



Karen Human Rights Group
Documenting the voices of villagers in rural Burma

Nyaunglebin Field Report: Militarisation, land confiscation, violent abuse, 're-relocated' IDPs, landmines, and development projects, December 2015 to December 2016

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Field Report
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This field report includes information submitted by KHRG researchers describing events in Nyaunglebin District between December 2015 and December 2016. It describes different human rights violations and other issues important to the local community including militarisation, landmines, land confiscation, violent abuse, road construction, gold mining, hydropower dam planning, 're-relocation of Internally Displaced Peoples (IDPs), education, healthcare and livelihood issues.

- *Militarisation is still ongoing in Nyaunglebin District, as the Tatmadaw frequently patrol in civilian and Karen National Union (KNU) delimited areas, regularly rotate troops, maintain checkpoints to tax civilians, and demand that villagers drive them to places that they want to go.*
- *In one case in December 2015, Karen National Liberation Army (KNLA) soldiers misused their power and attempted to extort villager Saw P--- and forced him to pay a fee for land that he had previously purchased. They violently abused him when payment was refused.*
- *Most villagers in Mone and Kyaukkyi Township depend on the forest to secure their livelihood needs but villagers cannot access the forest freely because of new KNLA landmines planted in 2016 and old landmines that have not been cleared.*
- *Victims of land confiscation in Kyaukkyi Township have attempted to reclaim their land from the Burma/Myanmar government by writing complaint letters to the Burma/Myanmar government and submitting these letters both to the government and to other organisations to support their effort in 2015. Although the letters were officially submitted, the villagers' complaints remain unaddressed.*
- *Although villagers have been urging the KNU to address their concerns about potential land confiscation and the negative livelihood impact of the proposed Baw K'Hta hydropower dam since 2015, the KNU was still planning to implement the Baw K'Hta dam project in 2016.*
- *In addition, in gold mining areas, some KNU authorities have favoured granting gold mining permits to businessmen instead of villagers despite villagers' historical and indigenous claims to the land.*
- *In April 2016, IDPs who returned home to their original village in Nyaunglebin District were forced to relocate again after Tatmadaw Light Infantry Battalion (LIB) #534 threatened to set their houses on fire in Kyaukkyi Township.*

Introduction

Nyaunglebin District is a mixed-control area between both the Karen National Union (KNU) and Burma/Myanmar government, and consequently, the two administrations define the townships in Nyaunglebin differently. According to Burma/Myanmar government defined territory, Nyaunglebin is located in eastern Bago Division. The KNU defines three townships in Nyaunglebin District: Mone (Moo), Kyaukkyi (Ler Doh) and Shwegyin (Hsaw Htee) Townships. This Field Report covers human rights abuses and other issues which occurred in the three Nyaunglebin Townships between December 2015 and December 2016. For this report, KHRG analysed information from 18 raw data reports documented by KHRG researchers covering this time period. The Field Report summarises and analyses in detail villagers' testimonies and perspectives regarding human rights issues in Nyaunglebin District.

Militarisation

In 2016, even though the Nationwide Ceasefire Agreement (NCA)¹ was already signed between the Karen National Union (KNU) and the Burma/Myanmar government, KHRG reports show that

¹ On October 15th 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

militarisation is still ongoing in Nyaunglebin District. The Tatmadaw operating in Nyaunglebin District frequently patrol near civilian areas and in KNU delimited areas², regularly rotate troops, maintain checkpoints to tax civilians, and demand that villagers drive them wherever they want to go.

Although KHRG received fewer reports discussing military activity in Nyaunglebin District in 2016 than in previous years, tension between civilians and the Tatmadaw has not significantly decreased. In A--- and B--- village, Maw Hko village tract, Mone Township, two Tatmadaw camps are still based on land that was historically owned and used by villagers. Soldiers in these camps frequently patrol near areas where civilians live and KNU delimited areas that surround Kyaw Pya army base. KHRG community members reported that in 2016 the Tatmadaw rotated their troops very often, with some troops rotating every two or three weeks and others every three to four months. During their rotations Tatmadaw troops often ask to borrow villagers' motorcycles and ask villagers to drive them where they want to go. In addition, KHRG community members reported that Tatmadaw soldiers set up check points near H--- village at B--- Bridge. All drivers who use the bridge have to pay 5,000 kyats³ [US \$3.72] each time they cross the bridge.⁴ Civilians also worried about Tatmadaw activity in E--- area, Mone Township. For example, in one case on January 15th 2016, the Tatmadaw Headquarters Commander and the Bureau of Special Investigation (BSI) went to Kyaw Pya army base and took photos of villagers' belongings and did not give prior notice to the villagers before they entered the village.⁵ This increased villagers' concerns about the motivation of the BSI and the possibility of an outbreak in fighting.

Due to these actions by the Tatmadaw, villagers' trust in the ceasefire agreement has decreased and many are concerned about an outbreak in fighting. By patrolling in civilian and KNU delimited areas and making very regular troop rotations, Tatmadaw activities have caused villagers to become concerned about whether this will lead to more conflict because they cannot predict the Tatmadaw's purposes and motivations.

Violent abuse

On December 26th 2015, in Kyaukkyi Township, Nyaunglebin District, two Karen National Liberation Army (KNLA) soldiers misused their power and attempted to extort a villager to pay a fee for land that he had previously purchased; they then tortured the villager when payment was refused. Saw⁶ P---, who owns 26 acres of land and lives in Nyaunglebin District, was violently abused by two KNLA soldiers named Mah L'Kee and Hpa Maw Wah. The KNLA soldiers came

to the negotiation table, including the KNU, see "[Myanmar signs ceasefire with eight armed groups](#)," Reuters, October 15th 2015. Despite the signing of the NCA prompting a positive response from the international community, see "[Myanmar: UN chief welcomes 'milestone' signing of ceasefire agreement](#)," *UN News Centre*, October 15th 2015, KNU Chairman General Saw Mutu Say Poe's decision to sign has been met with strong opposition from other members of the Karen armed resistance and civil society groups alike, who believe the decision to be undemocratic and the NCA itself to be a superficial agreement that risks undermining a genuine peace process, see "[Without Real Political Roadmap, Nationwide Ceasefire Agreement Leads Nowhere...](#)," *Karen News*, September 1st 2015. The signing of the NCA followed the January 12th 2012 preliminary ceasefire agreement between the KNU and Burma/Myanmar government in Hpa-an. For KHRG's analysis of changes in human rights conditions since the preliminary ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014.

² As per the 2012 preliminary ceasefire agreement between the KNU and the Burma/Myanmar government, the Tatmadaw are only allowed to operate and travel up to 50 yards from either side of roads that connect their army camps through KNLA territory, and only within a 150 yard radius around their own army camp.

³ All conversion estimates for the kyat in this report are based on the September 15th 2017 official market rate of 1352 kyat to US \$1.

⁴ The information was taken from [Nyaunglebin Situation Update: Mone Township, February to August 2016](#)", KHRG, November 2016.

⁵ This information was taken from an unpublished report from Mone Township received in February 2016.

⁶ Saw is a S'gaw Karen male honorific title used before a person's name.

to Saw P--- while he was working on his farm with his son and ordered him to pay a fee to work on the land. When he refused to pay the fee, they threatened to slit his throat, put his head in a pan of boiling water and kill him. The soldiers also pushed, kicked, and tied him up, and forced him to sign a document, justifying their actions by saying that they were authorised by the KNLA headquarters to ask for the fee.

Originally, Saw P--- bought the land from Naw⁷ D---; the 26 acres of land cost him approximately 6 million kyats [US \$4,437.87] and Saw P--- tried to explain to the soldiers that he legally owned the land and that he should not have to pay a fee:

“They [KNLA soldiers] asked me to pay them money for the land that I was working on. I asked them whether the land was theirs. I told them that I bought the land legally with my own money; why did I have to pay a fee? I told them that they can go and talk to the village head or village leaders about this, but they said that the village leaders would not understand [the situation] and after that they hit and punched me repeatedly.”⁸

After the incident was reported locally the two KNLA soldiers were punished for 28 days and removed of their ranks.

Landmines

Although most villagers in Nyaunglebin District depend on the forest to secure their livelihood needs, some villagers cannot access the forest freely because of new KNLA landmines and old landmines that have not been cleared. In 2016, KHRG received information on three landmine incidents from three reports (two situation updates and one interview) concerning landmines in Mone and Kyaukkyi Townships, Nyaunglebin District. According to these reports, the landmines were recently planted by KNLA soldiers to protect forests and stop development projects such as gold mining in the area. However, some local villagers stepped on these landmines while trying to access their farm lands, collect firewood, and find food to survive. Even though the KNLA warned villagers and put up sign boards prohibiting villagers from travelling into the areas where the landmines were planted, villagers felt that they have no other option but to risk their lives and enter the area because they rely on the forest resources to earn their living. U⁹ F---, who is 53 years old from Kyaukkyi Town, expresses the villagers' livelihood dilemma:

“They did not use the road as they have to find food for their daily survival [in the forests]. They even saw the sign that says ‘do not enter’ or ‘there is a landmine’ and even the KNU [Karen National Union] authority remind and announce that [you] do not go to the area but as we are poor and have difficulties with livelihood we have to do it, as the authorities did not support for this one [livelihood issue].”

On January 16th 2016, Maung¹⁰ G--, who is 27 years old from W--- village, Mone Township, was injured by a landmine while he was traveling to hunt wild animals near Ka Law Myaung area. His right leg was blown off and his left leg was injured and needed treatment.¹¹ Within the same month, on January 20th 2016, a Bamar¹² villager, whose name is unknown, was also hit by a landmine while he was driving his truck to Ka Law Myaung area. The third incident occurred on April 26th 2016 when Maung A--- from C--- village was hit by a landmine when he went to collect firewood from his farm. His bullock cart set off the landmine, which propelled shrapnel and

⁷ Naw is a S'gaw Karen female honorific title used before a person's name.

⁸ This information was taken from “[Nyaunglebin Interview: Saw P---, December 2015](#),” KHRG, December 2016.

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

¹⁰ Maung is a Burmese male honorific title used before a person's name.

¹¹ This information was taken from “[Nyaunglebin Interview: U A---, January 2016](#),” KHRG, September 2016. and an unpublished report from Mone Township received in February 2016.

¹² The majority ethnic group in Myanmar, also known as ethnic Burmese or Burman.

injured his right leg.¹³ When interviewed about the landmine incident in B--- village, U A--- also mentioned that villagers in Bb--- village are not officially informed of landmine locations by the KNLA (who planted the landmines) and instead rely on knowledge gained by rumours from other civilians. This incomplete information and awareness of landmine locations increases the danger of landmines for villagers because they may mistakenly believe that some areas of the forest are safe to access.

Both old and new landmines keep forest areas off-limits for many villagers. However, the need for villagers to access forest resources is so high that some villagers are willing to risk their lives to get the food from the forest they need in order to survive. Villagers in the area say that cooperation between relevant governments (KNU and Burma/Myanmar) is required in order to resolve this dilemma. As U A--- argues:

“If they [KNLA] do not want villagers to go out to find food in the forest, the relevant governments and recently elected [Burma/Myanmar] government should be involved and find a way to improve villagers’ lives and create job opportunities for the villagers.”¹⁴



Villagers’ livelihood, humanitarian aid and community development

Throughout Nyaunglebin District, villagers face significant livelihood challenges and want more livelihood opportunities. In order to improve their livelihood situation, villagers request both increased access to resources, materials and skill development in order for them to generate income. Many of the reports received in 2016 from Nyaunglebin District covered issues related to villagers’ livelihood. In Nyaunglebin, the majority of villagers work on hill farms, plain farms,

¹³ This information was taken from “[Nyaunglebin Situation Update: Mone Township, April to May 2016](#),” KHRG August 2016.

¹⁴ This information was taken from “[Nyaunglebin Interview: U A---, January 2016](#),” KHRG, September 2016.

¹⁵ In Burma/Myanmar, the scorched earth policy of ‘pyat lay pyat’, literally ‘cut the four cuts’, was a counter-insurgency strategy employed by the Tatmadaw as early as the 1950’s, and officially adopted in the mid-1960’s, aiming to destroy links between insurgents and sources of funding, supplies, intelligence, and recruits from local villages. See Martin Smith. *Burma: Insurgency and the Politics of Ethnicity*, New York: St. Martin’s Press, 1999 pp. 258-262

and betel nut,¹⁶ durian, and dog fruit¹⁷ plantations. A few villagers run small businesses such as trading and some of them are daily wage labourers and do odd-jobs for their livelihoods. In Kyaukkyi Township, some villagers work on plain farms, hill farms and grow cardamom, but most of the villagers do odd jobs.¹⁸ U A--- from Kyaukkyi Town, Kyaukkyi Township reported that,

*“There are no good employment opportunities for the villagers [to earn their living]. They face livelihood problems regarding landmines and it limited their access to the forest for hunting and collecting vegetables.”*¹⁹

Regarding the presence of Non-Governmental Organisations (NGOs) in Nyaunglebin, KHRG has received limited information. In Mone Township, Nyaunglebin District, the Nippon Foundation,²⁰ a Japanese NGO, provided food support such as rice to villagers once in 2016. The Mya Sein Yaung Project²¹ and the Karen National Union (KNU) Animal Husbandry Department are also active in Nyaunglebin District. Mya Sein Yaung gives loans to villagers at a returned interest rate of 1.5%. The KNU Animal Husbandry Department provides animals such as pigs and goats to the villagers to raise and generate income.²²

In addition to the material and financial resources provided by NGOs, the KNU, and the Mya Sein Yaung Project, villagers in Nyaunglebin District request and desire relevant authorities or organisations to deliver vocational or skills trainings such as handicraft trainings to local villagers to sustainably support their long term livelihood needs.²³ In Nyaunglebin District, the Committee for Internally Displaced Karen People (CIDKP) conducted a water project to improve village access to water, worked to improve animal husbandry services such as raising goats and also provided basic agriculture training to some local villagers to grow vegetables and make fertilisers. Positively, villagers testified that the CIDKP secured villagers’ prior and informed consent before the project implementation. According to Naw C---,

“They [CIDKP] informed and discussed [the community development project plans] with the villagers [before the project started]. They told villagers that villagers should do what villagers want to do regarding community development. If villagers see things [regarding community

¹⁶ In Burmese, ‘betel nut’ and ‘betel leaf’ are referred to as *konywet* and *konthih*, respectively, as if they are from the same plant. The Burmese names are also commonly used by Karen language speakers. Betel nut is the seed from an areca palm tree, *Areca catechu*; “betel leaf” is the leaf of the piper betel vine, belonging to the *Piperaceae* family.

¹⁷ Dog fruit, also known as jengkol, is a bean containing sulphur and a mildly toxic amino acid. It is native to southeast Asia and is commonly eaten with rice and fish paste.

¹⁸ This information was taken from “[Nyaunglebin Interview: U A---, January 2016](#),” KHRG, September 2016.

¹⁹ This information was taken from “[Nyaunglebin Interview: U A---, January 2016](#),” KHRG, September 2016.

²⁰ [The Nippon Foundation](#) is a Japanese NGO currently implementing social innovation and development projects in Burma/Myanmar. KHRG has received several reports from community members on The Nippon Foundation’s recent activities in Thaton and Hpa-an Districts, see more at “[Hpa-an Situation Update: Hlaingbwe and Nabu townships, December 2014 to January 2015](#),” KHRG, July 2015; and “[Thaton Situation Update Bilin and Hpa-an townships, June to November 2014](#),” KHRG, February 2015.

²¹ Mya Sein Yaung Project was initiated in 2014-2015 fiscal year, in Myanmar / in Karen State, by U Ohn Myit, just ahead of the 2015 elections. The project aims to reduce poverty in the country by 16 percent, by giving loans to the villagers and charging low interest on a yearly basis. The projects were planned to allocate 30 million kyat for each village; the amount is considered as capital for the village and the yearly interest will be added to the funds. However, according to KHRG reports received from community members in some Karen Districts, participating in the project is difficult for poor villagers who have no money. Village representatives, chosen by the project workers, prioritised their relatives when deciding to whom they would give money. Villagers there must pawn belongings in order to receive a loan. See: “[Toungoo Situation Update: Thangaunggyi Township, April to June 2014](#),” December 2014, and “[Hpapun Situation Update: Bu Tho Township, February to June 2014](#),” December 2014. The funding for the project comes from the national budget. See “[Union Minister U Ohn Myint Needs to answer](#)”, May 11th, 2015.

²² This information was taken from “[Nyaunglebin Situation Update: Mone Township, February to August 2016](#),” KHRG, November 2016.

²³ This information was taken from an unpublished report from Kyaukkyi Township received in February 2016.

development] that are not good, they should not do those things. They only advised villagers. They worked together with villagers and requested permission from villagers before doing anything.”



This photo was taken on March 8th, 2016 by a KHRG community member in Mone Township, Nyaunglebin District, and shows the rice that the Nippon Foundation distributed to the villagers. Each villager received five bowls of rice. [Photo: KHRG]

Land confiscation and villager agency

Since 2015, victims of land confiscation in Kyaukkyi Township have attempted to reclaim their land from the Burma/Myanmar government by writing and submitting complaint letters both to the Burma/Myanmar government and to other organisations that will support their effort. Although these letters were received, the villagers' complaints remain unaddressed.

In 2015, KHRG received a complaint letter regarding a land dispute in J--- section, Kyaukkyi Township. After granting the Tatmadaw permission to use their missionary land for military purposes for many decades, in 2015 the Shwegyin Karen Baptist Association had their land forcibly confiscated by Burma/Myanmar government officials from the Kyaukkyi Township administration. The purpose of this land confiscation was to construct government buildings on the land.²⁴ Villagers reported this issue to KHRG and said that although they had already sent two complaint letters to the Burma/Myanmar government, neither complaint was addressed as the government claimed that the information they received was inconsistent.

In May 2016, KHRG continued to receive information about this land dispute in Kyaukkyi Township. KHRG researchers reported that after the Burma/Myanmar government constructed the government buildings, some empty land remained within the confiscated missionary land. Therefore, villagers wanted to use this land to host public events such as Karen New Year celebrations as well as to construct buildings to support the church. According to interviews and incident reports received between February and December 2016, the church congregation were active in clearing and fencing the empty land. However, on November 25th 2016, the fences were destroyed. A member of the congregation, Saw K---, stated that the Kyaukkyi Township administrators did not recognise the land as missionary land belonging to the church and, therefore, villagers suspected the township administrators of destroying the fence. However, it has not been confirmed who destroyed the fence and no action has been taken.²⁵

²⁴ For more detailed information regarding Burma/Myanmar confiscated Shwegyin Karen Baptist Association's missionary land see "[Complaint Letter to the chairperson of the Burma/Myanmar government Land Management Committee, November 2015](#)" KHRG, December 2015.

²⁵ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

The different tactics used by villagers to protect or reclaim confiscated land in Kyaukkyi Township clearly shows how villagers' agency challenges military and government control of the land. Whereas in the past, villagers would not feel safe claiming confiscated land, since the 2012 preliminary ceasefire agreement villagers in some cases are actively and confidently claiming their land rights. To achieve their goals, villagers are using different strategies include clearing and fencing the land and submitting complaint letters not just to governments but also to many other organisations (including KHRG) to support their efforts.



These photos were taken on November 25nd 2016 in J--- Section, Kyaukkyi Township, Nyaunglebin District at Shwegyin Karen Baptist Association's missionary land. The photos show the destruction of a fence that villagers put up around land that was confiscated by the Burma/Myanmar government. The land which can be seen in the photos is directly in front of a government office but no action was taken. Villagers and church leaders gathered and reported this case to the Minister of Bago Division to attempt to regain their land from the Burma/Myanmar government. After they reported the case the land was surveyed. The villagers want to use this plot of land for hosting large public events such as the Karen New Year celebrations as well as to construct buildings to support the church. [Photos: KHRG]

Development Project: road construction

As in previous years, local development projects such as road construction were conducted in civilian areas. However, instead of holding public consultations with the potential affected villagers, most of the people who carried out these local development projects only consulted with the authorities in Nyaunglebin District.

In Kyaukkyi Township, road expansion between L--- village and Kyaukkyi Town began on November 16th 2016. The Burma/Myanmar government funded this project and wanted to expand the road by approximately 34 to 50 feet in width.²⁶ The road was constructed in a KNU controlled area, but the KNU was not consulted about the road construction.²⁷ However, in July 2016 Lieutenant Colonel Tin Maung Kyaw from Infantry Battalion²⁸ (IB) #57 convinced Saw M---, N--- village administrator, to approve the road construction in order to develop and bring benefits to the community. Lieutenant Colonel Tin Maung Kyaw then persuaded him to sign the agreement letter to send to the Burma/Myanmar Kyaukkyi Township administrators for further approval.²⁹

²⁶ This information was taken from two unpublished reports from Kyaukkyi Township received in December 2016.

²⁷ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

²⁸ An Infantry Battalion (Tatmadaw) comprises 500 soldiers. However, most Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. Yet up to date information regarding the size of battalions is hard to come by, particularly following the signing of the NCA. They are primarily used for garrison duty but are sometimes used in offensive operations.

²⁹ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

In this case, the Burma/Myanmar government and Tatmadaw neither consulted nor obtained approval from villagers and the KNU to expand the road. Even though the Tatmadaw consulted village authorities afterwards, they still did not consult the civilians who would be affected at all. The villagers did not give their consent and objected to the project because the construction would damage their paddy fields and plantations.³⁰ The road construction was carried out by the Burma/Myanmar government and during the implementation process of the project, IB #60, and Light Infantry Battalion (LIB)³¹ #349 provided security for the constructors.³² The agreement was negotiated between the N--- village administrator from the Burma/Myanmar government and Lit. Colonel Tin Maung Kyaw. Some segments of the road have already been constructed and have destroyed villagers' land. Additionally, a KHRG community member from Kyaukkyi Township, Nyaunglebin District reported that the road construction will pass through Hsaw Mee Loo, Hkoh Puh, Kheh Ka Hkoh, Kheh Der village tracts and consequently destroy many villagers' farm lands and plantations.³³ The major concerns for the local villagers were that businessmen and companies can easily access the areas and confiscate the land of their ancestors for business activities.³⁴

If villagers are not consulted, then they will not receive the projects that they want. Furthermore, the desire of the village head (administrator) is not necessarily the same as the desire of all the villagers in the community for expanding the road. Local residents such as 36 year old Naw O---, who lives in N-- village, emphasise that they do not want development projects that will negatively impact their community:

*"We do not want any development projects that will negatively affect or impact our village and our culture. We want development projects that can improve our village situation and [will still] maintain our culture."*³⁵



The photo on the left was taken on December 5th 2016 in N--- village, Kyaukkyi Township, Nyaunglebin District. The photo shows N--- administrator Saw M--- reporting about road construction. The photo on the right was taken on December 3rd 2016 in Kyaukkyi Township. The picture shows the road that Burma/Myanmar government widened to 34 feet from Kyaukkyi Town to N--- village. The road construction began on November 16th 2016. The villagers from Hsaw Mee Loo, Hkoh Poo, Kheh Kah Hkoh and Kheh Der village tracts severely

³⁰ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

³¹ A Tatmadaw Light Infantry Battalion (LIB) comprises 500 soldiers. However, most Light Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. Yet up to date information regarding the size of battalions is hard to come by, particularly following the signing of the NCA. LIBs are primarily used for offensive operations, but they are sometimes used for garrison duties.

³² This information was taken from an unpublished Photo Note from Kyaukkyi Township received in December 2016.

³³ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

³⁴ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

³⁵ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

suffered from the damage of their farmlands and plantation lands. The prior negotiation regarding road extension did not include any consultation with villagers. The road construction was funded by the Burma/Myanmar government. Infantry Battalion (IB) #60 and Light Infantry Battalion (LIB) #349 have taken responsibility to maintain security for road constructors. [Photos: KHRG]

Logging

During 2016, KHRG received one situation update highlighting KNLA soldiers' disregard for village tract rules and regulations against logging, describing how the KNLA have accepted bribes to conduct logging in Mone Township. Specifically, in August 2016, some KNLA soldiers under the control of Battalion #8 led by Bo S'Tee reached an agreement with Bamar civilians to conduct logging jointly with KNLA company staff in Maw Hkoh village tract between 2015 and 2016. This violates the village tract and KNU forest rules and regulations against logging that are in place in Maw Hkoh village tract. According to a KHRG researcher in Mone Township,

*"They [Bamar people] reached an understanding with KNLA's company staff and paid a week tax [to allow logging for one week] or ten days tax [to allow logging for ten days] to the [KNLA] company staff and they also had to pay a tax for each log carrying cart...The village tract has a rule against logging or burning logs for charcoal but lots of the [KNLA] company staff conduct logging."*³⁶



This photo was taken on December 28th 2015 by a KHRG community member in Mone Township, Nyaunglebin District, and shows KNLA staff cooperating and conducting logging with villagers and Bamar people in C-- area and D--- area. Some trees were also cut in the villagers' area. [Photo: KHRG]

Gold mining

Although villagers have historical claims to the land as well as indigenous rights over natural resources such as gold (as outlined in Articles 25, 26 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples), some KNU authorities favour granting gold mining permits to businessmen instead of villagers in order to increase their profits. After the signing of the Nationwide Ceasefire Agreement (NCA) between the KNU and the Burma/Myanmar government on October 15th 2015, one of the main business opportunities in Shwegyin Township was the extraction of natural resources such as gold mining. In order to take advantage of these opportunities, businessmen started to conduct gold mining in P--- River near Q--- village. Saw Lay Traw, Battalion Deputy Commander of KNLA Battalion #7, asked eight business experts to survey gold near Q--- village and gave them permission to conduct gold

³⁶ This information was taken from "[Nyaunglebin Situation Update: Mone Township, February to August 2016](#)," KHRG, November 2016.

mining after their assessment was completed. Businessmen Soe Min, Kyaw Min Naing and six others started conducting gold mining in September 2016 and asked KNLA soldiers to maintain security for them and prevent villagers from entering the mining areas. By contrast, the residents living in the project site reported that the Battalion Commander and KNU township leaders did not initially allow local villagers to mine for gold.

One of the main objections villagers had to this gold mining project was the inadequate consultation by the KNLA of villagers' perspectives. In an interview with KHRG, Naw R--- argued that soldiers are more interested in protecting businessmen than the community:

"Another [KNU leader] leader said that they did not need to consult with villagers. He said 'If we made a decision, the villagers have to follow what decision we made'."

This quote illustrates how the decision making involvement of villagers is not respected and the prior consultation of villagers is not considered before implementing certain projects. This lack of consultation is significant, according to Naw R---, because businessmen have different motivations and a different relationship with the land compared to villagers.³⁷

Since villagers objected to the project, they submitted a complaint letter to the KNU's Shwegyin Township and Nyaunglebin District administrators. In response to the villagers' complaint letter, the KNU in Nyaunglebin District permitted local villagers to mine for gold in seven of the 13 gold mining sites that district administrators had identified as potential places where gold can be mined.³⁸

An additional concern for villagers regarding the gold mining projects was the environmental impact of gold mining. In particular, villagers were concerned about the impact gold mining would have on water consumption and daily washing due to the pollution of the nearby river water and how this would affect their health. Approximately 100 households and 600 people in P--- River site would be directly affected by this environmental impact of gold mining. Villagers also worried that they would be exposed to hazardous chemicals and that the risk of sickness and disease such as skin cancer would increase due to chemicals from goldstone mining process and the spread of hazardous chemicals through the air.

Positively, even though the KNU did not initially allow villagers to conduct gold mining, some villagers were allowed to mine for gold in several areas after submitting a complaint letter to the Shwegyin Township and Nyaunglebin District administrators. However, many villagers feel that current approaches by some KNU leaders to manage natural resources are inappropriate because the profits from the natural resources are not distributed to all the villagers in the community. Furthermore, many villagers were concerned that businessmen wished to mine all the gold in the areas without considering the social and environmental impact of gold mining and the indigenous land rights of villagers.

Baw K'Hta proposed dam

Since 2015, villagers have been urging the KNU to help address their concerns regarding the impact from the proposed Baw K'Hta hydropower dam. Even though their concerns about livelihoods and potential land confiscation remain unaddressed, the KNU was still planning to implement the project in 2016.

In the January to December 2014 Nyaunglebin Field Report,³⁹ KHRG reported on the proposed plans to build the Baw K'Hta hydropower dam in Baw K'Hta River. On October 18th 2014, KNU

³⁷ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

³⁸ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

³⁹ See "Nyaunglebin Field Report: Changes since ceasefire, the land conflicts and local civilians concerns with military activities, January to December 2014," KHRG, January 2017.

headquarter leader Pa Doh Ta Doh Moo led a community meeting discussing whether the dam should be built or not and many challenges and concerns brought up by the villagers who would be potentially affected. Therefore the project was put on hold. During the consultation meeting, Pa Doh Ta Doh Moo stated,

“The person who comes and supports the dam construction has to listen to the local voice and follow the rules of the community”.

Despite this reassurance, the KNU held further assessments for the Baw Ka Hta dam construction project in 2016.

On May 2nd 2016, KNU affiliated company, Thoo Lei Company, and KNU Central Economic Committee held another consultation meeting between villagers and Community Based Organisations (CBOs) and Civil Society Organisations (CSOs) to assess the proposed dam project again. The project will be jointly implemented by the KNU, the Burma/Myanmar government and a company from Norway. Villagers again raised their concerns that the dam project would potentially destroy their land and villages, lead to forced displacement, and increase villagers’ livelihoods and security concerns. According to Saw M---, who lives in N--- village,

“Our lands are flooded in the rainy season even though the dam is not implemented. So if the dam is finished, our lands and houses will be completely flooded”.

As residents believe that this project will negatively affect villagers and only benefit businessmen, residents urged the KNU to consider how to address villagers’ concerns instead of doing further assessments to build the dam.

The villagers attempted to organise and hold a meeting to discuss how to prevent the dam project from being built but some villagers did not attend this meeting because they were upset with the project. According to Saw M---,

“They [villagers] did not want to attend the meeting because they said that they do not even want to work on the farms anymore when they heard about the proposed dam [because they felt demotivated].”⁴⁰

Although the KNU previously prohibited dam projects due to many challenges raised by villagers, discussions and plans for dam projects continued in 2016.



These photos were taken on May 2nd 2016 in Kyaukkyi Township, Nyaunglebin District, at Saw Htee Assembly

⁴⁰ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

Hall in J--- Section. The photos were taken during a consultation meeting between Thoo Lei Company and KNU Central Economic Committee and villagers as well as relevant CBOs and CSOs. During the meeting they discussed the issue of the Baw K'Hta Dam and the survey assessment and informed everyone how the process of dam construction project will proceed. [Photos: KHRG]

'Re-relocated' IDPs

IDPs who returned home to their original village in Nyaunglebin District were forced to relocate again after the Tatmadaw threatened to set their houses on fire. In previous years, KHRG did not receive any information about incidents in which returnee IDPs were forced to relocate again after returning to their original villages in Nyaunglebin District, but this year KHRG received two reports in May regarding returnee IDPs in Mone Township, Nyaunglebin District.

The returnee IDPs in S--- village have been displaced since 1994. After the signing of the 2012 preliminary ceasefire, the villagers were eager to return to their original home. Norwegian People's Aid and the Committee for Internally Displaced Karen People (CIDKP) supported 90 households to resettle to their original areas after 2012. However, after resettling to their original areas, the same 90 households based in S--- village were approached on April 8th and 9th by LIB #351's Battalion Commander, Thet Naing Tun, and three of his soldiers. They told the villagers that they should relocate by the third week of April and threatened to set their houses on fire if they failed to comply. On April 12th 2016, Battalion Deputy Commander Wa Na again approached the returnee IDPs with an order letter from the Kyaukkyi Township Administrator, U Tin Myo Aung, and again tried to force the returnee IDPs to relocate. Many, but not all, villager households relocated from their homes in fear.

Also on April 12th, Tin Hsan Oo, who works for the National League for Democracy (NLD) approached the returnee villagers in S--- and promised to speak with the Tatmadaw in order to convince the Tatmadaw to allow the villagers to live in the village they had returned to. After the discussion, on May 21st five soldiers under the control of LIB #351 came and informed villagers in S---village that they would not threaten villagers anymore, even if they refused to relocate. Additionally, the Deputy Battalion Commander Wa Na told them, *"If some problems happen here, you have to solve the issues by yourself,"* thus suggesting that the Tatmadaw are unwilling to protect villagers if they face any security problems.⁴¹

Although this is only the first report of a "re-relocation" incident that KHRG has received, it is possible that similar conflicts will arise as more and more IDPs and refugees return to militarised areas where the potential for further conflict and fighting remains high. Positively, this incident also illustrates the positive capacity of the NLD to resolve such conflicts. However, in order to alleviate future tensions and disputes, a more preventative approach may be required.

Education

The education situation in Nyaunglebin District has improved since the 2012 preliminary ceasefire and the NCA because many schools in local areas have been repaired and are receiving significant support from both the KNU and the Burma/Myanmar government. Due to these improvements, some children are able to receive an adequate education but many difficulties remain for Karen students. In addition to financial difficulties, Karen families and communities also face challenges regarding the respect of Karen culture and the teaching of the Karen language.

In 2016, local communities in Mone and Kyaukkyi Townships, Nyaunglebin District received various types of school materials and financial support. The education sector received funding from two sources; firstly, the Burma/Myanmar government education department and secondly, the Karen Education Department (KED) which is under the KNU. The government and the KNU

⁴¹ The information was taken from "[Nyaunglebin Situation Update: Mone Township, April to May 2016](#)," KHRG 2016, and an unpublished report from Kyaukkyi Township received in December 2016.

schools use their own separate education curriculums.⁴² The Burma/Myanmar school teachers received a salary from the government⁴³ and the KNU schools teachers received a stipend from the KED as well as food and accommodation from the villagers.

According to Naw T---, who works with Karen Women Organisation (KWO) and lives in Paw Pee Der village, Mone Township, children who attend KNU (KED) schools do not have to pay school fees and receive free school materials from their schools. Nevertheless, they have to provide basic resources to the teachers. However, for children who attend government schools, some parents could not afford to pay for the school costs from Standards⁴⁴ Seven to Ten.⁴⁵ As a result, some students lost their opportunities to study. Additionally, a few local community members raised the issue of a lack of human resources in government schools negatively impacting their learning.

Several KHRG researchers and local villagers also report that despite an overall improvement in the education situation since the 2012 preliminary ceasefire was signed, discrimination persists in some cases. For instance, after the Burma/Myanmar government provided educational support such as building schools in local villages, they did not allow ethnic Karen teachers to raise Karen flags in front of the schools in Kyaukkyi Township⁴⁶ and only allowed the Karen language to be taught before and after school hours.⁴⁷

Nevertheless, despite these challenges, a villager from U-- village, Kheh Der village tract, Kyaukkyi Township emphasised the positive consequences of recent improvements which have allowed children to study freely and without fear. Naw O---, 36 years old, stated:

*"We can currently say that the education situation is stable since we returned to live in our village. We can study and learn fully at the school. It is not like before. In the past, we could not study or learn because we had to flee all the time and were only able to study under the trees in the jungle."*⁴⁸



These photos were taken on May 18th, 2016 by a KHRG community member in Mone Township, Nyaunglebin District, and show the buildings of the school in X--- village; one new building and two temporary bamboo

⁴² This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

⁴³ This information was taken from "[Nyaunglebin Situation Update: Mone Township, February to August 2016](#)," KHRG, November 2016.

⁴⁴ A standard refers to a school year in the education system of Burma/Myanmar. The basic education system has a 5-4-2 structure. Primary school runs from Standard 1 to Standard 5, lower secondary school is Standard 6 to Standard 9, and upper secondary school is Standard 10 to Standard 11.

⁴⁵ This information was taken from an unpublished report from Mone Township received in February 2016.

⁴⁶ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

⁴⁷ The information was taken from "[Nyaunglebin Situation Update: Mone Township, February to August 2016](#)," KHRG, November 2016.

⁴⁸ This information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

buildings. This school is called a sub-middle school and it teaches up to Standard Eight. [Photos: KHRG]

Health Situation

As Nyaunglebin District is a KNU and Burma/Myanmar government mix-controlled area, healthcare services and healthcare infrastructure are provided by both governments. Local community members asked to assess the health situation in Nyaunglebin District highlighted a lack of human resources and medical supplies from both governments and also a need for more healthcare awareness trainings to be provided to villagers.

Common health issues for villagers in Nyaunglebin District include high blood pressure, low blood pressure, gastric illnesses, TB and children usually face malaria and fever in rainy season. Local community members reported to KHRG that in KNU controlled areas, villagers can access free healthcare services from the Karen Department of Health and Welfare (KDHW), Backpack Health Worker Team (BPHWT)⁴⁹ and Free Burma Ranger (FBR).⁵⁰ However there remains a lack of medical supplies to treat patients in these areas.⁵¹ In Burma/Myanmar government controlled areas, by contrast, villagers are charged for medical fees by local Burma/Myanmar health workers which can be difficult to pay. For example, when Maung G--- from W--- village, Mone Township stepped on a landmine and went for medical treatment to a Burma/Myanmar hospital in Toungoo Town he faced difficulty paying the medical fees because, as an ordinary villager, he does not earn any daily income. KHRG also received an interview with Naw V--- highlighting maternal healthcare issues, as many pregnant women could not afford the fee to deliver their baby in government hospitals. Moreover, Naw V--- argued that pregnant women were not well treated in the hospitals even when health care workers were available to help them. According to Naw V---'s estimate, one third of all pregnancies resulted in the death of babies because of both the mothers' lack of knowledge and financial difficulties which prevent them from being able to afford having their babies delivered in hospitals. On behalf of all women she requested for health awareness training to be provided to local villages in Nyaunglebin District.⁵²

Positively, the Burma/Myanmar government has increased human resources for healthcare into some local villages such as midwives and other general health workers. However, in one interview, an N--- villager stated that the only clinic that villagers can use in their village was built by Tatmadaw Military Operations Command (MOC)⁵³ #10 and that there were no health workers in the clinic.⁵⁴ Additionally, a hospital was constructed by Burma/Myanmar government in partnership with an NGO in Maw Keh Tha Per Khoh village, Maw Khoh village tract, Mone Township.

Over the past year, the local residents have only observed only some improvements regarding the healthcare situation in Nyaunglebin District. Generally, the medical supply remains inadequate and more health workers are needed to treat patients sufficiently. Moreover, further

⁴⁹ Backpack Health Worker Team (BPHWT) is an organisation that provides health care and medical assistance to displaced civilians inside Burma. KHRG reports that cite BPHWT include "[Hpa-an Situation Update: Hlaingbwe Township \(February to April 2016\)](#)" and "[Thaton Township, Thaton District \(January to June 2015\)](#)."

⁵⁰ Founded in 1997 in response to Tatmadaw offenses, Free Burma Ranger (FBR) is a multi-ethnic humanitarian relief organisation that specialises in providing emergency health care, shelter, food and clothing to civilians in war zones and prioritises assisting IDPs. In addition to their relief activities the FBR also conducts capacity building trainings (sometimes jointly with KHRG), documents human rights violations and advocates regularly on the situation in Burma/Myanmar. There are currently 71 active FBR teams that go on 2-4 missions a year. Other KHRG reports that cite FBR include "[Situation Update | Bu Tho Township, Hpapun District \(March to May 2016\)](#)"

⁵¹ The information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

⁵² The information was taken from an unpublished report from Kyaukkyi Township received in February 2016.

⁵³ Military Operations Command (MOC) is comprised of ten battalions for offensive operations. Most MOCs have three Tactical Operations Commands (TOCs) made up of three battalions each.

⁵⁴ The information was taken from an unpublished report from Kyaukkyi Township received in December 2016.

healthcare awareness training has been identified as a major need for the local community in order to increase healthcare knowledge and awareness.

Conclusion

After the NCA was signed in 2015, many human rights issues in Nyaunglebin District are directly related to conflicting ideas between stakeholders on how to appropriately use the land and natural resources in Nyaunglebin District. As the stakeholders such as the KNU, the Burma/Myanmar government, business companies and local villagers do not all share the same priorities, prior consultation and informed consent is critically important. However, in 2016, local villagers in Nyaunglebin District testified that consultation before development projects carried out by the KNU, the Burma/Myanmar government, and business companies have been inadequate, such as in the case of local development road construction projects and the Baw K’Hta hydropower dam, or non-existent, such as in the case of the confiscated Shwegyin Baptist Missionary Land and gold mining in Shwegyin Township.

Another major human rights concern in Nyaunglebin District is militarisation, as the NCA has not led to a significantly reduced military presence in local civilian areas. Tatmadaw bases in Nyaunglebin District have neglected the NCA code of conduct by trespassing KNLA delimited areas, demanding taxes and causing villagers to become concerned for their safety by increasing their military movement. Militarisation in Nyaunglebin District has also significantly impacted recently returned IDPs such as returnee IDPs to S--- village who were ‘re-relocated’ to Mone Township after receiving threats from LIB #351. Due to these activities by the Tatmadaw, villagers’ trust in the NCA has decreased.

In terms of education and healthcare the KNU, the Burma/Myanmar government and other local relevant organisations have expanded their operation territories to be more active in local areas; therefore, the Burma/Myanmar government has built more schools and healthcare infrastructure. However, many villagers still lack adequate medical supplies and sufficient healthcare awareness. In addition, although the education situation has generally improved since the 2012 preliminary ceasefire, some Karen villagers still experience ethnic discrimination as many government schools do not allow the Karen language to be taught during school hours and have prohibited the Karen national flag from being raised in some school compounds.

To ensure the stability of the NCA and to prevent further conflict the Burma/Myanmar government and Tatmadaw strictly should follow NCA code of conduct, stop human rights violations, and respect villagers’ rights. In addition, this field report has highlighted the inadequate and insufficient consultation of villagers prior to both small and large scale development projects. Prior and meaningful consultation should include villagers, village heads and local authorities before any project is implemented. Relevant companies, the KNU and the Burma/Myanmar government must ensure the victims are fairly compensated in cases of livelihood impact or land loss, well informed, and that development projects are carried out based on the needs and desires of the local communities.

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

- “Nyaunglebin Interview: Naw C---, December 2016,” (September 2017)
- “Nyaunglebin Interview: Naw A---, November 2016,” (September 2017)
- “Two separate killing incidents committed by Tatmadaw soldiers in Shwegyin Township, Nyaunglebin District, March and May 2017,” (September 2017)
- “Nyaunglebin Interview: Saw P---, December 2015,” (December 2016)
- “Nyaunglebin Interview: Naw I---, November 2015,” (October 2016)

Kler Lwee Htoo (Nyaunglebin) District



Karen Human Rights Group (KHRG)