



Interview

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Nyaunglebin Interview: A---, December 2012

This Interview with U A---, a villager from B--- village, describes events occurring in Kyaukkyi Township, Nyaunglebin District, during the period between 1999 and December 2012, including land confiscation and arbitrary taxation.

- *The interviewee describes the confiscation of land by the Tatmadaw in 1999, and the subsequent arbitrary taxation applied to farmers who continued to work in those fields. In order to continue working on their own land, farmers were forced to provide 15 baskets of paddy per acre each year to the Tatmadaw.*
- *The interview records the villagers' submission of a complaint letter to the Burma government in 2012 in order to reclaim the land they lost. In response, a Burma government official announced they would return land that was not confiscated under La Na 39, which included the fields owned by the interviewee. However, farmers whose land was confiscated under La Na 39 would not have their fields returned to them.*

This Interview was initially published in May 2014 in the Appendix of KHRG's in-depth report, [Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire.](#)

Interview | U A---, (male, 63), B--- village, Kyaukkyi Township, Nyaunglebin District (December 2012)

The following Interview was conducted by a community member trained by KHRG to monitor human rights conditions. It was conducted in Nyaunglebin District on December 2012 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 Kyaukkyi Township, including seven other interviews, one situation update, 119 photographs and two video clips.²

Ethnicity: Burmese

Religion: --

¹ KHRG trains community members in eastern Burma 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 eastern Burma, 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.

Marital Status: Married
Occupation: Farming
Position: Former village head

Please note this down carefully. The fields numbered 98 and 100 belong to the villagers from the middle of C--- [village]. The field numbered 101-B and 102-C belong to the villagers from D--- [village].

So all of this land is farming fields?

Yes, all of this land is used for farming.

What about the gardens and plantation fields?

There were no gardens or plantation fields confiscated by the army. They confiscated only the farming fields. They confiscated it [the farming fields] in 1999. I will tell you how they [Tatmadaw] confiscated it. [Tatmadaw] Infantry Battalion³ (IB) #351 was based on the other side of the river and built many buildings when they first arrived. But, when General Aye Taung, the headquarter commander, came and inspected the place, he gave orders to move to this side [of the river] because the place is very far from E--- [village]. At that time, they measured the fields that were nearby the camp. In field number 98, the army confiscated plot numbers one, two, three, four and five to be used for U Paing.⁴ The fields of F---, G--- and H--- were counted in the plot numbers one, two and three in field number 100. These are the lands that were confiscated. At that time, I was the advisor of the village because I resigned from my job [as the head of the village]. They started measurement and only this land [referred to above] was included in the list of land being confiscated. The [owners of this land] now had to pay [part of their] paddies [to the commander] to be able to work in the fields. But then they confiscated all the lands from field number 98 in the following year [2000]. They also confiscated all the lands from field number 101. Field number 100 is located close to E--- [village] and borders the fields of I---. We called it field number 100. At first they confiscated only plots one, two and three from field number 100, but later they confiscated all the land in field number 100. Also, they confiscated all the land from D---'s field. That is how they confiscated the land.

After that, we the farmers did not dare to say anything about [the confiscation] because it was the era of the military government. Some people gave up working on their land because they did not want to speak [to the Tatmadaw]. People who wanted to do farming started to work in the [confiscated] fields, but they had to pay with part of their paddies as leasing fees. But after the [2010] election, President Thein Sein established a farmland law⁵ and after that U Nyan Shwe Win, a Member of Parliament, came and told us that we can submit our case to the Government if we have land that was confiscated by the army in our area. So, we gathered the farmers, for example, farmers from J--- village and K--- village, and asked their opinion on that case [land confiscation by the

³ Infantry Battalion (Tatmadaw) comprised of 500 soldiers. However, most Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers.

⁴ The Union of Myanmar Economic Holding Limited (UMEHL), locally known as *U Paing*, is one of the two business conglomerates run by Burma's Ministry of Defence. See: Brian McCartan, "[Myanmar military in the money](#)," Asian Times Online, February 27th 2012.

⁵ The Farmland Law was enacted on March 30th 2012. For an in-depth analysis see: [Legal review of recently enacted farmland law and vacant, fallow and virgin lands management law](#), Food Security Working Group: Land Core Group, November 2012.

Tatmadaw]. They said that they wanted to complain about it. I organised the submission and submitted the case to the President [Thein Sein], the Defence Minister, the Farming and Irrigation Department, the Southern Command Headquarters, the Land Registration Department. All together it was sent to 11 government departments.

Not very long after, 15 days after the submission, the [operations] commander [of the Tatmadaw in the area] summoned me and the village administrator [to the army base] and asked who led this case. I replied that I did not lead the case. [I told him that], the Member of Parliament [U Nyan Shwe Win] had told us that we could submit it when he came to the meeting. So, we then collected the perspectives of the farmers and we did it together. Then he [the operations commander] replied that you can submit the case, but it is not good to include that you had to pay 15 baskets (313.5 kg. / 691.2 lb.)⁶ of paddy⁷ [per year] to the camp to lease one acre of land. We then replied that this is the report of the farmers and we submitted true information. Then he said, "*Well, you already submitted the case and we have to wait for the decision.*" The operations commander held the next meeting with all the farmers who submitted the letter to the president on July 22nd [2012]. The operations commander has a good mind. He talked from the side of the farmers. Then he asked the same question about who led and coordinated the submission. I told him everything. He said that, "*They confiscated the farming fields for the families of the Tatmadaw because the Government could not support the families of the Tatmadaw sufficiently. That is why we confiscated the lands and how we manage the livelihoods of the families of the Tatmadaw.*" He continued that, "*It is the right of the villagers to submit the case. So, henceforth, you do not need to give the lease fees to the army camp starting in 2012.*" These were the words of the operations commander. Then, all the farmers had to sign [a document stating] that we did not need to pay the lease fees to the army camp.

Not very long after that, the township administrator summoned us in October [2012] and told us that the case that we submitted to the president came back to him and he has to resolve it. We divided the fields into those that were confiscated by the army camp and those that were not confiscated by the army camp. He said that he will come and solve the problem later. So, our farmers started to ask questions. Actually, I knew it all [the information about the acres that were confiscated]. For example, L--- asked if his fields were counted in the fields that were confiscated or not. Then, the township administrator asked him the field number. But he did not know the number. So I told him that it was the field number 101-B. Then the administrator asked what his name was and he replied that he used his wife's name in the land tenure. The administrator opened the book and answered that his land was included in the confiscated lands. Then I stood up and informed him that our farmers wanted to know which fields were counted in the confiscation and which fields were not. Then the administrator asked me which fields I worked on. I told him field number 98, U Paing plot 14, subplot two, where there are seven acres of lands. Then he looked at the book and told me that my land was not counted. He just gave the answer like that, but did not explain about it openly.

They said they will give back the lands, so have they come and solved the case?

Not yet. They said that they will come with the Administrator U Naing Oo and solve the case after harvesting [the crops] because the farmers want to know whether their fields were counted in the confiscation or not.

Do you know how many acres of lands were confiscated from all the fields?

⁶ A basket is a unit of volume used to measure paddy, milled rice and seeds. One basket is equivalent to 20.9 kg. or 46.08 lb. of paddy.

⁷ Paddy is rice grain that is still in the husk.

I have the list. I will show you. The Member of Parliament gave us this document. It includes the date that the headquarter commander and the Land Registration Department came and checked the lands on August 21st [2012] and the land registration is also reported in this document. This document includes the maps and the list of the lands that was confiscated, the fields and land that were not confiscated and the fields that were checked by the Land Registration Department. Here are the fields that are not included in the confiscated area. In the field number 102-A, 133.73 acres of land are not included in the land that was confiscated and there are 16 farmers in that area. I will send you the list of names of each farmer if you want it.

What about the list of the confiscated lands?

Here is the land that was included in the confiscation. There are 124.58 acres of land and the land of 17 farmers was confiscated in field number 101-B. Another one is field number 98 and they [Tatmadaw] confiscated 24.96 acres of land from that field number and it was owned by four farmers. I will send you the copy later if you want it. There were 39.66 acres of land that were confiscated from field number 100, where four people owned this land. The names of the owners are M---, Saw N---, Naw O--- and Saw P---.

The lands that are not included in the confiscation of field number 98 is the land of:

FIELD #98	
Name list of the land owners	Amount of land
Saw Q---	6 acres
Saw R---	(unknown)
S---	8.62 acres
T---	14 acres
U---	9.5 acres
V---	9 acres
W---	8 acres
X---	4.89 acres
A---	7.46 acres
Y---	6 acres
Z---	9.99 acres
Ah---	2 acres

The other people whose land was not included in the confiscation of field number 100 in the fields close to Chauk Sel village:

FIELD #100	
Name list of the land owners	Amount of land
Saw Bh---	6.96 acres
Naw Ch---	4.99 acres
Saw Dh---	6.54 acres
Eh---	8.30 acres
U Fh---	26.79 acres

The authorities will make the decision according to this document. But for the confiscated land, the township administrator said that the Government confiscated it according to La Na 39. La Na 39 is *Ler Naing* law [the law that dominates the jurisdiction of farming fields]. La Na 39 means the farming lands were confiscated by the order of the Government. So, you will not get back your land if it was confiscated by the law of La Na 39. The administrator said that people will not get their lands returned if their land was confiscated by the law of La Na 39.

Did he say like that?

Yes, he said that. The other thing is the cashew plantations. There are 18 owners of cashew plantations, including villagers from Gh--- and Hh--- village. They said that this land is the land of the [Tatmadaw] camp and the people will not get it back.

How many acres of cashew plantation are there?

Approximately, there are 100 acres of cashew plantations because each person owns five or six acres of cashew plantations. I will explain to you how the problems will emerge. For example, the owners of the land [that was confiscated, but], that was not confiscated under La Na 39, gave up working in their fields and found a new place to work peacefully because they did not want to talk to the [Tatmadaw soldiers at the] military camp. So, other people came and worked in their fields. If the owners want to work in their fields, they have to register within the coming year. There will be problems between the land owners and the people who are currently working in their fields. The problem can occur like this: the land owners will say the land is their property so they have to register it with their name, but the people who are working on it will argue that the land belongs to them. So I want the KNU to solve the problem so that it will be a just decision. [If not,] it will be a big problem. I will tell you another thing. I know this because they told me themselves. The eldest daughter of U Ih--- from Aung Soe Moe [village] told the battalion commander that she wants to work in her fields. U Jh---, [a farmer that took over the land who is not part of the military], is working in her fields. The battalion commander asked U Jh--- if he works in her fields and he replied that he does, but he thought that he was working in the fields that were confiscated by the camp and he did not know that they were her fields. So, problems will emerge between the [original] field owners and the people who are working on the fields [currently]. It will take a long time if we have to solve this problem from the Government's side because we have to go step by step starting with the township level then to the district level and then to the division [regional] level. I believe that the KNU has to solve this problem for us in order for it to be a fair trial and it would be faster if the KNU solved the problem.

What is the perspective of the villagers on the confiscated land [through La Na 39] and the land that was also confiscated [but not through La Na 39]? The government will return only the land that was confiscated [not using La Na 39]?

They will not return the land that they confiscated [under La Na law].

What about compensation?

Yes, I asked them if they will give compensation to the people whose lands were confiscated. He [administrator] replied that land confiscation is practiced in the whole country. You will get compensation if the other townships also get it. The township administrator said that he does not know exactly about it.

What do the villagers want?

The villagers want their own lands back because it is their property. They left their fields just because of the bad situation [having to pay part of their paddies to the military]. Everyone wants to work on their lands if the situation is getting better. It would be a little bit better if the KNU can help us.

Did they threaten you when you submitted this case?

They did not scold; they just said it is not good to mention that you had to give 15 baskets [of paddy] to the camp for an acre of land. "*It disgraces us,*" he said. We do not know about it. We are just telling the truth that we had to give to them.

The [original] owners of the land are living around here?

Yes, they are living around here.

What about the people who are working in their fields?

Some are from our own village and some are from other villages.

What about your lands? Do you work in your fields?

No, I gave up working my fields since they confiscated them. But a person from our village is now working in my fields.

What about the leasing fees?

I do not get the leasing fees. They [the people working on his fields] have to give it to the camp.

Do you have the land title?

Yes, I have one.

Did both Infantry Battalion #60 and Infantry Battalion #351 carry out the confiscation?

Yes, both of them carried out the confiscation. They confiscated it according to the *win sar* [a directive from a superior]. They had a *win sar*. We saw the *win sar* when we went to the Land Registration Office to ask for the list [of confiscated land]. Then we asked about the *win sar* and complained about it [to the Government]. We would not know whether they confiscated the lands or not if we did not have the *win sar*. We used the *win sar* [document] as evidence.

You did not get a satisfactory answer, right?

Yes. We were not satisfied with the answer. U Nyan Shwe Win gave this document [*win sar*] to me and another copy to the administrator and told us to keep it because we have to solve the problem in the next year. He also told us that they will return the land that was not confiscated by La Na Law [La Na 39]. For the land that was confiscated by La Na Law, they will discuss with the battalion of the Tatmadaw to work on it. The administrator will come and solve the problem for the land that was not confiscated by La Na Law after the harvest.

The villagers gave up working on their land because they thought that their land was confiscated?

The villagers knew it, but they did not know which land was confiscated. Only the village heads knew it. We [the village heads] knew only the land that was close to our area. For example, field numbers 100 and 98. Field number 98 included only [plots] one, two, three, four and five [intended for the control of] U Paing. In field number 100, it included U Paing plots one, two and three. But, later they confiscated not only this land, but all the land.

Where did you continue working after they confiscated your land?

We just continued to work on cultivation [in other fields]. We did not want to work in [our] farming fields because we did not want to talk [to the Tatmadaw soldiers]. They will summon you if you cannot pay the leasing fees. Some people were even put in jail because they could not give the leasing fees.

You mean they worked on their own fields and they could not give the leasing fees and they were put in jail?

Yes. Some people were put in jail and the village head had to redeem them. It was the era of the dictatorship and we could not complain to anyone. We just had to suffer it in silence. They [Tatmadaw] built their camps in the wild lands. They did not build it in the fields.

[They] did not the build the camp in the fields?

No, they did not build it in the fields.

So they deliberately confiscated the fields?

Yes, they deliberately confiscated it because the lands were not concerned with the camp. The camp is on the hill and the fields are in the plains. My land was not included in the confiscated lands [through La Na 39] and they will return it. But they did not speak about when they will return it, however we know it according to this document [*win sar*]. The administrator did not legally announce when they will return the lands.

They confiscated these fields at the same time in 1999?

Yes, at the same time.

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

- “Chapter: The impact of anti-personnel and other mines in Southeast Myanmar since the January 2012 ceasefire,” (July 2014)
- “Nyaunglebin Situation Update: Kyaukkyi Township, January to June 2012,” June 2014
- “Chapter: Drug production, use and the social impacts in Southeast Myanmar since the January 2012 ceasefire,” (June 2014)
- *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*, May 2014
- “Nyaunglebin Situation Update: Kyauk Kyi Township, February to April 2013,” (December 2013)

