmar government officials] to come to measure the confiscated land. [Photo: KHRG]

⁷ 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.

They just brought their [palm oil] plants with them and started planting them on the villagers' land.

Do the villagers' whose land was confiscated [by the company] have their land title?⁸

Some villagers have their Burma/Myanmar government land title, but some people lost theirs when they fled [during conflict] and some of their land titles were burned in a fire. Some people would like to get the Burmese [Burma/Myanmar government] land title, but they have not received them yet. I have also tried to get the land title, but I haven't got it yet.

After they [company] confiscated land, what has the situation been like?

The [company's] palm oil trees have not grown yet so we [all land owners] reported this [confiscation] case [to the local authority] in order to get our land back.

I heard both the KNU and the Burma/Myanmar government will come to measure the land for the villagers. Have you been able to access any information about this?

Previously I did not know how many acres of land I had in the past, later on we [villagers] requested our [KNU] leaders to measure our land for us and then we knew how many acres of our land we had. We reported the land confiscation case to the Burmese [Burma/Myanmar government] and they said they will come to investigate the case for us, but they haven't investigated it yet. They came here [once] and then they went back. They said they would come again on April 6th [2017] and measure the confiscated land.

If you do not get your land back, how do you want this case to be investigated [by either the KNU or the Burma/Myanmar government]? Or do you want the company to give you compensation money?

Our [village] lands were inherited from our forefathers and we are poor people so we want to get our land back to us. We [currently] don't have land to farm for our livelihoods. Therefore, we will have land to farm for our livelihood only when we get our land back to us.

What is the perspective of the other villagers [whose land was confiscated]?

I think they will want their land back, because most of the people are poor. Some people do not even have land to build their house [in B--- village].

Who is the leader of the company that confiscated the land?

The first time they came here, the leader of the company who confiscated the land is U⁹ Sa Win, we also called him Kala Gyi, and he asked for our land title. I [and some other villagers] do not

⁸ This refers to a legal document demonstrating the right of ownership over a piece of land.

have a land title yet because although we applied for it [from the Burma/Myanmar government] we haven't got it yet. Therefore, they decided that the land is no longer villagers' land.

Do you know the names of the company, company manager and its leaders? Where are they from?

[At that time] the person who managed the company manager was U Sa Win [also known as] Kala Gyi, as I mentioned above. The current company manager is Daw¹⁰ Khin Aye Myint. The company assistant is Ko Myo. He is a person who works for the [CKB] Company and he is responsible for managing the employees of the [CKB] Company. The company owner is U Bo Sha, but I never have seen him coming to our area. I heard] that he lives in Way T'Koo [Yangon], but I don't know which part of Way T'Koo he lives in.

What is the company name?

The companies name is CKB, I saw that they wrote it beside their office.

Where do you [villagers] live and how do you earn your livelihood after your land was confiscated?

We live in C--- village and we have to work as daily workers on other people's farms during harvest time. We do not have land to make a new farm [close to the village]. There is some forestry land, but it is very far from the village and the Burmese [Tatmadaw/Myanmar government] do not allow us to work on this new farm so we could not reach there [without difficulty]. We tried to plant paddy [on the land in the forest], but the paddy was eaten by pigs and other animals [so we could not get a good harvest]. Therefore [the land confiscation] causes livelihood problems for us.

What do you want the [local] organisations, the KNU or the Myanmar government, to do to help you?

I want to get my land back, and then I will be able to work on my plantations for my livelihood. I want the leaders [authority people] to investigate this case and solve the problem so I will get my land back. This is what I want.

If you do not get your land back, what will you do?

Most of the people in this area are poor. If I do not get my land back, I do not have [other] land to work on and I cannot work on other people's farms as a daily labourer because they are all located very far from us [villagers]. I would like to request the KNU and the Burma/Myanmar

⁹ *U* is a Burmese title used for elder men, used before their name.

¹⁰ *Daw* is a Burmese female honorific title used before a person's name.

government to work together and investigate this case so we will get our land back. I just want my land back and to be able to work for my family's livelihood.

Have you got any help or [were you able to] build something from their compensation?

Since they first came here, they haven't mentioned anything about compensation. They did not mention how much they will pay us per acre or whether they would build [community projects in compensation, such as] a school or a church for us. They did not construct a road for us. I know that they do not help us at all.

If you do not get your land back and they pay compensation money to you, how much do they have to pay you [and other land owners] per one acre of land with the [fruits, betel] trees?

Even if they give us money as there is no land [for sale] we won't [be able to] get other land. The current land price per acre is 50,000 kyat [US \$36.7].¹¹ Therefore, we just want our land back.

How much money do you want them to pay you [as compensation] per acre of land with [betel nut, cashew etc.] trees?

They started confiscating my land over ten years ago, therefore they have to pay compensation money for the trees and land to us.

How many cashew trees are there on your ten acres of land?

There are four year old cashew trees on roughly three acres of my land and there are young cashew trees on two acres of the land. The other part of the land is pastoral land for the buffalos.

Do the cashew trees produce fruit yet?

The four year old cashew trees were producing fruits but they did not produce much yet.

After they [company workers] cut down your cashew trees, are there any stumps on your land?

Yes, there are. There are only two stumps of the cashew still alive because they others were covered [with soil and destroyed] by them [the company workers].

Can I go to take the picture?

¹¹ All conversion estimates for the kyat in this report are based on the September 19th 2017 official market rate of 1,360 kyat to US \$1.

Yes, you can.

Will you or they [company staff] mind if I take the picture?

I don't mind, but I don't know if they will mind or not.

Do you have another issue that we haven't mentioned? You can report it now.

I need my land to come back to me so I will be able to plant [food or cash crops] so my children will be able to have fruit in the future. This is what we need the most. We had been forced to relocate to other areas [in the past]. Therefore, we want to return and live in our own village.

Can I use your voice [information] that you provided for us on the news report, your pictures and your land's picture?

Yes, you can.

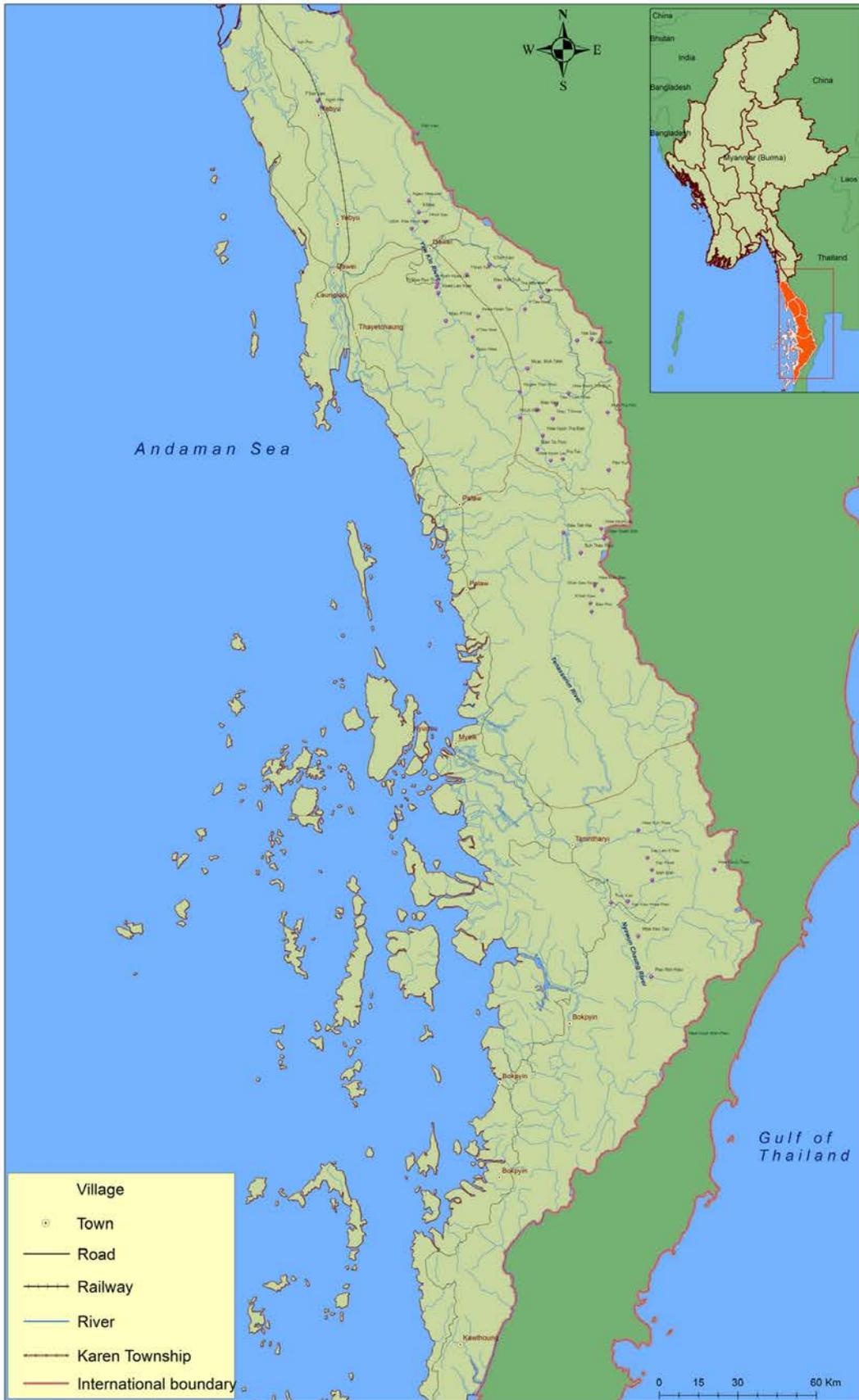
If you don't have any other issues to report, then I would like to wish you good morning.

Good morning.

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

- "Mergui-Tavoy Interview: Saw A---, February 2017" (September)
- "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)

Mergui/Tavoy (Thanintharyi) District



Karen Human Rights Group (KHRG)