



**Karen Human Rights Group**

Documenting the voices of villagers in rural Burma

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**Interview**

August 30, 2018 / KHRG #18-10-A3-11

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**Mergui-Tavoy Interview: Naw K---, January 2018**

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*This Interview with Naw K--- describes events occurring in Ler Doh Soh Township, Mergui-Tavoy District, in January 2018, including cases of land confiscation, use of coercion by companies, and challenges in community mobilisation.*

- *Continued development projects have resulted in ongoing land confiscations and land disputes in Tanintharyi region. Villagers and CSOs have reported instances in Dawei area where farmers are taken to court by the Myanmar government for harvesting or living on their customary lands.*
- *Local communities are worried about the lack of transparency and access to justice.*
- *Civil Society Organizations (CSOs) and villagers face challenges in community mobilisation efforts.*

**Interview | Saw K---, (female), Ler Doh Soh Township, Mergui-Tavoy District (January 2018)**

*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 in January 2018 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>1</sup> This interview was received along with other information from Mergui-Tavoy District, including four other interviews.<sup>2</sup>*

**Ethnicity:** Karen

**Religion:** Unknown

**Marital Status:** Unknown

**Occupation:** Tavoyan Women Union (TWU), Central Executive Committee of Tavoyan Women's Union (TMU)

**Position:** Member

**Firstly, can I ask your name, age and the organization that you work for?**

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<sup>1</sup> 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.

<sup>2</sup> 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 Naw K---. I am working at Tavoyan Women Union (TWU). I am also a member of the Central Executive Committee of Tavayan Women's Union (TMU). At the present, I have been invited to participate in the discussion for the peace and national reconciliation program. It has been going on for two months now. Before that, I was just a women's human rights defender.

**Mainly, we just want to focus the interview on business and development projects. We will not discuss community developments projects such as school and clinic construction projects implemented by CSOs, NGOs and other non-profit organizations. We will talk about infrastructure and industrial projects conducted by wealthy individuals and business companies that are related to human rights abuses. We are aware that TMU is trying to help villagers who face human rights abuses such as land confiscations due to the development project. When are you [TMU] trying to help and support the villagers who face abuses to access justice what challenges do you face and are your achievements?**

Yes. We faced challenges when we were helping villagers. The distance between the place that we live at and the Dawei Special Economic Zone [DSEZ] is great. Therefore, we cannot always reach the project sites to meet with the villagers. Therefore, sometimes it seems like the villagers are losing trust in us when they put all of their faith in us.

Moreover, they do not want to put their full efforts into trying to get the justice. I want the community to mobilise. I want to see the local villagers in their areas organising themselves and directing their communities to claim justice. But that is not the case in reality. The villagers just want to completely rely on us. How do I say this? They cannot put a lot of their own effort into acting against the development project because this project [DSEZ] has been continuously carried out for several years now. That is why the villagers lack the motivation to continue fighting for their rights.

In addition to that, some congressmen from the Myanmar government tried to divide villagers by providing incentives and having a private and general meeting with villagers in order to get agreement from them. I mean, as we are women's union, we would like to hear suggestion and voices from female villagers. However, some representatives just consulted with male villagers and they made decisions without including women. As I told you before, local villagers were very tired and their motivation has decreased because the project is ongoing for a very long time now.

In the beginning, the Myanmar government could not manage the role of the development projects effectively and properly. Therefore, if they could not manage it from the very beginning how can the result be good at the end? That is why the local villagers lack trust [in the Myanmar government and the TWU]. This is a challenge for us. When we tried to employ community mobilization strategies, many women and other villagers joined us. However, they would not join our activities very often as they did not have a lot of time. They seem to prefer to "*dig the well now and drink clear water now*" [prefer dealing the present instead of acting on the future issues]. This is impossible, how can we hold a meeting and a discussion on how we're going to fight for our rights?

The villagers will not get any information about the development project unless we provide them with it. They feel like this project is not a part of immediate priority for their lives. For example, during one meeting that we held some women had to cook breakfast or dinner so they left the meeting immediately. This is a kind of a custom in this rural area. Some women attended the meeting but they are not the people who can make decisions in their families. Therefore, the meeting did not go very well. This is a challenge for us.

For the successes. We faced a lot of external threats. Moreover, some people told the villagers: “Do not join the TWU because they use you for their own advantage”. It does not matter what they say, we (TWU) will continue to firmly stand for our goal and political beliefs. Even though some representatives from Myanmar government divided communities by giving a lot of incentives, we speak the truth. That is why the villagers are beginning to listen to us. We invited local villagers to participate in the DVB [Democratic Voices of Burma] debate. When we went to meet with a human rights commission in Thailand, we also invited villagers to come with us. We do not only represent villagers’ voices and concerns but also bring local villager to participate in meeting to talk about their problems and challenges. Some villagers said that they were impressed by our actions.

**The villagers participated in talks about human rights abuses and land confiscation. When they advocated for their rights and justice, how did the powerful actors respond? What actions did they take for the villagers’ rights?**

U Aung Soe, a member of the National League for Democracy [NLD]<sup>3</sup>, is a person who does not speak for villagers’ rights. Actually, the NLD does not have proper economic policies. The NLD said that they always welcome foreign investments. They [NLD] let them [business companies who confiscated villagers’ land in the past] continue to confiscate lands. They confiscated land in arbitrary ways, but it was legal under the law [of the Myanmar government law].

Cronies [business companies] implemented many development projects since U Thein Sein government but when the NLD came to power, they [NLD] continued to grant permission to cronies and conduct development projects. Cronies can implement their business development projects with permissions granted by the NLD. Especially the NLD Chairperson for Tanintharyi region has a one-sided view on business development projects. He thinks that economic situation will be improved if development projects are implemented in Tanintharyi region, especially, the coal power plant project. He is the highest NLD government ranking official in Tanintharyi region. Nobody can influence him. Even Ministries of the Myanmar government do not question him. He does not even look at [consider] the TWU. He said that the TWU is a challenger [who against development project and economic improvement]. When he became a candidate for the parliament, we had had a good relationship with each other. Later on, he did not want to talk with us a lot. We also heard of internal instruction that nobody from the NLD should have a relationship with the TWU. Even the local authorities were told not to establish relationships with the TWU.

**When villagers faced challenges and problems [related to development projects], how were they trying to solve it?**

The villagers were sued by the Myanmar government. The TWU was not sued yet. If the government was able to sue us, they would surely sue us. When we do research to write a report, we cooperate with experts. The government can also do a research or write a report. I mean everyone has the right to write a report or to do research [on what is happening on the ground]. In the past, the ministry of Tanintaryi region and other ministries made decisions on development projects without including villagers and CSOs in the process. They just wanted to have development projects in the region even though we always said that it is not the right time to do development.

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<sup>3</sup> The National League for Democracy (NLD) is the current political party that governs Burma/Myanmar. Led by Aung San Suu Kyi and President Htin Kyaw, the NLD won the General Elections in 2015 and came into power in 2016. For more information, see [“Burma Country Report.”](#) HRW, 2017, and for additional background information, [“Foundation of Fear: 25 Years of Villager’s Voices from Southeast Myanmar.”](#) KHRG, 2017.

In the past, the previous governments could not manage the negative impacts of development project implementation. Now the NLD government says that they can handle the development project issues. However, they do not keep their promises. How can we trust them? If they [government] commit illegal things, how many policies and laws on the economy and foreign investment we have in our country that allow us to sue the Myanmar government? In reality, policies and laws are useless. Nobody can do anything against the Myanmar government. We can open lawsuits, but no one would take actions against Myanmar government. When we reported a case to the court, the jury did not take actions. All of the juries and policemen are under the control of Myanmar government. We cannot rely on the police and juries.

Due to it, only business companies and the wealthy individual will benefit from development projects but not villagers. If we show this evidence, how can the leader of the Myanmar government do for the villagers? Nevertheless, they can arrest us any time they want. This is a challenge for us. However, we are no afraid of being sued for seeking justice. We are afraid of being killed. There were some human rights activists who were killed in the Dawei area. Although they were killed, no action has been taken yet about it. We just worry that we will be killed. We have to work hard for our rights, but we also need to protect ourselves.

### **Can you please specify what kind of work you do regarding land confiscation?**

Villagers' lands in Ee--- village, Na Bu Lel area, were confiscated for development projects. Some of the government officers who want development projects told the villagers, *"Your land will be confiscated. You have to accept the compensation which is provided by the government now. If you don't accept it now, you will not get in the end"*. Some villagers did not agree with the compensation and development projects. However, those villagers were murdered.

### **When did it happen?**

It happened in 2014. When it happened, nobody knew who killed them. Later on, the villagers learned of who the murderers are. However, the local police did not do anything about it. Local villagers and the families of the victims cannot rely on the local police. That is why the villagers did not report the case to the court.

There is another case that we tried to solve. Villagers from Htar Kin beach were rarely arrested and jailed. Nobody can live in the country without the rule of the law. The government said that such killing or others cases need to be solved in a court. However, the courts are very partial and unequal. Villagers and farmers will only get injustice.

We also tried to support farmers in the Dawei area who faced human rights abuses due to Dawei city development project. Those farmers were often sued and jailed.

### **When they [farmers] were sued, how did they try to solve their problem? How did they deal with it?**

If the farmers opened a case in court, there would be no justice for them. The local police are not acting in a lawful way. That is why they cannot open the case.

Some farmers were sued and jailed, now the rest of their families continue to maintain the lands, especially U Ef--'s family. His daughter, a grade nine student, arrested by Myanmar government' female police officers. She was arrested at the hut in the field that she was living in. Then she was brought into their car. I heard that they dragged her down from the hut and arrested her because she trespassed on the confiscated lands. In fact, she did not trespass on the land. This land belonged to her grand grand-parents. Her grand grand-parents had worked on that land a very long time ago. They said that this land was confiscated for a Dawei city development project in order to provide housing to homeless villagers.

It is very shameful. Actually, the government kicked farmers off of their farms and lands and provided housing to Myanmar government's staff instead.

**So did the villagers try to resist project?**

Yes. They resisted the project. For example, when they [Myanmar government] brought their trucks that were full of soil in order to cover the land, villagers interrupted their work. They did not want their lands to be covered with soil. Therefore, the local Myanmar Government authorities sued them for disturbing other people's work. This can be done by anyone. Villagers and farmers are not protected by the law because the justice system is very weak. That is why the Aung San Suu Kyi's or her father's words are not very useful and effective.

**Villagers were sued. To whom did they report this to? Where did they submit their complaint letters to?**

Yes. They [villagers] reported it to everyone [media groups, CSO and CBOs] to come and gather evidence such as photos and testimonies from them about what was happening on the ground because of the Myanmar government's policies...[the audio was cut due to technical difficulties].

Yeah, the villagers want their stories and voices to be recorded and documented. If we document their information, they would feel as they had more motivation and courage to resist the project. It will be best if farmers and other CSOs worked on this issue together.

**Land confiscations for development projects might affect many different communities. Were the perpetrators using different tactics to confiscate land from different communities?**

Yes. In the city, they used many Myanmar government policies to implement their project. In rural areas, they do not need policies because the villagers are afraid and it is hard for them to access the justice system or report the injustices to the authorities due to distance. Moreover, authorities cannot always go and observe the situation in the field. Villagers are easier to threaten.

**What about the villagers? Did different villagers from different communities use different tactics to resist the project?**

In cities or townspeople are more organized to protect their lands because they have their leaders or other organisers to gather people. In Yay Net seaport, there was one organiser who led the people to resist a development project but he was murdered. His younger brother also worked together with us. He was also threatened because of it. The Myanmar government's policies already knew what happened to him but no action was taken. In this case, it looks like *"the more money you have, the more justice you can get"*. A person who killed the organiser was asked to do so by cronies, but they were blameless. The cronies themselves cannot be punished.

**When the development projects were implemented, were there any local armed groups involved with the projects? You can share if you know anything about it.**

Our areas are controlled by a local armed group – the KNU. There are some villagers in the Dawei area who had to flee in the past due to the conflict. Their lands were confiscated by rich men who approached the KNU to sell and buy local villagers' lands.

You know how it works in Burma, if you know someone from the Settlement and Land Measurement Department, you can get a land grant. If you have money, you can buy land grants easily. In fact, villagers' lands do not have land grants or land titles. Even just in one year, rich men are getting richer and richer. They heard that road and industry development will be implemented near Dawei Htee Khee area. Therefore, they have confiscated the villagers' land before the projects were conducted.

**Did you know anything about the NCA<sup>4</sup> terms of the code of conduct being broken due to land confiscation?**

It is only on paper. In reality, the KNU cannot manage it. For example, for the coal mining project in Ban Chaung area, KNU granted a permission to use 60 acres of land. However, in reality, more than 6,000 acres of land are already confiscated and are in use for the coal mining. That is the case because the KNU cannot control the cronies and cannot act against the Myanmar government. The KNU cannot do anything unless the Myanmar government takes actions.

Moreover, the communication is weak within the KNU. Only on rare occasions, villagers get a chance to send complaint letters to the KNU. One of the human rights activists, Naw Chit Pan Taing, a Karen woman, was killed. Although the case was submitted to the KNU, the KNU cannot do anything for the people. There are limited opportunities to get justice.

**What recommendations do you want to give to the KNU and the Myanmar government?**

The code of conduct of the NCA should not only exist on paper. They have to follow through and put in into practice. Moreover, "the more money you have, the more justice you can get" this should not be the case. Justice should be equal for everyone. If they want peace, it should be sincere.

**What suggestions or advice would you give to the Myanmar government and the KNU in regard to development projects?**

The KNU already has their policies for development. They have to abide by them. For example, the KNU has a policy that prevents development projects that can cause environmental damage. I want the KNU to take actions in accordance with their policies. The policies should not only exist on paper. They should be realised in practice. The KNU should not feel comfortable with the Myanmar government. They have to follow their policies on their own. This is the message that I want to give to the KNU.

Moreover, they have to check the people who are the KNU authorities' family and relatives because there are many people who use the KNU's logo and name when they transport cars without a licence in Dawei area. Nobody inspects those car transporters with guns and the permission from the KNU. We need to be sure whether they are KNU personnel or the people who use the KNU's name for their business purposes. How can we know that they are not

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<sup>4</sup> On October 15<sup>th</sup> 2015, after a negotiation process marred with controversy over the notable non-inclusion of several ethnic armed groups and on-going conflicts in ethnic regions, a [Nationwide Ceasefire Agreement \(NCA\)](#) was signed between the Burma/Myanmar government and eight of the fifteen ethnic armed groups originally invited to the negotiation table, including the KNU, see "[Myanmar signs ceasefire with eight armed groups](#)," Reuters, October 15<sup>th</sup> 2015. The signing of the NCA followed the January 12<sup>th</sup> 2012 preliminary ceasefire agreement between the KNU and Burma/Myanmar government in Hpa-an. Karen civilians and the KNU have more recently expressed their concerns about the lack of progress in moving from a ceasefire towards genuine political dialogue. See, [KNU Chair Highlights Weaknesses In The NCA During Anniversary Celebrations](#), Karen News, October 2017 and [NCA signatories urge government to reboot peace process](#), DVB, October 2017. In February 2018, two additional armed ethnic groups signed the NCA under pressure from the Burma/Myanmar government.

transporting drugs in their cars? That is why every car that crosses the Dawei area should be checked. The KNU should do their work properly.

**What about development actors? What would you like to suggest?**

The companies have to follow the code of conduct of business development. There are the guidelines from the World Bank and the Asian Development Bank that they have to follow. They should not use propaganda by giving incentives to local communities for their own business profit.

**What else would you like to say?**

I think it is enough.

**Thank you.**

You are welcome.

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

- “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 testimonies from southeast Myanmar,” (August 2016)
- “Mergui-Tavoy Situation Update: Ler Doh Soh Township, June to November 2015,” (July 2016)

Mergui/Tavoy (Thanintharyi) District



Karen Human Rights Group (KHRG)