

## **‘Development without us’: Village Agency and Land Confiscations in Southeast Myanmar**

### **Appendix: Raw Data Testimony (November 2015 to March 2018)**

This appendix includes the full texts of 90 pieces of KHRG field documentation (raw data), which serve as the dataset for **‘Development without us: Village Agency and Land Confiscations in Southeast Myanmar’**. KHRG received this information during the reporting period for this report from November 2015 to March 2018.

KHRG trains villagers in southeast 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, villagers 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. KHRG translates all documents for publication and undertakes minor edits only for security and clarity.

Throughout KHRG’s 25 years of reporting, as information was received, KHRG staff assessed each piece of documentation and translated those conveying human right concerns into English. An initial analysis of 586 reports reflected a growing concern about land confiscations from November 2015 to March 2018.

KHRG has analysed this data to identify the various agency strategies that villagers use in order to prevent, mitigate and confront land confiscations and human rights abuses. KHRG defines a village agency strategy as the actions villagers take to protect their rights, such as:

- Writing complaint letters
- Protesting and fencing lands
- Applying for land titles
- Negotiating compensation
- Contacting stakeholders
- Forming village-level committees

**‘Development without us’** directly references 90 KHRG reports, of which 46 pieces are previously unpublished and 44 are previously published on [www.khrg.org](http://www.khrg.org). They are included in full in this appendix.

**Contents**

Source #1.....	5
Source #2.....	6
Source #3.....	7
Source #4.....	17
Source #5.....	40
Source #6.....	43
Source #7.....	45
Source #8.....	48
Source #9.....	50
Source #10.....	62
Source #11.....	64
Source #12.....	65
Source #13.....	74
Source #14.....	81
Source #15.....	82
Source #16.....	83
Source #17.....	86
Source #18.....	93
Source #19.....	104
Source #20.....	118
Source #21.....	119
Source #22.....	127
Source #23.....	136
Source #24.....	147
Source #25.....	152
Source #26.....	160
Source #27.....	166
Source #28.....	171
Source #29.....	191
Source #30.....	200
Source #31.....	210
Source #32.....	220
Source #33.....	225
Source #34.....	226
Source #35.....	227
Source #36.....	227

Appendix: Development without us  
Karen Human Rights Group, August 2018

Source #37.....	237
Source #38.....	238
Source #39.....	238
Source #40.....	245
Source #41.....	246
Source #42.....	247
Source #43.....	255
Source #44.....	260
Source #45.....	273
Source #46.....	280
Source #47.....	289
Source #48.....	300
Source #49.....	309
Source #50.....	316
Source #51.....	323
Source #52.....	325
Source #53.....	332
Source #54.....	339
Source #55.....	348
Source #56.....	353
Source #57.....	368
Source #58.....	373
Source #59.....	384
Source #60.....	397
Source #61.....	406
Source #62.....	418
Source #63.....	424
Source #64.....	430
Source #65.....	436
Source #66.....	446
Source #67.....	452
Source #68.....	458
Source #69.....	467
Source #70.....	477
Source #71.....	493
Source #72.....	502

Appendix: Development without us  
Karen Human Rights Group, August 2018

Source #73.....	509
Source #74.....	513
Source #75.....	516
Source #76.....	518
Source #77.....	525
Source #78.....	532
Source #79.....	545
Source #80.....	551
Source #81.....	554
Source #82.....	560
Source #83.....	569
Source #84.....	572
Source #85.....	588
Source #86.....	591
Source #87.....	592
Source #88.....	593
Source #89.....	595
Source #90.....	595

**Source #1**

Log #	15-105-CL1
Type of report	Complaint Letter
Publishing Information	Previously unpublished
Location	Thandaunggyi Township, Toungoo District/ northern Kayin State
Full Text	

Date: July 13<sup>th</sup> 2015

**Objective:** This letter was sent by villagers to the Kaung Myanmar Aung Company (KMAC) after the company confiscated their land. Their goal is to get their lands back.

Dear Sir or Madam,

Kaung Myanmar Aung Company (KMAC)<sup>1</sup> used force and machines when they were trespassing on the land of local villagers. They damaged the lands, plantations and houses where we, the villagers of Aa---, Bb---, Fj--- and Fk--- villages live and till the land. We have regularly paid our land taxes. The police, government administration officials and company staff have threatened villagers with arrest and jail. Now, we, 259 farmers, are facing various livelihood difficulties.

In addition to this action, we have already submitted complaint letters to more than 20 relevant departments, as well as the township land department that gave us our land measurement records. However, this land confiscation issue has not been resolved by any department until now. The police and administration have taken the side of the Kaung Myanmar Aung Company.

On July 9<sup>th</sup> 2015, we, local farmers, started growing our plantations and fencing the land that we own. We were stopped by relevant authorities including, Hto Bo [army] police officer and Toungoo Township administrator. All of us and staff from KMAC were asked to meet in the township administration office on June 10<sup>th</sup> 2015. During the meeting on June 10<sup>th</sup> 2015, the township administrator, himself, gave a verbal order to the villagers and KMAC to stop working on the land where the incident took place. We obeyed the township administrator's order to stop working on the land. However, KMAC did not obey the township administrator's offer. They continued to work on the land. Additionally, they sued six of us and Sayar U Myint Soe.

Therefore, we, 259 landowners, would like to inform you all that we are going to take our land back. We will fence, farm and work on our land peacefully because this land is most vital and essential to our lives. We need them to secure our families' business, education, health, social needs and livelihoods.

(local farmers)  
Villagers from Aa--- village, Bb--- village,  
Fj--- village and Fk--- village,  
Toungoo Township

<sup>1</sup> Also known as Kaung Myanmar Aung Group of Companies.

Villagers wrote collective complaint letters to different levels of authorities. They requested that the village authorities support the complaint letter they sent to KMAC to stop their project. Villagers included a list of names of the people whose lands were confiscated. They also took a picture of the damages, and requested more information than was provided on the signboard the company put on the land. They did this to have transparency in their complaint letter.

## Source #2

Log #	16-90-P1
Type of report	Photo Note
Publishing Information	Previously unpublished
Location	Kawkareik Township, Dooطلا District/southern Kayin State
Full Text	<ul style="list-style-type: none"> <li>These photos were taken on September 3<sup>rd</sup> 2016 in the area between Mi Nam At and Bu Ya Ngokto village tracts, Kawkareik Township, Dooطلا District. They were taken when a KHRG field researcher saw flooding on the highway when he was on his way to Win Yin. The local villagers have to give 2000 kyat per motorbike [ride]. The local community faced difficulties because the road that was constructed [by the government] did not have a drainage system.</li> <li>These photos show a handbook about Asian Highway traffic rules and the recognition of local boundaries. They were taken on September 4<sup>th</sup> 2016 in Three Pagoda Town, Win Yin Township, Dooطلا District.</li> <li>These photos were taken on September 5<sup>th</sup> 2016 in Win Yin and Kyainseikgyi Townships, Dooطلا District. They show contractors building the Thabawa Chaung Bridge. The local community has hedged around the bridge. Local community members said that if the bridge took 230 [acres] of land, they would have nothing left. <i>“Currently, the bridge is not yet built. We did not hear any responses from the companies, so we will wait and see what will happen in the future”</i>, said the local community.</li> <li>These photos were taken on September 5<sup>th</sup> 2016 in Hpah Pra village tract, Win Yin Township, Dooطلا District. They show U Fe---’s land taxation receipt. <i>“Although the highway between Hpah Pra and Tein Nyin have gone through [my land], the [KNU] does not care about us. [Even though they tax us annually], they said we do not have land titles”</i>, said U Fe---.</li> <li>These photos were taken on September 5<sup>th</sup> 2016 in Hpa Pra village tract, Win Yin Township, Dooطلا District. The photos show the highway between Tein Nyi and Hpah Pra. The hedges on the edge of the bridge were destroyed. The local villagers were compensated with 5,000,000 Kyat. However, people in some affected places were not compensated.</li> <li>These photos were taken on September 6<sup>th</sup> 2016 in Lut Shan village tract, Win Yin Township, Dooطلا District, Win Yin Township. The photos show the list of names of the members of the KNU Road Construction and Stone Production Committee members. <i>“However, no villagers are involved there”</i>, said the KNU Transportation Officer Si Thu Htun.</li> <li>The photos were taken on September 6<sup>th</sup> 2016 in Lut Shan village tract, Win Yin Township, Dooطلا District. The [KHRG researcher] attended [the KNU] Road</li> </ul>

Construction and Stone Production Committee meeting. In the meeting, they talked about how businesses and organisations could benefit from corporate development. They did not discuss how the local community would benefit from the corporate development project.

- These photos were taken on September 6<sup>th</sup> 2016 in A' Nankwin village tract, Win Yin Township, Doooplaya District. They show the Construction Office. Because this office will be there for 5 more years, they are extending its contract. In exchange, the company needs to provide 300,000 Kyat per year as rent [to the land owner].
- These photos were taken on September 7<sup>th</sup> 2016 in A' Nan Kwin village tract, Win Yin Township, Doooplaya District, Win Yin Township. They show the land title letter of a villager named Daw Ff---. She lent her land for a period of five years for 300,000 Kyat per year. She had to give the KNU Land Department 60,000 Kyat because they were concerned about her land title. *"Whenever they ask me to pay, I pay because I do not know anything about land"*, Daw Ff--- said.
- These photos were taken on September 9<sup>th</sup> 2016 in Fg--- village, Kwee K' Chawkyi village tract, Win Yin Township, Doooplaya District. The photos show the process of assessing the local limestone mountain for cement production. They also show how the company is marking the land. The local community members said they would not give consent for the limestone mountain to be demolished.
- These photos were taken on September 9<sup>th</sup> 2016 in Kwee K' Chawkyi village tract, Win Yin Township, Doooplaya District. They show an interview with Saw Fh---. *"My farmlands are on this mountain, and many other people have plantations. However, we have to stay quiet about the land confiscation. We do not dare to talk about it because the KNU gave permission to the company to assess [the mountain]."*
- These photos were taken on September 9<sup>th</sup> 2016 in Kwee K' Chawkyi village tract, Doooplaya District, Win Yin Township. "If the KNU gives permission to produce cement [in this area], the natural beauty and hedges of the local community will be lost", also said Ma Fi---.
- These photos of the Asian Highway were taken on September 9<sup>th</sup> 2016 in Win Yin Township, Doooplaya District. The road does not meet the construction standards, so people had trouble [travelling]. The local community would like the Minister of Construction to know about [the situation].

### Source #3

Log #	15-133-A1-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

**What is your name?**

Ko Z---

**How old are you?**

I am 48 years old.

**What is your nationality?**

Burmese.

**What is your religion?**

Buddhist.

**Do you have a family?**

Yes.

**How many members are there in your family?**

There are five members in my family.

**Where do you live?**

I live in Ab--- village, Na Ga Mauk village tract, Toungoo [Htantabin] Township, [Toungoo District].

**What is your occupation?**

I am working on a plantation.

**How many households are there in your village?**

There are [censored number of] households in my village.

**How do villagers earn their livelihoods?**

They are working on plantations.

**Do you have a school in your village?**

We have a school. We also have a church and a monastery.

**Up to which standard does the school go to?**

It goes up to 8<sup>th</sup> standard.

**So, is it a primary school?**

Yes.

**Is the education free?**

The education is free only until the 3rd standard. The rest of the standards are not free.

**Do the students have to pay to enrol in school?**

Yes, they have to pay. I do not know how much they have to pay because I do not have children who are students, but I know they have to pay.

**How many students are there in the school?**

There are a lot of students as students that are from four different villages come to attend the school here.

**Are there any children whose parents cannot afford to send them to school?**

Yes, there are many children who do not attend school.

**Do the villagers have any plans to send them to school or does the [Burma/Myanmar] government have a plan to support their schooling?**

No, they [the Myanmar government] do not. The villagers send their children to school as much as they can. For example, if they can afford up until 4<sup>th</sup> Standard, they send their children until then. If they cannot afford to continue sending their children to school, children stop their education at 4<sup>th</sup> Standard.

**Who built the school?**

We [villagers] built the 4<sup>th</sup> Standard [primary] school. In 2013, the school was extended to post-primary school.

**Do you have any clinics or a hospital in your village?**

There is a clinic in the village.

**Do you have a health worker?**

Yes, we have a health worker.

**Do the villagers go to the clinic for treatment?**

Yes, they do.

**Do they have to pay money for treatment?**

Yes, they have to. It is not free. We cannot get him [health worker] whenever we want him. If he is playing billiard or playing cane ball, we are not able to see him. He is a [Burma/Myanmar] government health worker. If a patient has a very serious illness, we have to go and get him by persuading him [asking frequently], then he would follow us to our houses.

**Where does he live?**

He got married in our village. His name is Htay Min Oo. His is from Pa Thein [Town in Irrawaddy Region].

**Does he have to vaccinate children?**

When the township healthcare workers come to vaccinate, he helps them inoculate.

**When they vaccinate children, do the parents have to pay money for it?**

No, they do not have to pay.

**How does he collect the treatment cost?**

For drug injections, he asks 6,000 kyats [for the cost]. For the normal injection, he asks 2,000 kyats [for the cost].

**If he does not treat the serious diseases, where does he send patients to?**

The patients are sent to Toungoo [Town].

**In Toungoo [Town], is there free healthcare?**

No, there is not. Last year, two villagers died. When a villager went to get him [health worker], he did not come to villager's house. At that time, there was a world cup football match and he was watching the match with satellite pan at his house. He did not go to the patient's house even though he was called for three or four times. The patient almost died [at that time]. Then the patient was sent to [Toungoo] hospital and the patient died on the way. We came back to the village, stopped the truck in front of his house and I argued with him. His superior was on duty in Do Daung village. We reported the incident to his superior and he scolded him. Now, if we go and get him, he comes to our house [for treatment]. If he cannot treat the disease, he helps the patient and sends the patient to the [Toungoo] hospital. In the past, he did not take care of the patients. The village head did not discuss this with him. He is assigned to take

responsibility for this village. He also has his own business. He rarely stays at home.

**As you mentioned, most villagers are working on plantations. Do they encounter any land issues?**

We are currently sued regarding land by Kaung Myanmar Aung Company or U Khin Maung Aye Company.

**How many villagers did they sue?**

12 villagers.

**Did they confiscate your land?**

Yes, they did.

**How many acres?**

They confiscated it in 2009. They confiscated 2.6 acres.

**After they confiscated the land, did they pay money for compensation?**

As they were given permission by the country [Burma/Myanmar government], they confiscated the plantation, rubber, sugarcane plantations and farms.

**Did they implement their project?**

They started planting the teak trees in 2009. They met their project targets of planting trees in 2009, 2010 and 2011. However, they did not meet their targets in the following years.

**How did you learn that your land was confiscated?**

In 2009, the company came into our village with trucks bringing their materials. They bought fertilizers to the village. They then said that they were going to stay in a grandma's plantation in which there were mango trees, lime trees, and banana trees. They stayed there but they did not work on that plantation. On the other side of the grandma's plantation, they had a government project that they had coordinated. They cut down rubber, banana and lime plantations. We reported it to Battalion #48 [Tatmadaw] based there.

**How did Battalion #48 reply?**

We reported the case to the village leader. The village leader asked us to report it to the army camp officer. When we reported it to the army camp officer, they said that U Khin Maung Aye is a gentleman. He was U Thein Sein's business advisor. He is also an influential person in Toungoo Town. Even though we tried to talk to them, they did not listen to us as they had permission from the government. We were staying illegally on our lands [according to the company]. At that time, we were not allowed to live in the forest [plantation]. We were afraid that

we would not have enough money to face the prosecutions under the law.

**Did you know that your land was confiscated? When did the village administrator let you know about it? Were there land confiscation papers distributed to the villagers?**

They did not distribute any papers. The company informed us. When the permission was given by the central government, the village administrator did not show us a formal letter. We also did not know whether the township administrator sent it to village administrator. As I know, a formal letter should be sent one month in advance or 15 days before implementation of the project. But we were not informed about it. There was no consultation with the villagers.

**How many acres in total did they confiscate?**

At first, they were going to confiscate 2,400 acres that they got permission to work on by the country government. However, they actually confiscated more than 4,000 acres.

**Did they provide compensation [for the lands]?**

No, they did not. We did not receive compensation.

**What is your plan to get your land back?**

We do not want our lands to be confiscated. As farmers, we need our lands in order to survive. Therefore, we reported our difficulties to township administrator but they did not take any actions because they protect the company. We reported to the police that our plantations have been destroyed but they did not do anything to help us out. When we went to stop the company when they were working on our land, we were asked to go and sign a document at the police station that was drafted by the authorities. When seven villagers, including Z--- and his son, were sued, I went to the police station as an advocate, as an advocate was needed. I was not included in the list of villagers who were sued at that time. I am now included in the list to go to the court. The police were dirty [corrupt].

**When were they sued?**

On October 9<sup>th</sup>, 2015, when I went to the police station as an advocate.

**So, you were sued for the same case?**

Yes.

**Who opened the case?**

The police station officer.

**Do they work for the company?**

Yes.

**What police station?**

Police station #4 in Hton Bon village tract.

**Are they based in the village?**

Yes, they have their police station built in Hton Bon village.

**What is the name of the police station officer?**

His name is Aung Ko Ko [Chief]. Deputy chief is Than Zaw Oo.

**So, they opened a court case. Which court did they open the case at?**

They opened the court case in Township court.

**How many people were sued?**

At first, they sued only seven villagers. Now, 12 villagers are sued, including me.

**How many villagers lost their lands?**

Villagers from Ab---, Aa---, Fv---, and Fw---villages lost their lands. Therefore, there are many villagers who lost their lands. They were sued on January 14<sup>th</sup>, 2015. They were appointed to go to Toungoo Township court. The plaintiff is U Thaung Nyut, a general manager of Kaung Myanmar Aung [company] owned by CB bank chairman U Khin Maung Aye.

**Were any women sued?**

One woman named Ma Fx--- was sued, together with her husband U Kyaw U---.

**Why were they sued?**

They all were sued under article #26, #27 and #28 of Vacant, Fallow and Virgin Land Management Act (2012)<sup>2</sup>. One woman included among 12 villagers.

**How did she feel when she was sued?**

Same way I did. She was not involved [in stopping the company], but when the villagers were appointed to the court, she was involved. At first only her husband was sued, later she was also sued. They were sued because they built a tent on their plantation. Therefore, the company reported it to the police in Na Ga Mauk village tract and the police opened a case. The villagers

<sup>2</sup> [‘Vacant, Fallow and Virgin Lands Management Rules’](#) The Republic of the Union of Myanmar Ministry of Agriculture and Irrigation Notification No. 1/2012, 31 August 2012.

were then told to go to the police station to sign a document. The police then sent the case to the court. So we have to face the court.

**Do you still have to face the court?**

It is not finished yet. The case will be investigated tomorrow on 23<sup>rd</sup> [November 2015]. The judge appointed us for tomorrow.

**What did you mostly grow in the lands that have been confiscated?**

I planted banana, lime and rubber trees in my land. Those are long-term plants. Since my land is on the hill, I cannot farm. Therefore, I cut down the trees in the rainy season and planted banana trees, mung beans and sesame. Next year we will move to another place to work on.

**Do you have a farm in your village?**

We do not have farms in our village as it is on a hill.

**What about the surrounding villages?**

There are farms in Aa--- village. Our village is in Aa--- and Ab--- villages. The lands that have been confiscated include some farmlands in other villages.

**As you mentioned, even the villager who built a tent in their land was sued. Therefore, what did they do for their livelihoods?**

Some villagers have to work as day labourers. Some villagers became landless because if the villagers were to live in their teak plantation, the villagers would be sued. They put up a signboard on the land. They do not even allow cows and buffalos to pass through the land. As soon as the teak plants were planted, we did not dare to live on the land. Some villagers can still work on their banana plantations as the company did not start to work on their lands yet.

**So, they put up the signboard on the lands?**

The board says *"no cows and buffalos are allowed to be looked after! No firing!"* Some villagers had to leave their land, as they [company] came and planted teak trees on their lands.

**Were there any problems as they [company] came to plant teak trees on the villagers' lands?**

No, there were not because we do not know how to get back our land. We also did not dare to face [insecure] them about it. But we did not feel good as we lost our lands. As we did not dare to face the company, we had to leave our lands.

**Is your land your grandparents' land or did you buy it?**

Yes, it is my grandparents' land.

**Do you have a land title?**

Yes, we do. We all have land titles.

**When they [company] confiscated the land, did the villagers have to move their village?**

We did not have to move the village but some villagers had to move their houses from their lands. We have been living in the forest in our plantation for a long time and those who lived on their plantation had to move.

**You had to move from your plantation and leave your plantation?**

Yes. They confiscated our land and they asked us to move and live in the village. We did not know anyone [or organization] to help us at that time.

**How did you plan to respond in order to regain your land?**

We looked for people who would be able to help [work for] us in accordance with the law.

**I am now done asking questions. However, I may not have asked about the things you might want to share. You can now express how you feel.**

We are now looking for people who are able to help us, lead us and direct us. Now, villagers are afraid because 12 villagers have been sued. There were some people who helped us with the land case, but we cannot reach some of them now. Farmer's Party asked us to cooperate with them to regain the land. So we cooperated with them. We relied on them. They [the Farmer's Party] protected the CB bank chairman and held protests in other events. We helped them so that we would regain our land. They also took villagers from our village to participate in the protest. Finally, they themselves did not want to work [help] with us very much. Five villagers were sued by the company including women and we went to inform them but they said that they were away. They did not want to solve our issues. The villagers thought that they would regain their lands. I mean regain our lands officially. We want them to announce that they officially will return our lands. Ko Tun Kyi, a secretary from Farmer Party said to the villagers that he will ask for 300,000 kyats per acre of land from the company. He said that he would keep asking until they pay. He then asked the villagers to sign an agreement. We, three or four villagers then tried to read the agreement which says, "*Maung A, since I do not want to work on my own land, I want to sell my land. There is no one who threatened me.*" They asked the villagers to sign the document. When we read the document, we did not like it. If we were to sign the document, our land would be automatically sold. Later, we found out that he cooperated with the company and that he worked for the company. Since we did not sign the document, their plan was not successful. Some villagers are easy to trust. We did not trust them easily as we are afraid to lose our lands.

There has been conflict since the company entered our villages. In order to acquire our lands, the company used many different strategies such as threatening and persuading us. We always replied to them "*The decision cannot be made by only us. We also need every villager's decision.*" There are also some old grandmothers who face many difficulties in the village as their lands have been confiscated. She [a grandmother] has 10 acres of land. Half of her land

has been confiscated by Ko Si Company. She was given 50,000 kyats per acre and an additional 1,200,000 kyats. Her name is Daw Fx--- and she is from Fy--- [village]. The half of her land was confiscated by Kaung Myanmar Aung [Company].

A man interjects: On March 14, 2010, they [company] started burning my land. I was away from the village at that time. They did not cut down the rubber trees and banana trees in my plantation when I was in the village. They started cutting down the trees when I was away. I planted 500 plants of rubber in between the banana plantations. I earned 80,000 kyats per month from my banana plantation. I lost it. At 10:30 am, on April 17<sup>th</sup>, 2010, the company burnt my plantation down. The rubber plantation which is behind my current hut was also burnt down. 102 rubber trees were burnt. They [company] said that they did not burn the plantation - other people burnt it. I have witnesses. The person who burnt it is U Hla Win, U Tin Soe, and Na Ga Mauk villager Soe Naing who was the company's staff member.

**Did the people from the company set the fire?**

Yes.

**Is U Hla Win a staff member of the company?**

Yes, he is the company's agricultural manager.

A man interjected - He is from Kin Hseik village, Toungoo Town. Even though they wanted to pay me money, I don't want to take it. I just want to get my land back. We cannot do anything with money. The money that they pay me is not worth as much as my fruit [banana]. If we take their money, my whole life will be in trouble. If I have land, not only myself but also my family can depend on it. I am not interested in their money. I just want my land back. They cut down 500 of my rubber trees in my banana plantation. Moreover, 102 rubber trees were burnt. Therefore, 602 trees in total were destroyed.

**Were they given compensation for the rubber trees that they destroyed?**

They never said that they were going to pay compensation. We also do not want to get the compensation that they will pay to us. They [company] said that a rubber tree is worth 200 kyats. What can we do with 200 kyats?! When the Asia World company built a tower on the river bank, they paid compensation before they built it. The company did not hold a consultation with us. They keep an eye on the landowners and if the landowners are away from the village, they cut down the trees on the villagers' land.

**Is there any company staff member who stays in your village?**

Yes, there is. Therefore, they always keep an eye on the villagers in order to confiscate the villagers' land.

**What do you mean by the company always keep an eye on the villagers in order to confiscate their land?**

In the past, it is Soe Naing, a Na Ga Mauk villager who worked for the company. Currently, there are three Na Ga Mauk villagers who work for the company. They [three villagers] are looking for ways to confiscate our lands. If they see a chance [when villagers are away], they lead the confiscation efforts and the company staff members follow them because the company asked them to.

Another person interjects: When they went to cut down trees on my land, they asked Daw Fz--- to guide them. She was paid 120,000 kyats. Now, her land has also been confiscated. Since her land was confiscated, she does not get along with the company, she left the company and she told us all about the company. Therefore, we know about it [the situation]. She does not even have the land to build a hut.

**Was she a company staff?**

Yes, she was. In 2009, the company entered and stayed on her land first. She was told that her land would not be taken but later she was asked to move from place to place on her land and her land was finally confiscated. She was sued straight away because she sliced the shell of the teak tree to tie with bamboo to dry clothes on it. She did not get compensation for her land. Now, she is staying in a teak plantation and she does not have a house. However, the police did not arrest her as she is grandmother who is alone and she does not have a land to live on.

The son of U Saw Maung, a company manager asked the company staff members to cut down trees on confiscated lands for 120,000 Kyat per month. When they got the wood, they would produce timbers and firewood. The profit that they got from land, they used to buy goats and cows in order to breed them in the teak plantation. They looked after their cows and goats in the teak plantation. His daughter also opened a shop at the plantation. They asked the landowner to move away as soon as they put up a wood column on the land. They are that cruel. The landowners also lost their land and did not get compensation for it. The villagers from these four villages are in trouble since 2009.

**Which company does U Saw Maung manage?**

Kaung Myanmar Aung Company. His son has about 30 cows and 40 goats. Some [Kaung Myanmar Aung Company] staff members suggested to the villagers not to sell the land to the company because they had [were asked to] to cut down the trees for U Saw Maung's son and not for the company.

**Thank you so much for providing these answers. Do you give permission to KHRG to use the information you provided?**

Yes, I do.

**Thank you.**

**Source #4**

Log #	16-10-A1-I1
Type of report	Interview

Publishing Information	Previously unpublished
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	
<p><b>Interview Date:</b> December 5<sup>th</sup> 2015</p> <p><b>What is your name?</b></p> <p>Daw A---.</p> <p><b>How old are you?</b></p> <p>50. The land title is [under the name of] U K---, as it was given the name of the breadwinner [Daw A---'s husband].</p> <p><b>What is your ethnicity?</b></p> <p>I am Buddhist, Bamar.</p> <p><b>So you are Bamar ethnicity?</b></p> <p>Yes</p> <p><b>What religion do you believe in?</b></p> <p>Buddhism.</p> <p><b>What do you do for your living?</b></p> <p>Farming.</p> <p><b>Are you married?</b></p> <p>Yes, I am.</p> <p><b>How many children do you have?</b></p> <p>I have only one child.</p> <p><b>How old is your child?</b></p> <p>Six years old</p> <p><b>Where do you live?</b></p> <p>I live in Bago Division, Toungoo Township, Nga Gar Mout village tract, B--- village tract nearby Thout Yay Khat vehicle road.</p> <p><b>As a farmer, when you are working for your livelihood do you face any problems such as land confiscation?</b></p>	

Of course, we face [land confiscation problems]. A man called U Khin Maung Aye [chairman of Kaung Myanmar Aung Company] confiscated land, more than 2,400 acres according to the measurements. My land was about seven acres, as I measured it myself, but when they came and measured it they said that it only about 6.30 acres.

**Who came and measured your land?**

People from the Land Records Department at the Township level.

**Which Township do you mean?**

Toungoo Township. Last week, in November, I don't remember the exact date; the people from Division level came and measured the land that had been previously measured [by the people from the Township level].

**Do you mean November in 2015?**

Yes, the land was measured in November, not even a month ago, just a few days ago.

**How did they measure the land?**

They measured the land with a machine [land measuring tools], so we did not understand the measurement process. So I asked them why they were measuring the land, as it had already been measured last week and they replied that they were re-measuring it because the measurement had not been precise. They told us to believe them, that they would measure it for us. Village head, U D---, and Chairperson of the Land Records Department, U Maung Zaw, had told me to let them measure the land so that I could get a Land Form #7. The last time the land was measured by the people from division level the result of land measurement was not out [available]. After they measured the land I asked them, *'are you done measuring the land? And how many acres of my land exists?'* and they just replied to me that, *'we don't know how many acres it will be, but please keep in the mind the first point [original measurements] because we may only know when we review the measurements with a computer'*. But up until now I haven't known the result or whether they have reviewed the measurements with the computer or not.

**I am not clear about the land measurements, do you mean that the land was measured by a company of [connected to] the Burma/Myanmar government?**

It included people from a company and also people from the Township level of the Land Records Department, which was the first time that the land was measured. The last time the land was measured there was also a man called U Maung Zaw, who was from the division level.

**The company that measured the land, which company was that?**

Kaung Myanmar Aung Company.

**For what purpose did they measure the land? Did they measure the land to buy it or to confiscate it? Can you explain to me what the aim of the land measurement was?**

U Khin Maung Aye said that he would provide a Land Form #7 for 2,400 acres of land. It meant that the people whose land was measured would be provided with a Land Form #7.

**It meant that they [Kaung Myanmar Aung Company] would provide a Land Form #7 for**

**the farmers?**

Yes

**How could the Land Form #7's be provided by them [Kaung Myanmar Aung Company]?  
How did they consult you?**

He [U Khin Maung Aye] confiscated 2,400 acres of land. But if we let our land be measured then he would return the land to us by providing [us with a] Land Form #7.

**When they came to measure your land how did they convince you [to get your land measured]?**

He suggested [that I should] let my land get measured, if not it would be included in the confiscated list. Yesterday, I was invited by the peasant party to attend their press conference which was held in the hall of the doctors' association. They invited me by an invitation letter. And I asked them *'Why did they invite us to attend the press conference?'* they replied that *'People whose land had been measured will be included in the confiscated list if they do not attend the press conference, but if they attend [the press conference] their land will not be included in the confiscated list'*. Then I realised that there would be something, so I went to attend the press conference. In the press conference they just discussed the campaign of the peasant party and what they had done for the farmers; nothing special was discussed at the meeting, only those subjects.

**How long ago did the peasant party invite you to attend their press conference?**

It was yesterday, they told us that they would pick [me] up by car at 1pm, so I followed them when they came to pick me up in a car.

**So the meeting was arranged by the company [Kaung Myanmar Aung Company]?**

No, it was arranged by the peasant party.<sup>3</sup>

**So it was not arranged by the Kaung Myanmar Aung Company, which is owned by U Khin Maung Aye?**

No, it was not arranged by that company, it was arranged by the peasant party.

**Did you have enough time [to decide to accept] their invitation?**

Not enough actually, we got the invitation in the morning and at 1pm we had to go, so we were in hurry to attend the meeting. However, there was no special update at the meeting; they just talked about what their party was doing.

**So how and what do they do for the benefit of the farmers, as a peasant party?**

They [peasant party] tried to convince U Khin Maung Aye to return the 2,400 acres of land he had confiscated from the farmers. We have got our lands back, but to prove that we own the

<sup>3</sup> The interviewee is likely referring to the Myanmar Farmers Development Party. For more information about this meeting see also, [Farmers protest KMA Group project in Taungoo](#), Myanmar Times, 9<sup>th</sup> December 2015.

lands we have to have a Land Form #7 as evidence. However, the Land Form #7 is not in our hands yet. They said that U Khin Maung Aye had already given it [Land Form #7] but there has been no agreement paper or signature. So, by saying things like this [only returning the land by word] everyone can do anything by words [no action].

**So how many famers participated in the peasant party press conference?**

There were 22 farmers at the meeting. All of those 22 farmers were the people whose land had been measured.

**Among those 22 farmers, were any of them unable to attend the meeting because of various reasons?**

Yes

**So how many farmers attended the meeting yesterday?**

Just 22 farmers, but there was over one hundred farmers whose lands had been measured.

**Regarding the land measurement issue, are you the only person who talked to the people who came and measured your land? Did your husband talk to them?**

He does talk to them if he is at home when they come, but if he is not [there] or when he is not available then I talk to them. My husband has not felt well for the whole rainy season, so I am the person who is leading and handling what happens.

**What did you plant on your land?**

We planted rubber trees; it was also full of banana trees.

**So you have a plantation on your land, which was grown by yourself?**

Yes.

**So since you have plants on your land how could Kaung Myanmar Aung Company confiscate it?**

They have not confiscated it yet. But as my land is close to the vehicle road they said that it would be included in the area that will be confiscated and they have not planted any teak trees yet.

**So your land is included in the area that they will confiscate, but they have not implemented it yet?**

Yes.

**So we cannot say that they will not confiscate your land?**

Yes, because the land was already included in the 2,400 acres that will be confiscated.

**So, before they implement the land confiscation and whilst you are [still] working on your**

**land, what kind of problems have you faced? Have they [Kaung Myanmar Aung Company] threatened you or have they summoned you to go to court?**

I have not been summoned to court yet, but they did summon the people from my neighbour [hood] who failed to attend the peasant press conference. They also have not come and planted anything on my land yet.

**He [U Khin Maung Aye] has not planted anything on your land yet; does that mean he doesn't have enough people yet?**

Yes.

**What I want to know clearly is, in order to get you to agree to the measurement of your land, how did they persuade you? How did they convince you to let them measure your land?**

U Soe Win, who is the village chairman, recommended that we attend the peasant press conference. He also said that he had been officially informed by U Khin Maung Aye [owner/chairman of Kaung Myanmar Aung Company] at Kay Tu Hall that he [U Khin Maung Aye] would return the land so we should get our lands measured. After you get your lands measured then they [Kaung Myanmar Aung Company] will provide you with a Land Form #1 and then they plan to let you get a Land Form #7. So according to what the village chairman said we hoped and believed that, but [we did] not totally trust [it], just 50%, however, he is the head of village and we didn't think that he would trick the villagers so we agreed to let them measure our land.

**So on what date was the land measured?**

I did not remember the exact date, it was this November [2015].

**So it was just a short time ago?**

Yes, it was a few days ago, not even a month ago.

**As they confiscated the land, did they also confiscate land in your neighbour [hood]?**

Of course. L--- Village, M--- Village, N--- and O---Village, these four villages are where the most prevalent land confiscation happened.

**What did he [U Khin Maung Aye] plant on the land that he confiscated [from the villagers]?**

He planted teak trees.

**Only teak trees?**

Yes, only teak trees. They [Kaung Myanmar Aung Company] planted eucalyptus trees as well, but they mostly planted teak trees.

**Did they [Kaung Myanmar Aung Company] also sue the villagers because of this land confiscation?**

Yes, they have. Now, we have a court hearing on the 7th [no month or year were mentioned]. They have summoned us twice to the court.

**How many people [villagers] were sued by [Kaung Myanmar Aung Company]?**

Ten people.

**How many women were included among the ten people?**

Only I was included in the ten people.

**For what reason were you sued by them [Kaung Myanmar Aung Company]?**

For trespassing, according to Article 26 and 27; because we built a house.<sup>4</sup>

**Did the land belong to you in the past, as you built a house on it?**

Yes, we owned the land in the past. We also planted beans and paddy on the land, but they destroyed them and planted the teak trees. Moreover, three members of Kaung Myanmar Aung Company photographed me so I asked them *'why are you guys taking a photo of me?'* and they just replied that *'we just came and took a photo'*. And they asked *'how many people sleep in the house'* and I replied *'it is not your business how many people sleep in the house, why are you asking me? Will you come and kill me?'* I just replied to them like that. Then they told me that their superiors had asked them to come and take photos. And then I replied *'who told you that? We do not steal the land and we are not thieves, we just built a house on our own land'*. I spoke to them while I was cleaning in my garden, so I was holding a machete in my hand and then they ran back.

**This is the way you protested, is that right?**

There are three people and I am only one, I responded to them in that way because they photographed my house.

**Did they also provoke you, because you responded to them like that?**

Nope, they just went back, they were just two young men.

They were the workers of Kaung Myanmar Aung Company. They replied to me that *'for us personally we don't want to come and take a photo of your house, it is just the order from our superiors.'* Then I replied to them that *'well, if your superiors ordered you to do it then do it, it is fine for me because I built the house on my own land.'* They [Kaung Myanmar Aung Company] are an opposition group to me. In my plot of land I have lemon trees, mango trees, a dog fruit tree, a jack fruit tree, and a drum stick tree. I have my plants on my land. But they [Kaung Myanmar Aung Company workers] cut all of them and now the new shoots have come out. Then they come back and cut it again. Since then, they have not dared to cut it.

**So they destroyed your entire plantation?**

---

<sup>4</sup> According to additional KHRG information, Kaung Myanmar Aung Group of Companies is suing villagers for Criminal Trespass under Article 447 of the Myanmar Penal Code.

That's right; they cut down the entire plantation. Now the new shoots came out and I tied them, and I told them that if they dared to come and cut it again then go ahead.

Five local villagers from M---village were first summoned to the court, and among those five villagers four women and one man were included in that group, and all of them were from M---village. Because they [Kaung Myanmar Aung Company workers] cut the trees that the villagers planted, they long for it back so they had an argument with them. But when they had the argument, as in a women's nature [when they get angry], we did not only speak about the problem but also we swore at them. Because they [villagers] were over-emotional while having the argument with [Kaung Myanmar Aung Company workers] they were summoned to the court. So five of them were sued and they had to go to the court. There was a man who came and handled that case. However, after the case was over, they came back and cleared the land again. Moreover, they also destroyed the long-term plantation, such as the dog fruit tree and lemon tree that was planted by our ancestors. They also burnt down our toilets as well. Then we went to the police station and reported their actions. But, the police replied that the farmers cannot sue the company workers, however, the company can sue the farmers. Therefore, we went back to Ko Soe Win [the village chairman] and told him about what the police told us. And then he [Ko Soe Win] said *'that's right, only U Khin Maung Aye [owner of Kaung Myanmar Aung Company] has the right to work on the 2,400 acres of the land, and the farmers cannot work on it'*. So, we have to ignore [all the incidents related the land issues].

On June 10<sup>th</sup> [no mention of a year], before they came and planted the [teak] plantation on it [the land], and we planted paddy. On June 17<sup>th</sup> they came in with bulldozers and took our land. When they came and did that we did not dare to say anything. They came with a lot of people. Whenever they came they came with a huge number of people, once they came with at least 30 people, up to about 50 people. That is why we have to suffer whatever they do without responding to them. [A consequence] of the situation, my sisters-in-law have no land to stay on, but I have a plot of land to live on and I planted some plantation on it, but now it is under water because it is close to the river. Then I let them [sister-in-law] stay on my plot of land.

The plants that I planted on my land, including dog fruit trees, betel nut trees and lemon trees, were ready to consume. All together there were 65 trees on the land. In the past it was a banana plantation. They destroyed all of those 65 trees and my sister-in-law had no place to live, so I let her live on that land. Then, my sister in law built a hut on that plot of land. [Later on], the lawyer of the company came and complained about the hut on that land on August 6<sup>th</sup> [2015], but we did not listen to him and we kept building the hut. On that date, in the evening, the Chief of Police, U Aung Ko Ko, ordered the police to come and arrest them [my sister-in-law and her husband]. But at that time my brother was not at home and only my sister-in-law was at home. So they failed to arrest them on that date [August 6<sup>th</sup> 2015]. They did not come on 7<sup>th</sup> August either. So we thought that there would be no need to worry. In the early morning of August 8<sup>th</sup> three police officers came and arrested them. Then, I told the police officers *'alright, if you arrest my brother and sister-in-law handcuff them or show your permission letter that you guys are authorised to arrest them.'* And then they replied that *'we don't have that, just look on our shoulders [for insignia patches]; the stars are the authority that we have to arrest them. What else do we need as proof?'* So then, I replied to them *'ok, so show my your personal ID number and tell me your name, and take a photograph of my brother and his wife as proof.'* They only told me their names but they did not give me their personal ID numbers.

**What are their names?**

I forgot their names; I recorded it in the book. Than Zaw Oo and his two subordinates.

**Let me interrupt you to ask what I am not clear about. You have mentioned about the police, so which police officer are you talking about?**

Police officers from #3 police station in M--- Village.

**Do you know the name of their commander?**

Their commander's name is U Aung Ko Ko.

**What is the position of their commander?**

He is the Chief of the Police Station with the rank of three stars, and Thein Zaw Oo is second with the rank of two stars.

**What happened next?**

After having a conversation they arrested my brother and his wife. But they did not handcuff them. They just took them to the police station without handcuffs and by motorbike. So they [my brother and sister-in-law] went with them [the police]. After my brother and sister-in-law were arrested I didn't know what to do, so I went to see Maung G---. There was a group of [people in] L--- village and I asked for help from them. After I asked for help from a group of [people in] Nga Gar Mout, who were led by Saw D---, then I got a phone call telling me that to find a person who would guarantee [vouch for] my brother and his wife. Therefore, I tried to look for people [to guarantee my brother and his wife]. Saw D---, Maung E---, Ko F---, Maung G--- and Saw H---, these five people guaranteed my brother and his wife, and finally they were released from the police.

After they were released, I thought that they would not be sued anymore. I also told the Chief of Police that *'if you still want to sue, go ahead, I will await you at the court'*. At that time, when I spoke to him [Chief of Police], they had not sued [them] yet, but later on they submitted the case to the court. There were ten people from M--- and one from N---, so all together 11 people were sued in the case that they submitted to the court. There were three local villagers of M---, three local villagers of L--- who were Maung G---, Maung E--- and Maung I---, one from Yangon, Saw D--- from O---, and Maung J---. So, all together 11 people were sued. First of all, when the case was submitted to the court, we, the farmers, went to the court and that day was lost to that process. In the next week, they [Kaung Myanmar Aung Company] did not go to the court and we got repeated court notices that we have to go court again. So only their side failed to go to the court, and we, the farmers, did not fail to go to the court. They [Kaung Myanmar Aung Company] just came the last time.

The peasant party removed two of their people from among the farmers who were sued by the company. Palae Say and Saw Eh Moo were removed from the farmers who were sued by the company. These two guys are actually members of the peasant party. Also, these two guys were not included in the case, they just intentionally put them into the group of farmers who were sued, but when they realised that these two men were not farmers then they removed them. So now in the group only 9 people remain.

**So how many times have you had to go to court?**

Already five times.

**So what was the result from going to court five times?**

The case has not been reviewed yet because they [Kaung Myanmar Aung Company] failed to come to the court. Kaung Myanmar Aung Company sued the farmers and they failed to come to the court.

**So, how have the police solved that situation?**

The police do not solve the case. The police told us that they [peasant party] took back U Saw Maung's son. U Saw Maung is a manager in the Kaung Myanmar Aung Company. After the peasant party removed U Saw Maung's son from the group of farmers who were sued, he [son of U Saw Maung] said that he didn't want to go to the court as it was not his concern. He thought it was his father's issue, which his father should deal with. So he rejected the case and no one followed that case. The case was submitted by the company and there was nobody to follow the case. The peasant party and U Saw Maung did it.

**So when the case happened like this, as the farmers have been facing land problems, how do the farmers try to respond in order to get their lands back?**

We have not responded with anything to them. We just act in accordance to the law. However, we have no one to help us. So we have to find the place where we can get help from people. We will act according to the justice system.

**As you have said previously '*don't come into my land if you come, I will cut you with a knife*'. So this is one of your responses to protect your land. Likewise, have you responded to them by organising people and holding a demonstration?**

We used to do *Hton Done Tike Bwe* [farmers harvest their paddy early because of land confiscation]. That was organised by the farmers only. At the time both the media and the police came [to the event]. They just came to the event and did not do anything against us. But, recently, we have been sued because of the *Hton Done Tike Bwe* and because we built a hut on the land. They [Kaung Myanmar Aung Company workers] came when we were cleaning [in our land]. So as we were cleaning, of course it [the job] included a knife. So I was holding a knife and asking them what they were doing here. They replied that they came to take a photograph. '*Why did you come to take a photo*' I asked, and they also asked me how many people stayed in the house and I replied that it is not their business how many people lived in my house. '*What are you coming here for?*' I asked. '*Are you coming to kill me?*' I just asked them like that. '*You don't have to question me about how many people sleep in my house*'. They were just young men.

**As part of protecting [the land], have you gathered villagers to hold a demonstration? Or what kind of response do you do to get your land back?**

We have never done any demonstrations, particularly [not] for my plot of land. Once, in 2014, the peasant party convinced us, by gathering the farmers [together], to hold a demonstration for the farmers. So we held one demonstration in 2014, but that demonstration was not successful and it has stopped. In 2015 the peasant party came back again. They [peasant party] told us that although the lands were previously owned by our ancestors, only U Khin Maung Aye has the right to work on the 2,400 acres of land. It means that he [U Khin Maung Aye] will buy the 2,400 acres of land from us, or they asked us to plant teak trees on the land or else we would

have to pay money. If we don't agree with this and we don't plant the teak trees then they will sue us. They threatened us like that. Since then, we have not dared to plant anything on the land. In the past, we planted paddy and beans on the land and we had to look after our plantation a lot. On the other hand, we have to work on the land for the future of our generation.

We were summoned to the administration office on November 24<sup>th</sup> to have our land measured. We went to the administration office. When we arrived to the office they recorded the names of who had come to the office. They [people of the administration office] explained to us that they did not want to meet with U Saw Maung [any man], not with anybody. They [people of the administration office] just wanted to meet with U Khin Maung Aye. Therefore, through the township office they were invited to meet with U Khin Maung Aye. They held a meeting with U Khin Maung Aye at a hall and also told the farmers that if we wanted to know more about land issue, then a responsible person from the land department would attend the meeting and we could ask [them] what we wanted to know. We did not attend the meeting, only the administrator who told the farmers to measure the land attended the meeting.

**That administrator already said that he would measure the land to get the Land Form #7. After that where did he take the farmers to?**

He took us to the Kaung Myanmar Aung Company office.

**So what happened next, after the farmers went to the office?**

They just shouted at us, asking what we went there for. [They said] that we didn't need to go there and to get out of the office. We were afraid of them when they shouted at us like that. We just replied to them that we had heard from responsible people at the land department, so we came to ask them what we wanted to know. But they just shouted at us and told us to go back, that they didn't want to see anyone. Therefore, we had to go back without getting any of the information that we wanted to know. So this time, although U Khin Maung Aye himself invited us to attend the meeting, we would not dare to attend because we were already shouted at once to get out of the office.

**So, as you have experienced that once [verbal abuse] you would not go to the meeting this time even though you were invited to attend?**

Yes.

**It is because of their negative reputation?**

That is right, because when we go to their territory we do not know what they will do to us, will they get us into trouble or not, we do not know. That is why we did not dare to attend the meetings anymore, but U Soe Win did attend a meeting and he explained [to us] about what was discussed at the meeting. U Soe Win said that he was asked by U Khin Maung Aye '*do the farmers want to meet with me?*' and he replied no. Then U Khin Maung Aye asked him again '*are you the person who is the in charge of the farmers?*' and he replied yes. Then U Khin Maung Aye asked him what they [the farmers] would like to happen, and he replied that the farmers only wanted to get their lands back, as the lands were previously owned by their ancestors. U Khin Maung Aye said to him '*it is right; in the past their ancestors owned the land but now I own the land*'. This is what U Khin Muang Aye said, as U Soe Win recited to us.

For the land measurements on behalf of M--- village, I said that we, the M--- villagers, did not

agree to the measurement of our lands because our M--- villagers have had to go to court twice already. The first time four female farmers and one male farmer were sued, and the second time ten farmers were sued. So we will not let our land get measured anymore. We will just wait until the justice process is done. They said that we have to measure our land to provide them with a Land Form #7. And we replied to them that we could apply for a Land Form #7 by ourselves. So we, the M--- villagers, will definitely not [let our] lands be measured. But some villagers from N--- may let their lands be measured.

**So those who let their lands be measured don't know anything about the land?**

Yes. For us, our land was measured once in the past so this time we cannot measure our lands again, because they will trick the farmers again and that is why we don't let our lands be measured. We just confirmed that the initial measurement was the correct one.

**Did they say that they will return the land to the farmers, by measuring the land?**

They just said that and they did not make it happen in reality. The land was measured on May 7<sup>th</sup> [no year mentioned]. For four villages, the land measurement was done on the 28<sup>th</sup> of May, and now it is already December, so if the land measurement was really processed a Land Form #7 should have been provided to the farmers [by now]. But rather than getting a Land Form #7 the farmers were sued in court.

We don't want [them] to measure our lands because the first time they measured the land it was ten acres and the second time it was six acres.

**So you mean that every time they measured the land it was not correct, for example one time they gave one measurement and another time they gave another measurement, which meant that the result of land measurement was never correct?**

That is right.

**So the amount of land has gotten less and less every time they measured it?**

Yes, that is right. Just consider right now, they said that the land was 2,400 acres but if you measure it exactly and properly it is over 3,000 acres.

**Are those lands owned by the local villagers?**

Yes, those are our lands. We still have the land tax receipts that have been paid since our ancestor's era. We have kept those receipts until now.

**Did you show your receipts when they come to confiscate your land?**

The farmers did not know they confiscated the land. They came with a big group of around 50 people, but at that time farmers were busy cleaning the land [cutting the trees] in order to grow paddy in rainy season, so they did not know about people coming to the land. At first, I tried to go and talk with that group of people with my sister-in-law but she was busy growing plants, so I went to talk to them alone. When I reached them I asked '*what are you doing by coming here [what is your intention]?*' but they did not answer me. It was about to be the planting period, as the rainy season was coming in two months, so we had started cleaning the land in advance. They also entered our land to clean the land. They did not even tell us that '*we will confiscate*

*your land and give you a proper compensation'. They just entered our lands and cleaned it, so I asked them 'can't we work on our land anymore?' and they replied 'you do not have any chance to work on your land because this plot of land has become company land.'* Then I asked them *'can a company trespasses this much?'* and they also asked me *'what do you have to plant now?'* So I replied to them *'we just do seasonal plantations'* and they said *'you can do that'*. I replied to them *'although we can plant our plantations, you also come onto our land and plant teak trees, and when you plant the teak trees you step on our paddy'*. So I told them *'I don't want my paddy destroyed'* and they did not respond to me.

After we grew the paddy, and when the young paddy shoots had come out to around four inches, they came and planted the teak trees. I reported this to the superior [farmers] and the superiors did not feel good about that. So they arranged to do the *Hton Done Tike Bwe* for the farmers and we did it on that land. The company workers [will] come to clean the land and if they do so they will destroy my paddy, so I cannot let them enter my land at all. They did not include me in the list of the people that they were going to sue, instead they recorded my name in their office and they told their superiors that they could not enter my land. Their superiors told them not to enter my land but to clean the surrounding land. They have planted teak trees on the land, which they transported to the village in two cars. A few weeks ago I told them not to enter my land or else I would sue them for trespassing on my land, and then I grabbed my phone and photographed them. I told them *'I don't even care if you report [me to] your superiors, about what I have told you. Would you like to sue me? Just do it. We just request that you do not enter our land'*. However, they did not openly enter my land but they entered it secretly from the back of the land and cleaned some parts of my land.

**So, all of your plants were destroyed?**

Yes. I reported it to U Soe Win and told him that my lands were cleaned and they cut down the trees and burnt the rubber trees. Now, I have nothing on my land, what should I do? Then he replied that the sector would be dealt with [later]. All of the plants on my plot of land were cut down and the rubber trees that had already grown were also destroyed. I asked him about this and he replied that this sector would be dealt with as well.

**So, according to what you have said, that chairman [U Soe Win] is on the side of the company?**

That is right.

**Was this man [U Soe Win] elected as chairman by the local villagers?**

Whether he was elected by the local villagers or not is not our concern. The chairman that was elected by the villagers is Poe Htaung, but he did not do a good job so U Soe Win temporarily replaced Poe Htaung.

**So you mean that the company used the people they can rely on in order to control this village?**

Yes.

**Another thing is that we have heard about the land conflict, and this morning I saw that there was demonstration about a land conflict. So, can you explain to me what has happened?**

We have wanted to do a demonstration [regarding the land conflict] for the past month.

**So, what was the objective of the demonstration?**

The objective of the demonstration was to get back the lands that were owned by our ancestors. But they [company] do not want to give us any of them [lands]. We do not agree to take any money if they come and give us money, because if we let them occupy our land our generation will have no land to work on. The situation we live in is between two companies that are confiscating our lands.

**What are those two companies?**

Asia World Company and Shwe Shwan Inn [a sister company of Asia World] hydro power Company. Those companies request to buy the lands in the proper way with a fair price. However, there are fewer Bamar local villagers and more Kayin local villagers. The administrator of Htone Bo told the villagers to sell their land for 3 million kyat an acre, or else their land would be confiscated. If people threaten the Kayin villagers they are afraid. They were afraid that their land would be confiscated so they sold their lands to Shwe Shwan Inn Company for three millions kyat an acre. Now the lands from the other side of the village were stolen [by Kaung Myanmar Aung Company] instead of [sold] for money.

**What is the name of company that stole the lands?**

Kaung Myanmar Aung Company. They confiscated the land twice, once in 2009 and once again in 2015. They forcedly entered the land, cleaned the land and planted the teak trees.

Like this aunty, when they [Kaung Myanmar Aung Company] confiscated her mango plantation they said that they would pay her compensation but she has not received anything yet. This aunty is a widow who she lives alone and now she has no place to live. She threw all of the receipts of the land tax into the toilet. She has to live in a very difficult situation as she cannot build a hut when the land is full of the teak trees, so she has to build a temporary shelter and live among the teak trees. Unfortunately, she was sued by the company for building a temporary shelter among the teak trees. She was sued three times.

**If she touched the teak tree then she was sued?**

That right.

She just tied a line between rows of teak trees in order to make a roof. Although she was told that she would be paid compensation she has not received anything until now.

Maybe the superiors of the company already gave the compensation properly, but the staff or workers of the company did not manage it according to their leaders and they exploited the compensation, which is why the farmers have not received anything.

Meanwhile, some farmers sold their lands but some did not agree to sell their lands at all, [not] even for any amount that they will be paid for it. Some farmers were also concerned that their lands would be finally confiscated in the end, so they sold them for whatever price [was offered]. So, since many people had many different concerns regarding their land they did not have a common agreement, and the land conflict got out of the control and the land problem could not be solved.

Since early 2015 the situation has not been like that anymore. We absolutely do not accept that

the company can enter our lands.

**So you mean in the past some farmers sold their land because they were threatened by the company?**

That is right.

If you have land tax receipts you can sell [the land for] 150,000 kyat, and people who do not have it can sell the land for 50,000 kyat. The buying and selling process was facilitated by the police.

They [the police] report to U Khin Maung Aye when he comes and the land along the road faces the same situation. Then, U Khin Maung told to U Soe Win that '*you have no background [experience/power] so you cannot do [act] like that*'. Therefore, U Soe Win spent much of his own money and bought the land from the farmers. This means there is no proper connection between the higher superiors and the field staff [between U Khin Maung, who is the company owner, and U Soe Win, who is the company manager].

We submitted the permission letter for the demonstration we held this morning a long time ago, but it was rejected and we [the farmers] kept submitting the permission letter [to the police station]. However, they mostly rejected our permission request letters, until finally after we kept submitting the letters constantly they approved us to hold a demonstration. They only permitted us to hold a demonstration between 9:30am and 12:30pm. When the company heard that we had gotten permission to hold a demonstration, they [company] also held a demonstration and they will keep doing it more than we can. They will [hold a demonstration on] Friday, Saturday and Sunday, so they will hold a demonstration for three days. For the farmers, according to our ancestor's customs, we only held it [the demonstration] today.

**So you held a demonstration today, right? So what was your main slogan in the demonstration?**

The main slogan was to get our land back from the company.

**What else is there? Is there any other justice system?**

Our land issue has never been solved in the justice system. They [company] just blindly confiscated our land and we [the farmers] were not content with that so we held a demonstration. As I have mentioned, they sued my sister-in-law for building a hut. They did not even negotiate with us or give us any money as compensation.

**So how many people participated in the demonstration that was held this morning?**

120 [people].

**Only that many?**

When we submitted the permission letter to the township office we requested to hold a demonstration with 200 people. However, some people were travelling when the demonstration happened and some people were too afraid to participate in the demonstration. On the other hand, they just gave us a very short period of time for the demonstration, so we did not have enough time to inform all the farmers about the demonstration. So we just spread out the information from one [person] to another. Some people who heard about the news through

gossip joined the demonstration and some people were afraid to join the demonstration, although they had been informed ahead of the event. Kayin villagers were very fearful and the reason why they were so fearful was because in the past they were ruled by the military [Tatmadaw] and oppressed by the soldiers who beat them. So as soon as they see the police or soldiers they already afraid of them.

**Does the Tatmadaw or the police provide security for you when you hold a demonstration?**

No, only for their [company] side.

**Was there any police present during the event?**

Yes, but the police was present only at the request of the company.

**How about the military [Tatmadaw]?**

Yes, at the request of the company.

**Do you mean that they [the police and Tatmadaw] are monitoring farmers when they hold a demonstration?**

Yes.

**Did they create a barrier for the farmers when they held the demonstration?**

They will arrest us if we do anything wrong during the demonstration. During the demonstration they do not allow us to bring things such as stones, sticks, bottles of drinking water and knives, according to the rule of law. Maybe they just watch us by following the demonstration from behind. However, none of the farmers were bringing anything like sticks or stones. We held the demonstration although we were thirsty, only because of our intention to get back our lands that had been confiscated by Kaung Myanmar Aung Company.

**So, the police and soldiers closely watched the farmers during the demonstration for security?**

Yes, that is right.

**So, how do the farmers feel about that? Are the farmers afraid of them?**

No, we are not afraid of them, and as long as we are not afraid of them it makes the people from Kaung Myanmar Aung Company very angry. It would be best for us if Kaung Myanmar Aung Company did not exist, and in our minds we only want to get our land back. We do not want Kaung Myanmar Aung Company; we do not want the peasant party; that is according to our slogan. The peasant party is just negotiating about the land problem between the company and farmers for money.

**In your demonstration how many slogans were included? Can you tell me that?**

Kaung Myanmar Aung Company occupied and forcedly confiscated our lands that are our heritage from our ancestors and this is our concern; the returning of the local villagers land that

they have been working on since their ancestors era is our concern; the resolution of the land problem according to the law is our concern; the farmers do not want pretend agents, because now some of the farmers agents are fake; and also the next [last] slogan is that we do not want Kaung Myanmar Aung Company.

**By saying there are pretend farmers' agents, are you saying that the peasant party is doing the taking and the giving between Kaung Myanmar Aung Company and the farmers?**

Yes. That is definitely right.

**So are there any trustworthy peasant party agents, or do they provide any advantage for the farmers?**

No, we have nothing. They, the peasant party, firstly said that they would deal with our land problem so we gave them our vote. They would manage to get our land returned to us if we voted for them and if they won the election. But they did not win the election and they only got seven votes.

**So this peasant party has been formed by the Kaung Myanmar Aung Company?**

That is right.

**Do you want to say it like that?**

Yes, yes.

That is why this peasant party gets involved with this land problem all the time. For example, only if I requested or asked for help from them then they will do what we ask for. So now, as for our farmers, we just consider that they are messing us around, they just do that because the company asks them to do so. That is why we do not trust this peasant party at all.

**So they [peasant party] convince the farmers?**

Yes, very often. Before we gave our vote to the peasant party they summoned the farmers to the peasant party office. When we were called we analysed whether we should go there or not, and finally we went there. When we got to their office what they told us was '*now U Khin Maung Aye has given me authority. Just plant the teak trees that U Khin Maung Aye asked you to plant. If you do not want to plant teak trees, then plant rubber trees or plant Yawmalin tree on the plot of land [acres] that you have. If you plant the teak trees the company will give you money for the cost. They will provide the teak trees and if you do not know how to plant them then they will give you guidelines. If you do not have money, select the people who do not have money and then they will lend money to the farmers who do not have money*'. Then I stood up and replied to them that '*if we have to do that for the company then we cannot do that*'. Then, they replied to me that '*if you cannot do that, then your plot of land will be confiscated*'. They just said that '*U Khin Maung Aye will not plant the teak trees and you the farmers also do not have to plant [the teak trees] as well*', but after they said that they [Kaung Myanmar Aung Company] came and forcedly planted the teak trees on our land.

**That was said by the peasant party?**

Yes.

**What is the name of person who leads the peasant party?**

U Kyaw Soe Moe. The person who leads the peasant party is U Kyaw Soe Moe and the person who is active on the ground is Zaw Palae Say.

**What is that name? Zaw Soe Moe?**

Zaw Palae Say is a local villager, and the people who came in and out and spoke were U Kyaw Soe Moe and U Htun Kyi.

**You have mentioned that the day before the farmers held their demonstration the company held a demonstration, right?**

Yes.

**What were they demonstrating for?**

Their concern was about a greenfly environment, according to their slogan. They just shouted a few points.

**How many of them were in the demonstration?**

Maybe just around 30 people.

**What did they use to travel around for the demonstration?**

They went by car, and it was a car that Kaung Myanmar Aung Company provided for transportation.

**Where were those people from, do you know?**

Some of them included men and women from their company, and if they felt it was [not] enough then they hired people from the villages nearby.

**What do you mean by hiring people?**

If a villager followed the demonstration group then they gave that villager 5,000 kyat, a portion of rice and a bottle of drinking water. That villager just had to follow them.

**So villagers only had to follow them?**

Yes.

**And the company hired extra people from the outside?**

Yes.

**They held a demonstration the day before yours and today you held a demonstration, so will they do more demonstrations?**

They had already left by 2pm by car and tomorrow they will also continue to hold the demonstration.

**So you held yours once and they held theirs three times?**

That is right.

**Does that mean they wanted to show off the number of people that they have and what they can do?**

Yes, yes definitely.

**But from the farmers' side, the demonstration depends on the number of people they have, whether they can get the permission for the demonstration easily and moreover, if they hold a demonstration for one day it will affect their daily livelihoods?**

Yes.

**But for this company, even though they were absent for a week to hold a demonstration, there is no problem for them?**

Yes.

Now they have heard about how we submitted the permission letter for the demonstration, and then they said to let the farmers do it because if the farmers can do once they can do it three times.

On Saturday, the township officer gave us permission for only three hours starting at 9:20am to 12:30 pm. They gave us a very limited time. For them [Kaung Myanmar Aung Company], they held [the demonstration] on Friday, Saturday and Sunday, they held it for three days.

**Were they allowed to do that for 24 hours?**

Not like that. They started walking around 8am and as they have money they go around by car. But for the farmers, we just have to do it on foot.

**As you mentioned previously, in order to be able to hold a demonstration you have to submit a permission [letter], which means that you cannot get permission easily to do that. Do they [Kaung Myanmar Aung Company] also have to submit the permission letter like you do?**

No, they don't have to. They can do [demonstrate] anytime they want.

**So, do you see that they are doing it under the law or not?**

They are the people living above the law. They are rich people, which are why they stay above the law, but for us we are poor people and we have to live under the law.

**According to my understanding, what you mean is that the influence of the law in Myanmar goes up and down, it doesn't have the same influence over everyone. Is this**

right?

Yes, the law cannot influence them. The law doesn't influence rich people, only the poor people.

**So, because of the land problem and the land confiscation you lost your land, which affected your daily work and made you unemployed?**

That's right, we became unemployed and we cannot do anything.

**So how do you solve this problem?**

When they confiscated and cleaned our lands, we could not harvest our plantation anymore and we had to [buy] eight bowls of bean seeds from other people and I had to pay 16,000 kyat per bowl. I planted those eight bowls and when the seedlings came out they cleaned them off. I tried to save the seeds but I lost all of them as they were cut down. In my family we have six family members including myself, my husband and my two daughters and two sons-in-law. To solve our livelihood problem all of our family members have to dig for *gone gar* [underground nut] in the forest and the hill, and we can sell it for 800 kyat per viss, so we can dig it and only [make] four to five thousand kyat per day. Amidst this situation of hardship, I also tried to follow this demonstration.

**How about other villagers? Did some people migrate to where jobs are available?**

As I have the most worry for my family, I prefer to face whatever together. So if we are hungry, all of us will have the same hunger, and when we have food to eat, then all of us will eat together. I will do an odd job because I don't want my family to be separated [by migration].

**How about other people? Have they gone to another place for work?**

Yes, some people have gone to other places for work. Most of them are Kayin villagers, and as they were very fearful after their lands were confiscated they just do [work for] daily wages. For us, we are Bamar and we are not afraid of either the police or Tatmadaw. So Bamar villagers do not do [work for] daily wages, only the Kayin villagers. Villagers who do daily wages can earn four to five thousand kyat per day.

**So was the situation different before and after your lands were confiscated?**

The situations were very different.

The cut down all of the plants and not even one plant of thatch tree has been left. Since we do not have any thatch trees we have to find other ways to make our house roofing, for example we have to use tarpaulin with very little thatch for the roofing. Before they confiscated our land we could plant all kinds of beans, we could plant the rainy season bean or the winter season bean, based on the season we could scatter any kind of seed. We could also grow paddy freely. So we could earn our income through growing paddy or bean. Now, in the winter season we can grow the green bean and groundnut, and we can run regularly for our living cost. If we can grow beans in the rainy season the price is 27,000 kyat for one bag of bean in the rainy season, but now we cannot grow green bean.

**So what are the advantages and disadvantages of the company entering the area?**

There has been one advantage since two companies entered the area. Shwe Shwan Inn Company entered the area first and they repaired the road, so it is good for the local community, and the communication has improved since that company entered. Shwe Shwan Inn built a school for the local community and also they provided electricity, repaired the road and the water supply. But the Kaung Myanmar Aung Company did not do anything to benefit the local community.

For the disadvantages, some villagers were afraid of them [Kaung Myanmar Aung Company] and some villagers sold their land for an odd [low] price, as the most they can [now] sell is for 150,000 kyat per acre. At the beginning, they [Kaung Myanmar Aung Company] paid only three thousand to five thousand kyat, but now they pay 150,000 kyat.

Local villagers in Toungoo and Htantabin townships rely on the cultivated land along the road and when the Shwe Shwan Inn Company came we expected that it would be good for the local community. But now we cannot work on that cultivated land because they stole the water that [we] use for the cultivated land. Since then, our cultivated land has dried up and we cannot work on it anymore, so the company was not profitable [beneficial] for the local community.

In the past we could also rely on this river, we collected and sold the stone but now we cannot drive the boat to collect the stone. So we cannot do anything and when we grew the plants on the cultivated land the plants dried up and died. In the summer we did not have any water. That is why none of the companies are good. They blocked the water drain. Some villagers even had to pay the [Kaung Myanmar Aung] company 50,000 kyat per acre; they had to accept it because they were afraid of the people of the company. Some people from the company didn't even say that they would pay any compensation and they entered and planted the teak trees.

They [Kaung Myanmar Aung Company] didn't pay us any compensation for the plants they grew in 2012 and 2013, and now in 2015 they did not even hold any consultation with us and forcedly entered our land and planted teak trees. Moreover, when they crossed over in front of my house they insulted me and swore at me because the cows blocked their way.

**Are you talking about the staff of the company?**

Yes, U Saw Maung's son swore at us. If they were normal villagers like us, I would have dared to reply them that we are just poor people and how could we let the cows block their way? But they are the people of the [Kaung Myanmar Aung] company and they are rich people, so I did not dare to reply them. Although they are the people from the higher classes and they are educated people they are so rude.

**In term of the advantages of the companies, as you mentioned they provided electricity and water and they also improved the road, so did they also provide job opportunities in the company?**

No, on our side, where the majority of Kayin villagers live, there is a monastery but they [Kaung Myanmar Aung Company] did not support that monastery, however, the Shwe Shwan Inn Company supported everything as needed. They [Kaung Myanmar Aung Company] didn't even give 2,000 kyat to monastery; I have already asked the monks. All of the materials, such as wood for the monastery's repairs, are the monastery's own; none of it was supported by the company [Kaung Myanmar Aung Company]. Just look at this point; the company did not even support the monastery.

The people of the Shwe Shwan Inn Company also did not get along with the monks. According to the custom of Buddhism, every year there is a celebration of *Ka Htein* but we are just poor villagers and we are not able to give any donation for the event. So this year, we were not able to celebrate *Ka Htein*.

**As you mentioned, they [Shwe Shwan Inn Company] provided electricity and a road, is that also for their own usage?**

Yes, it is for themselves, just for their own usage.

**However, they allow the local villagers to consume that out of their own usage?**

Yes.

**Is there anything they particularly do for the villagers?**

Nothing, like now, in our M--- village they have had to sign that they will return the land that they confiscated in the village, including the cemetery land, all together about 70 acres. Also they said that they will provide us with 100 acres of land to work on, but they have not done it yet. There are two cemetery lands, which are a childrens' cemetery and an adult's cemetery.

**They have not returned the land yet?**

Yes.

**The lands are also covered by the water because of the Shwe Shwan Inn Company project, right?**

Yes and they also have to return the land that they bought from the farmers, but they have not returned the land, instead they are planting plantations on the land. They planted banana trees, rubber trees and teak trees.

**So, Shwe Shwan In Company is not doing this only to produce electricity?**

Yes, not only to produce electricity.

**They also do long term plantations?**

That's right, but at that time the farmers just sold the land to them without knowing anything about the company. But if the farmers sell all of the land that they have, then there will be no land remaining for them to work on, so Shwe Shwan Inn Company just told the farmers to sell as much as they could and to keep some for themselves. So some farmers sold two acres and some sold three acres, but now Kaung Myanmar Aung Company came in and stole the rest of the remaining land.

We just kept some land for ourselves, to work on it for our livelihood but Kaung Myanmar Aung Company stole our land. We are living between the rich people, so we got into trouble.

If you [KHRG researcher] help us we can get our lands back. People who came and said [they would] help us did not actually help us, and they are just people from the company side, like the peasant party. Also, if we got our lands back for 3 million kyat per acres with their [peasant party's] help then we have to give them back 150,000 kyat for their profit.

**So the peasant party is taking from and giving to the farmers?**

Yes, we have to give half to the peasant party. But it not actually by the agreement, they just do that by their own agreement, for example if they can help us by selling our land for 300,000 kyat per acre then they will take half of the money for 150,000 kyat.

How to say, as farmers we are not afraid so we do not give our signature and if they give us money we do not accept it, we just want our land back.

**As you have mentioned you held a demonstration today, so have you heard that the [Kaung Myanmar Aung] company will come and negotiate with you?**

Yes, just a moment ago. The top leader of the company came with two cars and said to follow them to discuss the land problem.

**Who said that?**

Ko C--- was the one who came and sat here a moment ago, he is a local villager here.

**Is he acting as an agent?**

Yes, his land was also included in the confiscated list.

**But the company wants to negotiate with the local villagers about the land problem?**

Yes, but the local villagers do not agree to negotiate, because they just came to negotiate after we held the demonstration.

**There will be things that I have not asked, so if there is anything else you want to talk about you can tell now.**

What we want is to get back our land and we want to work on our land freely. Now we are getting old, so if we plant the banana trees, depending on the extent of our plot of land, we could earn 80,000 kyat or up to 100,000 kyat within a week. By earning that amount of income we can generate costs for our living. I am already 54 years old so I want to have a plot of land and I plan to have a banana plantation, but now we are faced with this land problem. If we have a plot of land we can plant lemons, bananas, whatever, but now we have to buy food.

Like my plot of land, when everything was ready to plant banana trees they came and planted teak trees. So now we are in trouble as we cannot plant any trees on our plot of land. They burnt down all of my lemon trees and banana trees.

We have reported to U Thaung Nyunt, a lawyer from the company, with the hope of getting help from him because people from the company burnt down all of our planted trees, and he asked us what we would like to happen. He also said that [we should] write up a report and submit it to the office, then I asked him '*which office do I have to submit to?*' and then he said '*submit to the Kaung Myanmar Aung Company office they will deal it for you*'. But we do not dare to submit the report and we have to live in fear. In the past if we feel dizzy or have hypertension, then we can cure it with the lemon leaf or fruit, but now we don't have those trees anymore. We don't even have any trees on our plot of land, what we had was one lemon tree, four mango trees, and all

together we had planted 65 mango trees. They destroyed all of the trees that we had planted since our ancestor's era. Who do we have to report all this to? Even if we reported it wouldn't affect us. That is why we have to live in a fearful condition.

That company [Kaung Myanmar Aung Company] is a thief company. This morning one of the villagers recorded the voice of U Khin Muang Aye, what he said was '*how pitiful that the forest has become deforested, but I am getting rich by not doing the logging, I getting rich in another ways*'. As he is a resident of Htantabinin he said that he just was replanting the teak trees because of the deforestation and it is getting hotter. They are the perpetrators who are doing the deforestation. They plant teak trees because they make profit by doing it.

**Thank you so much for answering the questions.**

We also thank you so much for coming and asking us questions.

**Just one thing, will you let KHRG publish this information?**

Yes, we will because we want to get the news out to the world.

**Source #5**

Log #	15-107-S1
Type of report	Situation Update
Publishing Information	Previously unpublished
Location	Kyaukkyi Township, Nyaunglebin District/eastern Bago Region
Full Text	

**Introduction**

Human right abuses are decreasing in the region, but this does not mean that human rights violations no longer occur. This report provides an update on land issues, the implementation of the peace process, and the activities of the [Myanmar] government military and the Karen National Liberation Army [KNLA]. It will also provide information about the social services available to the local community, including education and development projects.

**Land Issues**

Local villagers organised a prayer service [demonstration] on 5<sup>th</sup> June 2015. The [Myanmar] government gave permission for companies to mine on community lands. Companies start testing the quality of the stone by getting the permission from the KNU headquarters. Companies started building factories, residential complexes and bringing in experts to test the local land [in order to identify the best location for the mine to be established]. They started building a road in November 2014 to be able to test the site.

[In response to this,] local villagers formed out a committee with 30 people to represent local voices. They were upset because the mining companies did not hold a consultation with the local community, or any discussions about their plans to mine this land. The Sit Toung Than Zin social network [a non-governmental organisation] led the process for the committee [helping them talk to stakeholders and the companies]. The committee was also supported by the Paung Ku Foundation and Environmental Conservation team.

The [Myanmar] government offered 1,300 acres of land to the Ya Der Nar Sai Kaung Mya

Company for the project. They needed to test different locations to identify [where a mine could be established] one year before they started building a mine in the Naung Pal region in Kyaukkyi Township. This occurred after they had received permission from the KNU.

The Ya Der Nai Sai Kaung Mya Company started the project by building a road and buildings to house staff working on the mine. This happened without advance consultations with the local community. Around 130 villagers gathered to hold a prayer ceremony on 5<sup>th</sup> June 2015.

In response to this, representatives of the [Myanmar] government formed a committee to monitor and prevent the local villagers from holding future demonstrations. The Kyauk Pone Taung village tract leader U Poe Htaung from Sa Lal village threatened that “in reality, anyone who dares to go for the demonstration just goes, you might face the impact”. He does not know that who came to destroy the place where local villagers had intended to hold the demonstration. Despite this destruction, villagers reorganized themselves and held a demonstration.

The Tatmadaw Light Infantry Battalion [LIB] #351 and Light Infantry Division [LID] #60 confiscated lands from Eg--- [village] and Eh--- [village] between 1995 and 1996. Local villagers reported this land confiscation to members of Myanmar parliament. They submitted complaint letters in order to get their lands back. Some villagers managed to get their lands back in 2014.

According to Myanmar land law [La Na #39]<sup>5</sup>, the land was confiscated by the [Myanmar] government. In reality, the land was confiscated by the local Tatmadaw instead of by representatives of the [Myanmar] central government. The lands that were returned to villagers in 2014 were among those confiscated by Tatmadaw LIB #351. The cashew plantations [that were confiscated by LID#60] were not returned to the local villagers. The land that was confiscated by the Myanmar government was not returned to local villagers.

Local villagers reported this situation to the Myanmar government and responsible authorities according to [Myanmar land] laws. However, none of them have helped this community. The villagers whose lands were confiscated were in possession of the [land title] Form 105 granted by the Myanmar government. In addition to this, the villagers had KNU land grants.

#### **Education**

In this region, there are areas controlled by the KNU and mixed controlled areas controlled by both the KNU and the Myanmar government.

The schools in KNU controlled areas are using the Karen Education Department [KED] education system. The Myanmar government education system is used in other regions.

In the past, the Karen language was not allowed to be taught in Myanmar government schools. Recently, the Karen language is allowed to be taught for 30 minutes before normal schools taught, and 30 minutes at the end of the school day. In total, teachers can teach the Karen language for an hour per day. Villagers have found teachers to teach the Karen language, and

<sup>5</sup> Agricultural land may be used for other purposes (e.g.; for building houses or digging fish-ponds). Decision as such is given by the concerned State/Division Peace and Development Council, upon approval by the Ministry of Agriculture and Irrigation, while the State/Division Peace and Development Council will, based upon such decision, issue the official document called ‘La Na 39’. In other words the process means action is taken under Article 39 of the ‘Land Nationalization Act’ 1953. This ‘La Na 39’ type of land is transferable. It could eventually be upgraded to ‘Grant Land’ by the government.

the Myanmar government pays them 500 kyat per hour.

Middle school and high school students have to attend tuition classes. The fee is 10000 kyat per subject per month. The teachers do not let villagers [students' parents] call it tuition class. Instead, they call it overtime class. Students in Myanmar government schools started the school day at 8:30 am [for Karen Language class]. Normal classes start at 9 am and finish at 3:30 pm. Students leave school at 4 pm [after the Karen class in the afternoon]. Students do not have time for tuition classes. If they do not attend the tuition classes, they cannot always catch up with their lessons. This is because the Karen language classes are not allowed to be taught in the normal class schedule.

#### **Tatmadaw activities**

There are a number of [Tatmadaw] military activities, including patrolling in the area, putting sentries along the road, and taking security forces in the region to clear up certain areas. The [Tatmadaw] Battalion #9 operated in KNU controlled areas from October 7 to October 10, 2015. This occurred around the vehicle road from Kyaukkyi to Shwegin in Kyaukkyi Township. The battalion that launched this operation was LID #60. When the [Tatmadaw] does not launch any operations, they encamp at a monastery in Inn Nat Kyay village. Because they are encamping in a monastery, this is causing an interruption of religious activities.

#### **KNLA activities**

The Karen National Liberation Army [KNLA] did not launch any operations. They are going around the area in civilian clothing. No fighting happened, because they intended to maintain the peace process. Although the Tatmadaw challenged them, the ceasefire was maintained.

#### **Social Work and Regional Development**

There are many kinds of social developments in the region. The main groups that are working on development in the area are the: Committee of Internal Displaced Karen People [CIDKP], Karen Office for Relief and Development [KORD], Burma Partnership [BP], as well as Norway, Japan, Literature and Culture and other social organizations. They have done effective work with the support of the KNU. This includes working in remote areas [rebuilding the village], providing medical support, working on developing water supply, agriculture and ration supply. These things have improved because of development projects.

#### **Peace Process**

Civilian in the local area really want peace. They are trying to participate in the peace process. Civilians held a ceremony to welcome the peace on October 14<sup>th</sup>, 2015 at Aung Ba Lar [play] ground in Thein Tan section in Kyaukkyi Township. They received permission from the Myanmar government administration and the KNU. Over 4,000 of civilians from Mone Township, Shwegyin Township and Kyaukkyi Township attended the demonstration. The photos of this demonstration are in the photo numbers [138 – 2050 to 2102].

On October 23<sup>rd</sup>, 2015, civilians held a commendation ceremony for leaders from the [KNU and Myanmar government] that signed the NCA [Nationwide Ceasefire Agreement]. Local civilians invited leaders from the Myanmar government and the KNU to this ceremony. There was one representative from the KNU. Relevant leaders from the Myanmar government attended the ceremony.

Local communities really want peace. They showed their determination for peace in these ceremonies. I [KHRG researcher] want to suggest that leaders from both sides should not miss the opportunity to leverage this ambition to implement peace fairly and correctly.

### **The Implementation of the Nationwide Ceasefire Agreement [NCA]**

Regarding the NCA process, the [KNU leaders and Myanmar government] pledged to inform the senior chief of staff about the NCA [code of conduct and policies] within 24 hours. The Myanmar government did not abide by their promise. The KNU held a press conference [regarding the NCA] with their senior chief of staff on October 27<sup>th</sup>, 2015. Relevant officials from the KNU, leaders from the KNLA [Karen National Liberation Army] and leaders from CBOs [Community Based Organizations] and social organisations attended the press conference. Over 70 people attended the press conference.

### **Miscellaneous**

The KNU developed an [animal] husbandry and aquaculture project in the local community on June 15<sup>th</sup>, 2015 in order to diminish unemployment. The project was launched in Mone Township, Ka Na Soe Pin village tract (Maw Keh Thah Yer village tract).

50 pigs were provided to local people so that each household could raise livestock through a community cooperative husbandry system. In the cooperative, local villagers led the project by themselves. The KNU husbandry department came to check on the project every three months in order to provide treatment or supervise the project if needed.

The KNU husbandry department also launched an aquaculture project for local villagers in Pa Ta La village tract, Pauk Tha Taw village and Ohne Myay Too village in Kyaukkyi Township on September 22<sup>nd</sup>, 2015. The project was implemented with the cooperation of local villagers and project implementers.

### **Source #6**

Log #	16-10-CL2
Type of report	Complaint Letter
Publishing Information	Previously unpublished:
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

**Report Date:** Date: January 18<sup>th</sup> 2016

**Subject:** This complaint letter is about land confiscations in field number OSS #1 and OSS #2, Na Ga Mauk field, Na Ga Mauk village tract, Toungoo Township, Bago Region by Kaung Myanmar Aung Company owned by U Khin Maung Aye, the chairman of CB Bank [Co-operative Bank]. It noted:

- 1) We live in Fv---, Fw---, Ab--- and Aa--- villages, Naga Mauk village tract, Toungoo Township, Bago Region. We are indigenous farmers and we have been working to secure our livelihoods on the lands of Naga Mauk OSS #1<sup>6</sup> and OSS #2 for generations. We are indigenous people who rely on these lands as the main source for our livelihoods.
- 2) The 2400 acres of Vacant, Fallow and Virgin land that the Kaung Myanmar Aung Company asked for permission to use from the Burma/Myanmar government in 2009 in order to plant

<sup>6</sup> OSS#1 and OSS#2 are the project land areas that KMCA will work on. However, they claim that OSS# 1 and OSS#2 include areas in Na Ga Mauk village tract. In the agreement with Myanmar government, KMAC project land area is set at 2,400 acres but they confiscated more than 2,400 acres.

teak trees were parts of villagers' houses and farmlands. Due to these land confiscations, the plantations of local people were cut and damaged. People experienced displacement, evictions, burning [plantations and houses] and legal battles since 2009 until 2016 [and now].

- 3) We have submitted complaint letters seven times already to the Burma/Myanmar government. In addition, the local people held the Hton Tone protest [land fencing protest] once and held demonstrations twice. If this land issue is ignored, it may affect national peace and other unexpected problems can arise as well.
- 4) We want the Kaung Myanmar Aung Company to solve this land issue by considering the villagers' wishes. We believe that the Company should take action according to the villagers' desires.
- 5) We, local people, request that:
  - a) The chairman of Kaung Myanmar Aung Company, U Khin Maung Aye, to declare that he legally relinquishes the confiscated lands. He should allow the local people to work on their own farmlands. At the same time, all relevant government departments should release official statement letters. They should relinquish villagers' land officially and legally.
  - b) There are 511.38 acres of land that the Kaung Myanmar Aung Company could not relinquish because they have already planted teak trees in there. Among those lands, there are villagers' lands that were arbitrarily confiscated by the company without the villagers' consent. Some villagers' lands were confiscated even though they did not accept the compensation offered by the company. Therefore, the company must re-measure the confiscated lands and relinquish them to the landowners. The company must pay higher value compensation to the villagers who previously accepted the compensation and they must be compensated in accordance with the current land price.
  - c) Kaung Myanmar Aung Company must stop suing the local farmers immediately.
  - d) Kaung Myanmar Aung Company must take down all the signboards that note confiscations and other signs that were erected on the confiscated villagers' lands.
  - e) Kaung Myanmar Aung Company should take responsibility for several unjust actions that cause damage to local people's lives and livelihoods from 2009 to 2016 according to local people's desires.
  - f) If Kaung Myanmar Aung Company has been doing land acquisitions and paying compensation to the fake [fraudulent] landowners, they must take responsibility according to the desire of the rightful landowners.
  - g) Kaung Myanmar Aung Company must re-open the roads/paths that the local people regularly use.

- 6) The Kaung Myanmar Aung Company must send a legally binding letter as a response to the local people by January 20<sup>th</sup> 2016. We respectfully inform that we would be taking further action as necessary if Kaung Myanmar Aung ignores our demands.

Attachment- Signature list of Land Reservation and Restitution Committee

Copied-

- District Administration, District General Executive Department, Toungoo District, Toungoo Town.
- Township Administration, Township general executive Department, Toungoo Town.
- Police Station Officer, No #2 Police Station, Toungoo Town.
- Officer, District Land Department, Toungoo Town.
- Officer, Township Land Department, Toungoo Town.
- Major Saw Maung Shwe, Chairman of Land Committee, Karen National Union (KNU), Toungoo District, Brigade #2 area.

**Source #7**

Log #	16-10-CLF1
Type of report	Complaint Letter Form
Publishing Information	Previously unpublished
Location	Toungoo Township, Toungoo District/northern Kayin State
Full Text	

**1. Information about the landowner and the use of the land**

<b>Land owner</b> (include name, age, sex)	Tay Fp---
<b>How was the land obtained?</b> (inherited, bought, or borrowed)	Inherited
<b>Amount of land that has been confiscated</b> (acres, furlongs, etc.)	Unknown
<b>What was planted on the land? What was the land used for?</b> (paddy, rubber, etc.)	Seasonal crop plantations

**2. Land documentation (please take photos of any documentation)**

- a. Do you have a land grant? No.
- b. If yes, from whom (KNU, Burma/Myanmar government, etc.)? N/A.
- c. Do you pay taxes on the land? No.
- d. If yes, how much and to whom? N/A.

**3. Land confiscation**

- The exact date of the land confiscation: 2009.
- Location of the confiscated land (village, village tract, township, district):  
Fq--- village, Hseik Poo Taung village tract, Toungoo Township, Pegu Region, Toungoo District.
- Who confiscated the land (armed group, businessmen, Burma/Myanmar government department): Kaung Myanmar Aung Company.

**4. Development projects**

- Type of business venture (gold mining, dam/road construction, etc.): Long-term plantation.
- Name of initiator/name of the company: Kaung Myanmar Aung Company, owned by U Khin Maung Aye.
- Name of project implementer/name of the company: Vice-Manager U Saw Maung.
- Starting date: 2009.
- Ending date: Still ongoing.

**5. Consultation**

- Did any groups come to consult and inform you and other villagers? If yes, who went to that meeting? I only found out about the information after the company workers started planting the plantation.
- If there was no consultation, how did you hear about the land confiscation? No.
- Did you sign any agreement? If yes, did you sign willingly or were you forced to sign? Please take a photo of the agreement form: No.

**6. Compensation**

- Did you receive compensation for the lands that were confiscated? If yes, what

**was the compensation process? Were you informed about how the compensation process was going to happen?** The compensation was received through the village head who was working as an agent for the company. We were paid 50,000 Kyat per acre of land.

- **Did they give the same amount that they promised villagers? If you didn't get the same amount, what did you do?** The payment was not compensation but it was a payment to put pressure and threaten [local people] to sell their lands.
- **Were you satisfied with the compensation?** No answer provided.

#### **7. Village agency/collective action**

- **Did you and other villagers agree with the development project? Please, explain how and why you supported this project?** Villagers did not support this project.
- **Were you and other villagers against the project? Why? How did you and other villagers act against the project?** Villagers tried to protect themselves against the development project. They held more than three demonstrations to get back their ancestral lands.
- **Did the villagers act against the project individually or collectively? (example: by writing complaint letters, founding a committee, holding a demonstration, holding a meeting with the project developers, or any other activities that the villagers carried out). If yes, please explain in detail (report the time and place of each activity to us).** Demonstrations were held once on December 5<sup>th</sup> 2015 and twice on January 12<sup>th</sup> 2015. Villagers gathered together and held demonstrations in the town.
- **Did you get your land back as a result of any action by you or other villagers' or from media reports? If yes, please explain the event in detail.** Even though the company claimed that they will release the villagers' land, they have not shared this information distributed it in the report document. However, villagers will be trying in many ways for getting back their land.

#### **8. Consequences**

- **Were there any social, economic, environmental consequences because of the land confiscation?** No answer provided.
- **How has the confiscation of your land affected your livelihood? What strategies have you used to cope (e.g. migration, etc.)?** No answer provided.
- **What do you and other villagers want? (e.g. want your land back, want compensation, want another piece of land, etc.)** No answer provided.
- **What do you and other villagers plan to do to get what you want?** The villagers claimed that they will continue to demonstrate until they get their land back.

**Source #8**

Log #	16-10-LGF3
Type of report	Land Grabbing Form
Publishing Information	Previously unpublished:
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

**9. Land owner and use of the land**

<b>Landowner</b> (include name, age, sex)	Ko FI---	
<b>How was the land obtained?</b> (inherited, bought, or borrowed)	Inherited	
<b>Amount of land that has been confiscated</b> (acres, furlongs, etc.)	Unknown	
<b>What was planted on the land? What was the land used for?</b> (paddy, rubber, etc.)	Seasonal crop plantations	

**10. Land documentation (please take photos of any documentation)**

- Do you have a land grant?** No answer provided.
- If yes, from whom (KNU, Burma/Myanmar government, etc.)?** No answer provided.
- Do you pay taxes on the land?** No answer provided.
- If yes, how much and to whom?** No answer provided.

**11. Land confiscation**

- The exact date of the land confiscation:** 2009
- Location of the confiscated land (village, village tract, township, district):** Aa--- village, Naga Mauk village tract, Toungoo Township.
- Who confiscated the land (armed group, businessmen, Burma/Myanmar government department):** Kaung Myanmar Aung Company owned by U Khin Maung Aye.

#### **12. Development projects**

- **Type of business venture (gold mining, dam/road construction, etc.):** Teak plantation
- **Name of initiator/name of the company:** Kaung Myanmar Aung Company
- **Name of project implementer/name of the company:** General vice-manager Saw Maung
- **Starting date:** 2000.
- **Ending date:** Still ongoing.

#### **13. Consultation**

- **Did any groups come to consult and inform you and other villagers? If yes, who went to that meeting?** Villagers only found out when the company started working on their plantation [after their land was confiscated].
- **If there was no consultation, when and how did you hear about the land?** No.
- **Did you sign any agreement? If yes, did you sign willingly or were you forced to sign? Please take a photo of the agreement form.** No.

#### **14. Compensation**

- **Did you receive compensation for the lands that were confiscated? If yes, what was the compensation process? Were you informed about how the compensation process was going to happen?** The village head who was working as the company's agent forced and threatened the local villagers to sell their land in order to get compensation.
- **Did they give the same amount that they promised villagers? If you didn't get the same amount, what did you do?** The compensation package was 5,000 Kyat per acre. This was not fair since it was not worth the price of the land.
- **Were you satisfied with the compensation?** No answer provided.

#### **15. Village agency/collective action**

- **Did you and other villagers agree with the development project? Please, explain how and why you supported this project?** No, villagers did not support the project.
- **Were you and other villagers against the project? Why? How did you and other villagers act against the project?** The villagers were against the project because they wanted to get their ancestral lands back. The company had confiscated the lands and planted them without informing the land owners. The local villagers protected their land by going there often, fencing their lands and planting crops in it.

- **Did the villagers act against the project individually or collectively? (example: by writing complaint letters, founding a committee, holding a demonstration, holding a meeting with the project developers, or any other activities that the villagers carried out). If yes, please explain in detail (report the time and place of each activity to us).** The villagers gathered together to protest against the project on July 2015 and again on December 5<sup>th</sup> 2015. They protested another time in December 2015. Altogether, they demonstrated more than three times.
- **Did you get your land back as a result of any action by you or other villagers' or from media reports? If yes, please explain the event in detail.** The villagers were united in confrontation. The company workers held a meeting with them to negotiate about buying some lands and releasing some lands. However, the action [of company] did not satisfy the villagers. The villagers declared that they will continue demonstrating until they get their land back.

#### 16. Consequences

- **Were there any social, economic, environmental consequences because of the land confiscation?** No answer provided.
- **How has the confiscation of your land affected your livelihood? What strategies have you used to cope (e.g. migration, etc.)?** No answer provided.
- **What do you and other villagers want? (e.g. want your land back, want compensation, want another piece of land, etc.)** No answer provided.
- **What do you and other villagers plan to do to get what you want?** No answer provided.

#### Source #9

Log #	16-110-A4-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Kyaukkyi Township, Nyaunglebin District/eastern Bago Region
Full Text	

#### What is your name?

My name is Saw Ga---

#### How old are you?

I am 34 years old.

#### Where do you live?

I live Gb---, Ken Doe village tract.

**What is your religion?**

I am a Christian.

**What is your ethnicity?**

I am Karen.

**Which Township do you live in?**

Ler Doh Township.

**What do you work as?**

I work on a farm.

**How many households are there in your village?**

There are [censored] households in my village.

**How many people are there in your village?**

There are [censored] people in my village.

**What do villagers in your village mostly do in order to support livelihood?**

Villagers mostly work on the farms and hill plantations.

**What kind of school is there in your village?**

The school is a post-primary school. So, it is a middle school.

**Can every child study at the school?**

No. Not every child can study at the school. Some children cannot go to the school because their parents cannot afford to send them to the school. Some children do not want to study so they do not go to the school.

**What standard is your school up to?**

Our school is up to 8<sup>th</sup> Standard.

**What about healthcare? Are there any clinics in your village?**

There is one clinic in our village. This clinic was built by Military Operations Command #10.

**Did they [Tatmadaw] come and construct the clinic by themselves?**

Yes. They [Tatmadaw] came and constructed the clinic by themselves, but nobody works at the clinic regularly.

**Does nobody work at the clinic?**

Yes. No doctor works at the clinic, only Tatmadaw military's captain works at the clinic.

**Can he [captain] work at the clinic?**

Yes. If villagers are sick, they can go and call him for help. If no one calls him, he goes out for a drink or he just goes back to his army camp.

**Did the villagers build the clinic?**

Captain [Tatmadaw] constructed this clinic but villagers also helped Tatmadaw to build it.

**As I asked about the school before, who constructed the school?**

Tatmadaw came and constructed the school in our village.

**When was the school constructed?**

The school was constructed in 2014, but I do not remember the specific day and month.

**Did villagers have to support school construction?**

Yes. Villagers had to carry sands, stones, woods and bamboos to construct the school but mostly, Tatmadaw built it.

**Do you know of any development projects that happened in your area?**

There is a development project [regarding education] in our area. This development project is set to improve the situation for our children in our village because our children cannot go to the school in Kyaukkyi Town after they finish primary school here. It is too far for our children to go to and study there [Kyaukkyi] so a middle school was constructed in our village as a result of the project. We do not have enough school teachers. Some school teachers have to go back [to towns] for their further study. Therefore, the rest of the school teachers struggle with teaching.

**What about other development projects?**

No. There are no other development projects in our village.

**How about development projects like improving access to water?**

Now the Committee for Internally Displaced Karen People (CIDKP) comes to help villagers to get access to water and they also improve animal husbandry services, especially raising goats. In addition, the Rural Development Department donated batteries and solar panels to the local villagers.

**When did the CIDKP start their projects [in your village]?**

They started their projects this year. They try to help villagers to get access to water. They

conduct an animal husbandry project and an agricultural project.

**What about other development projects such as road construction in your area?**

Yes. There is a road construction project in our area. Currently, there are four people including me who want to have the road construction project. The other three people do not understand enough about the project so I led and organized the process and then I signed the paper for road construction project because I want to have a better road in our area. I want my villagers to travel easily and transport things easily, especially when they go to school or when they have to go to the hospital.

**Who conducts this development project [road construction]?**

Ministry of Border Affairs conducts this road construction project.

**You want to submit a request for a road construction project. So how did you request for it? What kind of request?**

To request for a road construction project, I discussed with battalion commander from Infantry Battalion #57 and I signed the request form and we submitted it. I just wanted to have a better road for my villagers to travel and transport easily.

**I mean how did you report it? Which way did you report it?**

Battalion commander from Infantry Battalion #57 told me that it costs 30,000 or 40,000 kyat to hire someone to travel so it will be better for you [villagers] and me if the road is constructed better. Then, he just asked me to report it [road construction project] to upper leaders [the government].

**What is the name of that battalion commander?**

Tin Maung Kyaw.

**Based on what you said, you and villagers wanted to have a better road so you submitted a report about it? Or did you follow the battalion commander's plan?**

No. It was not like that. I wanted to have a better road and battalion commander also wanted to have it. We both agreed to have a road construction project. We [battalion commander and interviewee] thought that it would benefit us if the road is constructed. It does not matter to us if the road is not constructed because we do not lose anything whether the road is constructed or not. Thus, we [the battalion commander and interviewee] negotiated with each other and we understood each other. Our villagers will be happy if a better road is constructed. The car accidents would also reduce.

**The paper that you signed, did the villagers write the information on it by themselves?**

No. The battalion commander gave me that paper to sign. How can we write about it? We are not educated enough. The battalion commander wrote it wisely.

**So the battalion commander wrote the report and gave it to you and you just signed it. Right?**

Yes. I just signed it. I would be happy if a better road is constructed. So I signed it.

**As you signed and reported it, did you get to know how the situation developing after you submitted the request?**

No. We did not know anything [about the situation] after we requested it. We just requested it and it is done. We just wanted to have a better road. We did not know how it is developing. We submitted the request to the Township administrator, Minister of Bago Division, village tract leaders. We requested it from everyone.

**However, none of them updated you about it?**

Yes. No one updated me. We did not know anything about the road construction project.

**Is the road project being conducted now?**

The grandfather told us that the road project is conducted. Otherwise, we would not know anything.

**So the road project is being conducted now but nobody told you to manage or lead road construction project in Kel Der village tract. Right?**

Yes. Nobody told me. We did not know anything.

**OK. You submitted a request but you did not know anything how it was going. Right?**

Yes.

**So village tract leaders [including you] requested it but when the project started being conducted, they were not updated about the project. Right?**

Yes.

**Currently, do companies or Tatmadaw conduct the road construction?**

Tatmadaw conducts the road construction.

**How wide and long is the road that is being constructed?**

We requested for a better road but when we asked the backhoe driver (an old man) about how wide the road is. He said that the road is constructed for 46 feet and 50 feet wide. Two cars can easily drive on it at the same time. Some people do not want this road constructed because they do not know how good the road is. However, it will be better for our villagers if a better road is constructed.

**Do you think this road construction can cause harm and damage to villagers' lands and farms?**

Now we do not hear any complaints. However, when the road was constructed from Tar Bo village to Ywar D'Kaung village, some villagers' trees were destroyed. It is just four or five

trees. It is not a lot and villagers also do not say anything about it because it would be for the better if a better road.

**Do you think this road construction caused harm and damage to villagers' lands and farms in your [Ken Doe] village tract?**

Yes, but I think only a few things [land and trees] will be destroyed. However, I can take responsibility to solve this problem because just a few things will be destroyed.

**What about the compensation? Are there any compensations for villagers whose lands or farms are destroyed due to road construction?**

No. There is no compensation.

**Do you know which battalion of Tatmadaw manages to conduct the road construction?**

No. We do not know. Nobody informed or told me about who conduct the road construction. That is why it pissed me off a little bit.

**the Tatmadaw prior inform villagers about the consequences of the road construction? For example, how many lands and farms could be destroyed, how wide the road is set to be, what benefits villagers will get.**

No. The Tatmadaw did not explain anything to the villagers. They are just constructing the road by themselves.

**When the project was allowed to be implemented, village tract leaders were not informed, so they did not know anything about it. Right?**

Yes.

**If we look at the situation, Tatmadaw did not explain anything to the villagers but they are constructing the road. You were not allowed to lead the management of the road construction. So do you think that the road construction can benefit the community?**

It will be good for us if a better road is constructed because we can travel easily.

**Do you think it can benefit the villagers?**

As I previously mentioned above, we are happy if the road is better because if we are sick, we can go to the hospital [in town] quicker and easier. It will benefit the community.

**I mean you requested for a road construction project but you were not allowed to lead the management of the road construction. How do you think of it?**

I want to say about it. I was not allowed to lead a road construction project, although I requested it. It seemed like the Tatmadaw did not recognise me. I felt sorry about it as a resident local leader. I know that I have weaknesses as a resident local leader, but Tatmadaw is constructing the road without recognizing my authority [after I granted them the permission]. However, they thought that they are doing well. I think that the Tatmadaw should let the villagers know about the consequences, what the difficulties are, and what the budget of the road project is. They should consult with villagers and they should let villagers

know if the road construction can cause any land destruction. If Tatmadaw does not recognize villagers' authority or if they constructed the road by their own - it must be good. If it is not good or if problems emerge, I will be a person who is responsible for it. What I mean is, we do not know exactly what the consequences may be like.

**So you did not know the budget of this road construction project?**

No. I do not know anything about that. A budget was provided for the road construction project but I do not know how much money will be used for the project.

**What do local villagers think about it?**

As I told you before, villagers can travel easily if a better road is constructed. It will be safer for the villagers. If the road is better, villagers will not need to worry too much when they travel. Therefore, the villagers agreed to this road construction project.

**OK. The villagers agreed to a better road being constructed. However, villagers requested for it and the villagers were not allowed to conduct this road construction project. What do villagers think about it?**

Even though the villagers are aware of the situation, what can they do? It is not in their hands. They cannot do anything. If they are told that the road project is good, they will think it is good. If they are told that the road project is bad, they will think it is bad. Villagers agreed to this project so they can travel easily. They do not understand anything about how to manage a road construction project due to the link of information and transparency in the road construction of the.

**What about you? You requested it but you are not allowed to manage the project. You were also not informed of the budget that will be used for Mu Thel- Kyaukkyi road project. So how do you feel about it?**

I understand that the budget is provided for road construction project, but even I am a resident local leader [authority], I do not know anything about the budget.

**I mean, how do you feel about it?**

Yes. I requested it and I do not know anything about how the project is going. So I was feeling a bit angry. How do I put this? To do the work, we have to work hand in hand so it will be better. If the Tatmadaw have difficulties, we should contribute because this road project is for everyone. Everyone should partake in it.

**It seems like you were ignored. So how do you feel about it?**

The road construction project is conducted in Gb--- village, Ken Doe village tract, Kyaukkyi Township, Bago Division. However, we, the villagers here, do not know anything about how it is going. Even I do not know anything. I feel really hurt but I am thankful for the project. The Tatmadaw should let the village leaders know about that. They should avoid the villagers' lands in order not to construct the road on their lands. I want to say about it.

**Do you think it can benefit the community? Do you think the road construction project can help villagers to travel more easily or not? What do you think of it?**

As I said before, a better road should be constructed to improve the transportation for the community. It will be better for villagers to travel if a better road is constructed. The commodity price would reduce. For example, if one snack currently costs 200 kyat [USD 0.15]<sup>7</sup>, it would cost 150 [USD 0.11] kyat if the transportation is improved. We expect good things like this. Now [interview period], Tatmadaw conducts the road construction, but I am not in a position to manage it. I am not sure whether I was ignored or not. Maybe, I am not qualified to lead the project.

**I mean, this is just your feelings and your view. They Tatmadaw are dishonest to you as you are not allowed to know about the road construction project's plan. So what do you think of the road that they construct? What is their real purpose behind the road?**

In my opinion, I think that the Tatmadaw will do their best to construct the road, but I do not know about what they will do after the road is finished. If the road is finished, we are not sure whether companies will come to our village or not. Villagers are happy if they can travel more easily. We do not know whether the gold mining or stone mining will be conducted after the road is finished. We are not sure whether companies will come to do logging in our area.

**What do you and the villagers mostly concern about?**

If a better road is constructed, companies can come to our area. We worry that companies will conduct gold mining or stone mining. It can be many things. We concern that companies will do logging in our area. We cannot do anything if they companies do it. All we can do is to worry. The local villagers will be in trouble if these kinds of activities happen.

**So it seems like the companies will come to take away the rights of local residents if a better road is constructed?**

Yes. It seems like that. However, we see that this road is good for villagers but we do not know if companies will trick villagers if they come. If they come, they might negotiate with Tatmadaw to conduct logging or gold mining. We are not sure about the consequences. If the villagers complain or report it, it will only affect community administrators.

**If the road is constructed, companies and wealthy individuals might come to the village. Therefore, the villagers worry that the business companies and wealthy individual people will manipulate them. Right?**

Yes. We worry that the companies and wealthy individuals will manipulate our villagers.

**Are there any human rights abuses in your area?**

Currently, there are no human rights abuses in our area.

**Are there any confiscations in your area?**

<sup>7</sup> All conversion estimates for the kyat in this report are based on the 21/06/2018 official market rate of 1,375 kyats to US \$1.

[Tatmadaw] Headquarters commander came to donate a tractor to our village, but battalion commander from IB #57 confiscated the tractor and he took it with him when he went back. We did not regain our confiscated tractor yet. The villagers wanted to cultivate the land with the tractor but now they can only cultivate the land with their buffalos. However, our buffalos are very tired of cultivating.

**Did headquarters commander give villagers the tractor according to villager' request?**

No. I requested the tractor from headquarters commander. Then he donated the tractor to our village, but the battalion commander confiscated it.

**So you requested it on behalf of the village. Right?**

Yes.

**Who is headquarters commander? What is his name?**

I forget his name. He is a headquarters commander from southern command headquarters in Bago Division.

**Who confiscated your tractor?**

Battalion Commander Tin Maung Kyaw from IB #57 confiscated it.

**What did he tell you when he took away your tractor?**

He said that he would bring the tractor with him to his army camp and he will not take it for himself. He just borrowed it and he said that he will return it after he uses it. I told him, "*what will you do if the tractor is broken?*". He told me, "*Do not worry and I will return it to you after I use it*".

**When did he confiscate the tractor?**

In July 2016. He did not return it to me. He took it back with him when he left the village. I was angry about it. Headquarters commander came with me to the field when we used the tractor, he was walking in the mud.

**So the battalion commander confiscated it and took it with him, correct?**

Yes. He [the battalion commander] confiscated the tractor and he carried it with a truck. We have pictures of it. The tractor is very big.

**Do you want to report anything that I did not ask you about?**

I want to report on the proposed dam. Local villagers have concerns about it. Villagers wonder where they are going to live if the dam is implemented. Therefore, we have to consider it and think about it wisely. It is very important. We already talked about it in the meeting yesterday. Even though the dam is not yet implemented, our lands are flooded in the rainy season. So if the dam is finished, our lands and houses will completely be flooded. Think about it. Therefore, villagers reported that we have to let our leaders know about the situation and they will know how to decide whether the dam should be implemented or not.

Sometimes the villagers have to live in fear. Villagers said that they will have to live in a difficult situation if their lands are flooded. That is why I want to speak it on behalf of the villagers. We are worried that our lands will be flooded if the dam is finished.

If our lands are flooded, where are we going to live? You have to find a place for us to live. We called a meeting with the villagers. Some of them did not come to the meeting even though they knew that they had to. They did not want to attend the meeting. They said that they did not even want to work on the farms anymore when they heard about the proposed dam. They said they will ride their buffaloes and they will sit on their buffaloes if their lands are flooded. I told them not to worry too much and that we have our leaders who will solve this problem.

**Who will conduct the dam construction?**

I do not know but I heard that the KNU and Norwegians are discussing the dam. On 6<sup>th</sup>, December, Tomorrow and the day after tomorrow, a group of people will come here. They are the people who will investigate the situation.

**Regarding the proposed dam, what was explained to the villagers or you?**

We were explained that there are some people who will investigate this situation, some people who will test the dam, some who will construct the dam and some who will interview the villagers. They all are foreigners, not from Myanmar. The KNU form brigade 6 told villagers yesterday that they will not be dishonest with the villagers and they do the best according to the rule. It was such a relief to hear when the KNU told villagers that. We told the KNU, *"it is good when we hear such words. We heard a lot of rumours regarding the proposed dam and villagers do not understand the situation clearly based on what they heard. They worry too much about it"*.

**Regarding the proposed dam, what do you think about it? Some KNU leaders might have explained to you a bit. You might have had a discussion with them. Based on what you know, what do you think about it? How will the KNU do about the proposed dam? What do you think about it?**

The KNU leaders said that they will solve the problem immediately. They will do it step by step. It depends on the villagers. Villagers' opinions and feelings about the proposed dam should be reported. It is not that the dam will not be implemented. The dam will be implemented but they have to consider the consequences that will affect the villagers' rights. So the KNU will do it step by step. Some villagers said that their 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 be flooded. Some wisely worry about their livelihoods. Therefore, I cannot say anything back to the villagers. Villagers are right and the leaders are right. That is why I became a person who is stuck between the villagers and the leaders. I do not know what I should report.

**What about other things? Do you have anything else to add?**

I want to talk about driving motorbikes. Now people in our area are allowed to drive motorbikes freely at night and day. Firstly, people are driving their motorbikes at night, but they do not fix their motorbike exhaust pipes so it is very noisy when they drive at night. Therefore, it disturbs other people when they sleep or people whose health conditions are

not good.

Secondly, people sing karaoke songs by using speakers. It is very noisy at night. It disturbs other people and they come to report it to me. People who sing are noisy when I am absent from the village. However, it is fine if I stay in the village. I want to say that small cases can become big cases. It caused a conflict between two households.

Thirdly, some KNLA soldiers visited the village without wearing their soldier uniforms, they drank alcohol in the village and got very drunk. Then, they asked Bamar [ethnically Burmese people] to drive car together with them and they tried to disturb the Bamar people. Therefore, I want our leaders to give lessons to some KNLA soldiers because we do not want that people of other ethnicities look down on Karen people due to their actions. Par Kher's group [KNLA soldiers] came to the village and got very drunk. Then, they pointed their guns at the village at night. There were only ten of them. Bamar people observed their situation. When they are in the village, they probably want to show who they are. That is why I want our leaders made aware of this situation. It is fine if they drink alcohol. I also drink it, but we should have a limit for drinking. It is not good if we drink too much alcohol and get very drunk to the point where other people look down on us. The KNLA soldiers' leaders such as battalion commander and operations commanders do not know anything about this situation. The KNLA soldiers drink alcohol and they get drunk. When they get drunk, they sit and talk about economy and politics in Karen and Burmese languages. Their language skills are very confusing. If I listen and look at them, I am very ashamed of them.

**So how do you address as the problems of loudspeakers, drinking and motorbike noise?**

I told villagers not to drive a motorbike without exhaust pipes and villagers are allowed to sing karaoke songs until 9 p.m. at night. If other people dislike the karaoke singing and want to complain, they can come to report it to me. For example, they can report it to me like: *"I cannot sleep when I hear it [karaoke] because my baby is young"*. If they report it to me like that, I can go to tell people who sing karaoke songs not to do it anymore. It is fine with me. For motorbikes, I do not accept it if they drive a motorbike without its exhaust pipe because it makes a lot of noise. I always tell the people about it. The more I tell them, the less they do it.

**So you can deal with them so far?**

Yes. I can deal with my villagers in my village.

**What about other things? Do you have to say anything more?**

I want to talk about the educational situation. In our village, we do not have enough teachers for the school because there are a lot of students. It is hard for few teachers to teach a large number of students. Therefore, it affects the quality of education.

Secondly, the school in our village is a Burma/Myanmar government school, but one Karen teacher raised the Karen flag in front of the school. Tatmadaw operations commander told us that he will not object if the Karen flag is raised in front of the Karen school. However, he said that the Karen flag should not be put in front of the Burma/Myanmar government school or the Karen flag should be kept shorter than the Myanmar national flag.

Ko Sho Bar did not like it so he took the Karen flag down. It is not appropriate to take a flag down like that. Both the Karen and Myanmar people should negotiate with each other to take the flag down. You should not be able to take the flag down because of anger. It should be discussed beforehand.

Nobody will say anything [against] if you put the Karen flag in front of your Karen school, but this is a Burma/Myanmar government school. For example, nobody put the Karen flag down in front of the KNU liaison office. I think it is because of a lack of communication between the Karen and Burmese.

**Anything else to say?**

I want to tell you people from Brigade 5 [Hpapun District] who carried illegal logging and crossed our village when transporting logs. Despite that, they did not donate money to our village. They live in Brigade 5 and come to sell logs in our area. If they enter our village, they should let us know about it. They should donate some funds to our village.

I want to request some funds from them. The funds would go to our community. They carry out logging and they cross our village, but they do not care about our village. When the leaders heard about the illegal logging they asked me about it. I did not know what to tell them because I do not know much about the loggers. I feel useless even though I am the responsible person in my village.

Another thing I want to talk about is the black market cow trade. It also comes from Brigade 5. They people from Brigade 5 came with their cows and buffaloes and keep them in our village. Their cows and buffaloes had diseased legs because they walked a long way. The diseases spread and our cows and buffaloes.

**Do you know which village those people are from?**

They were probably from Day Pu Noh village and other villages.

**Anything else?**

Our villagers like to go hunting. However, I do not want my villagers to go hunting near or around Tatmadaw army camp. On the other hand, Tatmadaw allows people to use .22 long rifle to go hunting with. Some outsiders are carrying guns openly when they go hunting. It is fine to carry guns openly if they are soldiers. However, even though they look like Tatmadaw and KNU soldiers - they are not. Therefore, I worry that there may be a conflict between the KNU and Tatmadaw in our village. Some civilians are wearing soldier uniforms and are carrying guns. If Tatmadaw sees it, it may cause a conflict. If the conflict occurs, it will not only affect the villagers, it will also affect our leaders. Therefore, we do not allow people to large guns, but it is ok if they use .22 long rifles.

Some people are not afraid of anything. They make friends with the Tatmadaw soldiers and they go hunting together. They also hunt nearby Tatmadaw army camp. I do not want these kinds of things to happen.

**OK. Thank you very much.**

Yes. Thank you too.

**Source #10**

Log #	16-110-I2
Type of report	Incident Report
Publishing Information	Previously unpublished
Location	Shwegyin Township, Nyaunglebin District/eastern Bago Region
Full Text	

## Nyaunglebin Incident Report: Gold Mining in Shwegyin Township, September 2016

### Part 1 – Incident Details

<b>Type of Incident</b>	Gold mining
<b>Date of Incident</b>	September 8 <sup>th</sup> , 2016
<b>Incident Location (Village, Township and District)</b>	Gc--- village, Hsaw Htee [Shwegyin] Township, Kler Lwee Htoo [Nyaunglebin] District

#### Victim Information

<b>Name</b>	Naw Gd---
<b>Age</b>	27
<b>Sex</b>	Female
<b>Ethnicity</b>	Karen
<b>Family</b>	Christian
<b>Occupation</b>	Single
<b>Religion</b>	-
<b>Position</b>	Karen Women Organization
<b>Village</b>	Gc--- village

#### Perpetrator Information

Name(s)	Rank	Unit	Base	Commander's Name
Saw Hg---	Major	Battalion #7	Hsaw Htee Township	Saw Lar Poe, Battalion #7 Commander
-	-	-	Hsaw Htee Township	Saw Thar Sin Way, Township leader
Soe Min	Businessman	Gold miner	Shwe Kyin Township	-

## **Part 2 - Information Quality**

### **1. Explain in detail how you collected this information.**

I heard that business people came to conduct gold mining in an area near Gc--- village. Local villagers opposed the gold mining. At the time, the Karen Women Organization (KWO) cooperated with local villagers in order to oppose the business people. Therefore, I interviewed one of the KWO members in order to get information about it.

### **2. Explain how the source verified this information.**

Naw Gd--- is the vice chairperson of Karen Women Organization in Hsaw Htee Township. She worked with local villagers to oppose the gold mining project. She reported the information in the interview I conducted with her. She verified that the information is accurate.

## **Part 3 – Complete Description of the Incident**

### **Describe the Incident(s) in complete detail.**

Some local villagers went to inspect for gold at Gc--- village. When a gold deposit was identified, one of the local villagers informed Saw Lay Traw - a Battalion Deputy Commander of KNLA Battalion #7 of it. Afterwards, the Battalion Deputy Commander asked eight gold prospecting experts from Shwe Kyin Township to test whether or not gold is located in the Gc--- village area. After the gold prospecting experts tested the area, they found that the gold is located in the ground. However, they did not let the local villagers know about it. They also told Saw Lay Traw not to allow local villagers to join in on gold mining. The KNLA Battalion Commander and Township leader called eight business people [Ko Kyaw Min Naing, Ko Soe Min and Win Yadanar Group] to conduct gold mining. However, the leaders did not call local villagers to partake in gold mining.

Therefore, local villagers gathered together and cooperated with KWO to stop the gold mining project. They submitted letters that contained information about the gold mining project to the KNU Township and District leaders. When the District leaders were informed about the gold mining case, they developed a plan to address the villagers' concerns. There are 13 gold mining sites in the area, but local villagers were allowed to mine gold in only 7 of them. The village tract leader and local authorities organised the local villagers to conduct gold mining. The villagers are most concerned about digging up of stone, panning for gold using machinery, and melting gold by using chemical compounds. The villagers are worried about getting poisoned.

## **Part 4 - Permission for Using the Details**

**Did the victim(s) provide permission to use this information? Explain how that permission was provided.**

The victims allow us to use the information, but they do not want us to show their faces.

**Source #11**

Log #	15-112-P1
Type of report	Photo Note
Publishing Information	Previously unpublished
Location	Thandaunggyi Township, Toungoo District/northern Kayin State
Full Text	<ul style="list-style-type: none"> <li>• Date – October 27<sup>th</sup>, 2015. Place – Eo--- Northern Village, Daw Hpa Hkoh [Thandaunggyi] Township, Toungoo District. This is a letter of objection by the 7 land owners from Eo--- Northern Village. The letter notes of their worries that the road construction and a development project may destroy their crops in Thandaunggyi Township, Karen state.</li> <li>• Date – October 27<sup>th</sup>, 2015. Place - Eo--- Northern Village, Daw Hpa Hkoh Township, Toungoo District. These photos show a letter that the Er--- villagers signed to show their approval of the road construction from Eo--- Northern village to Eq--- Village and Er--- village. I received this letter from Saw Ep--- who lives in Eo--- Northern village.</li> <li>• Date – October 27<sup>th</sup>, 2015. Place - Eo--- Northern Village, Daw Hpa Hkoh Township, Toungoo District. These photos show the road construction that spans from Eo--- Northern Village to Eq--- and Er--- villages. The construction is conducted by the Ngway Sin Phyo company. Na Ta La [Ministry of Border Affairs] is responsible for the road construction project. According to Na Ta La's 2014-2015 finance plan,<sup>8</sup> the ministry has to construct a road from Thandaunggyi Town to Dar War Law Chee village. The company and Na Ta La representatives met with the leaders from the KNU Brigade 2 to obtain a permission to construct a road from Eo--- Northern Village to Eq--- and Er--- villages. However, there was no permission granted by the district and central level KNU. The construction was permitted by the KNU brigade 2 authorities. The road construction destroyed local people's agricultural lands. However, none of these groups would take responsibility for it. No compensation was provided for the land owners. The company and the Na Ta La told the villagers that they implemented the project with the permission of the KNU.</li> <li>• Date – October 19<sup>th</sup>, 2015. Place – Saw Es---'s house, Et--- section, Toungoo Town, Toungoo District. KHRG researchers met with the villagers who are involved in the lawsuit regarding land confiscation perpetrated by a company in Htan Ta Pin township area, Toungoo District. According to the villagers, a husband and a wife were both sued under three different criminal charges. Courts tend to be biased towards companies. Moreover, attending court hearings cause financial and livelihood burden to the villagers.</li> <li>• Date – August 12<sup>th</sup>, 2015 and August 14<sup>th</sup>, 2015. Place – Eu--- village, Tar Bu area, Daw Hpa Hkoh Township, Toungoo District.</li> </ul>

<sup>8</sup> Na Ta La is a Burmese language word which refers to the Burma/Myanmar government's Ministry for Progress of Border Areas and National Races and Development Affairs.

These photos show the dirt road construction that spans from the Mya Thar Kone Milestone 7 to Hta Mone Out village. The construction is conducted by the UNA company. The second photo shows the machinery used to construct the road by the Eu--- Out villager.

**Source #12**

Log #	16-12-A5-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Thandaunggyin Township, Toungoo District/northern Kayin State
Full Text	

**Interview Date:** January 24<sup>th</sup> 2015 [2016]

**Aunt what is your name?**

My name is Cho Cho.

**Where do you live?**

I live in Shway Nyaung Pin village.

**How old are you?**

I am 25 years old.

**What do you do for living?**

I am working as ordinary work [daily labour work].

**What is your ethnicity?**

I am Bweh Karen.

**What is your religion?**

Anglican.

**Is it Christian?**

Yes.

**What do you do?**

I am working on the plantation and daily labour work. I have [own] very small plantation.

**How many household are there in your village?**

There are 170 households.

**Is there any school?**

Yes.

**How many standards are teaching in the school?**

Eight standards are teaching in the school but it has not recognized in middle school level yet. It recognized only in primary level.

**Is there any hospital?**

Only clinic was built in here.

**What do villagers mostly do for living?**

They are mostly working on the plantation and daily labour work. Some of them are going to work in other countries.

**Is there any military activity happening in here?**

At the present time I have not heard anything. In the past [before 2012 preliminary ceasefire agreement] they were patrolled all the time. As we live very close with them we have to face many things.

**Is there any force labour or rape case happening to any women in here or killing case?**

I heard woman was killed by her husband. It was happened because of domestic violent in their family.

**When did it happen?**

It was occurred two or three months ago. It happened almost one year ago. He was drunk and abused [kill] his wife.

**Is it because of domestic violent?**

Yes sometime domestic violent happen in the families. I sometime have argument with my family.

**Do you face any difficulty in your living?**

As we work on daily labour work we face difficulty all the time.

**What kind of difficulty do you face?**

For my family we have to work for the whole week. If we do not work for a week we do not

have anything to eat. It is one of our problems.

**Are there any development project such as road construction and school taking place in here?**

We heard the people will build [upgrade] the school whether they will build or not we are not sure. The school has not recognized in middle level yet but we had submitted the case. We just heard in his way.

**Where did you submit the case?**

I heard village head submitted it for us.

**What kind of difficulty do you face when you work on your daily labour work? We heard about head cutting?**

We leave from our home to work at 7:00AM and some people do not allow us to come back ever 6:00PM. They asked us to work until 6:00 something until dark. After we back home we have to cook and feed big and chicken. It cased difficulty for us. We know that daily labour work started at 7:00AM to 4:00PM but they asked us to leave from work at 6:00pm. In the past [before reporting] they asked us to leave from work at 4:00PM. It caused difficulty for us because when we reached home it already dark.

**Was it happening in here?**

Yes it was happening in here.

**Are there any land confiscation occurred in here?**

We got to know that the lands beside main road were confiscated by forestry department.

**When did they confiscate them?**

They confiscated them since they started constructing the road. The entire lands were confiscated which are situated beside the road.

**Who confiscated the lands?**

Forestry department.

**Do you know their name?**

We do not know their name we only heard that the lands were confiscated by forestry department.

**Do not villagers go to talk with them?**

At first the villagers did not understand [how to do]. At first my aunty lived over there but after the Tatmdaw came here they forced her to relocate from her land. They forced us to relocate

then we have to relocate. After we relocated they confiscated our land.

**Is there any force labour happening after the 2012 [preliminary] ceasefire agreement?**

It was happened a lot in the past but at the present time it has not happened.

**What did you mean by the past? Did you mean after the 2012 ceasefire?**

No it was happened before the 2012 [primary] ceasefire. At the present time the Tatmadaw who are based in here went to collect firewood in our land compound. We do not dare to collect the firewood in our own compound because many of them went to collect. I told the village head that why did not you tell them [to stop collecting] the firewood. As we are women we are not daring to travel alone [for collecting firewood] because all of them are the Tatmadaw.

**Are they still patrolling?**

They are not patrolling. They only collect firewood and cutting down the bamboos from the people land compound. When they were collecting firewood they also cut off small dog fruit trees in the people plantation. The people [other villagers] had said to us that why did you cut off dog fruit saplings. In reality we do not cut them off. The people who cut off trees were the Tatmadaw who base here. It was happened in here.

**What is the battalion number of the Tatmadaw based in here?**

I do not know the battalion number. At the present time the new battalion rotated the existing battalion.

**When did they rotate?**

Since they were rotated in here It almost one month.

**Do villagers have any other concern as the Tatmadaw army camp base in here?**

Yes we have concern. As they are based in here they usually race motorbike competition and we almost die because of heart disease when it too much noise. After the ceasefire it [the situation] getting much better for us. It was not easy in the past for traveling. If we travelled they checked us all the time even at night. In the past they went to stay beside the main road but after the ceasefire they do not travel from their army camp very usual. They stay in their army camp.

**Have you vote for election?**

Yes.

**Which party did you vote for?**

I voted for the NLD.

**What is your purpose for voting the NLD?**

I did not have any special purpose. The people said vote for the NLD then I voted because I have no idea which party shall I vote for.

**What is your desire for voting the NLD?**

In the past we were controlled by the dictatorship [government] and oppress us so if we vote for the NLD it might good for us and the goods price might be decrease. It might be easy to access for our living. Therefore I voted for the NLD. I think they might consider for us. That is what I think.

**Have you still heard about children abducted?**

Yes we only heard about it but we have never seen with our eyes.

**The people talk about it in Shway Nyaung Pin?**

[Men interviewee]-It is not happen in here. We only heard about it. In our village we have not seen the children are forcedly abducted but we are not sure in other villages. In here if the people [village head] said do not do like that then we were not dare to do anything.

**Do you have to pay for the check point in here?**

We usually have to pay them in cardamom harvest season.

**Can you tell me your experience after the ceasefire was signed?**

After the ceasefire was signed?

**Yes. What kind of conflict or problem do you face after the ceasefire?**

In the past we faced huge problems but at the present time the situation is getting better.

**What kinds of problem?**

In terms of the Tatmadaw?

**Yes?**

In the past we have to porter and carried luggage for them but after the ceasefire we do not need to do those thing for them. So the situation is improving. We can travel and work a little bit freely.

**How do you think about the situation before the ceasefire [was signed] and after the ceasefire? Can you differentiate?**

Yes the change has taken place. After the ceasefire was signed the situation is getting

improve therefore we now live happily. In the past we could not live happily.

**Can women travel freely at night?**

[Man] in here?

**Yes?**

At the present time they can travel a little bit secure.

**How is the security situation in here?**

What kinds of security?

**The safety for children and women?**

At the present time we heard about the children abducting so no one dare to travel [very far]. It is very famous news. [Women]- For me I have to go to work in the morning but I am not confident enough to let my children travel by themselves in the evening. It is truth or not we are not sure. We live in fear because of the rumour news. The school usually over at 3:00pm and I have to leave them in Shway Nyaung Pin village then I back from work at 4:00pm.

**How many of your children are they study?**

Two of my children are study.

**As you are mother can you tell me your challenges?**

I faced many challenges when my children were very young.

**Can you support your children in their study?**

At the present time the school already started. My children are asking money from me because of the school requirement. We have to pay them but sometime we do not have money so it kinds of challenges for me.

**What about other?**

Sometime I face with sicknesses.

**There is no clinic in here?**

One nurse lives in here but if our children are not feeling well we have to send them to the towns.

**So everything is not effectively running?**

Yes.

**How many household are there in here?**

It will be around 170 to 180 households.

**How many years have the Tatmadaw being based in here?**

[Man] They have been based here many years already. Maybe 15 years. [Women] In the past we lived in K'Thaw Pyeh [village] then we moved to here. My aunt's land is based over there and we lived together with her [in her compound]. The Tatmdaw forced her to relocate and she moved to Shway Nyaung Pin. [Man] in the past the situation was very worse if they said you could not live then you have to move and if they not allowed you to go you should not go.

**As the army camp is based near your village do you have any concern?**

In the past we had faced many problems.

**What about the present time?**

We also have concern as we are women. If our husbands are away from home we are afraid [to sleep at home]. I always tell my husband that when you are away from home I afraid of the Tatmadaw if they come to home what I should do. It is our concern for us. We afraid they will fire the gun if something happen.

**Do they open fire?**

After the ceasefire was signed I have not seen they fire the gun. In the past when the previous group was in here if something happened they fired the gun.

**Did they fire among them?**

Yes. They argued with each other and open the fire. It caused worry for the villagers who live closely with them. We also afraid of them when they were shout at each other.

**Do they pay for the land that they built their army camp?**

No.

**The land belongs to whom?**

The land belongs to my aunt. She previously lived there. She lived beside the road and the Tatmdaw forced her to move over here. The Tatmdaw provided land for her in here. When the Tatmadaw firstly came here they forced her to relocate.

**How many acres of land?**

[Man] the land that they are based?

**Yes?**

It will be over one acre. [Women] They strengthen their [army camp] and built more buildings [in the camp compound]. They previously built their army camp only in one land compound but now it has taken two to three compounds already. The lands which are situated near the army camp have almost gone. We do not know the lands are belonging to whom. [Man] they enlarge their camp for one arm span in each year.

**How many army camps in Shway Nyaung Pin village?**

There are three army camps.

**Are they still fire artillery in Tha Daw Gyi Town?**

[Man] at the present time we have not heard anything. In the past they fired artillery when they were in [military] training and informed villagers not to go anywhere when they were fired the artillery. [Women] they still fire artillery once in the summer when we were going to cardamom plantation.

**When it was happen?**

It was recently happened in two weeks ago. They fired it in our plantation when they were in training.

**Was it dropped in your plantation?**

Yes it was dropped in our plantation.

**Is it caused any damage?**

Yes it caused damage. They first time when they fired the artillery one of hut was set on fire.

**Who hut was set on light?**

I forgot the name. If you go to my father's plantation 19:00 to 20:00

**You said eight standards are teaching in the school?**

Yes eight standards are teaching in the school but it has not recognised in the middle school level yet. It was recognised as primary school level.

**Do the people already start upgrading the school?**

The people had said like that [to upgrading the school] but we have not done anything yet because there are no logs for upgrading the school. [Man] they will enlarge the school but there is no land to enlarge. If the school committee submit the case and provide the land they can upgrade the school but the problem is that no land to upgrade the school. 20:36 to

21:13.

**You said the children have concern for their safety to travel?**

Yes they have concern for traveling [from village] to schools because the distance is very far. At the present time we heard the people abduct the children and it caused worry for us. [Man] In the past [before reporting period] the children go to school by themselves but after we heard the people abduct the children and children were disappeared we are in worry as we do not know exactly about the situation. [Women] is it accurate news.

**I am not sure. I saw the people posted it on the Facebook?**

Yes.

**I heard the people abducted one child in Shway Nyaung Pin village?**

No they do not abduct. [Man] you heard child was abducted by the people.

**Yes?**

[Man] it was not accurate. The people just misunderstood it. 22:18 to 22: 35. It is truth or not we are not sure but many rumours talk about it.

**Can you tell me about your hardship experience before the ceasefire was signed?**

Before the ceasefire was signed.

**Yes?**

Before the ceasefire was signed we faced many difficulties and only see the Tamadaw in negative way.

**What were they?**

When I was child I have to go to porter. At that time I lived in K'Thaw Pyeh [village]. My father has to porter but he was sick. It was happened when I was in four standards. At that time I have to carry the rice. I have to take rice from Tha Daw [Town] and carried it to my village [currently living]. I experienced those things.

**What about the Tatmdaw killed and raped the people?**

Regarding to killing and rape I came to experience that in my village [old village] the villager heads were oppressed by the Tatmdaw. At that time my father was a village head. He was slapped and oppressed by the Tatmdaw. I saw it with my eyes.

**Do you have any other [experience]?**

There might be a lot but as I am forgettable person I forgot them already.

**The people said they set up the check point in here?**

It is not seemed like check point they stay there and asking the people who passed through the check point. They asked them where do you go and where will you go. 24:41 to 26:00

**In the end what do you want to add more?**

Should I talk about the family or village?

**You can either talk about the family or village?**

At the present time the market price is high.

**What do you mean by market price?**

If you go to buy something in the market the price are very high therefore the income and outcome are not balance for us. We received very little [money] from the labour work. We have to buy everything for kitchen depends on what we received.

**How much you get pay from labour work?**

We get 3500 [per day] as we are women. We want the market price will be stable. If it stable maybe it might [solve] the problems for labour workers. Currently in here one basket of rice cost 30000 kyat. We cannot earn 30000 kyat per day therefore it caused the problem for us. We want the market price will be going down. We think it will be much better for daily labour workers.

**Most of all people are working as daily labour work?**

Yes. Some people have their own plantation but they cannot earn enough food. At the present it is the dog fruit harvest season but the price are very low therefore they cannot earn anything [not enough for living]. [Man] we planted a lot of dog fruit tree but it cannot well produce the fruits and the soil is not good.

**Thanks you?**

Yes.

**Source #13**

Log #	18-10-A2-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Tanintharyi Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	
Interview Date: January 23th 2018	
Every year, the Karen Human Rights Group compiles a thematic report reflecting the	

**perspectives of rural communities in Southeast Myanmar. When we produce this report, we interview civil society representatives and people who work in the community to add their perspectives. This year, we are analysing corporate development projects and peace. Can I ask you some questions and record this interview?**

Yes, you can.

**When we talk about development projects, it includes various types of development, including road and bridge constructions, mining, hydropower constructions, and commercial plantations such as the palm oil plantation in Myeik. We are only looking at corporate development, not projects developed by civil society organisations such as school construction. One of the main issues we are looking into is land confiscations. We would like to know if there are any tactics that villagers are using to try to respond to development-related abuses? We call this village agency.**

Yes.

**Could you please tell your name and your organisation?**

My name is Sa Ayar Win. I am a coordinator in the Myanmar Lawyer Network/ Myeik Lawyer Network. I also work for the Tanintharyi division JMC. Recently, our organisation has been working on land confiscations, human rights violations, and issues relating to women and children's rights. We also work for people who are financially vulnerable.

**So you help villagers who are facing human rights violations and land confiscations?**

Yes.

**When you work on these issues, how do you achieve a successful outcome? Do you give protection or provide services to people who are suffering from human rights violations?**

Before we talk about the successes that we have had, I would like to tell you that: the areas where people are facing land confiscations and human rights violations, those areas are indigenous' areas. These people do not understand the law. So when violations happen, most of the people do not understand the procedures. These communities have been under the influence of fear for 60 years. So we are prioritizing these communities and trying to raise awareness.

When we do awareness campaigns, we select people who have an interest in working for the community. We give them legal trainings. With these trainings, we are able to improve their capacity. They develop an understanding of their land rights, how their rights can be violated, and how to respond to these violations. Thanks to our trainings, the civilians can be empowered to respond to the issues affecting them. The successes are not only our successes but also the success of their own efforts.

Currently, in our area, there are some companies investing in projects, including the Malaysia company MSPP, Surisuban company, Asia World palm oil plantation, and Korean company Myanmar Auto Cooperation (MAC) company. These companies seized local lands.

The local community members that were impacted by these land confiscations started to know about their rights. When their land was confiscated, they asked for their rights. Because of their actions, some companies stopped their actions. However, some are under the investigation of the government, so we cannot say that all of them are completely successful. On the other hand, we have seen that the local community is starting to know about their rights and involving themselves fearlessly.

**What are the challenges that you have faced working on these issues? Are there any challenges that you have faced when meeting with authorities or cooperating with the local population?**

These are our challenges. In some areas, the capacity for civilians to get involved and cooperate on these issues is still weak. When their capacity is weak, it is hard for organisations providing legal aid, like us, to lobby or start campaigns. This makes it hard for us to advocate. When civilians know about their problems and get involved in their cases themselves, our help will get stronger.

In some areas, the cooperation between civilians is weak. In other parts, the cooperation between civilians is strong. But sometimes, the way that local communities organise themselves does not have a strong direction. It is sometimes [challenging] because we have to cooperate together with many different organisations. At times, there are misunderstandings between different organisations, and some actions are mistakenly done. So, we have to correct the direction sometimes.

Another challenge is the cooperation with [government] departments. The problem with working with them is that they are often the ones who confiscate land, investigate instances of land confiscation, and return the land back. When we work on land issues, we face many problems and challenges. However, in the future, we would be able to overcome those challenges with the skills we have developed and the cooperation we have with local villagers. However, some challenges remain. So, the local villagers face these challenges.

**What are the different agency strategies villagers used when they face land confiscations or business-related human rights violations? For example, do they protest or go through the court system?**

There are many types [of agency strategies]. For the MSPP case, there was some protesting. First, we submitted a complaint letter. When this case was investigated, it was found that some of the procedures the officials used were not correct. Because of this, there were protests [by the local community]. Regarding the protests, it was not a big protest but a peaceful demonstration in front of the company office. The protest ended with a negotiation with the [government] departments.

There are community groups formed in the area with the purpose of getting people involved and developing a better understanding of their problems. This is a way forward, forming community-based organisations to work on these issues.

**When the villagers [stood up against the corporate development projects], was it because they heard the project was about to start? Or was it after the project had already been started or finished?**

Every corporate development project in Tanintharyi was started during the previous military government period. The [local villagers] only found out about the corporate development projects after they had started. So they did not have any advance notice.

In one instance, when the Surisuban Company developed an agricultural project in Paung Wa, the local community knew about the project before it began. When the company came to their area, the villagers did not provide consent and asked the company about the principle of Free, Prior and Informed Consent (FPIC) and Environmental and Social Impact Assessments. They also asked how the project will benefit local people.

The villagers dared to speak out and ask for more information about the situation. The villagers are gaining a better understanding of their rights and the legal conditions. They can speak out and ask for their rights. In this case, we had time to prepare a response.

**Later on, did they attend the meetings?**

Yes. The villagers communicated with each other and shared relevant information. They collected data and submitted a complaint letter. When they received a response, the villagers cooperated with each other and civil society organisations to discuss further plans. They also selected the people who can represent the village and send representatives to trainings. After the training, those people came back and worked for their community.

Currently, the project has not started because the regional government realized the conditions on the ground, and asked the company to stop the project. The involvement of the civilians was strong.

**So we can say that these initiatives have been successful.**

Yes, we can say that.

**Which company were you talking about?**

I am referring to Surisuban (Thai) company, a Thai company that operates in Paung Wa village tract, Tanintharyi division. They received permission from Myanmar Investment Commission (MIC) to use 35,000 acres of local land. Surisuban company came to implement a project after receiving approval from MIC. However, the company did not receive permission from the regional government.

The villagers submitted a letter to the regional government to investigate the situation. They asked the regional government not to give permission to the company to come into the rural area. The villagers have a lot of capacity to respond to this situation. They were able to collect data and information and to speak to the company with facts.

**What were the responses from the authorities?**

The authorities promised that they would not allow the project to continue without the consent of the local community. There is cooperation between the civilians and the authorities. For example, the members of parliament and government ministers carefully worked on this issue based on the complaints of the civilians. In the Surisuban case, the members of parliament became involved and spoke for the local community.

**What is the name of the company?**

Surisuban Company, Thai – Myanmar Cooperation Company. They received a permit from MIC to use 35,000 acres.

**So when the villagers' responded to the situation, the government authorities do not ignore them then.**

They did not ignore the local community because there were many organisations involved.

**So the cooperation was strong?**

Yes. There was cooperation between the civilians, media outlets and civil society organisations. For example, when the company invited someone [to the meeting] to speak and negotiate with them, those villagers share the information with the network. They informed [the local community] that they were invited to the meeting. They asked for suggestions about whether or not they should go.

If the villagers did not go to the meeting, the meeting would not happen. Because they did this, the company was not able to do anything. Later on, the government released an official letter that the project had to stop. Currently, the project was stopped and we can say that this was one step towards the success.

**Is the cooperation among the villagers strong? Or are they doing things separately?**

They are not working separately. There are certain groups with strong cooperation, including the [Roman Catholic], Christian, Buddhist, and Animist groups. These religious leaders organised a new year ceremony together. They also celebrate other religious ceremonies together. I have seen how united they are in these situations. Frequently, religious leaders and civil society leaders meet with each other and get friendly and united. So they are getting strong.

In some areas, there was fear because there was fighting between two armed organisations. However, in these areas, people who used to be afraid of speaking out became bravely involved in raising awareness about legal rights and other ceremonies. They became involved and cooperated in these events. And they also talk about different political situations, land confiscations and human rights abuses.

But this is not the majority of the population. I think about one-third of the local community is getting active, whereas the rest of the community are not getting involved. What I mainly want to say is that some parts of the community are getting active and having a bigger understanding of these issues.

**Another thing - regarding the negative impacts of business projects, what kind of information is more important for the villagers?**

Regarding the information, what the local community has gotten to know is that none of the recent corporate development projects benefits the local people. So, the local community speaks to the company based on the facts they know.

The companies implementing the projects said that they will build roads, bridges, dig wells,

and build churches, and that they will create job opportunities. But the local population points out that the company should do the required processes before taking these steps. There were no good outcomes for the local villagers from what the previous companies have done in the local area. So the local people spoke out based on these facts.

**When the villagers were using village agency strategies, which approaches were most successful? Was approaching the government, private companies or local governments more impactful?**

As I said, the local people are religious. It was easy for them to approach different religious leaders. They also approached social organisations formed by different religious groups. Those religious leaders connect with each other, discuss and share information.

There are also committees who meet frequently. They are creating networks in this way. The founders are taking responsibility to do so. Civil society organisations in the Tanintharyi region are strong. The network is getting strong, since it spread all the way from a community approach to civil society organisations, from civil society organisations to the related committees.

Regarding the way that the local population approaches different stakeholders, it is not like the community approach the government directly. Rather, through regular local meetings, people speak about the problems in the area and solve it together.

**What were the outcomes of the villagers' protests and negotiations?**

We are doing our actions according to the law. Because we abide by the law, there are protections according to the 2008 constitution law, the ethnic protection law, the law protecting individuals or the citizenship law.

Because we are acting according to the law, it is rare for [stakeholders] not to take actions for us. Because civilians are acting based on sufficient knowledge of the situation and their rights, there were some successes, even though they were not fully successful.

**Were the actions of local communities different from each other depending on their area?**

They were different. The actions of local communities were different depending on who governs the area. In some areas, ethnic armed organisations willingly stand for the local people, and their cooperation with civilians produces good results. In some areas controlled by ethnic armed organisations, there is no cooperation with the local community. In those areas, people have fear and they are afraid of the sword near to them. As a result, there were few successes.

**Have you heard about ethnic armed organisations being involved in corporate development projects? What was the nature of their affiliation?**

For example, when it comes to lands or forests, there are some strong protections. We have to do based on the existing laws. However, ethnic armed organisations have their own rules and laws, and it could be difficult to negotiate.

Anyway, when we worked on a common agreement for the protection of the civilians' rights,

it was going well. Some ethnic armed organisations are even involved in giving trainings or receiving trainings. In the meetings, they [villagers and ethnics armed organisations] shared their experiences working for the community and then they were able to set the interim period plans by themselves. So, there were no major issues only small issues.

There were some misunderstandings. At times, we needed to provide explanations, or had lost communications, or insufficient information. There were misunderstandings between the representative group and the coordinators in the region. But once they explained and understanding the situation together, they were able to carry on with their work.

**Since you also are involved in the Joint Monitory Committee (JMC), are there any issues involved such as the breaking of the Nationwide Ceasefire Agreement (NCA) code of conduct? Do violations of the code of conduct include issues regarding land?**

JMC does not really work on issues related to land. If two sides are involved in an instance of land confiscation or if civilians are forced to relocate, we can get involved in these issues and stand up for the civilians. But for the cold war like business affiliated dominations occur, those are related to the Union Peace Dialogue Joint Committee (UPDJC) and referred.

There are some complaints to JMC according to the NCA. They are not usually big concerns, but rather arguments between different groups, or instances where one group goes beyond their territory. We resolve them at a meeting with negotiations. In Tanintharyi, the Tatmadaw, ethnic armed organisations and civilians are facing the situation harmoniously. The cases submitted to JMC were resolved appropriately at the JMC meeting. There have not been any clashes on the ground recently.

**Are there any recommendations you would like to give to the government or ethnic armed organisations regarding business development projects in this area?**

During the peace process, we cannot carry on like this. For the development of the region and the improvement of socioeconomic conditions, business is needed. However, it should not affect the local population, but benefit the local community. This is why environmental impact assessments are important. The local community should not fear corporate development projects.

We have given recommendations [to different stakeholders]. We recommend that corporate development projects should analyse how they will benefit and improve the local situation, and what negative effects will happen if the project is implemented. Because in the long term, without business, it is difficult for an organisation to stand.

Regarding the recent developments in the peace process, the peace process does not exist just to do business. But business is needed for lasting peace.

**Is there anything that you would like to share?**

Not much. I think there are almost no problems in this area. If a problem occurs, we are usually able to solve it, so there are no major problems. However, there are some rumours and unwanted problems circulating on social media. But on the ground, the situation is not [like it is portrayed in social media]. The people are living harmoniously together. When there are problems with the government or the ethnic armed organisations, there is still freedom for civil society or the courts to intervene. Until now, we can control the situation with the

negotiations. Since the preliminary ceasefire agreement and the current nationwide ceasefire agreement, there have been no clashes in our Tanintharyi region.

**Thank you for your answers.**

Thank you for the interview.

**Source #14**

Log #	16-1-S1
Type of report	Situation Update
Publishing Information	Previously unpublished
Location	Kawkareik Township, Doooplaya District/southern Kayin State
Full Text	

**Land problems**

From 2014 to 2016, a lot of land disputes happened in Kaw T'Ree [Kawkareik] Township, Doooplaya District. When the roads were upgraded, the lands that are situated beside the roads were confiscated. The wealthy people can easily confiscate lands from the poor civilians. Moreover, the poor people cannot express their voice due to many barriers stopping their efforts. Therefore, some villagers passed their lands to the monks [due to cultural respect for monks, it is harder to confiscate land that belongs to monks]. To express their opinions, some people have to meet with the Township and District level authorities to solve their land problems. Some of the lands were confiscated by armed groups to raise animals, the rest were sold in plots, fit one house each.

**Forced labour, rape, killings and drug use in 2015/2016**

Forced labour, rape, killings and drug use are all less prevalent in 2015 and 2016 than before. However, these issues continue to exist.

In Kaw T'Ree [Kawkareik] Township, Doooplaya District the drug use is gradually growing, because methamphetamines are being sold to civilians by armed groups.

**Education and healthcare**

Between 2014 and 2015, in Kaw T'Ree [Kawkareik] Township, most education-based support was provided in wages to female and male teachers, as well as school materials. Medicines were also received by the civilians and clinics were built in some the villages.

**KNU activity**

The KNLA soldiers and other armed groups are mostly active in villages. However, the overall military activity has decreased since the ceasefire was signed.

**Livelihoods**

The civilians earn their living from their paddy. The crops that they grow include corn, green [mung] beans, chilli and sesame, but they are faced with many problems due to the weather. After their plants were grown, the farmers borrowed money from rich men. They borrowed insecticides and fertilizers. They had to pay back the loaned money, as well as to pay the tax to every armed group in the area. Therefore, the villagers found it difficult to sustain their livelihoods. Moreover, some of the villagers worked on rented lands that they have to pay fees for.

Some civilians received solar panels, electricity and water. However, not everyone was able to benefit from it in the township. Not every villager received water supply.

#### Documenting a short situation update

In 2012, the Burma/Myanmar government and the KNU and other armed groups signed the ceasefire agreements. However, the civilians continue to encounter livelihood problems due to the increase in military activities by armed groups before Ma Ner Plaw was captured. Even though civilians can work peacefully they have to pay taxes to armed groups that are a lot higher than before the ceasefires were signed.

Since the ceasefire has taken place, the Burma/Myanmar government has been constructing roads, bridges, hospitals, clinics, libraries and schools in in eastern Taw Naw Muh Htaw area, Kaw T'Ree [Kawkareik] Township, Dooطلا District. Companies were also seen constructing roads, building bridges, conducting stone and gold mining, logging and setting up the phone towers on villagers' lands.

Most companies that enter the upper part of Myanmar come from China, Japan and Thailand. Civilians received a lot of support from the other countries in terms of education, healthcare, ceasefire negotiation, livelihood and animal husbandry. However, civilians who live in refugee camps continue to encounter many livelihood challenges.

#### Source #15

Log #	16-10-P2
Type of report	Photo Note
Publishing Information	Previously unpublished
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	<ul style="list-style-type: none"> <li>These photos were taken on December 5<sup>th</sup>, 2015. These photos show a peaceful demonstration that marched from the Ae--- village to the Ad--- village in Htantabin Township, Toungoo District. Some villagers were displaced from the In Ae---, Ad---, Ac--- and Ab--- villages in Toungoo District since the dam construction began in 2000. The entire village of Ae--- had to relocate, in a limited period. [Because of the dam flooding], the local people lost their gardens that were situated upstream of the river. Moreover, the Kaung Myanmar Aung Company confiscated the rest of their lands and established long-term plantations in those areas. Therefore, about 80 people from the Ae---, Ad---, Ac--- and Ab--- villagers marched on the street and held a demonstration in order to regain their lands [that were confiscated by the Kaung Myanmar Aung Company].</li> <li>In 2000, Tatmadaw troops unexpectedly entered into Thandaunggyi Town, in Toungoo District and established a military camp there. The camp is known as Ba Yit Naung Tat Myut [city]<sup>9</sup>. The Tatmadaw said that the location of Ba Yit Naung Tat Myut camp and the area outside of it belonged to them. Therefore, they confiscated about 6,500 acres of the local people's lands. The confiscated land was not returned.</li> <li>These photos were taken on November 25<sup>th</sup>, 2015 in Htantabin Township, Toungoo District. These photos show the Ton Bo dam. Villagers in Htantabin Township, Toungoo District lost a lot of their lands because of Ton Bo dam construction. Some villagers</li> </ul>

<sup>9</sup> 'Ba Yint Naung Army Camp City' is the name of an army camp, not a city. The camp is populated strictly by soldiers and their families.

received compensation, yet some have not.

- These photos were taken on November 25<sup>th</sup>, 2015 in Ae--- village, Htantabin Township, Toungoo District. These photos show a water gate constructed by the Shwe Shun In Company. Areas were flooded in Htantabin Township, Toungoo District, due to the construction of the dam.
- These photos were taken by one villager on January 7<sup>th</sup>, 2016. They show villagers in Ae--- and Ad--- villages, Htantabin Township, Toungoo District receiving a call from the Toungoo Township Police officer and the Farmers Party at Township General Administration Office in Toungoo Township, Toungoo District. Then, the Toungoo Township Police Officer and the Farmers Party explained how the Kaung Myanmar Aung Company will work [to implement their project]. They negotiated with the villagers.
- These photos were taken on December 19<sup>th</sup>, 2015. These photos show how villagers reported a case of land confiscation by the Kaung Myanmar Aung Company in Ae--- village, Htantabin Township, Toungoo District. The company name and their project plan show in the poster.
- These photos were taken on December 5<sup>th</sup>, 2015 between Ae--- and Ad--- villages in Htantabin Township, Toungoo District. They show a stone crushing machine that produces gravel for road construction.
- These photos were taken on December 5<sup>th</sup>, 2015 in Ae--- village, Htantabin Township, Toungoo District. These photos describe how the Kaung Myanmar Aung Company forcefully removed villagers from their homes in Ae--- to confiscate their lands.
- These photos were taken on December 5<sup>th</sup>, 2015 in Ae--- and Ad--- Mount villages, Htantabin Township, Toungoo District. These pictures describe how the Kaung Myanmar Aung Company confiscated land to establish a timber plantation. The company enlisted the Myanmar police force to protect its billboard and office from the protesters.
- These photos were taken on December 5<sup>th</sup>, 2015. They describe local protests to oppose land confiscations in Htantabin Township, Toungoo District by the Kaung Myanmar Aung Company. Local protesters carried signs that said, "*We do not need Kaung Myanmar Aung Company, We do not need the Farmer Benevolent Party, Give our lands back at once*". They marched and protested in the area that the company permitted them to.

#### Source #16

Log #	16-49-S1
Type of report	Situation Update
Publishing Information	Previously unpublished
Location	Bilin Township, Thaton District/northern Mon State
Full Text	
Date 22/4/2016	
Situation Update	

This Situation Update covers the period between February and April 1<sup>st</sup>, 2016. The information was documented in Bee Lay [Bilin] Township, Doo Tha Htoo [Thaton] District. The information in this Situation Update covers drug use, development, Tatmadaw, KNU and KNLA activities, and the situation of local civilians.

### **Drugs**

We have seen a lot of drugs enter into many villagers in Bilin Township. We have seen many young people that were secretly using drugs. If you want to buy or sell drugs you can find them very easily. We have seen that the methamphetamine is entering into villages in two ways. First, it is sent through Baw Kyoh Leh, K'Ter Tee and Htaw Klaw Hkee road. Second, it is sent through May Sa Kan Kgyi road that goes down to Ka Ma Maung [town] and Htee Hpa Doh Hta [village]. The youth have become addicted in Htee Hpa Doh Hta village, Kaw Soh village, Yoh Klah village, Htaw Klaw Hkee village in Noh Ber Baw village tract. We have not seen any organisation [army group] such as the BGF, the KNU, the KNLA and the Tatmadaw take any action regarding the drug issue. Therefore, some villagers have many concerns. They worry that their children and youth will be harmed by the drug use in the future.

### **Development project**

In April [2016], clinics were built in Ge--- village, Gf--- village, Ta Auh Hkee village tract and Gg--- village, P'Yah Raw village tract and other villages with funding from Nippon Foundation.

One clinic has been built and the opening ceremony was already held but the clinic is still not open yet. There are no medics and no patients. The villagers have been mainly talking about that clinic. A villager from Ge--- said that the clinic looks very beautiful but you cannot use it for anything. Villagers in Gh---village also said that a clinic was built there and that there is nothing in it. An old grandfather who does not have any relatives to live with was living in the clinic because the grandfather doesn't have a house and he also cannot work.

The Burma/Myanmar government also did not place any health workers in the clinic and the Karen healthcare department has a lack of human resource and medicines. Therefore, the villagers can only gaze at the clinic. A villager from Ge--- village said that when you have a headache and get malaria if you look at that clinic then you will recover [with the notion that you can only look at the clinic but not get medical treatment].

### **Road construction**

A road is being constructed from P'Nweh Klah to Lay Kay but it has not been completed yet. Some small bridges were constructed, but many have not. Therefore we cannot travel in the rainy season. The road was built by U Ye Tun, Kyi Tun and Win Laing (Wa Pa village) Mo Ze companies. Another road is being constructed from Peh Wa Hta, Meh Naw Ther village tract, passing through Khoh Hpoh Mountain, to P'Yah Raw [village]. It was constructed in 2015 and can only be travelled on in summer. U Ye Tun has also planned to construct another road starting from Lay Kay village, Lay Kya village tract to Htaw Klah Hpoh Hkee, Noh Ber Baw village tract in 2017. The company that is set to take responsibility for the implementation of this road construction will be U Ye Tun Company. All roads that are being constructed were approved by the KNU.

### **Primary School Construction and water installation**

An organisation called BAJ came to build schools in many villages. They constructed schools in large villages which have high populations. This organisation also provided

villagers with water installation. This is it very useful for the villagers. This summer there was a water shortage as a very high heat wave dried water streams and wells that were used by the villagers. The villagers do not worry about the water shortage anymore because they received a water installation system. They also constructed a concrete school. It is very useful because if the villagers had to build it by themselves there would have been no trees or/and bamboos left, as they are becoming more scarce. Two primary schools will be built in Noh Ber Baw village and Kiwee Lay Tha Waw Pya Kyoh village. These two schools will also be built of concrete. The people who took the responsibility to build the schools are Saw A'Ngeh Lay from Htee Hpa Doh Hta village and Brigade (1) and Adjutant General Aee Tha. We do not know where they get support from.

#### **Paddy rice aid**

Paddy rice aid was provided by the Nippon Foundation. In Doo Tha Htoo District, the people who take responsibility for distributing the aid are Saw A'Ngeh Lay from Htee Hpa Doh Hta, Brigade (1), Adjutant General Aee Tha, and village tract authorities. This year, one basket of paddy rice was donated for each person. The rice was not donated to the people who live or work far from the village. Instead, it was donated to one-year-old babies, monks and staff of the KNU and the KNLA. Therefore some villagers and village leaders discussed with each other how to collect [some] rice from the villagers who received rice donation and redistribute it to people who did not.

#### **Housing for Internal Displaced People (IDPs)**

Officer Aee Tha and Saw A'Ngeh Lay took the responsibility to lead this project. Very cheap toilets will be built in three villages such as Htee Lay Kaw village, P'Yah Raw village tract, Htee Ber Hkee village, Htee Hsee Baw village tract. I went to Htee Lay Hkaw village and saw the IDPs have not built houses for themselves yet. I asked them *'the rainy season will come soon why have you not built your houses?'* Saw A'Neh Lay is responsible for project implementation, but even by April 15<sup>th</sup> 2016, not even the trees were cut down. In order to build houses for IDPs, officer Aee Tha came to cut down trees from the Toh Teh Hkee Forest and Ta Auh Hkee Forest. A total of 600 tons of wood will be taken. The villagers from Toh Teh Hkee village do not want to grant a permit to take the wood. However, the KNU already agreed to it, as a KNU leader came to claim it.

#### **Tatmadaw military activities**

On February 23<sup>rd</sup>, 2016, we learned that the personnel of Ta Pa (Win Ta Ma) Army Camp, Lay Kay Army Camp, Yoh Klah Army Camp, Meh Pree Hkee Army Camp and the BGF #1014, #1011 Battalions were patrolling [in the village]. The Burma/Myanmar government military LID [Light Infantry Division] #44, LIB [Light Infantry Battalion] #118 that were based in the camps were patrolling and basing their patrols in the villages. The villages that Tatmadaw patrolled are Lah Hkoh (Pa Ri Ko) village, P'Nweh Klah village tract, Peh Wa Hta village, Meh Naw Ther village tract, Noh Ber Baw and Htaw Klaw Hkee villages, Noh Ber village tract. The villagers said that they thought that the Tatmadaw would relocate but in the reality, they came to patrol in their villages. Gi--- village head also said that Tatmadaw patrols did not do anything when they patrolled in the village. However, the villagers were concerned for the single women in the villages. I saw that they [Tatmadaw personnel] did what they wanted to do. They moved freely between places where villagers worked and lived. The intelligence personnel followed villagers and were not wearing army uniforms. On the other hand, the BGF soldiers stayed at their own army camps.

Bilin Township is the KNU and the KNLA Battalion #3 territory patrol area. Thus, the Battalion Commander Dah Nay Htoo had to meet with Tatmadaw LID Commander as their

soldiers were patrolling in KNU territory. LID commanders and camp commanders told him [Battalion Commander Day Nay Htoo] that they were allowed to patrol, but were not allowed to bring any arms with them. I forgot to ask the LID commanders' name. This case disturbed the villagers.

The Township leaders planned to set up the checkpoints besides the Kah Meh road, Htaw Klaw Hpoh Hkee village, Buh Nee Hkoh village and Baw Paw Hta village but the Burma/Myanmar government military did not permit them to do it. After the Battalion #3 commanders and township officers held a discussion with the Burma/Myanmar government military, the Burma/Myanmar government military allowed checkpoints, but did not allow [the township leaders] to set up flags and barriers in front of the checkpoints, and did not allow the checkpoint personnel to be armed.

#### **Additional villagers' concerns**

This year, the weather is very hot. Therefore, the villagers' betel nut trees, betel nut leaves and water have dried out. This year, the paddy rice is very expensive. One basket of paddy rice cost 20,000 kyats. The food shortage does not only happen in the summer season, it can also happen in the rainy season. This concerns the villagers.

This information was collected when I travelled from village to village. Some of the events described in this reports were experienced by me in person, the military activity and development project were accounts of the villagers taken on April 1<sup>st</sup>, 2016.

#### **Source #17**

Log #	16-8-A2-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Kyaukkyi Township, Nyaunglebin District/eastern Bago Region
Full Text	

**Interview Date:** November 12<sup>th</sup> 2015

#### **So what is your name?**

My name is Naw Bk--- and I'm working as a [censored for security] for a Christian education [group] and the East Light Development Group.

#### **How old are you?**

I'm 42 years old.

#### **Do you have family?**

I have family and I have four children. Three of them are boys and one of them is a girl.

#### **Can you tell me a little bit of land history?**

Yes, I can.

**So please tell me?**

The fighting happened at BI--- Section. At first, Thara Saw Htoo led villagers to BI--- Section to clear the land and he built many buildings including a church, primary school and missionary association office. In 1960 he built a school and other buildings, and we named the place BI--- Section. Later the military asked our permission to base [themselves] there. They told us that if they were based in another place there would be no safety for them, but if they stayed among the Karen people it would be safer for them. They asked to base themselves there temporarily. The grandpa [Saw Htoo] said that if it was just temporary then we would allow them. Step by step [year after year] the military [Tatmadaw] has been rotating group by group and they have not given the land back to us.

They confiscated it [the land] step by step since [after] the military government took the position of President. They took down the roof and planks from the missionary association office, and it was destroyed alongside one house that was in front of the office. We planned to rebuild them but the military did not allow us to. We had to take down the office and some of the teachers' houses. We want to rebuild them but it very difficult for us, and we have even had arguments with the military leaders. Later, in the transition period [after the preliminary ceasefire], we decided to take the lands back and rebuild the church. We planned to place the villagers, who did not have land to build their houses, on that land. Since the 2012 ceasefire agreement was signed, we have been informing and submitting complaint letters to many [relevant] leaders from generation to generation, but no one takes action or arranges anything for us. At the end of 2012 we submitted a complaint letter to the Burma/Myanmar government [staff member] U Nya Win. He told us that he had received our complaint letter already and asked what we wanted to do with our case. We told him that currently the situation had changed, because we wanted to place the villagers [IDPs] who don't have a place to live on that land, as they had always had to run from the Tatmadaw in the past [conflict period]. He told us he would ask people to review whether it was our land or not, and would go and send the [response] letter to the general administrator. He sent the letter to the general administrator, who made an appointment with us to get information [regarding the land] in June, and it has been eight months since then. We do not know whether we will get back our land or not, because it was confiscated by the military and he [general administrator] did not respond to us. While we are waiting for a response from him, they [Burma/Myanmar government] have started to build a cooperative department building, Kyai Let [Rural Development building] and commission offices.

**Those buildings are being built in that place [on your land]?**

Yes, they are and in total there are three buildings. We went directly to meet with the operation commander, land department office, and general administrators after we knew they were constructing the buildings on [our] land, but they avoided meeting with us. We were able to meet with the deputy operation commander [vice general administrator] and he told us that he was not able to say anything because the person who could take action on this case was senior leader U Tin Myat Aung.

**Who is U Tin Myat Aung?**

U Tin Myat Aung is presently the general administrator and U Nyi Nyi Htwon is the vice general administrator. We met U Nyi Nyi Htwon and he told us that he was not able to say anything based on his role, because he [U Tin Myat Aung] did everything on his own. For me, I do not know anything. It seems to me that he did everything on his own without letting

anyone else know. We asked and questioned him [U Nyi Nyi Htwin, about the land issue] but he was not able to answer us. We also met with vice Secretary Kyaw Thet Lwin, who told us that he had processed the case step by step but he had not received any response.

So, we, the villagers, held a meeting to elect [found] a land headquarter committee [group]. REV. Dr Wah [Wah] Day is Chairperson and REV. Dr Htee Hpoe Neey is [Vice] Chairperson. Naw Ju Ju is also [vice] general secretary, and the general secretary is [censored for security]. The [Shwegyin Karen Baptist Association] missionary, Thara Ka Aye, is a Chairperson and Thara Ner Ta Lay is Vice Chairperson. While, Thara Eh Nay Moo is Joint secretary and [censored for security] is the general Secretary. [They] all have to work together. So, if we cleared the land with a few people then the Tatmadaw would not pay attention to us, because we were not very strong. I said that we want to get more participants in order to be stronger. Today we went to clear the land with over 20 participants and they seemed very shocked at us. They asked who cleared the land. After we finished cleaning they called us for questioning. We asked them why they would want to know, as the land is ours. [We said] You are chief of [military] training, why do you need to know? He said that he did not know anything and that the general administrator had complained to him about why he did not know that people were clearing the land in his base compound. We told him that we cleared our own land and asked why he has to forbid it. I said that Aww U Thaw did not know anything and asked how he could know, because the general administrator knows everything but he pretends to be abnormal [not to know anything]. Because we submitted land protection letters and many [different] letters, but he did not accept them and did not let us know.

We strongly forbid them [the Burma/Myanmar government] from constructing the buildings and we complained [submitted complaint letters], but no response came back to us. They do not make appointments to meet with us, so we went to ask permission to meet with them but they avoided us and would not meet with us. It seems to us that it is our land, but they do not respect or listen to us

**When did they clear the land?**

Actually they never cleared the land. We cleared it ourselves.

**Did you or the people here know that they would build those buildings and then clear the land?**

They have started building the constructions already.

**They build the constructions [buildings]?**

Yes. As I mentioned before three buildings are being built, such as a cooperative department building, rural department building and commercial offices.

**Did they give you prior notice?**

No, they did not give us prior notice.

**Who took action to [submit] the land issue, in order to get back the land?**

Missionaries, regional missionaries and villagers' representatives are included in the land

headquarter committee [group]. We, the committee, submitted a land protection letter and after the submission we planned to clear the land and fence, and concrete the land. After that we will divide a plot of land for them [IDPs] to build their houses.

**Who will you allow to construct the houses?**

The villagers who do not have any land are allowed to build their houses [on the land].

**What do you think about your struggles to get your land back and the current construction of buildings?**

We will say that the past is past and let it go.

**What about if you do not get the land back?**

The past is past and we will let it go, but for the empty lands that we have left behind we will place the villagers who do not have land to live on.

**What kind of land?**

It is missionary land.

**Is it missionary land?**

Yes, it has been missionary land since Puh Saw Htoo's generation.

**What responsibility did Puh Saw Htoo have?**

He did not have any responsibility, but he loved his people and he built the school. In the past the Karen National Union (KNU) school was built in Myet Yain and it was moved to BI---

**Then?**

He built the church and founded a missionary group.

**What do you think about the past?**

After the 2012 ceasefire agreement was signed, we thought that our leaders would come down here and we could speak with them.

**What do you mean by our leaders?**

Our leaders from the KNU, and we suggested to them to come and base [themselves] close to us because [in 2012] [the Tatmadaw] operation had relocated from [BI--- section] and were based in their own headquarters. We thought that if they [KNU] were based close to us we could depend on them and we could try to get our lands back, but they did not work with us. So it has not happened as we expected.

**Have you ever talked to the KNU [leaders] related to this issue?**

Yes, we told the KNU and they also went to check the land and saw the constructions with

their own eyes.

**So we can say that the KNU did not help?**

If we are going to talk like that they will be offended.

**That is no problem because [if] we are telling the truth?**

Yes, if the KNU grabbed an opportunity then we, the villagers, would also follow them, so we could have our rights and get our land back. It is what we thought but we do not know what they [KNU] think.

**Are they avoiding taking action?**

I do not know, maybe they worry that the fighting will be broken down [fighting will start] during the ceasefire period.

**Are you protesting about the land on behalf of the villagers or the East Light group?**

The land that [the Tatmadaw operation has been] based on is BI--- missionary land. The villagers also wanted to [protest] against it [the land confiscation] but they dared not to speak out. We have been active for many years already on the land issue, but nothing has changed. We held meetings many times but there was no improvement. We later founded the land committee and there has been some improvement. We cooperate with other [missionary] departments in other activities. East Light is not doing work alone. In other land [title] issues we do not use the East Light name, we use Kyaukkyi Development Watch.

**What name did you use [in the land title] for the land that I have asked you [about]?**

We used the land missionary committee.

**What about the people [group] who are actively [trying] to get back the land?**

All people are participating in the land activity, [including the] missionary departments, BI--- villagers and believers.

**Can you tell me about the land use policy?**

Yes I will tell you it as I know it, because on May 12<sup>th</sup> to 13<sup>th</sup> we held a meeting about the Land Use Policy, in order to finalise how it would be used. [In the Land Use Policy] it includes the rights for citizens to use their land. Whether residents have a land title or not doesn't matter. They still have the right to use the land that was passed down from their great grandparents and [it is their] indigenous land. They have the right to own their property. Those rights should be possessed by the civilian. The last one is customary land rights. Our land case is related to the land rights because our land title, #105, was created in 1960. After the Land Use Policy was developed our land became vacant land, and some plots of land became rural development land. So our land has been divided into two parts, one is vacant land and the other part is rural development land. If we look at the Land Use Policy, we are resident and the land is owned by us. But if we look at the updated new Land Policy, we have to re-measure the land.

**Can you tell me what the Tatmadaw leaders [Burma/Myanmar government staff] told you when you met with them?**

We did not meet with the Tatmadaw leaders; instead we met with CBOs and foreign people about the Land Use Policy. We discussed [reviewed] the Land Use Policy. In the Land Use Policy there are very few rights for the villagers.

**Regarding your land issue have you ever met with the Tatmadaw leaders [Burma/Myanmar government staff]?**

Yes, I had a conversation with U Nya Win and U Soe Tha about the suffering of the residents. After that I submitted a letter to them. They asked the township general administrator to take action and find out more information about the land. The Township general administrator came back to our land committee to find out whether the land was ours or not. Our land is our land, but we [have to] process the land issue step by step and we have not got any response from them.

**How will they do that?**

If we say like the President, U Thein Sein, all land that has been confiscated by the Tatmadaw since 2012 has to be returned to the owners. But the Tatmadaw has not told us anything, whether they will return our land or not. In 2013 an operation [commander] told us that after they move from the land, we could use our land again.

**Is it [the land] in the KNU controlled area or the Burma/Myanmar government controlled area?**

BI--- section is controlled by the KNU, but if you look at the map it is located in the Burma/Myanmar government controlled area.

**Has the KNU given you any advice or [made any] suggestions to you?**

One of the KNU leaders told me that they don't ever think about the operation land [Tatmadaw operation bases]. We have tried very hard to get our land back for many years already, but we have not gotten back our land, even [though] they have not built anything on the land.

**So everything has gone?**

Yes. He said that they [KNU] have tried to take action to get the land that they [Tatmadaw] have not used, but until now we have not gotten it. I told him that they [KNU] had told us that we have to own the land, so they [KNU] should do as they said. In the Land Use Policy one person can own 20 acres of land.

**How do you think they [KNU] can take action?**

As you know, if these two governments [KNU and Burma/Myanmar] really work for the civilians then some changes should be taking place.

**Regarding the land issue, what do you think of these two governments [how are they doing their job]?**

After the ceasefire took place, I think the two governments no longer had any more land to manage [take over] in the urban areas, therefore, they come to the rural areas to take over land. They have very little concern for civilians.

**So [they] only [think about] their personal [benefit]?**

Yes, they only think about their personal benefit.

**Can you tell me how you feel about the land problem?**

Yes, during the conflict period the villagers had to porter, but now the situation has changed a little bit and the Tatmadaw have started to confiscate their land. Each [piece of] land belongs to [the Tatmadaw], so they [villagers] now have no land to work on. At present, the land that is situated beside the road is all owned [confiscated] by the Tatmadaw. Our leaders [KNU] provided land titles for the villagers but how will they arrange [solve the problem] for them?

**How do the Karen leaders work for Karen people? I think the people who live here will know best?**

Yes we know, but if we speak out it seems like we beat our own calf [we cause harm to ourselves].

**However, you should speak out when your time has come?**

We are concerned for the villagers who live beside there, [because] their working places are very limited. After the ceasefire, the outside people came to take over the land starting from the area to the crossroads. Now the villagers have no land. The people who took over that land are mostly Tatmadaw and Burmese, and they all have a close relationship with our leaders [KNU].

**Are they all Burmese?**

Yes.

**What kind of people took over the land?**

They are mostly rich people, who have a very good relationship with the KNU leaders.

**Do you have anything to say regarding the Burma/Myanmar government construction of buildings on the missionary land?**

The government said that they are democratic, but their controlling system is not in the way of democracy. They use it as a dictatorship system. So, the villagers have to know their own rights and claim their rights. If we do not do that then they will step on us because there is no transparency. We need transparency and equality, therefore, we voted for change in the election. Everyone [villagers] are trying to get change. If improvements take place, then the villagers will get to use their full rights. In order to get their full rights, villagers also have to know their rights. To get our lands back we also have to work together and try very hard.

**Thank you very much. Thara Mu can you tell me your full address?**

Yes. My name is Naw Bk---. I live in Ler Doh [Kyaukkyi] Town at Bl--- Section.

**What about Division?**

Bago Division.

**And what about Township?**

Kyaukkyi Township.

**Thank you.**

**Source #18**

Log #	16-90-A5-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Win Yay Township, Dooplaya District/southern Kayin State
Full Text	

**Interview Date:** On September 9<sup>th</sup> 2016

**Can you please tell me your name?**

My name is Ma H---.

**Can you tell me your age?**

I am 44 years old.

**Which village do you live in?**

I live in Ar--- village.

**What is your religion?**

I am Buddhist.

**Do you have any administrative responsibilities?**

I am the secretary of the Karen Women Organization (KWO).

**Village level or Township level?**

Village level. I am the secretary of KWO in Gk--- village.

**What is your occupation?**

I am just a seller.

**Any other jobs?**

I have no other jobs.

**Do you work on a plantation?**

I do not work on a plantation because I am a woman. But my brother works on a plantation.

**So you are a dependent?**

Yes.

**How big is your family?**

I have four children.

**How many daughters and sons do you have?**

I have one daughter and three sons.

**How old is your youngest child?**

My youngest child is 15 years old.

**How long have you been living in your village?**

I have been living in my village since I was a little child.

**As you have been living in your village since you were a little child, could you tell me how many armed groups are active around your village?**

Tatmadaw, Karen National Union (KNU), Democratic Karen Benevolent Army (DKBA) and Karen Peace Force (KPF) are active in this area.

**What about armed groups in your village?**

There are only two: the KNU and Tatmadaw.

**Do Tatmadaw soldiers live in, nearby or far away from your village? Can you tell me about that?**

Tatmadaw soldiers live at the entry point of my village. They have their army camp there.

**How do you feel about it? Do you have any security concerns, are you fearful?**

I was not afraid in the past and I am not now, I do not feel anything. This is true. They do not cause trouble for us. We also do not need their help. They do not help us, but they are not causing trouble either.

**After the Nationwide Ceasefire Agreement (NCA) was signed, did they force villagers**

**from this village to act as porters? Did they rape women? Did they break any rules of the village? If they did, can you tell me about it? I am talking about both the KNU and Tatmadaw.**

No. They did not do any of these things.

**None of them?**

No.

**OK. That is good. After the preliminary ceasefire agreement was signed in 2012, in the transition period, the roads and communications were improved. Can you tell me how you feel about it?**

We want our area and village to be improved, but we did not have time to prepare when the road construction was initiated. Our houses and lands are located beside the road. Karen people want to live, sleep and eat in peace. How do I say? It [road construction] has already been ongoing for over a year so I thought our area would be improved. The road and the bridge [in our area] will be better. I heard that they [other people] said they received compensation when roads and bridges were constructed in other towns and urban areas in Mon state. I am telling you about what I heard.

We did not receive compensation even though the road and bridge were constructed in our area along the border. I expressed my feelings in order to get compensation. A manager of the construction company told me, *"A ma [elder sister], do not worry about that. We [company] keep a record [of how many trees are affected]. 450 trees in your land were affected [due to road construction] but I reported that 500 trees in your land were affected"*.

A person from the KNU also came to talk to me about this matter. The KNU member said, *"A Naw [elder sister], was your land harmed?"* I replied, *"Yes, my land was affected. I already gave a document detailing the number of damaged trees to our village tract leader. If you want to know how many trees on my land were destroyed, you can ask the village tract leader"*.

When I met the village tract leader, I asked him, *"Do you know how many trees on my land were destroyed [due to road construction]?"* He replied, *"Yes, I know and I've already reported it"*.

It has been three years since he [village tract leader] reported it, but nothing has happened and we have not heard any news. We are losing hope for our future. As for us, we want to live our lives without being worried. Don't you? Everyone wants to live peacefully and have hope. Everyone wants to get back what they have lost. Not only me. Again, I heard that the road will be 230 feet wide. At this width, I think that people who now live by the road will be displaced. We have no other place to live. If this place is destroyed [due to road construction], we will have to go live in the mountains. If they [constructors] begin work on the mountain with big machines, I do not think we will have a place to live anymore.

Please listen to my words carefully. I wanted to voice my concerns a long time ago. We do

not want the road made wider. If the road has to be made wider, we cannot stop them. It is like we have no hands and they have hands. It seems they are educated and we are uneducated. Therefore, I want to obtain land registration documents before the road is constructed. I want to say it for all the people who live beside the road. I want all the people to be protected. I want all the Karen people to be able to live peacefully.

We, all the local villagers, want to obtain evidence to show ownership of our lands. This is the main thing we want. They should pay compensation if they damage our lands, but if they ask us to show evidence of ownership; we need to have some evidence that we own our lands. If we do not have any evidence to show them, we cannot hold them accountable [for what they have done].

**Regarding what you have said, I would like to ask some questions. Can you tell me what year, month, and day the road construction began?**

The road construction started in 2013.

**Which month?**

In K'Sone month [Burmese calendar], I think in April or May. Maybe in June. I am not sure. I cannot remember.

**Who did you express your feelings to? What manager are you talking about? Was it a manager from a KNU or Myanmar Government company? Was it the manager who is in charge of road construction and communication? Can you tell me his name?**

When they came to construct the road with machines in front of my house, they slept overnight at my house. Then I asked them who the manager is. I learned that the manager's name is Poe Htoun. He works for Mann Pyi Dagon Company. When I asked Poe Htoun in person, *"Hey, when you construct the road, will it affect my land?"*. He replied, *"Yes, it will affect your land but we will record everything that may lose"*. When they constructed the road, 300 trees on my land were destroyed. Then, he told me, *"The road was unevenly constructed. Therefore, so I need to make it even again [fix it]"*. I told him, *"Yes, you can reconstruct it"*.

As an outcome, another 150 trees on my plantation were destroyed. So the total amount of destroyed trees was 450. After that, someone from KNU, I forgot his name, came to ask me how many trees I have lost. He recorded it. He said, *"Do not worry. They have to compensate you"*. I said, *"Yes, it is done"*. If we receive compensation, we will get back our energy and money that we have lost. We will be satisfied if we receive compensation. Then I met the village tract leader whose name is Min Thein Tun and he told me, *"A ma [elder sister], I documented what you have lost"*. I told him, *"It is good that you documented it"*. Finally, we have not heard anything about it yet.

I was also invited to attend a meeting [in Win Yay Township] but I was unable to attend it because I had a lot of guests at my house at that time. However, the village head of my village attended that meeting. In the meeting, he said that *"They [road constructors] came to improve our community in our area so we should not take compensation"*. Our village head said it.

**What kind of trees did you lose? Is it a long or short term plantation? Can you tell me about it?**

It is a rubber plantation.

**How many years did it take for the rubber trees to grow?**

The rubber trees had been growing for four years when they were destroyed. They were beautiful at the time.

**When you talked about the land titles that you wanted, did you mean KNU land title or Myanmar government's land title? Can you elaborate?**

We want KNU legal land title because we have known the KNU very well for a long time. We are women and men of KNU. That is why I want to have a KNU land title.

**Were there any meetings held to discuss or inform local villagers about the road construction when the construction took place?**

No. There was no meeting. We did not know anything about the road construction. I only learned about it when they [road constructors] came to construct the road with machines in front of my house.

**There are some other local villagers who lost their property [due to road construction] just like you. So can you tell me what problems they have faced, as you observed them?**

There are just a few people whose lands were affected in this village. In Lay Poe village and Lu Si village, the villagers have a lot of lemon plantations there. On this side of our village, not many people have lost their lands and plantations.

**They [road constructors] said that they will make the road wider. So when will they do it? Or is it still waiting for approval?**

They attended a meeting yesterday. They said that they will make the road wider but they cannot exactly say when they will conduct the project. Even though they cannot say exactly when, I think we should prepare before they reconstruct it. If we prepare, we can protect ourselves from the [Myanmar government]. If we do not prepare, we cannot prevent anything from happening. Therefore, the first thing I want is to prepare. That is it.

**Regarding land and plantation destruction, there are local KNU authorities, Tatmadaw and Township administrator. So did they call a meeting to discuss whether villagers should report it or not?**

No. They have never discussed the land and plantation destruction. We were invited to attend a meeting but we have never had a chance to discuss the land and plantation destruction.

**Currently, a lot of people talk about 230 feet-wide road construction. What is your attitude towards it? What do you think of it?**

As I told you before, it is true that the Asian Highway road should be constructed wider. They only want to have a wide road. However, nobody sees that it affects villagers a lot. Isn't that the case?

**So what guarantee did the local KNU authorities and Township administrator of this area give to the local villagers? Did the KNU hold a meeting with the villagers to discuss it? Did they educate the local villagers about the road construction? Can you tell me about that?**

No. They did not hold a meeting with the villagers to discuss that and they did not educate villagers about the road construction.

**What about the companies and the road constructors? Did they come to educate or inform the local villages when they came to construct the road?**

[There seems to be some misunderstanding between the interviewer and the interviewee regarding this question. The answer does not correspond to the question asked.] The Myanmar government came to construct two schools for the local community in Ar--- village but we did not know anything. They just came to construct schools by themselves. They just conducted it on their own. It was not communicated to the local community.

**I heard that a cement factory project was implemented in this village. Can you tell me what you know about it?**

I just heard that a cement company started a project last year, but I did not notice that they came to construct the cement factory because it is not my business, so I did not pay attention to it. This year the management of this village was poor. So my husband, Ko Gl---, was appointed as the village secretary by the Township administrator.

When my husband started to lead this village, I just learned about the cement factory in detail. They planned to construct the cement factory on this mountainside. If the cement factory is constructed beside this mountain, it will not be good for our health, because of the factory's smoke. Is it possible to build the cement factory? Where are the cement factory builders from? Are they appointed to build the cement factory by the Township leader, District leader or the central government?

Some people said that even the Township administrator does not know where they are from and people said that they are from the District office and that they only came to conduct a survey. They did not get the permission to construct the cement factory yet. Therefore we, the villagers, should be united because if the cement factory is built, it will negatively affect our health.

We have not experienced such things ourselves. However, that is what we heard and that is what we expected. It is important. That is what we believe. I once asked my uncle about the cement factory construction in this village. I asked, *"Uncle, they will construct the cement factory nearby your farmland. Do you agree with it?"*. He replied, *"Do I have the rights to reject it? I dare not to talk to them although I do not agree with it"*.

My uncle is a person who is afraid. He got used to being afraid in the past. He also said, “*I do not have the right to reject it. I want to reject it if I am able to. I have earned my living by working on my farmland since I was young. How can I support myself if I do not have my farmland? I do not know how to do any other businesses like other people do. When I was young, I grew rice on the farm and I just ate rice. If I did not have money, I just sold the rice and I supported myself. Therefore, I do not want them to construct the cement factory [nearby my farmland] but I dare not to speak it. I am not educated. I am afraid [to talk about it]. It will be better if you can reject it*”. This is what my uncle said.

**Is that mountain called Ar--- mountain?**

Yes.

**Are there a lot of short and long-term plantations around this mountain? Or is there only a forest? What is located around this mountain?**

There are only betel nut plantations on the Gm--- place side, where the nearby mountain is. Moreover, there are rubber plantations in Ar--- village, nearby the mountain. I have some rubber plantations there.

**What about farmlands? Are there farmlands around the mountain?**

Yes, there are also a lot of farmlands and there are a lot of betel plantations. Over there and over here. On the other side there are Gm---, Gn---, Go--- and Gp--- villages. In this side are Gq---, Gk--- and Gr--- villages. There are a lot of betel nut plantations, rubber plantations and farmlands around this mountain range.

**If they get permission to construct the cement factory, how will local villagers prepare to protect it [their property]? Can you tell me about that?**

What do I have to tell about preparing? How can we protect it? The local villagers do not want anyone to construct the cement factory nearby the mountain because we inherited it [mountain] from our great grandfathers. We just want to maintain it. Villagers were invited to attend a meeting in this village but no villagers agreed with it. We do not want the mountain to be destroyed, because we are afraid that our farmlands, plantations and houses will also be destroyed. If that happens, where are we going to live? Can they give us lands and places to live? This is what makes us think a lot.

**If the cement factory gets constructed, will the KNU authorities provide the local villagers with any guarantees in regards to it?**

We did not hear anything about any guarantees.

**What about land titles?**

We expressed our wish to get a land title in one of the meetings. They KNU said they will give us a land title. However, it has already been three years. We have not yet received a land title.

**How many villages will be affected if the cement factory is constructed? Can you tell me about that?**

I think all the villages that are located around the mountain will be affected if the cement factory is constructed.

**How many villages are there around the mountain?**

There are three main villages, which are Ar---, Gr--- and Gq--- villages. There are also some very important villages, which are Gm--- village, Gp--- village and Go--- village.

**Did you hear anything about where they will construct the cement factory? Did they come and explain where the factory will be constructed?**

I did not hear anything about where they will construct the cement factory. I just know that they came to do a survey here. That is all I know.

**Can you tell me what else did they do when they arrived to survey the nearby the farmlands?**

I do not know what they did when they came to do a survey, because I live far away from the farmlands. I think my uncle might know about it because he lives nearby the farmlands. They also surveyed my uncle's farmland.

**What do you want to tell KNU or Myanmar government regarding this proposed cement factory, as well as the next generation?**

We have no information about the cement factory. We are just afraid that if it is constructed it will affect our health. We are afraid. Is it because of lack of knowledge or education? We cannot analyze the situation. However, we want to preserve the way of our lives for future generations, we believe that the future generation will become educated and they will get many different degrees. When they become educated, I want them to be able to solve this problem. We just want to maintain this mountain for our next generation.

How do I say this? All the people in this area do not want to have the cement factory here because maybe they lack knowledge about it. Yet, when our next generation becomes educated and develops an understanding of the cement factory, they will know how to deal with the problem. At the moment, we cannot solve this problem.

**Have you ever thought that what benefits the cement factory may bring?**

The local villagers think that none of them will benefit if the cement factory is constructed. We all think that we will only get disadvantages.

**As your husband is the village secretary of this village, can you tell you know about the village? How many houses are there in the village?**

I think there are [censored] houses in Ar--- village according to the [local Myanmar government's office's] records. People in Ar--- village just earn their living from hill farms, cultivations and plantations. We do not want business people who know about trade [they are afraid that outside businesses would take over the local ones].

How do I say? People here cannot make a lot of money. Moreover, the local villagers in this

area are afraid of organisations that may come to the village. Most of the villagers are afraid to talk [if they see strangers]. Personally, I am not afraid to speak with anyone because I was not afraid in the past. Whoever from any organization I see, I tell them how I feel, I do not lie about it. How do I say? I am just honest. I like to stand up for the truth. So I share my feelings with whoever I see.

**What kind of work do the local villagers mainly do in order to support their livelihood? Can you tell me about it?**

In the past, they mainly worked on a betel nut plantation. Now they mainly work on a rubber plantation. However, they do no longer have many acres of betel nut plantation left. They just have one acre or one and a half acres of betel nut plantation. We do not have businesses to make a lot of money. Currently, we mainly work on a rubber plantation but some of the villagers' rubber plantations were destroyed due to road construction. It seems like our plantations are lost. That is the situation in the village.

**Are there many Karen widows and divorcees in this village?**

I think there are widows and divorcees in the village.

**I mean how do they [widows and divorcees] support their livelihood?**

As per usual, our Karen people here just work on the hill plantation to support their livelihood. They are just getting by. Sometimes they go to work as daily labourers. Both women and men get 4,000 kyats per day. Therefore, they just support their families by giving them oil, rice and salt. As you know, our Karen people do not have a lot of work to do. They work on a hill plantation and they work as daily labourers.

**How much does a villager earn per day if they work as a daily labourer?**

One person gets 4,000 kyats per day.

**Do women and men get the same pay?**

Yes.

**In this village, do you have more children who study than the ones who do not? Can you explain that to me?**

In this village, everyone can study at the school. Poor children can also study at the school because it is a Burma/Myanmar government school so children do not need to pay school fees. As for school books, sometimes teachers contribute books for children. That is why everyone can study at the school. In the past, not everyone could study because villagers had to hire teachers.

**What about the local KNU? Do they support the school by providing school materials? Especially for children who cannot study?**

We need to ask school teachers about this. Anyway, I heard that they [KNU] support school teachers.

**How do they [KNU] support school teachers?**

They support school teachers by giving salaries. They pay salaries in Thai Bath. I do not know how much teachers get paid per year. I just heard that KNU gives salaries to school teachers.

**Are those teachers appointed by the KNU or the Myanmar government?**

Those teachers were appointed by the village communities because there are not enough Myanmar government teachers at the school. So KNU pays salaries to the teachers who are appointed by the village community.

**Which clinic and hospital do villagers go to if they are sick? Where do they buy medicine? Is there any clinic in the village?**

Yes. We have a Burma/Myanmar clinic in our village. If villagers are seriously sick, we just send them to the hospital in Mawlamyine.

**When you go to the clinic in the village, do you have to buy medicine or do you get it for free? Who provides medicine in the clinic?**

We have to pay money, but not a lot. It is a good price.

**Was the clinic constructed by the KNU or the Myanmar government?**

The clinic was constructed by the Myanmar government.

**How much do you have to pay for medicine when you visit the clinic? How much do you have to pay if you get an injection?**

I do not know because I have never been to that clinic. Yet, when the villagers went to the clinic, they had to pay fees for three days' worth of medicine. They had to pay between 500 and 1,000 kyats.

**How many days did villagers have to take medicine when they went to the clinic?**

Yes. Villagers received three days' worth of medicine. After three days, they had to come back to the clinic again if they did not feel better.

**So villagers had to pay 1,000 kyats for three days' worth of medicine?**

No. It is not like that. It depends on how many different types of medicine they have to take, but it is not very expensive because it is the Burma/Myanmar government's price.

**What about villagers who do not have money to pay for medicine? Which clinic do they go to if they are sick? Where do they get medicine? Can you tell me about that?**

If villagers do not have money to pay for medicine, they die. They do not go anywhere to get medicine. As you already know about Karen people, they just wait and die rather than go to the clinic if they do not have money. They do not have anywhere else to go.

**Do villagers get support from their community or any organizations? I mean the villagers who cannot pay for medicine when they are sick.**

For villagers who cannot pay for medicine, if they ask for help from others, they would probably get support. However, I do not see villagers seeking help from other people when they are sick.

**Is there anything else that you would like to add?**

Regarding land grants, I want to know how much we have to pay if we want to get a land grant. I would also like to know how much we have to pay for the land measurement fee and how much do we have to pay if we sign a land agreement letter. I want to know about these things because there are a lot of villagers who have to get land grants. Villagers here are afraid to talk or act. If I know these things, I might be able to help other villagers by giving them some money.

**Did they use to measure villagers' lands in the village? Did any villager try to get a land grant?**

There is only one villager who tried to get a land grant. The villager came to me the other night to ask about a meeting that my husband attended. He wanted to know what my husband learned from the meeting regarding road construction. He asked me to give him these details because he requested a land grant. He told me he had to pay more than 100,000 kyats when he tried to get a land grant. He openly told me about his feelings.

**Did he have to pay more than 100,000 kyats for the land grant? Who came to measure his land?**

He told me that it was the KNU [that measured his land]. He said in Karen, *"I had to pay more than 100,000 kyats when they measured one plot of my land. If they measure ten plots of my lands, I think I will have to pay 1,000,000 kyats"*. That is all he told me.

**Is there anything else you want to say regarding road construction or the cement factory? What do you want the KNU or Myanmar government to do for villagers? Do you have any suggestions?**

I do not think I can give advice or suggestions because they know what to do better than us. That is why they became leaders. Right? However, I want to say they should not only look towards the future but also acknowledge the situation on the ground.

**What advice do you want to give KHRG?**

I know that there is an organization who would like to help villagers which gives me more motivation. If I do not know something, I can easily ask them [organizations working for villagers] what I want to know. How do I say? I feel like we have more support for villagers. I also feel happier because there are people who want to help us. It is like fighting a losing a battle but there are people who still stand with us.

**Do you have anything else to add?**

I am tired of the road construction. I worry and I feel tired because if we have to build a house on our lands and there will not be enough space to generate income from agriculture or business? Right? One person or one family will not be fine if they only have one house on their lands. We cannot only do business and we also cannot only do agriculture. Our Karen people's lives will be improved if we can do both business and agriculture. Even though we do both, I do not think we can follow other ethnic people.

Our Karen people are left behind other ethnicities. Now if we lose our lands due to road construction, I am sure that our Karen people's lives here will be worse and poorer. In order to maintain our lands, our KNU has to do something for that. People should not just care about the overall picture but also people's lives on the ground. I want to say that our KNU must stand up for our Karen people.

**Now I will take your picture. Do you consent to have your picture taken?**

It will not be dangerous if I allow you to take and use my picture, right? If it is not dangerous for me, I accept. There are many [armed or political] groups here. So if it is not dangerous, I give you permission. It will not be dangerous, right?

**Yes. OK. Thank you.**

Thank you.

**Source #19**

Log #	16-92-A5-I1
Type of report	Interview
Publishing Information	Previously unpublished:
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

**What is your name?**

U L---

**How old are you?**

I am 65 years old.

**Are you married?**

Yes.

**How many children do you have?**

I have five children. They all have their own families.

**Currently, what do you do to support your livelihood?**

I am working on a hill plantation to support my livelihood.

**What about other work?**

I also work on a banana plantation and a mung bean plantation.

**How much do you earn each year by working on the plantations?**

How do I say this? I just get 200 bunches of banana every month.

**What is the price of 200 bunches of banana?**

I can sell one banana bunch for 100 Kyat.

**How do you sell mung bean? How much do you sell it for?**

I do not know for how much people sell it for in the city but here it [one big tin of mung bean] costs 30,000 kyat.

**Currently, what work do you prioritize?**

We work on many different plantations, including a sugar cane plantation. We work on sugar cane plantation, banana plantation and mung bean plantation.

**Where do you live at the moment?**

I live in Gs--- village, beside the main road.

**Where did you live before?**

I used to live in Htantabin Township 30 years ago. I moved here in 1999.

**What did you work on when you moved to stay here?**

I just worked on hill plantation.

**What challenges did you face in your village from 1999 to now?**

In the past, we did not face any challenges, but we faced many challenges when Kaung Myanmar Aung Company arrived. I lost 500 yards of banana plantation because the Kaung Myanmar Aung Company confiscated it. Some of the mango plantations were not confiscated.

**How many acres of mango plantation do you have?**

It is not like we grow it in one area. We have 24 mango trees in one place, and we grow mango trees in different places.

**Do you have a land title?**

Yes, we do.

**When did the Kaung Myanmar Aung Company start to confiscate your lands?**

They started to confiscate villagers' lands in 2012 but our lands were confiscated in 2014.

**When the Kaung Myanmar Aung company confiscated your lands, did they consult with you? How did they confiscate your lands?**

They did not consult with us. They forcibly confiscated our lands.

Another man: they registered 30 years' land grants from the Burma/Myanmar government. They confiscated our lands, but they had to pay taxes to the Burma/Myanmar government. However, our villagers did not understand anything about their land confiscation process.

**Did they help with resettlement after they confiscated the lands?**

No. They did not help.

**They confiscated the lands from 2012 to 2014. After 2014, what changed about the way they confiscate your lands?**

They use more violence when they confiscate our lands because they have money.

**How do they perpetrate violence?**

They threaten local villagers with knives, wooden sticks and slingshot.

**Did they beat the villagers?**

Not yet. They did not beat the villagers yet, but they always carry wooden sticks, knife and slingshots in their bags.

**Who carried those kinds of weapons?**

The company [Kaung Myanmar Aung] workers.

**If your lands were confiscated, how would you report it to get back lands?**

We've already reported it but nothing has happened.

**Who did you report it to?**

Even though we reported it, nothing has happened. We reported it to Kaung Myanmar Aung company. However, they tried to reject our report. They can do it because they have money. That is why we cannot do anything. It is hard for us.

**Who else did you report it to?**

We reported it to Settlements and Land Records Department and Forestry Department of Burma/Myanmar government.

**What challenges did you face when you reported the land confiscations to the Settlements and to the Land Records Department and the Forestry Department?**

They told me that they cannot do anything because Kaung Myanmar Aung Company has 30 years' land grants. They said that they can confiscate the lands.

**Can you ask to see the 30 years' land grants paperwork?**

The Kaung Myanmar Aung Company never showed it to us. They intimidated us with the law.

**How did they intimidate you?**

They said that they will sue us if we trespass on their confiscated lands.

**Who said like that?**

Someone from The Settlements and Land Records Department.

**Do you know his name?**

No. I do not know his name.

Another interviewee: He is not from the Settlements and Land Records Department. He is from Kaung Myanmar Aung Company.

**Can you tell me about your livelihood since after your lands have been confiscated?  
How do you earn your living now?**

We just have to work on the lands that we have left. That is just only the boundary of the plantation. They do not let us go and look after our cows there.

Another interviewee: No, it is not. Let's just say that there is no land to work on because they posted a sign on that land. The sign says 'No cows and buffaloes allowed'. We cannot do anything. Local villagers do not have any places to live in. Villagers just live in their teak plantation. They forced villagers to leave this area so they had to move there.

Third interviewee: They told me to leave by the end of the month. I told them that I will not leave because I would not have any place to live.

U L--- continues: We moved to stay here, beside the road, because there are some students who live here. What can we do if they cause problems to students? Forestry Department came and told us that we cannot live in the teak plantation. I told them to give us our lands back if they do not allow us to live here. If they cannot give us our lands back I will have to live here, I will have to sue the Forestry Department. They told us that they will also sue us.

I used to live on my farm for 30 years and the students also grew up in this land. I worried that they [KMAC] will cause issues with the students. That is why I left my land silently [without arguing with KMAC]. Finally, we asked for an agreement letter from the middle school's headmaster [that promises that KMAC will not hurt students]. Then the situation got better.

Another man: They made them leave and they also interviewed him. Who are they?

**What is your name?**

U Gt---

**Are you married?**

Yes.

**Do you have a family?**

Yes.

**How many children do you have?**

I have six children.

**How many of your children are married?**

One of my children is married.

**How many of your children are studying?**

One of my children is studying.

**What about the rest of your children? What do they do?**

The rest of my children are just workers. They do not have their own farms. Therefore, they have to work like manual labourers.

**What do you work?**

I work on a mung bean plantation and a banana plantation.

**How many acres?**

They confiscated my plantation. There were 11.5 acres.

**Did they confiscate all acres?**

Yes.

**How did they confiscate your plantations?**

They just confiscated my lands by force. I have cows and buffalos but I cannot look after them anymore because they posted the sign here. It says 'No cows and buffalos allowed and no one is allowed to gather firewood here'. Last year Aung Zaw from Kaung Myanmar Aung Company told me to leave my lands.

**What is Aung Zaw responsible for?**

He is in charge of the plantation.

**Did he come to tell you to leave at your house?**

Yes, he came to tell me that at my house.

**What did he tell you at that time? Can you tell me as much as you can remember?**

He told me, *"You have to leave this place and take your banana trees"*. I did not say anything at that time but my relatives told him *"Why do I have to leave? We cannot leave. If you want us to leave, you have to provide a place for us to stay"*. Then Aung Zaw said *"Why do I have to provide a place for you to stay? You are not my relatives. I cannot provide a place for you to stay"*.

**Did he say exactly that?**

Yes.

**When you were working on your banana plantation and mung bean plantation, did you have a land title or a land tax voucher?**

No. I did not have anything.

**So when did you start to work on this land?**

I have been working on this land for a long time. I think - more than 20 years.

**How many acres were there on your land for you to work on?**

There were 11.5 acres in total. I do not remember exactly.

**Who measured your land?**

We measured the land when we were working on it.

**Where did you live before you came to work here?**

I lived in this village. This is Gs--- village. I am a villager in this village.

**Do you have a house in the Gs--- village?**

No. I do not have a house in Gs--- village, but my plantation is in this village. I do not stay on my plantation. I just live in the jungle. I have a group of cows. Therefore, I cannot live on my plantation with a group of cows because it is too narrow for them to stay there. Currently, I live on my hill farm but I cannot move to live in another place even though the seasons change, depending on the rainy season or the hot season.

**What challenges did you face after Aung Zaw told you to leave your land?**

I did not leave. The Kaung Myanmar Aung Company asked me to leave but I did not leave because I have to rely on this land to support my livelihood. My relatives told them *"You*

*believe in Buddhism and we believe in Buddhism. If we die, we will all go to the place under the ground. So we cannot leave".*

**How will you plan to get your lands back?**

If our elder leader tries to do it, maybe we can get our lands back. But we cannot plan to get our lands back on our own.

**Why can't you plan to get your lands back?**

We cannot plan it because we do not know where we should start. We have a lack of knowledge.

**Currently, who are helping you to get your lands back?**

U Myint Soe. He is working for a farmer's organization [a Myanmar labour agent].

**What does he do?**

He said, *"Do not worry. We will try to get your lands back"*.

**What is his position?**

We do not know what his position is but mostly he is trying to get our lands back. He tries to work for villagers.

**Any other people who help the villagers?**

Another villager interrupted [U Gw---]: I do. I also work for the villagers. The Shwe Swan In Company destroyed farmlands with 250 tons of stone and a stone crushing machine.

**250 tons of stone and a stone crushing machine? How did they destroy the land?**

U Gw---: When the hydropower project was implemented, the Shwe Swan In Company came to produce stone in Kwat Sin. We prohibited it, but they just said that they would just produce the first layer of stone and after that, they will give us our lands back. However, after the hydropower project was finished, they continued to produce stone.

**Who is in charge of producing stone?**

U Gw---: Aung Kyaw Khaine is in charge of producing stone.

**Does he work for a company? What is his position?**

U Gw---: He works for a company.

**What company?**

U Gw---: Shwe Swan In Company. He works for U Maung Maung. He is an assistant of Maung Maung and Shwe Swan In Company.

**What challenges are you facing now?**

U Gw---: I have some challenges. They are mining in Kyaukkyi, close to this village. We try to tell them not to do it. We try to stop it because it will affect villagers in many different ways.

They stop everybody on the road to prevent them from travelling in that area. We told them not to stop villagers from travelling because there are people who are sick and need to go to the hospital or clinic. There are also students who have to go to school.

We also told them that mining affected many villagers' farmlands, but they said that the farmlands were affected paddy fire. We told them that there are no paddy fires in the entire country, but they stuck to their reasoning. However, after a meeting was held in Hton Bo village, the mining project was stopped.

**After the hydropower dam was finished, did they explain to you why they continued the stone mining?**

U Gw---: They did not. They said they requested for a permit to do mining from Myanmar government. They got a permission to confiscate 10 acres of land in order to do mining. However, they mined more than 10 acres of land. Now they live in an area between the villages. There are 160 acres of land in that area. It is farmland. They continued mine on the 160 acres of that land. They planned to force villagers from their farmland.

**Which village are these lands located in?**

U Gw---: The lands are located in Gu---village, Na Ga Mauk village tract.

**Did they consult with the villagers before they continued to conduct stone mining?**

U Gw---: No. They did not. In the past, villagers worked on that land.

**What did the villagers do on that land?**

U Gw---: They worked on a mung bean plantation.

**Can villagers work on the mung bean plantation now?**

U Gw---: No. The villagers could not work on the mung bean plantation anymore since they came to conduct stone mining. Now villagers just grow mung beans on some lands that are not affected by stone mining.

**Are villagers fine with the stone miners now that the villagers grow mung beans on other lands?**

U Gw---: No. Villagers are not fine with them because they continue to request Burma/Myanmar government to conduct stone mining on more lands. They said that they will compensate villagers. Therefore, the villagers have to leave. The villagers cannot leave.

**Do villagers have land titles or land grants?**

U Gw---: Only one villager has a land title.

**What is his name?**

U Gw---: His name is U Gv---.

**How many acres of farmland does he own?**

U Gw---: Five acres.

**What about his farmland?**

U Gw---: There are 250 tons of stone and a crushing machine on his farmland. So his farmland was destroyed by being covered with soil.

**Did they provide any compensation for him?**

U Gw---: No. They did not provide any compensation. Moreover, they threatened the villagers.

**What is your name? Can you also tell me your address?**

U Gw---: My name is U Gw---. I work on a farm and I also have my own cultivated land. The place where I live is close to the place that they conduct stone mining.

**Did they tell you to leave your place?**

They did not tell me to leave yet because maybe the villagers are very active in trying to stop them. Now they do not often tell us to leave. However, in the past, they would often come and tell villagers to vacate their lands.

**How did they come to inform the villagers in the past?**

They told villagers that they had to get off their lands and that they could not build any houses here because they have already requested for a permit from Burma/Myanmar government to conduct stone mining in the 10 acres of land. They also said that they paid tax to Burma/Myanmar government.

They also continued to conduct stone mining in another area. They said they would give compensation to villagers, therefore, the villagers had to leave. I do not think they should continue mining stone anymore.

**Why should they not continue mining stone?**

They think they should continue to mine, but the villagers are trying to be proactive to protect their lands. So I think they should not continue to mine stone anymore.

**How were villagers proactive?**

Villagers attended a meeting in the Htoe Boh village. I can show you pictures of the Htoe Boh meeting. Villagers were invited to attend the Htoe Boh meeting. In the meeting, villagers reported the number of acres of their lands that were destroyed. In fact, Shwe Swan In Company only took the accountability for destruction due to building P'lat Wah bridge. They

did not solve any other problems regarding any other lands.

**Did they not solve any problem related to stone mining?**

No, they did not solve any problems. They should solve such problems.

**How many companies attended the meeting?**

Only Shwe Swan In Company attended the meeting.

**How many companies were invited to attend the meeting?**

Three companies were invited to attend the meeting: Shwe Swan In Company, Arr Nan Nan Company and Kaung Myanmar Aung Company.

**What did villagers report in the meeting?**

Three villagers from Gs--- village reported that villagers' farmlands were destroyed. These three villagers are U Gx---, U Gy--- and U Gz---. One villager from Ha--- village reported about [destruction of] a bridge in the village. Two female villagers from Hb--- village and villagers from Ab--- village also reported [the negative consequences of development projects in their communities]

**When the country is in the peace process, how do you feel about the farmland confiscations?**

We feel lost. It feels like our hearts were stabbed by a spear. When our villagers felt lost, I really tried to help them. Some of the villagers came to sleep here. I want my villagers to be able to work on their farmlands but almost everyone in the village lost their farmlands. Some villagers moved to find jobs in other places because they no longer have any farmland to work on. Some villagers went to Moe Kote [Mogok] city and Lar Shoe [Lashio] town to look for a job. Only a few villagers are left in the village. We were landowners, but we have become workers.

**Did your children go to look for jobs in other places?**

U Gt---: They do not have any farmland to work on. Therefore, they left the villager and gone to other places to look for jobs.

**How much money do your children earn each month?**

They earn 120,000 Kyat per month.

**Do they have a contact with their parent?**

Yes. They have a contact with their parents. Some children have to work for Kaung Myanmar Aung Company even though they do not want. They have no choice.

**How much money do they earn each month working for Kaung Myanmar Aung Company?**

They earn 120,000 kyat per month.

**What do they do for Kaung Myanmar Aung Company?**

They follow elder people in order to confiscate villagers' lands.

**When Kaung Myanmar Aung Company confiscated the land, the villagers' children were involved. Right?**

Yes. They were involved. Now the children from our village work for Shwe Min Si.

**What do they work on in Shwe Min Si?**

Shwe Min Si [Company] is also related to the Ko Khin Maung Aye, but as the Shwe Min Si company has a problem with land confiscation. The children were sent to Shwe Min Si.

**Where is Shwe Min Si?**

It is a green Ngwe Daw building. On the other day, we followed our children to check up on them, as we do not feel as they are safe. We do not want our children to work there. A group of workers, led by Ko Thein Tun, is in charge of growing teak plantation on villagers' lands. His groups cut villagers' eggplants down off their lands. Ko Thein Tun is in charge of the teak plantation. He initially came to tell me that he does not want to do any harm to the villagers because they are from his village. Therefore, he just grew teak without cutting off any eggplants. However, he was scolded for it.

**Who scolded him?**

His senior staff from his company scolded him because he did not cut the trees down. They also cut the banana trees down from the plantations that the villagers had planted. They are very rude.

**Did you go to talk to them when they came to cut the trees down?**

U Gw---: They did not come to cut my trees yet, but they will.

U L---: There were 500 banana trees on my land, but they cut all of them down. These banana trees are not planted by me. These were planted by other villagers in the past.

I have to make money for religious and social purposes by working on a banana plantation. Our children get school fees from these banana plantations. They [Kaung Myanmar Aung Company workers] said what if they cut the trees down. Therefore, we reported it to the village administrator, Poe Htaung. We asked Poe Htaung to solve this problem. We were not satisfied with banana trees being cut down, so we asked the village administrators to call the responsible company for us to speak to them. Then, we asked the company to compensate us for the 500 banana trees that were cut.

After that, Poe Htaung called village tract leader in order to fix our problem, as a follow-up the village tract leader called the company to come and count how many banana trees had been cut.

The company also burned down a mango plantation. The company's representatives said

the company did not do anything. How did they not? The banana plantations and mango plantations are in the same land area. We asked the [Kaung Myanmar Aung Company workers] to notify us if they try burning the mango plantation down, so we can try to protect it. However, they secretly came to burn the plantation at noon. I told them not to touch my banana plantation before they clear the forest.

Was I wrong? Or are they wrong? In fact, they did cut my banana trees when they came to clear the forest. That is why I asked Poe Htaung to solve this problem. He told me that they will compensate me but I would have to wait for seven days. Then one month passed, and then another three. After that, I told Poe Htaung this it is the time to solve this problem. If they come in my land again, I will just kick them out. If any problem occurs, I will take responsibility for it.

The youngest son [of one of the villagers] asked not to call this uncle [Poe Htaung] if he goes to solve the problem next time [get compensation] because it would make it more complicated. They [company] just secretly gave 36,000 kyat to the youngest son as a compensation for 500 banana trees [as the son secretly negotiated with the company]. Think about it carefully.

**Did they just give 36,000 kyat for 500 banana trees?**

Yes. That was it, but I only asked for compensation for the banana trees. I did not ask for compensation for land destruction.

**Did he have to sign anything when he took the compensation?**

No. I think he [the youngest son] did not sign anything.

**Who compensated you [your son]?**

Kaung Myanmar Aung Company compensated, but those banana trees cannot be grown again.

**What about other people [other interviewees]? Do you want to tell us about anything else?**

U Gw---: We want our lands back. We do not want to sell our lands if we get them back. We just want to keep our lands for our next generations.

U L---: I had four plots of lands for my four children but those lands were confiscated. Only a small piece of land was not. Therefore, we just work on that piece of land. I am not happy. The Company sometimes came to take a look at what we were doing on our piece of land. However, I decided to grow plantation on this small plot of land. If problems occur, I will face them.

Saya U Myint Soe came to help us. Now, I feel like I have more energy. Right? I met you too. If we have some people who want to help or stand with us, we are happy.

U Gt---: We did not dare to grow trees. We also did not dare to burn the bushes. We are afraid to go to jail. It is hard if we move forward or move back. We will not have food to eat if we cannot work on this land. One bag of rice every 10 days is not enough for my family.

U L---: The company bribed the Settlements and Land Record Department and the Forestry Department to oppress the local villagers. That is all that I have to say. It is all clear.

U Gw---: The company planned to do everything to oppress the villagers. By the time we started to dig the roots of our plants, the company came to destroy all the plants and they confiscated the lands.

**When did you grow these plants?**

U L---: In 2014, the company said *"Do not say anything. If you want to say something, call our elder leaders to come to and fix your problem."* Their elder leaders did dare not to come here. If they come here they will have trouble with the villagers. At the moment, they are not actively trying to confiscate our lands.

**After the consultation meeting was held, did any villager come back to work on their lands freely and peacefully?**

U L---: The company did not continue to confiscate our lands. However, we did not work on the confiscated lands. If we touch their plants in their confiscated lands, we worry that they will burn our plantation. Now villagers live in fear. Whoever comes, police, Tatmadaw, Land Department or companies, villagers are always afraid of them. The Tatmadaw came to threaten villagers; they asked, *"Why are you growing trees? This land is an area designated for target practice. You cannot grow anything here, leave"*. Then they burned our plantation in front of the villagers. The police is the same as the Tatmadaw. Tatmadaw said they already confiscated 578 acres of land for target practising area.

**Did Tatmadaw confiscate 578 acres of land for target practising area a long time ago?**

U L---: Not a long time ago. They confiscated it recently.

U Gw---: In the past, they did not set up any signposts on the land. The Tatmadaw just came here and said that they confiscated our lands in the past. They came from the Bin Yit Naung town camp. Later they came to set up a signpost that said that this land belongs to them. That is why the villagers held a demonstration.

**After villagers held a demonstration, did they [Tatmadaw] come to meet with the villagers?**

U L---: No.

**The Tatmadaw did not hold a consultation meeting with the villagers. Correct?**

U L--- and U Gw---: No.

U Gw---: They also did not remove the signpost. I took some pictures of the signpost to show you, but my phone's battery is dead. They did not come to ask any question either.

U Gw---: They asked us *"Do you know where the target practising area located, from where to where?"* They told us that this target practising area spans from the signpost that Kaung Myanmar Aung Company set up to the west. All of this land is designated for target practice. If that is the case, our villages will become beggars because our villagers do not have any land to work on. What can we do? Kaung Myanmar Aung Company confiscated the land and

then the Tatmadaw did. Therefore, we want your organization to help us.

**Do they [company] use the wooden sticks, knives and slingshots to protect their confiscated lands?**

U L---: No. If we go to the confiscated lands, they are told to shoot us.

**Who told the company staff to shoot you?**

U L---: Senior people from the company told them to shoot us.

**If villages act against the company, they will shoot at you. Correct?**

U L---: Yes. The senior people from the company said they will deal with the problem if something happens. We have to watch our backs.

**Did the senior company employees tell their staff to shoot villagers a long time ago?**

U L---: Yes. A long time ago. They also hired thugs. Some bad people left the company because they do not get along with the company. The company also trained them.

**Where did they train them?**

U L---: At Kaung Myanmar Aung Company. They trained them on how to fight.

**Where did you hear about it?**

U L---: We know about it because my grandchild works and he saw it himself and then he told us about it. The company told him that he needs to be careful because one day the company will have a conflict with the local villagers.

**So they already trained your grandchild?**

U L---: Yes. They already trained my grandchild. He asked his father what he should do [whether he should carry the company's orders]. His dad told him that he should just do what they ask him to do.

**Who conducted the training?**

U L---: People who used to be soldiers [former Tatmadaw soldiers]. They work for Kaung Myanmar Aung Company. They teach the Kaw Myanmar Aung Company workers to dare to kill, dare to cut as their vow [to protect the company]. This troubles the villagers.

**Thank you so much for sharing the information. Is there anything else you would like to add?**

U L---: No. That is enough. We do not have anything else to add.

**OK. Thank you.**

U L---: Yes. Thank you.

**Source #20**

Log #	17-103-D2
Type of report	Other Document
Publishing Information	Previously unpublished
Location	Win Yay Township, Doooplaya District/southern Kayin State
Full Text	

**Karen National Union  
Win Yay Township**

Permission Letter

Date: October 10<sup>th</sup> 2017

The Karen National Union in Win Yay Township gives permission to Director U Aung Min and assistant Geology Officer U Tin Ko from the Myanmar Department of Geological Survey and Mineral Exploration, Ministry of Natural Resources and Environmental Conservation from Nay Pyi Taw to come to examine the cement production on Khonkhan rocky mountain between October 14<sup>th</sup> and October 16<sup>th</sup> 2017.

Relevant departments of the Karen National Union are requested to help this happen based on what is needed.

Note: We guarantee that local residents will be fully safe and secure [if this cement production project is approved].

[Signature: \_\_\_\_\_]

Chairperson  
Karen National Union  
Win Yay Township  
Saw Maung Shwe

Copy-

- (1) Vice-chairperson (Wa Ya)
- (2) Battalion #16 office
- (3) Company #2 office, a branch of Battalion #16
- (4) Secretary
- (5) Office copy

**ASIA FALCON CO.,LTD**

No. (18), Waizayantar street, (6) Quarter, South Okkalapa Township, Yangon, Myanmar.  
Tel: 01578532, 09448003689, 09402751339 Fax: 01578532

Letter no: 029/ Limestone (Geology) AF/2017

Date: October 9<sup>th</sup> 2017

To Chairperson  
Karen National Union  
Win Yay Township

Doooplaya District

**Subject: Request permission for a field investigation group to come to examine limestone production survey activities on Khonkhan rocky mountain in Kyainseikgyi Township, Karen State.**

1. Regarding the information above, Asia Falcon Company discussed and negotiated with the Win Yay Township chairperson of the Karen National Union and came to observe the situation in the field from March to December 2016 in order to conduct a survey of (industrial mineral raw materials) and the possibility of stone production on Khonkhan rocky mountain in Three Pagoda Pass sub-township, Kyainseikgyi Township, Karen State.
2. A mineral exploration group led by the Asia Falcon Company and a field investigation group led by the Director of the Myanmar Department of Geological Survey and Mineral Exploration, Ministry of Natural Resources and Environmental Conservation from Nay Pyi Taw will be coming to conduct a survey in the field, starting from October 14<sup>th</sup> to October 15<sup>th</sup> 2017.
3. Therefore, a permission (order) letter is respectfully requested for the field investigation group to come to examine the situation of stone production in the area around Khonkhan rocky mountain in Three Pagoda Pass sub-township, Kyainseikgyi Township, Karen State.

The list of individuals in the field investigation group is provided with the attached letter.

[Signature: \_\_\_\_\_]

Representative of the Administration Director  
Asia Falcon Company  
(Yan Naung Soe, Manager)

Copy-

(1) Office copy

**A name list of Field Investigation Group**

1.	U Aung Min	Director	Myanmar Department of Geological Survey and Mineral Exploration, Ministry of Natural Resources and Environmental Conservation from Nay Pyi Taw
2.	U Tin Ko	Assistant Geology Officer	Myanmar Department of Geological Survey and Mineral Exploration, Ministry of Natural Resources and Environmental Conservation from Nay Pyi Taw
3.	U Than Tun	Senior Geologist	Asia Falcon Company
4.	U Min Thet Khaing	Manager	Asia Falcon Company
5.	U Htin Kyaw	Staff	Asia Falcon Company

**Source #21**

Log #	17-121-CL1
Type of report	Complaint Letter
Publishing Information	Previously unpublished:
Location	Thandaunggyi Township, Toungoo District/ northern Kayin State

Full Text
<p>To:</p> <p>U Htin Kyaw President of the Republic of the Union of Myanmar Naypyidaw</p> <p>Daw Aung San Suu Kyi State Counselor Minister of Foreign Affairs Naypyidaw</p> <p>U Henry Van Theio Second Vice President of the Republic of the Union of Myanmar Naypyidaw</p> <p>U Myint Swe First Vice President The Republic of the Union of Myanmar Naypyidaw</p> <p>U Win Myint Chairman of the Pyithu Hluttaw (Lower House) The Republic of the Union of Myanmar Naypyidaw</p> <p>U Mahn Win Khaing Than Chairman of the Amyotha Hluttaw (Upper House) The Republic of the Union of Myanmar Naypyidaw</p> <p>Senior General Min Aung Hlaing Commander-in-chief of the Myanmar Armed Forces The Republic of the Union of Myanmar Naypyidaw</p> <p>Lt. General Sein Win Incumbent Minister of Defence Ministry of Defence The Republic of the Union of Myanmar Naypyidaw</p> <p>Lt. General Kyaw Swe Incumbent Minister of Home Affairs Ministry of Home Affairs The Republic of the Union of Myanmar Naypyidaw</p> <p>Daw Nan Khin Htway Myint Chief Minister of Karen State</p>

Hpa-an Town

Ministry of Security and Border Affairs  
Kayin State  
Hpa-an Town

U Ba Myo Thein  
Chairman of Farmer Affairs Committee  
Amyotha Hluttaw (Upper House)  
Naypyidaw

U Kyaw Myo Min  
Director  
Farmer Affairs Committee  
Naypyidaw

U Saw Tin Win  
Pyithu Hluttaw (Lower House)  
Naypyidaw

Major General Aung Ye Win  
Ministry of Defence  
Spokesman  
Naypyidaw

U San Myint  
Chairman  
Amyotha Hluttaw, Complaints Committee

U Zaw Htay  
President's spokesperson  
Ministry of President Office  
The Republic of the Union of Myanmar  
Naypyidaw

Major General Aung Soe  
The Deputy Minister of Home Affair  
Naypyidaw

U Tin Myint  
Permanent Secretary  
Ministry of Home Affairs  
Naypyidaw

Lieutenant General Sein Win  
Permanent Secretary  
Ministry of Defence  
Naypyidaw

U Khon Maung Thaung  
Pinlaung Constituency member

Naypyidaw

Chairman  
Land Assessment Committee  
Kayin State Government  
Hpa-an Town

Chairman  
District Land Assessment Committee  
Kayin State Government  
Hpa-an Town

Chairman  
Thandaunggyi Township Land Assessment Committee  
Kayin State Government  
Hpa-an Town

Brig-Gen Myat Kyaw  
Commander of Southern Command  
Toungoo Town

Village/Section  
Chairman  
Section #5  
Land Assessment Committee  
Section #5

To:

Independent Labour Union

Complaint Letter

Date: October 23rd 2017

Subject: This letter is about land owned by a citizen that has been confiscated by the [former]  
Kayin State Chief Minister U Zaw Min.

In reference to: Even though the land was confiscated in accordance with the 1894 Land  
Acquisition Act, the original owner experienced harm. Therefore, the confiscation was arbitrary.

In reference to: The Vacant, Fallow and Virgin Lands Management Law (The Pyidaungsu  
Hluttaw Law No.10/2012) Chapter #8, Article #25 (a,b,c)

Bylaw: Chapter #6, Article #52 (a,b,c)  
Bylaws that have been adjusted for Vacant, Fallow and Virgin Land Management  
Laws  
The government of the Republic of the Union of Myanmar

Ministry of Agriculture, Livestock and Irrigation

Order announcement letter #5/ 2013 (May 17<sup>th</sup> 2013), Ministry of Agriculture, Livestock and Irrigation enacts the law according to the Vacant, Fallow and Virgin Management Laws Article #34 (a).

Article #7

In Vacant, Fallow and Virgin Management Laws, Chapter #6, Article #52 (b), if plantation lands are among the confiscated lands, even though farmers are not allowed to work in there legally, they should be managed based on their desire and avoid harm to them.

In reference to: 2012 Farmland Law

2012 Union Parliament Law #11 (March 30th 2012)

Union Parliament enacted this law.

Chapter #9, Article #26

Chapter #11, Article #32

In reference to: The Law of Protection of the Farmer Rights and Enhancement of their Benefits (2013)

In reference to: The Republic of the Union of Myanmar

Central Committee for Rescrutinising Confiscated Farmlands and other lands

Letter number: #1/ committee/ land (central) 2016

Date: June 18th 2016

On behalf of the chairman  
(Major General Aung Soe, Secretary)

In reference to: The Republic of the Union of Myanmar

President Office

Order announcement letter #14/2016

May 5th 2016

Forming Central Committee for Rescrutinising Confiscated Farmlands and Other Lands

Number #4: The current government is trying to prioritise to solve the land disputes and land issues as quick as possible. Therefore, land confiscation should be stopped until the issues are solved in compliance with the law.

Htin Kyaw  
President  
The Republic of the Union of Myanmar

Notice: In regards to the lands that have been relinquished by ministries, companies and private businessmen, there should be the process to return the lands to the relevant prior owners as soon as possible.

Land should be returned as soon as possible to people who have land use certificates. Procedures to issue new land use certificates should be carried out within three months' time.

Relevant ministries need to ensure that remedies such as compensation are provided for people whose land was confiscated. Financial records that prove compensation should be facilitated by

the government.

Related to providing compensation, the relevant authorities must undertake meaningful consultations and negotiations with the person that will receive compensation in accordance with the existing law to avoid harm to landowners during land disputes.

Relevant authorities should make sure to hold consultations and negotiations with the person whose land is due to be confiscated. It should be done in accordance with existing laws to avoid harm to landowners and to avoid creating additional disputes.

In reference to: Law Protecting the Privacy and Security of Citizens  
Union Parliament Law 5/2017  
8<sup>th</sup> March, 2017

The Constitution of the Republic of the Union of Myanmar states that Union Parliament has passed the law of citizen privacy and personal safety protection. [This means that in the Myanmar constitution it is stated that the government is responsible for citizen privacy, safety and protection.]

Chapter #1, Article #2 (d)

Security means the security of private affairs of a citizen. It shall also include the security of residence or residential compound and building in the compound, possessions, correspondence and other communication of a citizen.

Chapter #2, Article #4

The Relevant Ministry, government departments and Responsible Authorities shall ensure that the privacy and security of the citizen is protected.

Chapter #3, Article #5 (a)

Ensure that there is no damage to the privacy and security of the citizen except where this occurs in accordance with existing law.

Chapter #3, Article #6

If the Relevant Ministry or Responsible Authorities receive a complaint under this Law, they shall take action in accordance with the law. If the complaint does not relate to their activities, they must reply to the complainant within 30 days, stating the reasons and advising on which organisation to direct the complaint.

Chapter #4 – Restrictions, Article #8 (g)

No one shall unlawfully seize the lawfully-owned movable or immovable property of a citizen or intentionally destroy either directly or by indirect means.

Dear Sir/Madam,

I, Saw Fm--- (also known as) U Saw Fn---, (National ID – censored for security), live in Section # (censored), Thandaunggyi Town, Kayin State. We have been living here for generations since 1940, before Burma/Myanmar became independent. I have been working on a parcel of land 10 acres wide on Holding #461/b, Field #OSS-2 Taw Pya Gyi field. I have planted tea leaves and other various plants. My wife is a school principal [in a Myanmar government school] and my daughter is a staff member there. Our family members are government staffers and we do honest work. However, our land was confiscated for the first time by an Artillery Unit from Bu Yin

Naung military training school. The plantation land that we have been peacefully working on was arbitrary confiscated by the Tatmadaw. We lost our land without receiving any compensation, remedies or other support. General [former Colonel] Zaw Min (the [former] Kayin State Chief Minister) gave an irrevocable order to confiscate 10 acres of plantation lands while he was on his trip visiting the region.

The [former] Kayin State Chief Minister [former Colonel] Zaw Min left [relinquished] 0.33 acres of land for us to stay on. The administrators of Thandaunggyi Township already sent an agreement letter to us. But, in 2012, the [former] Kayin State Chief Minister Zaw Min issued an order to confiscate what remained of our land. Our family has lost all of our land. As we are government staff, we are in a lot of pain. According to the 2008 constitution, we are not entitled to protection. There were no benefits for the land confiscation either. Land laws cannot protect us. The Law Protecting the Privacy and Security of Citizens cannot protect us, even though they should. We, U Saw Fm---, my wife – school principal Daw Fo--- and my daughter – a teacher, are a family of government staff. We need to question the existing laws that fail to protect us. Therefore, we would like you to assess the situation and help us reclaim our land and acquire compensation and remedy.

When the authorities conducted their assessments for Pa Thi Dam, which is located in Sin Phyu Taung area in Kayin State, they cheated their higher-ups by submitting information that was not correct. We only see people from the House of Representatives confiscating lands in Kayin State. We have seen that the families of the House of Representatives approach and cooperate with the military [Tatmadaw], relevant authorities and administration groups to confiscate lands. People from the House of Representatives are lazy and do not work. They do not correctly report on the records and incidents to their authorities. The elected government should solve the problems of farms affected by land grabs. I would like to urge the government to assess and solve this problem in order to increase the civilians' trust.

We have all the [necessary] documentation, including Land Form #105. Administrators and elders respected by the community agree that our family owns the land. Because it violates our rights that are stated in the constitution, I would like to request you to address our issue because only by applying the existing laws can you help us to retain our land.

Joint letter        - a copy of Land Form #105  
                         - a copy of a letter stated the land has been confiscated

Sd.  
U Saw Fm--- (or)  
Saw Fn---  
(Censored the address for security)  
House Number (censored),  
Thandaunggyi Township, Kayin State  
Phone: 09-49784426

Photocopy-

- Received by

(On behalf of) Sd.  
U Myint Soe @ Labour Myint Soe  
General Manager (GM)  
Independent Labour Union

12/Ma Ga Da (N) 093767  
No. 968, 1 Quarter, Htuparone 7Street,  
Tharkayta Tsp, Yangon. Ph: 09-448535984

Sd.  
Saw Doh Htoo  
7/Hta Ta Pa (Naing) 067704  
Section #20, Myogyi Street, Toungoo Town  
Phone: 09-450390086

-----  
Township General Administration Office  
Thandaunggyi Town, Thandaunggyi Township  
Letter # 4 / 2 – 20 / U 1  
Date: June 4th 2011

To,  
U Saw Mu Ha  
Section #5, Thandaunggyi Town  
Subject: Land confiscation for a government department

1. 10 acres of U Saw Mu Ha's plantation land, field # (OSS 2/1), field name (Taw Pya Gyi Field), Holding #461, lives in Section #5, Thandaunggyi Town, Thandaunggyi Township was confiscated on June 22<sup>nd</sup> 2011. On that day, [Kayin State] Chief Minister's group visited Thandaunggyi Township. The plantation land was confiscated in order to carry out works for public benefits.
2. Therefore, we would like to inform U Saw Mu Ha that we do not allow you to sell or transfer the land to anyone else.

Sd.  
Township administrator  
(Saw Koo Ri – Pa/ 3618)

Photocopy –

- Chief Minister, Kayin State Government, Hpa-an Town
- Cantonment Commander, Bu Yin Naung Army, Bu Yin Naung Army Town
- State Administrator, State General Administration Department, Hpa-an, Kayin State
- District Administrator, District General Administration Department, Hpa-an Town, Hpa-an District
- Head, Township Land Department, Thandaunggyi Township
- U Maung Htway, Factory Head, Dried Tea Leaf Factory, Section #4, Thandaunggyi Town
- (We would like to inform that the confiscated land cannot be sold or transferred, and to remove all the trespassed huts and planted plantation on June 25th 2011)
- Received by office/ copy and other documents

**Source #22**

Log #	17-125-A1-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Thandaunggyi Township, Toungoo District/northern Kayin State
Full Text	

**Interview Date:** November 3, 2017

**What is your name?**

My name is Saw Q---

**How old are you?**

I am 42 years old.

**Are you married?**

Yes, I am.

**How many children do you have?**

I have five children.

**What is your occupation?**

I am working on a plantation.

**Where do you live?**

I live in A--- village, Thandaunggyi Township, Toungoo District.

**What are the main types of agency strategies that villagers use if they have concerns about negative development projects coming to their area?**

Mostly, the development projects [in the area] are long-term plantations. This means that lands are often confiscated for these projects. Sometimes it leads villagers' displacement because they have to leave their homes due to development projects. Some people have even been sued.

**Did this happen before or after the 2012 preliminary ceasefire?**

The land confiscation relating to corporate development projects has been occurring since 2000. Land confiscation has occurred since 2000 until now, 2017, but the situation has not been resolved yet. I mean that the case is connected with a lawsuit. Villagers are trying to protect their land from land confiscation so they fence their land, protest on the street and submit complaint letters. They also submit complaint letters to the KNU authorities to help solve their problems and to get back their land. They are doing these types of activities.

However, if you asked me whether they are successful with what they are doing? I would answer they have not had any successes until now.

**I would like to mainly focus on the village agency strategies that they [villagers] use in cases where they face human rights violations that have happened due to development projects after the 2012 ceasefire.**

After the 2012 preliminary ceasefire, the act of land confiscation became more obvious. In the past during military-rule, villagers were very weak and unable fight against land confiscation. They also did not feel safe to fight against it. They lived in fear. They started to feel more confident to raise land confiscation as an issue after the 2012 ceasefire.

Nowadays, you will see that the Kaung Myanmar Aung Company (KMAC) and Tatmadaw who are confiscating villagers' land in Toungoo District. Not only them, there are also other companies including the Asia World Company that are confiscating villagers' land. The land that was confiscated in 2000 has been confiscated still after 2012. To build a dam, the Asia World Company confiscated villagers' land in 2000.

**Which dam?**

It is the Thauk Yay Hkat hydropower dam, which is also called the Htone Bo Dam. The dam was scheduled to begin operations in 2000 by the Shwe Swan Inn Company. In 2014, villagers reported to the KNU that land had been flooded and land had been confiscated by the company. Villagers received some compensation from the company [for damages].

**You said that the agency strategies that villagers use are demonstration/protest and submitting complaint letters. What are the challenges of these types of agency strategies?**

On April 25<sup>th</sup> 2014, the Asia World Company/Shwe Swan Inn Company that implemented the Htone Bo Dam project paid compensation money for confiscating villagers' land.<sup>10</sup> When they built the dam, the land flooded and water covered all the roads and bridges around there. Because they do not have a bridge anymore, villagers have had to travel by boat to go to another place. It is very hard for villagers to travel. A car sank under the water after being placed on a boat. Therefore, the villagers requested [the company] to build a bridge for them.

They [villagers] also protested against the construction of a new dam called Thauk Yay Hkat. The company that implemented the Htone Bo Dam and Shwe Swan Inn Company promised to agree with villagers' request. They met with the KNU authorities as well as villagers. Even though they said that they would build a bridge requested by the villagers, the bridge has not been built until now. They promised the villagers that they would complete the bridge by April 2014. Villagers also waited to see what would happen. Because the company did not fulfil their promise, villagers started protesting against them on April 25, 2014. The bridge has still not been built until now.

**What are the successes of these types of agency strategies?**

To look back at the agency that the villagers used, there were a few successes. In some

<sup>10</sup> Asia World and Shwe Swan Inn refer to the same company.

places, villagers received compensation but in other places, they have not received any compensation at all. Some of the villagers received a small amount of compensation from the Shwe Swan Inn Company. Htone Bo village is flooded but local villagers have not received anything until now. They cannot measure the land that has gone under water. So, there are few successes that villagers have had so far.

**What is the reaction of powerful actors to these types of agency strategies?**

The villagers reported the case to the KNU and also reported the case to the Burma/Myanmar government. They also reported the case by letter to the relevant companies. The KNU helped villagers in some places so that villagers could receive compensation. However, some cases that were submitted to the Burma/Myanmar government have been transferred to the KNU authorities.

When the KNU met with the companies [to discuss the complaints], they responded that they have been permitted [to implement projects] by the government. Villagers still submitted complaint letters to receive compensation. I think if these three powerful groups [KNU, Burma/Myanmar government, companies] work together to solve the problem, the problem can be resolved easier. The current situation is that only one group is working and the other two are not, so it is not enough to have these problems solved. It also shows that they do not care about civilians.

**I need to clarify something about the company names. You have mentioned the Shwe Swan Inn Company and Asia World Company. Are they the same or separate companies?**

They are the same. At first, the company's name was Asia World. In the past, Asia World was unpopular and had a bad name because they committed human rights abuse throughout their operation areas by doing logging, gold mining and other development projects. They also worked with the military government and conducted projects without prior consultation with villagers. After, when the Tatmadaw and other ethnic armed groups including the KNU signed the preliminary ceasefire in 2012, the Asian World Company changed its name to Shwe Swan Inn Company. They just want to erase their bad name and make a new name for themselves.

**So, the company name was Asia World before 2012?**

Yes.

**Now, they change their name to Shwe Swan Inn just to erase their bad name?**

Why I can say about this in detail is that, in March 2017, a Shwe Swan Inn Company manager told me about the company. I forget the name of the manager. He said that the company was founded by Laung Sitt Han, a son of Kon Sa. He cooperated with the Burma/Myanmar government to build the Htone Bo Dam. But after the dam was constructed, he said that it was a privately owned dam. Later on, we knew that this company somehow had connections with the government.

**How do powerful actors seek to undermine or limit the success of villager agency strategies?**

There are around four to five companies in the area. To weaken the success of village agency strategies, they ask for documents from the villagers such as land titles or a permission letter from the government. So, this really causes problems for villagers.

In the past, they did not apply for or have Land Form #7. Land Form #7 was introduced in 2012 or 2014. In this case, some villagers missed their chance to apply and some could not afford to apply for it. So, when the companies ask [villagers] to show documents, many of the villagers cannot show them. There is flooding in the upper part of the Htone Bo River where the whole area was confiscated by the company. In the lower part of the river, the Asia World Company is developing a long-term plantation project.

Again, the Asia World Company works on stone production and brings their stone cracking machines with them to the project site. They identified the land around Htone Bo Dam as their land. They mine stones and break down the rock with the cracking machines. They threaten the villagers when villagers go to ask about this. They reply that the villagers should not come and talk to them but go to talk with the government directly. They also said, "*We do this because we have permission from the government*". So, this is a huge challenge that villagers face and undermines village agency.

**What are the main types of agency strategies that villagers use if they have experienced development-related abuses?**

Firstly, they submit complaint letters to the village administrator but the cases cannot be solved by the village administrator. This is because the companies influence the village administrator. Then villagers submit [complaint letters] again to township and regional level administrators to solve their problems. However, their problems are usually ignored.

In addition to this, villagers were even sued by companies. They submitted complaint letters for a long time but no one out there has helped them solve their problem. When no one was taking action, villagers started fencing their land before they were sued [by the companies]. They submitted the letter but they were ignored and they have not received any compensation. They submitted the letter because they want to get back their land. The companies and relevant authorities have not taken any action to protect villagers.

Therefore, villagers organised themselves and started fencing their own land. They cut bamboo to fence their land to prevent the companies from entering. Companies such as Kaung Myanmar Aung mostly do long-term plantation projects like growing rubber and teak trees. The Kaung Myanmar Aung Company grows teak trees on villagers' land. The land is recognised as "vacant, fallow, virgin" by the government. In 2009, the government permitted the company to use 2,400 acres of land. All of the permitted lands are lands used by local villagers.

The only thing that villagers can do to protect their land is to stay on their land and not to leave the place at all, because there is nowhere for them to stay if they lose their land. They have been hustled to leave the place but villagers just remain there because there is nowhere for them to go apart from the land they currently live on. So, the companies sue them [villagers] for being there.

The worst thing I have ever heard and seen is that there are more than 30 acres or 50 acres of Daw Bs---'s land in Na Ga Mauk/Htone Bo area that has been confiscated by the KMAC owner U Hkin Maung Aye. His manager is U Saw Maung. They confiscated around 50 acres

of Daw Bs---'s land and hustled her to leave. She is widowed and she found a place where she has only a little space for herself. In order to cover her house with a tarp, she has been unable to make poles. She cannot afford to buy the poles and she has no idea where to go and find them [from the jungle] as well. So, she just tied up a small bamboo hut on U Hkin Maung Aye's small teak tree plantation and set the tarp on top of it.

**What happened to her house?**

She does not have her house anymore. It was broken down by the company and she was hustled to leave. This happened when Htone Bo village was relocated because the company planned to build a dam. As she did not have her house anymore, she returned back to her place and she was later on hustled by the KMAC staff [to leave].

At that time she was sobbing and saying *"I have this amount of land. Just give me 500,000 kyats per acre of land as compensation. Instead, I do not even have enough space for myself."* U Hkin Maung Aye wanted to see her in order to pay compensation but his staff did not want him to meet her. His staff said that it will be problematic if he goes to see her.

**I am not clear why U Hkin Maung Aye could be stopped by his staff even though he is the owner of KMAC?**

Daw Bs--- wanted to meet U Hkin Maung Aye to tell him that her land was confiscated. She wanted to meet him by herself because she cannot read or write. She wanted to express her feelings to him. But, she was not allowed to by one of the representatives of U Hkin Maung Aye.

**What factors make it more likely for multiple villagers to work together instead of working separately?**

I would like to recall one case that I know. Three villagers were sued between 2012 and 2014.

**Who sued them?**

KMAC. U De--- and Saw V---, they are father and son, were sued by the KMAC. KMAC raised the issue that they were trespassing and working on the company's land.

**When were they sued?**

They were sued in February 2014. I met with them and we had some conversations about the case. At that time, they faced trial and I followed them. The company suing them is like them making a threat because the company wanted other villagers to see this and to be afraid of them. When this happened several times, in 2015, villagers started to know that it is not effective to face the company alone.

Therefore, villagers tried to organise around five or six neighbourhood villages that included Yay Ao Sin village, Nan Ga Mauk, Htone Bo, Kyauk P'Htoe, Kyet Khay Khyang and protested against KMAC. They demonstrated three times. The first time, they demonstrated on their land. For their slogans, they used "No KMAC" and "Return our land". They shouted out loud to get back their land while walking around their land. They did the same thing at the same place for their second demonstration. For the last protest, they marched to the

place where KMAC is located in Toungoo Town to ask them to return their land.

Every time villagers started a protest against KMAC, a notable event would happen because KMAC hired people to demonstrate against villagers and support them instead. Villagers protested in order to get back their land. There were only 80 people in their first protest. In their last protest in Toungoo Town, there were approximately 200 people who joined the protest. In the protest, KMAC also had their people [who they hired] that protested against the villagers who protested the KMAC. Some people from the KMAC side did not know the reason they protested for. They said that they would be paid 3000/5000 [\$2.22/3.69 US] kyats if they joined the protest. They went around with trucks and marched. In order to protest, there was an issue for villagers, which was that they had to wait for months from the authorities to give permission to protest.

The particular thing was that when villagers protested one day, the company's people would have a counter-protest against them the next day. The company did not have any issues and they did not have to submit a proposal letter to [gain permission to protest from] the authorities. Even though the villagers worked together collectively, they have not had that much success. At first, they had some successes when they solved the problem at the township level. However, villagers are weak in education, don't have sufficient knowledge of the law and legislation and they also have financial problems. Villagers already won one time in the township court trial. The company was not satisfied with that however and they appealed the decision again at the district court and it took years [for the case to be resolved]. That was intended to weaken villagers' efforts and their agency strategies.

However, the villagers kept themselves strong and did not give up during the court case. Some villagers loaned them money to hire lawyers/attorneys. They won again at the district level. The deputy manager of KMAC, U Thaung Nyunt, sued the villagers again at the regional level on November 21<sup>st</sup>, 2017. The challenges for the villagers are as I have told you earlier. Villagers have weaknesses, such as knowledge of the laws, financial ability to hire a lawyer, etc. Now, they are seeking support from any organisations that can help them resolve their land problem.

**What kind of information is most important for villagers in order for them to take action against negative development projects?**

The most important thing for villagers is to have their cases documented, by having the record of the year of the incident, the company and the responsible persons' names, the year of the project and media support. Some media are not reliable because of their unprofessionalism. Still, there are media agents that do not practice freedom of expression because villagers' voices are not all included [in media reports] so villagers need to get support from reliable media sources that work transparently. Villagers need to have media groups that represent the villagers' voices and that write true events based on villagers' voices with transparency and accountability. They should not be biased.

**How have past experiences with development projects impacted village agency strategies?**

There was not much village agency in the past prior to 2012. They wanted to but they did not feel safe to [act]. After 2012, village agency strategies became stronger. However, there are still weaknesses in villagers' agency strategies. When villagers start to know their rights, they start demanding to get back their rights that have been taken away. In this circumstance,

laws that have to do with villagers' rights are not effectively used and are still too weak to protect villagers. For instance, villagers lose trials when they have financial problems [because they cannot afford to hire lawyers/attorneys]. Related to this, I would like to talk about a case that happened. In 2007, villagers whose lands were confiscated in 1996 were sued.

**Do you mean that villagers' land was confiscated in 1996, but they lived in the confiscated land, so then they were sued?**

Yes, the one that sued them was from [Burma/Myanmar government] Industrial Zone #1. However, villagers won the trial in 2012 or post-2012.... I forget the year. However, they [Industrial Zone #1] worked with other departments such as the Forestry Department and Land Department and sued the villagers again in 2017. Villagers lost the trial for the second time. The first time they sued the villagers they lost. The second time they sued the villagers and they won. I have no idea how they won the second trial. But, one thing we clearly know from this situation is that villagers could not pay lawyer fees.

Worse than this, one of them, who is an old lady, could not even pay for the transportation fees [to travel to court] so she walked from her home to Toungoo [the location of the court], which is around 15 miles between, to attend the court meeting. Actually, transportation only costs 500 kyats [\$0.37 US]. She walked a long distance to reach the court and she was late. She apologised for being late but she was rejected and she lost the trial. Actually, she won the first time she faced trial but she lost the second time. After they [villagers] lose a trial the second time, they cannot do anything. They want to get back their land but they do not have any way to. They cannot afford to solve the problem in court and the laws are also not protective of them. Finally, the whole village cut down bamboo and fenced their land to protect their territory.

**Which factors cause village agency tactics to be different in different areas? (For example, people in Toungoo District protest while people in Doooplaya District submit complaint letters.)**

There are two things we have in Brigade #2/Toungoo District. When villagers demonstrated against KMAC, some people financially supported them, for instance, by hiring transportation trucks if there was a long distance [between villages and protest sites]. Protesters were also provided food because they protested for the whole day.

**Do you know who helped villagers? Did villagers buy their own food?**

They had to have food to eat and transportation trucks to travel. Actually, they also asked for help from organisations that are working on humanitarian aid.

**Do you know the name of the organisations?**

I cannot remember the name of the organisation that supported the protesters. At first, villagers protested by walking on foot but it was time-consuming and did not bring them to their targeted place quickly. So, they asked to go with transportation trucks. But for some places, they could not afford to do this as there was a lack of financial aid and human

resources. So, they organised the villagers among the villages and made a protest, particularly Nant Thar Kone village, Kyun Kone village and Ywar Thit village. They worked together to fence their land instead of protesting on the streets because they have limited human resources and do not have someone to lead them. When villagers do not have someone to lead them, they just fence the land as a village agency strategy. Where there are places that villagers have someone to lead them, they head to the city and create a demonstration. They head to the city to ask [the authorities/companies] to return their lands. Actually, they [villagers] did not want to protest. At first, they asked [authorities/companies] to return their land without making any noise. As it did not work out, they [villagers] finally decided to show up on the street to protest. They did not mean to hurt the company's reputation, they just wanted to get back the land that was confiscated by the company.

**What recommendations do you have for business developers in your area?**

I would like to say that as they think of their profits they also should consider and respect the villagers' livelihoods. It is very ugly to put the villagers in harsh conditions that they do not even have a narrow space left for them to stay while companies are making huge profits. So, I would like them to have a mind of humanity and support humanitarian access. One more thing is that they should conduct the projects which are in compliance with the international standard for whatever project they are doing. The implementation of the projects also should be in line with laws and should not be above the laws. Now, what they are doing is not like that. They do not apply the laws because they do not consult with villagers [prior to implementation of projects]. They are conducting the projects with the permission that come from the government. This means that they do not respect villagers. So finally, I would like to say that no matter whatever business/project you are doing, you have to consider others' feelings and have sympathy for them and do not hurt them.

**Do you think there are any changes with regard to agency strategies and development projects since the preliminary ceasefire (2012)? How and why?**

There are many changes with regards to agency strategies. Villagers have started fencing their lands named [in Burmese] *Tun Tone Taik Pwel* protest, etc. Villagers have used village agency strategies gradually [since 2012]. They also feel very confident to face courts regarding court cases. They think that it will not work out with only the villagers' voices and protests, but that it is better to face the court and justice system. Now we can say that villagers are more willing to face justice and law. In the past, they were very afraid to go to court. They did not get involved in attending court meetings at all. They just let it go. Later on, they have gotten to know their rights and they feel more confident. They are not afraid to face the law, but the real problem is that they do not have knowledge about the laws. Regarding this issue, villagers need reliable attorneys who stand on the villagers' side and represent villagers in court.

**The last part you have explained is relevant to my next question, and you have already answered it as my question is "Have villagers used the law in order to protect themselves in cases of development abuse?" They have used the law in order to protect themselves. Can you tell me more about this and, if possible, can you provide any examples?**

Honestly, villagers only want to use the law when they know that using other agency strategies does not work for them. They have used more kinds of violent forms of agency

strategies as well, but they learned that the situation does not change. Therefore, they finally decided to use the law to protect themselves.

**Can you tell me an example of when this happened?**

Perhaps, I have talked about this already earlier. KMAC is currently suing villagers in the regional court. They sued the villagers and reported the case to the regional court on November 21<sup>st</sup>, 2017. Villagers faced difficulties going to court because they have financial problems. Some people are purchasing rice as collateral and they pay back the money later when they receive their salary. Due to this, they are not able to go to the regional court in Bago Region. Villagers are very motivated to try to have their problem solved but the only issue for them is the cost of court fees and hiring attorneys. And also, villagers seek help from local NGOs/CBOs/CSOs. They also ask for help from KHRG. Even though KHRG cannot solve their problems directly, KHRG has been requested by the villagers to help them connect with other organisations, especially organisations working on law and justice and that can represent villagers in court. They cannot go with the previous attorney. The previous attorney was quite helpful but under some circumstances, villagers had financial problems. That is why they finally lost the case. To make themselves stronger, they are seeking help from various organisations.

**What are the main types of agency strategies that villagers use if their land and plantations are unexpectedly affected by development projects?**

We do have villagers that have faced this kind of experience in places like Htoe Boh/Na Ga Mauk. At first, they prevented the company from coming in, but they could not so villagers took pictures of them [company workers] as evidence. They recorded the company name, the people who lead the project, incident date and other relevant information and they submitted it to CBOs/ CSOs who are working on documentation like KHRG. They also give the information about their concerns and how they feel about it to every CBOs/CSOs that comes into their areas.

**How do villagers decide if their agency strategy is risky or not? What do they do if they think it might be too risky?**

Villagers are faced with many risky situations when they use agency strategies. However, the goal of what strategies they decide on is to protect their land. They will protect their land even if they must risk their lives. They recognise their land as indigenous land. They have been evicted [by the company] but they do not listen to them and are just stay on their land. They said they will face any attack on them without withdrawing. They will protect their land with their lives. They do not have a plan to sell their land.

**What recommendations do you have for business developers in your area?**

In development, we have both advantages and disadvantages. We should consult with villagers and inform them about the pros and cons of projects prior to implementation. We need to get consent or agreement of local villagers before conducting development projects. The most appropriate way is to consult with villagers for any development projects. For me, I do not recognise that a project is conducted with dignity without consulting with villagers. I will just recognise this kind of project as lacking in dignity by using fraud, threats, and pressures on villagers to have their project implemented. The best way to conduct a development project by either companies or others is to have meaningful consultations with

villagers. A remark that I would like to give is: do not conduct an undignified project. Even though they [companies] do not want to let all the villagers know [about projects], they should at least let the villagers who are more likely affected by the project.

**Ok, I have asked you a lot of questions. So, would you like to add more? Do you have anything more to say?**

I do not want to say more about this. But, finally, I would like to say that development projects should not be implemented through cooperation with only the government and local armed groups. Mostly, they have received permission from the government and conducted projects. And sometimes, they approach local armed groups to get permission from them and conducted the projects [without consultation with villagers]. I just don't want the process to go on like this; I would prefer a process where a project is done with villagers' consent and willingness. They should never use their power to undermine villagers. It should never happen. They should value mutual respect. When they misuse their power, it really hurts villagers. They should respect villagers' voices. They should prioritise the safety of villagers. They should also focus on the villagers' future life and their well-being.

**You have provided us with a lot of information so thank you so much for taking the time for this interview.**

**Source #23**

Log #	17-125-A2-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Thandaunggyi Township, Toungoo District/northern Kayin State
Full Text	

**Interview Date:** On December 7<sup>th</sup> 2017

**Can you please tell me your name?**

My name is Saw Q---

**How old are you?**

I am 42 years old.

**Are you married?**

Yes.

**How many children do you have?**

I have five children.

**How old is your eldest child?**

My eldest child is 18 years old.

**How old is your youngest child?**

My youngest child is seven years old.

**What is your ethnicity?**

I am Karen.

**What is your religion?**

I am a Christian.

**Where do you live?**

I live in A--- village, Thandaunggyi Township, Toungoo District.

**Can I ask you about the land confiscation relating to the Kaung Myanmar Aung Company in your area?**

Yes.

**I heard that the Kaung Myanmar Aung Company confiscated villagers' lands. So can you please tell me about the Kaung Myanmar Aung Company?**

Yes. The owner of Kaung Myanmar Aung Company is U Kin Maung Aye. He is also a chairperson of CB Bank. In 2009, he requested 2,400 acres of lands from the Myanmar government for an evergreen forest project. However, he confiscated more than 2,400 acres of land. Approximately 5,000 acres of land were confiscated by the Kaung Myanmar Aung Company. Villagers did not receive any compensation. In some cases, some villagers were forced to take unfair compensation although they did not want to.

For example, the Kaung Myanmar Aung Company just gave villagers 30,000 to 50,000 kyats [\$22.32 to 37.20 US] per acre. However, not every villager received this compensation, only a few villagers did. Most of the villagers did not get any compensation. Some villagers do not want the compensation because they only want their lands back. Some villagers did not even know that their lands were confiscated by Kaung Myanmar Aung Company. Villagers just learned that their lands were confiscated when Kaung Myanmar Aung Company workers came to clean vegetation and to plant [teak] trees on their lands. Due to land confiscations, villagers went from landowners to being landless.

**As you said, the Kaung Myanmar Aung Company requested permission from the Myanmar government to use 2,400 acres of land to implement an evergreen forest project, and then they confiscated more than 5000 acres of villagers' lands. Did it happen this year?**

Yes. They confiscated 5000 acres of land in 2017. This year, both the Land Department from the Karen Nation Union [KNU] and the Land Measurement Department from the Burma/Myanmar government came to measure the lands that have been confiscated by the Kaung Myanmar Aung Company. They confiscated more than 4,000 acres of land total. To be more accurate, one of the villagers, who went to investigate the situation when the Land

**Commented [SS1]:** I think here it is meant to be 5,000?  
Everywhere else is 5,000?

Measurement Department measured the lands, told me that the Kaung Myanmar Aung Company confiscated approximately 5,000 acres of villagers' lands.

Regarding this land confiscation case, they tried to protect their lands in many different ways. They know that their lives will be ruined if they lose their lands. First, the villagers did not even know that their lands were confiscated. They just worked on their lands. Then, they started to know that their lands were confiscated when Kaung Myanmar Aung Company workers came to clean vegetation off their lands. There was a conflict between Kaung Myanmar Aung Company workers and local villagers. They argued with each other about land cases. Kaung Myanmar Aung Company workers told villagers, *"We are just the workers and the company already confiscated your lands. You do not have any place to live now"*. However, some company workers forced villagers to vacate their lands. It has caused a land dispute.

#### **What villages' lands did Kaung Myanmar Aung Company confiscate?**

Kaung Myanmar Aung Company came to confiscate villagers' lands in many villages. Those are Na Ga Mauk village, Hto Bo village, Yay Owe Sin village, Kyat Chi Chaung village as well as other villages in Thandaunggyi Township.

#### **Is your village, M---village included?**

No. My village is not included but I always travel to those villages and I have a good relationship with those local villagers. That is why I know about their activities regarding the protection of their lands.

#### **What advantages does the evergreen forest project bring to the local villagers?**

In the past, before this evergreen forest project was implemented, U Kin Maung Aye conducted logging in this area. In 2015, he confessed that he used to be a person who conducts logging in this area for profit. Because of the logging, it caused deforestation. Now he feels guilty about the deforestation. That is why he said that he will plant more trees in this area. However, if we ask how villagers benefit from this evergreen forest, in my view, villagers do not get any benefits but only suffer instead. I do not see how this evergreen forest project brings many benefits to local villagers. Most of the villagers are disadvantaged because their lands are confiscated due to this evergreen forest project. Now, Kaung Myanmar Aung Company workers and villagers argue with each other over land. As villagers try to protect their lands, they went to talk to Kaung Myanmar Aung Company workers to ask them not to confiscate their lands but they were not successful. So villagers fenced their lands to prevent them from being confiscated.

Villagers also organized a *Le! Tha Mar Tun Tone Taik Pwe* [an event where villagers fence their lands] but this was also unsuccessful. In 2015, villagers held a demonstration against Kaung Myanmar Aung Company three times. Villagers from three or four villages gathered to protest. During the protest, villagers chanted, *"We do not want the Kaung Myanmar Aung Company. We want the Kaung Myanmar Aung Company to return our lands. We want the Kaung Myanmar Aung Company to stay out of our lands"*. However, Kaung Myanmar Aung Company workers continue to stay on villagers' lands. Furthermore, they tried to sue villagers in Toungoo Township. In the beginning, they just sued two or three villagers. Later

**Commented [SS2]:** I think it is a teak plantation project?? All the other sources say teak? Can you please check? If yes, can you let me know so I can replace!

on, they sued many villagers. As you are aware, the villagers are very afraid that they will be sued. They did not dare go to court. The Kaung Myanmar Aung Company used many methods to threaten villagers.

For example, KMAC said, *"If you [villagers] go to court, you will surely lose the case. If you lose, you will be in jail"*. However, two or three villagers went to court for a solution as they really wanted their lands back. The villagers won the cases in the court at Township level. Nevertheless, Kaung Myanmar Aung Company sued more than 10 local villagers again. In some cases, the husband and wife were sued at the same time. These villagers [more than 10 villagers] won their cases once in court at Township level. However, the Kaung Myanmar Aung Company was dissatisfied that they did not win the case so they filed a lawsuit against villagers at the Toungoo District level in 2016. This time, Kaung Myanmar Aung Company once again lost the lawsuit. In 2017, the Kaung Myanmar Aung Company has sued 10 villagers in Bago Division court.

**So how did those 10 villagers respond to the lawsuit filed against them?**

They are just daily laborers but they really want their land back so they always go to the court on every appointment date. Villagers were being sued from 2014 until 2017 and they have had to leave their jobs and to go to court at all the appointed times. They went to court every time. However, responsible staff from the Kaung Myanmar Aung Company did not regularly go to court if the appointment was set. If the appointment date was set for three different dates, Kaung Myanmar Aung Company workers only went to court on one of those dates. That is why villagers face livelihood challenges because they have to pay lawyer fees, transportation fees, and other service costs as well.

Some villagers borrowed money from other villagers to pay lawyer fees. Some villagers said that they do not eat anything when they go to court. Sometimes they only have 1,000 [\$0.74 US] kyats to buy food for their lunch during court proceedings. This continues to happen. Villagers told me that this is what they are struggling with in their daily lives. Sometimes they do not have any food to eat when they go to face trial in court.

This year, the Kaung Myanmar Aung Company sued villagers from Na Ga Mauk village, Hton Bo village and Kyat Chi Chaung village at the Bago Division court level. So it is very far from the area where villagers live. According to villagers who were sued, it is not possible to go to the Bago Division court. This is the company's power over villagers that weaken villagers' ability to reach the court because the travel costs will be high if villagers go to Bago Division court and they will also have to pay food costs and other costs.

Now, villagers cannot pay lawyer fees anymore so they tried to seek support from Community-Based Organizations and Civil Society Organizations. They also asked KHRG community members to help them contact non-profit organizations. KHRG community members cannot support them but KHRG community members can contact other non-profit organizations who can help villagers in order to reclaim their lands.

More importantly, these 10 villagers only want their lands back. I think I can tell you the names of 10 villagers who were sued. They are Saw De---, Saw Dj---, Soe Df--- and Ko Z--- from Aa--- village; U C-----, Daw Dh---, Daw Di--- and from Ab---village; Saw Dg----- from W--- village. Another one is U Myint Soe and he is a person who tries to help villagers regain their confiscated lands. He was also sued by the Kaung Myanmar Aung Company.

**Was his land also confiscated?**

No. U Myint Soe does not have lands but he tries to help villagers get their lands back for free. When he tried to help villagers, he was also sued together with the villagers.

**What is his position?**

He is a member of the Independent Labor Union. Sorry, I cannot tell you the name of the last villager who was sued because I totally forgot his name.

**It is fine. Let's keep talking.**

Yes. He is currently facing a lawsuit in a Division level court. On November 21<sup>st</sup>, 2017 U Thaung Nyout, the deputy manager of Kaung Myanmar Aung Company filed a lawsuit against him as the plaintiff.

**Did U Thaung Nyout sue 10 villagers together on November 21<sup>st</sup>, 2017?**

Yes.

**At which level did he sue villagers?**

He sued villagers at Division level. Yes, Ko Q--- and another two villagers faced a lawsuit in Township court but the case is not over yet. Yet, Kaung Myanmar Aung Company continues to sue them at Division court.

**What was the result after villagers faced the lawsuit at Division court?**

Villagers faced many difficulties because they cannot hire lawyers. I mean they cannot pay lawyer fee because the lawyer fee is set at 1,100,000 kyats but they were just able to save a bit more than 300,000 kyats [\$221.05 US] to pay lawyer fee. They really need help. Even though they saw that they can get justice from the court, they felt that there is no guarantee for their land will be returned because Kaung Myanmar Aung Company has a lot of money.

Even if they do not win the case at Division court, they will sue villagers at a central government court. It will be very difficult for villagers to try to claim their lands. They really want a different result but they have to overcome many barriers. Those people who helped villagers cannot help villagers anymore because they can only speak up for villagers at Township court and District court but it will be very difficult for them to face trial at Division court. Villagers really need money for lawyer fees, more people to support them, knowledge about land laws as well as law experts who can protect them.

**Do you know who is winning and who is losing the trial at Division court?**

No. We do not know about it yet because this is just the first time that they started talking about the lawsuit in court.

**So, the Kaung Myanmar Aung Company has not sued the villagers yet. Is this right?**

Yes. They just tried to open a lawsuit.

**What does it mean that they were trying to start a lawsuit?**

Yes. They have already sued villagers but this is the first time that they were investigated about whether or not the case is real [confirmed].

**So they were just trying to appeal a court decision?**

Yes.

**Did these 10 villagers try to submit complaint letters to the Burma/Myanmar government or KNU authorities during 2017?**

Yes. They reported the land confiscation cases to relevant authorities. Villagers also tried to prevent their lands from being confiscated. For example, as I told you earlier, Kaung Myanmar Aung Company workers came to destroy Ko Q--- and Daw S---'s banana plantation in 2016. That year was a good time when the bananas were ready to sell. These villagers just rely on their banana plantations. They just get income by selling bananas and they use that money to pay lawyer fees and other service costs.

The land confiscation made it difficult for villagers to secure their livelihood. In response, villagers sued Kaung Myanmar Aung Company workers for destroying their plantation.

**What challenges did villagers face when they sued Kaung Myanmar Aung Company workers?**

Yes. When they sued Kaung Myanmar Aung Company workers, they always had to go to court but the company workers were very often absent from court. It has been more than one year now and the case has not been finished yet. On November 26<sup>th</sup> 2017, the [villagers] had to go to court for the trial. Kaung Myanmar Aung Company made many appointed times to call villager to come to court because they want to weaken villagers' agency and to reduce their motivation.

I think they [the company] assume that the villagers will give up if they are no longer motivated. The lawsuit has been going on for about two years now. Villagers are very tired and their money has been spent on the lawsuit which has resulted in livelihood challenges for villagers. Villagers are now really in trouble and they feel stressed. They really need financial aid and psychosocial support.

**Are there any other agency strategies that villagers used to try to reclaim their lands?**

Firstly, villagers fenced their lands to prevent the company from growing plantations on it. It was not effective. Then, they fenced their lands together in order to hold a protest but it was also not effective. They held a demonstration three times. The first time they held a demonstration by walking on their confiscated lands.

**You mean people who held the demonstration were these 10 villagers who were sued. Is that right?**

No. These 10 villagers who were sued are the representatives of all villagers whose lands were confiscated. However, villagers also held a demonstration two times walking on the street in Toungoo town but it was not successful. Kaung Myanmar Aung Company said that

they would just negotiate with villagers but they did not return the lands to villagers. However, as far as I know, they just negotiated with villagers on their chosen time. The chairperson of Kaung Myanmar Aung Company, U Kin Maung Aye, said that he will meet any villager who wants to meet him but the way he talked to villagers was mean.

He told villagers, *"If I do not return your lands or give you compensation, what will you do? You will be in a big trouble. So you have to take the amount of the compensation based on what decision I make."* The compensation is just 30,000 kyats [\$22.11 US] per acre of land. Villagers cannot take that compensation. How can villagers support their livelihood with this amount of money? The way he talked to villagers makes it sound like villagers have to follow whatever decision he makes. We recorded his voice when he talked to villagers.

**When did he talk to villagers?**

He talked to villagers at his hotel in 2015. The name of his hotel is Royal Kaytumadi Hotel and it is located in Toungoo town. Some of the villagers who were sued went to meet him at his hotel but some of the villagers' whose lands were confiscated did not go to meet him because the Royal Kaytumadi Hotel belongs to U Kin Maung Aye's, so many of his workers were at the hotel.

Most of the representatives that he invited to meet him are his people. This is the way he tries to dominate the villagers and get them to agree with what he says. That is why many villagers did not want to go to the Royal Kaytumadi Hotel to meet him. Until now, Kaung Myanmar Aung Company continues to sue villagers for many different reasons because they want to oppress villagers until villagers cannot stand against them.

If I say honestly and openly, they deliberately want to attack villagers until villagers' lives are ruined. They started to take action against the villagers in 2009 in order to confiscate villagers' lands. They are still doing this until now. Villagers have faced many barriers in getting back their lands villagers mainly want to protect their lands from being confiscated. If they regain their lands, they will be able to secure their livelihood.

If they do not get their lands back, their lives will be destroyed. Therefore, they just try their best to protect their lands. Villagers mainly work on their plantations and farms in order to secure their livelihood. They do not have other skills to do other work such as mechanics, so it [businesses] will not bring any benefits for villagers even if industrial projects are implemented in their areas. Above all, they just want to protect their lands for their livelihood.

**What other agency strategies did villagers use to claim their lands?**

Yes. Villagers also tried to submit complaint letters through different levels of the Myanmar government departments and also the Myanmar president office.

**Is the Myanmar president office located in Toungoo District?**

No. It is located in Naypyitaw, the capital city of Myanmar. They also reported the land confiscation case to the Ministry of Defense with copies of complaint letters.

**What do you mean by the Ministry of Defense?**

It means Min Aung Hlaing's office, the highest office of Myanmar's military. Villagers also

submitted the case to the relevant departments of Myanmar government. However, no action has been taken yet. In addition to that more and more villagers are being sued by the Kaung Myanmar Aung Company.

**Did they really submit the land case to the Myanmar president office and the office of the Ministry of Defense?**

Yes. They did. They also submitted the case to the Myanmar State Counselor Office.

**Even though villagers submitted complain letters to the Myanmar president office, Myanmar State Counselor Office, the office of Ministry of Defense and other relevant Myanmar government departments, no one has taken this issue into account. So why do you think no action has been taken?**

I think firstly, the Burma/Myanmar government lacks cooperation with the citizens of Myanmar. Secondly, regarding the land issue, the Burma/Myanmar government does not have a stable land law policy to guarantee the lands that belong to the citizens of Myanmar. The Burma/Myanmar government has enacted the Vacant, Fallow and Virgin Land Management Law in 2012. When U Thein Sein was about to resign from the presidency and the new government was coming to power, a new land law act was again drawn in 2015.

The land law policy is very complicated. There is no guarantee for villagers' lands. That is why it is not easy to handle land disputes. This is my view.

It is complex because some people can apply for Land Form #7 but some people cannot apply. Some people just get rights to work on the land but they cannot own it. Some people get the 30 years' land titles to work on the land. There are no rights to own lands. Thus, it is difficult to solve land issues.

**So you mean the Burma/Myanmar government cannot solve the land issues because of the complicated land law policy that they have drawn. Is this right?**

Yes. The land law policy is weak and complicated. Villagers just know about the customary land practice so they think they can own the land, but the Burma/Myanmar government's land law policy stated that there is only the right to work on the land. Therefore, rights to own land are not in line with rights to work on the land.

What I mean is, the Burma/Myanmar government has not solved issues with the land law and policy. Instead, they just try to solve civil cases such as lawsuits on land disputes. So, it is difficult to solve land issues. For example, Kaung Myanmar Aung Company confiscated villagers' lands and they sued villagers on civil charges such as trespassing on the confiscated lands and damaging their business projects. In reality, the Burma/Myanmar government should solve the case for villagers who are landowners. Now, the [Burma/Myanmar government] tried to solve the lawsuits instead of the issues with the land law and policy. I just want the Burma/Myanmar government to amend the land law and policy. Otherwise, in my opinion, these land disputes will never get solved.

**I just want to know one more thing. Kaung Myanmar Aung Company requested permission from the Burma/Myanmar government to use lands for an evergreen forest project. So how many years will they carry out their project for?**

As far as I know, they just requested a 30 years' land grant for their project from the Burma/Myanmar government, but if the Burma/Myanmar government gives them a permanent land grant, villagers' lives will be destroyed.

**What do you mean by that?**

I mean the Kaung Myanmar Aung Company can request permission from the Burma/Myanmar government for another 30 years' land grant if their current land-grant expires.

**The Kaung Myanmar Aung Company started their project in 2009. Ideally, when will their project's timeline be finished?**

Their project will be finished in 2039. However, the Burma/Myanmar government's land policy is very complicated. If the Kaung Myanmar Aung Company's project is in vacant land and is not implemented within four years, their project must be terminated and they must return the land to the original landowners.

**Can you please explain what you said about the Vacant, Fallow and Virgin Land Management law?**

Yes. If anyone carries out a project on vacant land, the project must be implemented. If their project is not implemented within four years, the land that they originally requested to use can be confiscated by the Burma/Myanmar government or it must be returned to the original landowners. The Kaung Myanmar Aung Company has confiscated lots of acres of villagers' lands since 2009 but they have only used 200 acres of land for their teak plantation project.

**What kind of project can be requested?**

Any project.

**As you said earlier, the Kaung Myanmar Aung Company confiscated almost 5,000 acres of villagers' lands but they just used no more than 200 acres of land for their project. There is a big gap between the amount of lands confiscated and the amount of land being used. So, how did the Burma/Myanmar government solve this case? What action did they take to protect villagers? As you said before, Kaung Myanmar Aung Company has to prove that their project is implemented within four years but until now their project has not been implemented yet.**

Yes. The Burma/Myanmar government cannot protect the local villagers. They also did not take any action against the Kaung Myanmar Aung Company. The Burma/Myanmar government said that they will take back the confiscated lands if the Kaung Myanmar Aung Company cannot implement their project, but they have not taken the lands back yet even though the Kaung Myanmar Aung Company's project is impractical.

Besides, the Burma/Myanmar government police from Hton Bo police station #3, Toungoo Township would help the Kaung Myanmar Aung Company if villagers opened the land confiscation case. I mean they [police] speaks for the company, they do not speak for local villagers.

**Kaung Myanmar Aung Company started to confiscate villagers' lands in 2009. When**

**did they start to sue villagers?**

They started to sue the villagers in February 2014. They continued to sue villagers every year from 2014 to 2017.

**Were the lawsuits different in 2014 and 2017?**

In the beginning, Kaung Myanmar Aung Company sued one or two villagers because they were just trying to intimidate the villagers so that they would not try to reclaim the lands confiscated by the company.

**How did Kaung Myanmar Aung Company threaten villagers?**

Regarding land confiscation, the Kuang Myanmar Aung told villagers *"Do not try to claim your lands. If you try, we will sue you. Then, you will be in jail"*. Saw V--- and Saw De--- were sued. They are a father and son. They had to face trial in Township court but they won the case in Township court. When other villagers whose lands were confiscated heard about this, they tried to work with them [Saw V--- and Saw De---] in order to help them get their land back. Then, they [the company] increased their activities. Villagers cleared vegetation on their lands and cultivated them. That is why the Kaung Myanmar Aung Company tried to sue more and more villagers.

However, the villagers felt empowered and gained the confidence and motivation to claim their lands. Cooperation among villagers also increased and they formed a village committee and attended a land law awareness workshop and a land rights workshop that was provided by the Independent Labour Union and other civil society organizations, non-governmental organizations, human rights organizations and individual land law experts.

**Did Saw V--- and Saw De--- win the case at both Township court and District court?**

Yes, they did. That is why more and more villagers worked together to claim their lands because they gained motivation and confidence by looking at the example of Saw V--- and Saw De---.

**However, as you said before, the Kaung Myanmar Aung Company will continue to sue villagers by using many different methods until they secure villagers' lands. Is this right?**

Yes. The Kaung Myanmar Aung Company will deliberately try to sue villagers by using many different methods until villagers give up on their lands. They will try to weaken villagers' agency in many different ways. If the villagers give up, they can take the land easily.

**On the other hand, villagers have also bolstered their activities and cooperation to claim their lands. They help each other. They try to improve their agency strategies to protect their lands by working together with the Independent Labor Union and civil society organizations. Is this right?**

Yes. Another thing I want to say is that villagers are now facing challenges, especially financial challenges, regarding going to Division court. They really need help and legal

support.

**As you explained earlier, the Kaung Myanmar Aung Company deliberately tries to weaken villagers' agency but villagers also try their best to improve their agency to protect their lands. Both sides refuse to give up. So what do you think is the best solution to solve this land dispute?**

In my opinion, Kaung Myanmar Aung Company implemented a project for their business profits and confiscated villagers' lands. Villagers have only their land to work in order to support their livelihoods. If the Kaung Myanmar Aung Company gives fair compensation to villagers, villagers will probably be satisfied. I am not sure, but I think villagers will surely be satisfied if the Kaung Myanmar Aung Company returns its unused land to villagers.

However, the Kuang Myanmar Aung Company has not returned any land to villagers yet. Besides, they continue to sue villagers. It is very sad. Since KMAC is a company, the company must have dignity. So they [KMAC] should maintain it. Now this company does not maintain their dignity because villagers had to hold a demonstration because of their [KMAC] actions.

They [KMAC] just undermine their company's image and reputation. Their company has low self-respect. In order to maintain their company's dignity and image, they have to consult with the villagers. They have to cooperate with villagers. They have to make villagers satisfied. They have to fulfill the villagers' needs and demands. They have to say "sorry" to the villagers for what they have done. They have to return the lands to villagers. If they do this for the villagers, the company's dignity will not be dishonored and their business reputation will get better. Otherwise, their company will never have a good reputation and dignity. According to villagers, they will never give up until they get their land back. They will never leave their lands. They will protect their lands until they die on their lands. That is why Kaung Myanmar Aung Company should consider villagers' feelings, villagers' lives and villagers' future. The company should negotiate with the villagers.

**What about the Burma/Myanmar government? What should they do about this land confiscation?**

The Burma/Myanmar government should make land law and policy that can give villagers a guarantee of their lands. They should make an official and recognized land document for villagers that gives them the right to own land. They should take action to get justice for villagers. They should take land confiscation cases into account. In my opinion, the Burma/Myanmar government currently just ignores villagers' concerns regarding land confiscation. I think this land issue is still ongoing because the Burma/Myanmar government does not take any proper actions to solve the problem. The Burma/Myanmar government is responsible for this. I think the Burma/Myanmar government should come up with a fair and proper solution for both sides [the Kaung Myanmar Aung Company and villagers].

**Even though the Burma/Myanmar government knows about the land confiscation by Kaung Myanmar Aung Company, they do not take any actions against the company. They just ignore the villagers' demands and voices. Do you think that there is any special relationship between the Burma/Myanmar government and Kaung Myanmar Aung Company?**

Yes. The company can confiscate the villagers' land. So, I think they have a special

relationship with the Burma/Myanmar government because the Burma/Myanmar government gave the company permission to implement the project. They both share business interests. I mean, the company pays taxes to the Myanmar government. Maybe they can share the business profits based on the product that the company produces. However, the company can confiscate the land because of the permission granted by the Burma/Myanmar government. Why does the Burma/Myanmar government grant them permission? It is because they need to generate income for the national budget.

**Yes. I think you have given me very detailed information. Regarding the land confiscation case, what else would you like to add?**

I want to say that U Kin Maung Aye, the chairperson of Kaung Myanmar Aung Company and the company's managers, U Thounng Nyout and U Saw Maung, are just human beings. As they are human beings, they should respect other people. They should not treat other inhumanely. I mean they do not listen to villagers. They do not recognize the villagers' voices. Therefore, a conflict has risen between the Kaung Myanmar Aung Company and villagers because they also are trying to demand lands that are rightfully theirs, but the company does not respect villagers' rights. That is why the company's image became bad.

If possible, I think Kaung Myanmar Aung Company should negotiate with villagers and fulfill villagers' needs and demands. They should make something for villagers. They cannot promise that they will return the land to villagers by word. They have to turn their words into actions. They have to make legal documents for villagers.

**Thank you for your information and patience.**

I also thank you very much. I am feeling overwhelmed the same way the villagers are.

**Do you allow KHRG to use your information for publication and sharing?**

Yes. I agree. KHRG needs to publish what I have told you. KHRG should disseminate the information worldwide.

#### **Source #24**

Source doc #	Source #24
Log #	18-126-A1-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Kyaukkyi Township, Nyaunglebin District/eastern Bago Region
Full Text	

**Interview Date:** November 3<sup>rd</sup> 2017

**First, can you please tell me your name?**

My name is Saw Cs---.

**How old are you?**

I am 22 years old.

**Are you married?**

Yes, I am married.

**Can you tell me the full address where you live?**

House number [censored for security], Kyaukkyi Township, Nyaunglebin District

**I want to conduct an interview about villagers' confrontation against human rights abuses and the consequences of the development project after the nationwide ceasefire agreement that was signed in 2015. First, I want to ask about development projects in your area and the villagers' concerns. How do villagers deal with negative impacts of development projects?**

After the ceasefire process, different development projects entered the local area. Some companies involved in development projects negotiated with the Burma/Myanmar government and some negotiated with villagers before undertaking projects. There are those who negotiated with the Burma/Myanmar government but did not inform local villagers about the development project operation process. They confiscated land, farms and plantations of villagers. In these cases, villagers tried to protect their lands from confiscation but companies claimed that since they were given permission by the government, villagers' concerns and confrontations would be disregarded. However, in one case a company paused its operations when villagers began to complain about damaged land.

Anyway, villagers could not stay on their farms for the whole day to stop the company from coming and using their land. Thus, when villagers left their land, the company resumes its operations. The villagers are also worried about sudden conflict between the military groups as this period is sensitive and this area is a mix-control area [controlled by the Burma/Myanmar government and Karen National Union]. Regarding the confrontations of local villagers against corporate development projects, there were a few landowners who were involved in community activities with community-based and civil society organizations [CBO/CSO] to stand up for their rights. However, most people remained quiet because they believed that the Burma/Myanmar government has authority over all lands.

**Could you please tell me what types of development projects are operating in your area? For example, are there road construction, stone or gold mining or dam projects?**

The most recent development project was implemented in November 2016, the Sittaung Dam project in Pe Thaung village/place, Kyauk Sa Yit village tract and another one was the communication road construction along the village tracts.

**How do the local people address human rights violations that result from development project activities?**

In order to stand up for their rights, it is necessary to teach local people about human rights through capacity building workshops and trainings.

**So, you mean that local people have not taken action to confront human rights violations yet?**

Yes, only one or two people have taken action on human rights abuses. As I just mentioned about the Burma/Myanmar government's water channel project, a few people were active to confront it rather than staying silent. Because it was a small number of people, this confrontation did not put any pressure on the government, but I believe that if a large number of local people confronted the government, it would be more effective.

**What are the challenges that people face when they confront development project workers?**

The local people who were involved in the confrontation were disrespected by the development project workers. Development project workers claimed that the efforts of villagers would not be recognized by any authority whether in the District, Region or the Nay Pyi Taw level, as those authorities are involved in the development project. *"Those authorities are already on our side"* is what the development project operator said. This is a challenge for the local people. Furthermore, the villagers have lost their trust in the government whom they expected to be supportive of the public.

**Have the local people experienced any successes from their confrontations?**

There were small successes from their confrontations. Complaint letters that villagers sent reached the media and some organisations have advocated on villagers' behalf. However, their successes are not worth much until the Burma/Myanmar government addresses villagers' concerns about development projects.

**For example, when villagers confront a road construction project operated by a company, how do development project workers respond to villagers?**

The development project workers negotiate with both sides of the government, the Karen National Union and the Burma/Myanmar government before they start working. However, they rarely negotiate with villagers. Most Karen people do not take action against development projects but the Burmese/Myanmar people are active. When development project workers meet with people confronting development projects, they negotiate again with authorities to control their people and prevent villagers' confrontations.

**Can you tell me why local people address human rights abuses in a group instead of individually?**

There have been individual confrontations taken by local people, but they have not been effective. The participation of many people is empowering. The voice of a single person and a large group of people is heard differently, and a large group of people is able to put more pressure on the government. Indeed, having many people work together is a way to succeed, as civil governments were voted in by the majority of citizens.

**Regarding the negative impacts of development projects, what is the most useful or important information for villagers to have in order to take action?**

The most important information villagers need to know is what development projects are being planned, what types of projects are being implemented, what is the project's history, the size of the land where development projects are operating, and a company's strategic plans. Collecting this information would help the villagers' confrontations.

**As there were development projects both before the nationwide ceasefire period and after, could you tell me the difference between these two periods regarding development projects operated in your area?**

There were limited opportunities or strict rules before the ceasefire. During the fighting period, villagers were forced by authorities to follow orders without being permitted to confront development actors. Development actors or authorities gave orders to villagers and said that villagers must *"follow orders with no opposition, do your work on your plantations, eat what we [authorities] give you, pay taxes on time, serve as porters when it is needed and send a person [to work for the authorities] on time"*.

After 2015, the ceasefire period, the situation has become more flexible and there is a more open relationship [between authorities and local people] as community-based organizations (CBOs) have entered local places and have promoted many grassroots leadership programs through workshops and trainings. The local people have developed their own mindset through these CBO workshops and trainings and have also become motivated to confront their past experiences with authorities. I recognize that there are different situations between the pre-ceasefire period and the post-ceasefire period.

**Who are you referring to when you mention people who give orders to the local people?**

I refer both sides, the Tatmadaw and the Karen National Union [KNU].

**So do you mean to say that local people had to follow orders from authorities when it came to development projects operating before 2015?**

Yes. Now after the 2015 ceasefire there is a more flexible relationship between authorities [KNU and Tatmadaw] which has given opportunities for villagers to speak out about their rights. Likely, the change to a democratic government also empowered the people.

**Are there differences between villagers in each village in regards to how they confront development actors?**

Regarding villagers' confrontation, it depends on the controlling authority and the local government operation in each village. For instance, there are mixed-control areas of KNU and Tatmadaw, while on the other hand, some areas are only controlled by one authority such as the Tatmadaw or KNU. In this case, local people in Burma/Myanmar government control areas are becoming stronger because the new government has been chosen by the local people. However, there have not been many confrontations yet. Some areas are still practising a dictatorship.

**What is your suggestion for development project workers to gain an awareness of the impacts of projects and to take full responsibility for potential impacts?**

For development project workers or companies operating under the Burma/Myanmar government or KNU, I would like to suggest that, it is essential to analyze if any development projects are sustainable or just a temporary development. In addition, development project workers need to think and operate critically to promote sustainable development.

Sustainable development projects would be supported by local people but temporary development projects are done only by authorities. Furthermore, the development project workers should notify villagers about the consequences and plans for development projects before they start operating.

**How would you suggest that development project workers should go about taking full responsibility and accountability for their actions?**

Development project workers must acknowledge that they are accountable for maintaining sustainable development. There must be the involvement of the government [Burma/Myanmar and KNU] and local people in maintaining sustainable development that can last long for thousands of years. There must also be flexibility on both sides [development project workers and local people] for short-term development projects as well.

**What are the main ways villagers respond to development projects such as land confiscations?**

According to my experience in the local areas, most villagers do not respond to land confiscation. To illustrate, authorities or companies confiscate villagers' land using the permission of the government [Burma/Myanmar or KNU] without allowing villagers to respond or to take action against them.

**So, villagers do not have any opportunities to protect their land because the government grants permission for land to be used by development project workers.**

Yes, it is like that.

**In this situation, what potential opportunities or laws are there that could help villagers' confrontations?**

There are a few villagers who understand the laws and send complaint letters to the Township and District offices. However, there have been no responses from authorities.

**According to your description, I understand that villagers' actions against development projects are very weak. Therefore, when villagers perceive there are risks to opposing development projects, how do the villagers protect themselves and stop companies from operating in local areas?**

Villagers usually stop their actions or confrontation towards authorities when they realize there is danger.

**How do villagers react when they perceive that they are in danger?**

The villagers send complaint letters to the Township, District, Region office but the development workers declared that all the authorities are on their side. It means there would not be any considerations by the authorities for the villagers. In this case, villagers have no choice and do not expect help from the authorities at all. Therefore, the villagers decided to report it to the media.

**After deciding to report the case to the media, did villagers take any further action?**

Not really, but I suggested that they should contact the media.

**Thank you so much for sharing villagers' experiences with development projects during the peace [ceasefire] process.**

**Source #25**

Log #	17-126-A2-I1
Type of report	Interview
Publishing Information	Previously unpublished:
Location	Kyainseikgyi Township, Dooplaya District/southern Kayin State
Full Text	

**Interview Date:** November 3, 2017

**What is your name?**

My name is Saw X---

**How old are you?**

I am 38 years old.

**Where do you live?**

I live in Y--- village, Kyainseikgyi Township, Dooplaya District.

**Now, we would like to interview you about development projects introduced after the 2015 NCA (Nationwide Ceasefire Agreement) was signed. We would like to ask you about how villagers respond to the negative impacts of projects.**

**First, what are villagers' concerns about development projects conducted in their area? How do they respond to development projects that cause concerns?**

Even though the 2015 NCA was signed, villagers are still concerned about peace because the Tatmadaw has increased their numbers and often rotate their troops. Villagers are still uncertain whether the 2015 ceasefire will lead to true peace or not. They are still worried and concerned because they do not have access to adequate information about the ceasefire and peace process.

**So, the villagers are concerned because they do not have access to adequate information about the peace process.**

Yes.

**What development projects have been conducted in your area during the peace process period?**

After the 2012 preliminary ceasefire was signed, a big development project that started was the Asia Highway<sup>11</sup> construction. They started measuring land for it in 2013 and they started constructing the road in 2014. Another big development project that came in 2015 was the Khonkhan Mountain cement project, which might destroy the mountain. Assessments for mining have been done from 2015 until now.

**What have been the negative impacts and human rights violations of the construction of the Asian Highway?**

Prior to the construction of the Asia Highway, villagers were consulted by Major Bo Tin Hlaing in Lot Shan checkpoint, Lot Shan village tract. They invited the villagers to meet with them but there was no one from the company side attending the meeting. In the meeting, he [Bo Tin Hlaing] told the villagers that they would do their best for villagers and also requested for the number of plantations destroyed by road construction to be recorded. In order to record the trees that would be destroyed by the road construction, staff members from the Transportation and Communication Department under the Si Thu Htun's administration and local villagers worked together to document the damage. There was a lot of damage caused by this road construction. Some villagers' lands were covered by the road rubble. Even though they recorded the amount of land and plantations/trees damaged, there has not been any compensation given to the villagers until now.

**You said the Transportation and Communication office staff recorded the damages. Are they from the Burma/Myanmar government?**

The officer of the Transportation and Communication office is from the KNU. His name is Si Thu Htun. He is the head of the Transportation and Communication in Win Yay [Waw Ray] Township.

**How did they document? What kind of information did they record?**

They documented the area of the lands destroyed, the number of trees destroyed and the area of plantation land destroyed, for example, rubber plantations. They also recorded the names of the owners of the land.

**Which battalion is Bo Tin Hlaing from?**

---

<sup>11</sup> The Asian Highway Network is a United Nations Economic and Social Council for Asia and the Pacific-supported project that aims to link 32 countries in Asia across 141,000 kilometres of roadway. In Burma/Myanmar the project has involved land confiscation and forced labour. For more information about the Asian Highway Network, see "[Beautiful Words, Ugly Actions: The Asian Highway in Karen State, Burma](#)", KHRG, August 2016; "[The Asia Highway: Planned Eindu to Kawkareik Town road construction threatens villagers' livelihoods](#)," KHRG, March 2015; "[With only our voices, what can we do?: Land confiscation and local response in southeast Myanmar](#)," KHRG, June 2015; "[Tollgates upon tollgates: En route with extortion along the Asian Highway](#)," KHRG, October 2009; and "[Development by Decree: The politics of poverty and control in Karen State](#)," KHRG, April 2007.

He was from KNLA Battalion #16. Now, he has resigned from the KNLA. He was a former Major in KNLA Battalion #16. At that time, the Officer of Battalion #16 was Hpoe P'Leh.

**How do villagers respond to the road construction?**

Villagers responded to this in a wrong way because they did not know the strategy. They blocked the way for road construction by fencing the area with bamboo and setting up signboards which said, "ye yint thu a pweh" [meaning "courageous people group"]. It was like a protest but a protest without people. This was led by Kyaw Dk---. There were also two other leaders who led this protest, but I forgot their names. After they did this, KNLA Battalion #16 ordered for those people to be arrested. Then they were brought to Battalion #16 where they were verbally threatened, according to local villagers. Since local people experienced this, no one has dared to protest against this project until now.

**So, the challenges that villagers faced also include threats?**

Yes. Some villagers tried to stop the trucks that constructed the road because the trucks destroyed some of their houses. When villagers could not stop them, they [villagers] aggressively responded by stating that they would light the trucks on fire. As the KNU/KNLA does not want anything to happen that could affect the peace and ceasefire. They warned the villagers against taking action against the road constructors.

**Regarding the retaliation against villagers' responses, what other types of retaliation against villagers occurred?**

They used their power over civilians. Civilians do not feel safe to discuss things in case something happens. Related to this circumstance, there was a big case that happened in Karen State, which was a killing case of five people who were all killed at the same time. After civilians heard this news, they were afraid to say anything to them.

**You said that there were challenges with the villagers' response to the road construction project. Who created this challenge? Can you tell me what his name is and what he does?**

First, the person who scares the villagers is an officer of [KNLA] Battalion #16. The company that conducts this project reports to him when there is a problem. Villagers who partook in this [protest] activity were scolded. The villagers were told, "*while leaders are writing something good for you with their hands, do you want to erase the goodness with your feet?*" When villagers were told this, they did not feel safe enough to take any action against the project.

**So, the company reported villagers' actions against the company to the KNU/KNLA and then the villagers were confronted by the KNU/KNLA. Were there any successes that resulted from villagers protest?**

There were no successes.

**What are the villagers' main responses in the development projects, other than road construction?**

Actually, villagers wanted to report the case to upper-level government authorities but there are barriers at the lower level that they always have to face. So, they could not go any further because of it.

**So, what are the main responses villagers have to development projects?**

Nowadays, as CBOs/CSOs frequently come to provide human rights awareness trainings for villagers, villagers are learning and seeking new ways to respond to cases where they are negatively impacted by development projects. As they are in contact with the KHRG, they have started to report and to document human rights abuses as much as they can. Now, they have started submitting complaint letters and documents on incidents in order to prevent human rights violations from occurring.

**Why do you think villagers respond as a group rather than responding cases individually?**

We believe that responding to cases as a group is more effective than individually. If we do it by ourselves, it will be very difficult for us. For example, a villager named Kyaw Dk---reported a case without help from others and he faced difficulties because he was on his own. If we act together as a group, nobody dares to abuse us physically. If they [the companies or authorities] want to solve the case, they at meet village tract leaders but they do not violently abuse villagers like in the past anymore.

**What is the most important information that villagers need in order to respond to development projects?**

They did not have any plans to respond to this road [Asia Highway] construction. They did not know anything because the road was constructed immediately without prior consultation. But regarding the new cement factory case that is being developed in a place where KHRG used to give Village Agency Workshop (VAW) trainings, villagers from their respective villages got together and wrote complaint letters with their signatures on them to submit to township authorities.

**So, these are the development projects that are happening after the 2015 Nationwide Ceasefire Agreement (NCA)?**

Yes. The cement factory is one of the biggest development projects introduced after the NCA was signed.

**What were the other development projects prior to the NCA?**

In Win Yay Township, the biggest development project is the one and only Asia Highway. For the rest, they are only small road constructions.

**Did the villagers respond to those small development projects?**

As I have said, villagers did not respond to the Asia Highway case because there was a barrier created by the local authorities. According to the Win Yay Township leader, *"Human rights are not happening on their own; we must try to get human rights through our own efforts"*. He himself gave an encouraging speech, but villagers always face barriers and challenges. The barriers that they face are not about the Burma/Myanmar government though, but the local KNU (Karen National Union) authorities. The local villagers love the KNU but this created a relationship problem between the villagers and the KNU.

**So, according to you, the villagers' responses from before and after the peace process, the peace process has not made a difference?**

Yes, there were no problems like this prior to the ceasefire. Villagers could rely on the KNU regarding their security. But after the ceasefire, the KNU is still reliable in some ways, but not fully. They are like this now because we understand that they have to look at two faces. They have to look at the Myanmar government's face and the civilians' face. They look at the civilians' face only as a barrier while they look at the Myanmar government with a sweet face.

**What are the different strategies villagers use to respond to human rights concerns in different geographical locations?**

In the townships that I have been to, I have not seen any barriers to villagers' strategies. But after the NCA was signed, villagers have received human rights awareness training including village agency workshops that show them how to respond to development projects and how to approach the organisations that can help them. Now, KESAN also knows about the villagers' concerns and many organisations have started to know about the cement factory case.

**So, after NCA, there are organisations that work for villagers. Would you like to give suggestions to development actors about how to avoid human rights violations?**

First, I would like to suggest that development actors should have prior consultations with the local people for whatever development projects they conduct. Second, I also would like to suggest them to change the process if projects lead to more to negative impacts than positive ones. I am not saying that actors should not do development, but that they should avoid harming villagers. Third, if the local people do not agree on development projects that

are likely to cause the destruction of the natural environment and biospecies, development actors should not implement the project.

**Have villagers changed since the 2012 preliminary ceasefire was signed?**

No organisation was allowed to enter to rural ethnic areas prior to the 2012 preliminary ceasefire. After the preliminary ceasefire, there have been a lot of organisations and companies coming in as they thought that there were plenty of opportunities opening for them. As you know, local villagers are mostly not educated, so they agree to whatever they are told. For example, solar panels were about to be distributed to the villagers and villagers were asked to pay for 500 kyats [\$0.37 US].<sup>12</sup> They signed the paper in order to get the solar panels. The people who said they would distribute the solar panel came a second time and asked villagers to pay 1000 kyats [\$0.74 US] and to sign their names again. However, after villagers received VAW training from KHRG, villagers responded to them by asking a lot of questions. Then, they left the village and did not come again, and the solar panels were never distributed.

**In cases where villagers faced land confiscation by companies, what were the villagers' first responses?**

Now, civilians are so sensitive about it. Sometimes, they think to do the wrong thing. I have to calm them down not to do anything rash because someone else's mistake may become your problem. Sometimes, villagers even talk about committing violent acts, because they do not have any knowledge or any awareness training. Companies are entering their areas with permission from the KNU central or township authorities.

On October 10<sup>th</sup> 2017, KNU authorities in Win Yay Township gave permission to a company called *Arsha Thein Ngat* [Asia Falcon] Company. This company came to assess the rocky mountain [to mine for stone]. Director U Aung Min from the Burma/Myanmar Department of Geological Survey and Mineral Exploration, Ministry of Natural Resources and Environmental Conservation from Nay Pyi Taw came with them on October 15<sup>th</sup> 2017. They did not give prior notice to the village head before arriving. They went around and looked at the mountain. I assume that Tatmadaw soldiers were used as security guards for them because the Tatmadaw patrolled in Kyauk B'Loo village from 07:00 A.M in the morning that day. They delayed sending a letter with information to the village. The letter reached the village on October 17<sup>th</sup> 2017 but they came on October 15<sup>th</sup> 2017.

Villagers believed that their activities were authorised by the township. The township guaranteed that there were no problems with their assessment. This project started in 2015. At that time, villagers did not know about the project and signed on to agree to it. But, when company representatives and government authorities came a second time, villagers knew

---

<sup>12</sup> All conversion estimates for the kyat in this report are based on the 18 June 2018 official market rate of 1,357 kyats to US \$1.

what they supposed to do, so villagers did not sign any documents. Villagers did not allow them to come the third time and the fourth time. They came frequently but villagers did not agree to let them survey the mountain. As villagers did not agree with them every time they came, they stopped their activities for a while between 2016 and 2017. And then they came back again in 2017. They told the villagers *"We received a phone call from Naypyidaw that you, Lay Naung villagers, are so choosy and stubborn. Khonkhan village already allowed us to come here and conduct the project"*.

This created tensions between villagers because of this misleading information. The KNU did not know about this problem. They just knew they allowed the company to enter the area. Even though they say they are only coming to do an assessment, just think about it. If the assessment is successful, they will surely start implementing their business project.

**So, this is the response from the company.**

Yes, they pass misleading information to villagers in order to divide villagers.

**Regarding this, how have villagers responded to them?**

Now, villagers mistrust each other. So, I asked them to get accurate information in the future. When villagers ask other villagers about the situation, they learned and understood that the information they initially received is not true. However, there is still a lack of trust in the villages.

**When villagers thought their responses were risky, how did they decide to stop development projects from being implemented?**

Actually, they are not aware of different ways to respond. So, they need someone to show them the way and give them suggestions. Otherwise, they will face difficulties. Now, they are concerned that the KNU is involved in this development project. The KNU has not talked about whether villagers are allowed to stop the company. But KNLA Battalion #16 told villagers that they would not allow villagers to take any action against the project.

However, they [Battalion #16] admitted themselves that they had to say this because of orders from the administration side. If they are asked to fight they have to fight and if they are asked to stop they have to stop. If the administration [KNU] allows development projects to enter village areas, the military [KNLA] cannot do anything. They have to follow what the administration says. Civilians want to protest but they do not know how to do it. They do not know the procedures.

**So, the challenge the civilians face is due to a lack of knowledge and procedures.**

Yes.

**Do villagers try to respond to situations in a way that is in compliance with the law?**

In that area, it is not like other places. The place does not look like a town or a village and it is a mixed controlled area as well. If the villagers do something according to the law, which law do they have to follow? Do we have to consider whether it is guaranteed that the law will be taken into account when they [villagers] do something according to the law? Why are company workers coming to do assessment frequently even though villagers try to stop them? Company representatives come with the Karen State Minister's signature, Nay Pyi Taw's permission, and KNU permission (from the central level, district level and township level). So, what laws can villagers use to stop them? They neither have experience with the law or knowledge about the law. They feel that the ones who know the law win over the ones who do not. So, it is clear that they do not use the law because they do not have knowledge about law.

**According to your explanation, I myself see that villagers do not have clear instructions on how to respond to human rights violations from the development project.**

Yes.

**Now, we clearly see that there are many challenges that villagers face when they claim their rights against the negative impacts of development projects. According to your explanation, there are many challenges and few options.**

Yes, that's right. They do not have any alternatives. They will have to look at the KNU because they are close with the KNU. Currently, only the KNU is active in rural areas. The DKBA<sup>13</sup> and BGF<sup>14</sup> stay in the town. They do not come to disturb this place.

Currently, there is KNLA Battalion#16 and KNU township authorities active there. The KNU Township [authorities] are difficult for villagers to approach and is the biggest challenge for

<sup>13</sup> The Democratic Karen Benevolent Army (DKBA Benevolent) was formed in 2010 as a breakaway group following the transformation of the majority of the original Democratic Karen Buddhist Army (1994 – 2010) into Border Guard Forces (BGF). This group was originally called the Democratic Karen *Buddhist* Army until it changed its name to the Democratic Karen *Benevolent* Army in April 2012 in order to reflect its secularity. This group is comprised of different divisions, including Kloh Htoo Baw Battalion and DKBA-5, and was led for many years by General Saw Lah Pwe aka Na Khan Mway who died in March 2016 and was replaced by General Saw Mo Shay in April 2016. The DKBA (Benevolent) signed a preliminary ceasefire with the Burma/Myanmar Government on November 3<sup>rd</sup> 2011 and then signed the Nationwide Ceasefire Agreement (NCA) on October 15<sup>th</sup> 2015. The group is based in Son Si Myaing area, Myawaddy/Kawkareik Township, Dooplaya District, southern Kayin State. This DKBA (Benevolent) (2010 – present) should not be confused with, either the original DKBA (Buddhist) (1994–2010) which was transformed into the BGF in 2010, or with the DKBA (Buddhist) (2016 – present) which was formed in 2016 as a splinter group of the DKBA (Benevolent). Importantly, the DKBA (Benevolent) has signed both the preliminary and nationwide ceasefire agreements with the Burma/Myanmar government, whereas the DKBA (Buddhist) has not signed either agreement.

<sup>14</sup> Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw. BGF battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry battalions are assigned two digit battalion numbers and light infantry battalions are identified by two or three-digit battalion numbers. For more information, see “DKBA officially becomes Border Guard Force” Democratic Voice of Burma, August 2010, and “Exploitation and recruitment under the DKBA in Pa'an District,” KHRG, June 2009.

them. In the past, the KNLA investigated a house at midnight and arrested the boys who they said were using yaba<sup>15</sup> and hit the boys. They also entered a house with military shoes where there were also some guests. This is not appropriate [according to the Myanmar culture]. According to these situations, villagers now feel they have to be afraid of the KNU/KNLA as they hold guns. It also turns out that villagers' trust in the KNU/KNLA has decreased. Some villagers say that if fighting breaks out again between the KNU/KNLA and the Tatmadaw, where will the KNU/KNLA go to eat rice [because the villagers do not seem willing to support them]?

**Thank you so much for taking the time for this interview.**

**Source #26**

Log #	17-127-A1-I1
Type of report	Interview
Publishing Information	Previously unpublished:
Location	T'Naw Th' Ree Township, Mergui-Tavoy District
Full Text	
<p><b>Interview Date:</b> November 12<sup>th</sup> 2017</p> <p><b>What is your name?</b></p> <p>My name is Saw N---.</p> <p><b>Where do you live?</b></p> <p>I live in Mergui-Tavoy District.</p> <p><b>How old are you?</b></p> <p>I am 33 years old.</p> <p><b>What is your marital status?</b></p> <p>I am single.</p> <p><b>Which village, village tract and township do you live in?</b></p>	

<sup>15</sup> Yaba, which means 'crazy medicine' in Thai, is a tablet form of methamphetamine. First developed in East Asia during the Second World War to enhance soldiers' performance, methamphetamine has become increasingly popular in Thailand, Laos, Cambodia, Vietnam, and Burma/Myanmar where it is typically manufactured. See, Yaba, the 'crazy medicine' of East Asia, UNODC, May 2008; Chapter IV in Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire, KHRG, June 2014; "Thaton Situation Update: Bilin Township, July to September 2016," KHRG, April 2017; and "Dooplaya Field Report: A quasi-ceasefire? Developments after the Nationwide Ceasefire Agreement, from January to December 2016," KHRG, September 2017.

I live in DI--- village, T'Keh area, Ta Naw Th'Ree Township. We [villagers in Ta Naw Th'Ree Township] call the village tract an area.

**What is your religion?**

I am a Roman Catholic Christian.

**Are you Karen?**

Yes, I am.

**What is your job?**

I am working on plantations like betel nut plantations and plain farms.

**What responsibility do you have [in your community]?**

I am a villager.

**My first question is, are there any corporate development projects related in your area that have started since the peace process (2012 Preliminary Ceasefire)<sup>16</sup>? If yes, please explain.**

There are no corporate development projects in my area, but villagers can now move more freely between towns and villages. This is because villagers can travel without having to be checked by the Burma/Myanmar government police. Furthermore, Tatmadaw activities in my area have decreased.

**What about business developments like road construction?**

There is one palm oil plantation in Plaw Thaw village, T'Keh area that is being run by the CKB Company.<sup>17</sup> The project began before the [2012 Preliminary] Ceasefire. The CKB Company developed their project by planting more palm oil trees after the [2012 Preliminary] Ceasefire.

**When did they start the project?**

<sup>16</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see ["Seventh Round of Nationwide Ceasefire Negotiations," Karen National Union Headquarters](#), March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see ["KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit," Karen News](#), April 22<sup>nd</sup> 2015.

<sup>17</sup> KHRG has received previous reports of land confiscation by the CKB Company, also known as the Green Dragon Myanmar Company, in Mergui-Tavoy District, ["Mergui-Tavoy Interview: Saw A--," February 2017," KHRG](#), 2017, ["Mergui-Tavoy Situation Update: Taw Na Th'ree Township, 2017," KHRG](#), 2017. According to the company website (<https://www.greenmyanmardragon.com/about1-c221j>) the CKB Company currently has 20,000 acres of palm oil plantation and an additional 3,500 acres for further planting in Mergui-Tavoy District.

They started the palm oil plantation around 2002.

**Where do they plant the palm trees?**

They planted the palm trees next to Plaw Thaw village, which is also close to DI--- village.

**Did CKB company plant palm trees on villagers' lands? Did they buy the land?**

They confiscated the land from villagers.

**How many acres of the land did they confiscate from villagers?**

There are more than 200 acres of villagers' land [confiscated by CKB Company].

**What impact has this palm oil plantation had on you or your community?**

Instead of providing benefits, the project has disturbed villagers' livelihoods.

**Did landowners receive any compensation?**

No, they did not. The project interrupts the villager's livelihoods because the farmlands and pasture lands that they rely on have decreased because they were confiscated by the CKB Company. Actually, the lands that were confiscated by the CKB Company were previously cashew plantations and pasture lands. CKB Company workers cleaned all the villagers' cashew trees and planted their palm trees.

Now, the CKB Company workers ask villagers for compensation when their cows and buffalos ate their [company's] palm trees. Villagers feel too insecure to ask for their land back from the CKB Company because the company is working with the Burma/Myanmar government. Therefore, villagers are silent about their security concerns.

**Did you or other villagers take any action before the company came in order to protect your land or to protect yourselves from potential issues?**

When the CKB Company started confiscating villagers' land, it was during the [conflict] period before the [2012 Preliminary] Ceasefire, so villagers were in a dangerous situation. The CKB Company workers forcibly relocated villagers to other villages. Landowners reported this case to the Karen National Union [KNU], Ta Naw Th'Ree Township authority. They discussed the land that was confiscated by the CKB Company after the 2012 Preliminary Ceasefire.

Then, KNU land forestry staff investigated this situation by measuring the lands that were confiscated by the CKB Company for the landowners. They also met with the Burma/Myanmar government authorities in Ta Naw Th'Ree Town and submitted complaint letters to the Burma/Myanmar government forestry department.

The Burma/Myanmar government forestry department replied to the landowners and said that they would investigate the land confiscation issue for them. Later on, though, they measured land for the villagers but did not take any further action. Villagers founded a committee to meet with the Burma/Myanmar government regarding the land confiscation

issue and they are still struggling to get their land back. Their committee members are around ten members. Villagers whose lands were confiscated [by the CKB Company] are both Karen and Bamar villagers.

**Did the villagers take action before or after the project began?**

Villagers took action after the project started and the 2012 Preliminary Ceasefire.

**How many villagers had their lands confiscated by the CKB Company?**

There are around 22 villagers who had land confiscated by the CKB Company.

**If there are many villagers who had land confiscated by the CKB Company, why are there only around ten committee members who are struggling to get their land back?**

Some villagers are uneducated so they just support their committee members with some money when they have to meet with the Burma/Myanmar government authorities.

**What actions did villagers take to get their land back? Did they protest?**

They met monthly with the Burma/Myanmar government authorities and reported the issue to them, but villagers did not protest.

**So, they work in a group to investigate their land issue, correct?**

Yes.

**Was your land also confiscated?**

No.

**Have there been any negative consequences for villagers after they took action against the palm oil plantation?**

There have been no negative consequences after the 2012 Preliminary Ceasefire, but villagers were threatened by the Burma/Myanmar government before the 2012 Preliminary Ceasefire that, *"if you [villagers] report this case to the [authority], we will kill you and put you in prison."* A Mu Ga [Auntie] named Daw Dm--- reported to me that, her husband died from a heart attack because his land was confiscated [by CKB Company]. She is around 50 years old.

**So you mean the situation after the 2012 Preliminary Ceasefire has improved so there are no threats [by the local authorities or company], right?**

Yes. Villagers can work openly to get their land back.

**Have there been any successes that villagers have had? For example, did villagers get their land back from the [CKB] company because of their use of agency strategies?**

Villagers have not gotten their land back yet, but the villagers submitted complaint letters to

the Tanintharyi region National League for Democracy [NLD] authorities and the KNU government. Around three years ago, one of the KNU government workers took pictures of the lands that were confiscated and arranged for the villagers to meet with the [CKB] Company manager once to discuss the land issue.

**What is the name of [CKB] company manager's name?**

Her name is Daw Khing Aye Myint.

**Did the KNU government investigate the land issue for the villagers?**

They tried to investigate the land issue, but they could not completely solve this issue without cooperating with the Burma/Myanmar. The situation now is better than it was before the 2012 ceasefire so the Burma/Myanmar government should cooperate with the KNU government to investigate land issues for villagers.

**As you mentioned above, villagers have not gotten their land back yet. Have you received any information about whether villagers will get their land back someday?**

No, I have not. I just received information from villagers who had been told by the Burma/Myanmar government, "*We will do [investigate] the land issue for you, we will do [investigate] the land issue for you*" for three years already, but they have not done anything for the villagers yet.

**Have company workers responded to the villagers' actions in any negative way?**

Villagers lost their land to farm for their livelihoods. The company confiscated 200 acres of villagers' land and they already planted palm trees on around 100 acres of land out of 200 acres, but they have prohibited villagers from farming on the 100 acres of plain land where they have not planted the palm trees yet.

**Have there been any positive responses from the company? For example, did the [CKB] company give villagers compensation money?**

No, they did not.

**What recommendations do you want to give regarding any proposed or ongoing corporate development projects that can negatively impact the community?**

I would like to report that, villagers need the land that they inherited from their forefathers for their livelihoods. Some of them have land titles, but the CKB company said their land titles are invalid. If they do not get their land back, they want the company that confiscated their land to give them 500,000 kyats [\$368.73 US] per acre, which is the market value of the land, but I do not know how much villagers want as a fair and just compensation.

They want the KNU and Burma/Myanmar government to investigate the land issue for them so they will get some benefits from the lands that were confiscated by the CKB company. They also want news stations to report on the problems that they are facing in their community. The villagers want the [KNU and Burma/Myanmar] government members to go and witness what is happening and solve the problem for them. Normally, the [KNU and Burma/Myanmar] government members send young people on their behalf to come to the

incident place.

**Do you have any other information that you want to report?**

There is road construction happening in Dn--- village, Kyone Su Island, Ta Naw Th'Ree Township that is being executed by a company. They constructed a roundabout on the island. This road construction project damaged the villagers' cashew and betel nut trees and damaged around ten acres of villagers' land.

**When did the project start? And what is the name of the company?**

The project started sometime in 2015. I do not know the company's name.

**Have the villagers used any agency strategies?**

Villagers reported that the land is owned by the villagers to the company. They showed them land titles, but the company workers said to them that, "*The land [that we construct the road on] is virgin land. Your land titles are antique because your land titles are old land titles from the former government so they are now useless.*" Villagers submitted complaint letters to the Tanintharyi Region level Burma/Myanmar government, but there has been no response.

**How much of villagers' lands have been damaged?**

There are two families whose lands were damaged, but I do not know their names. Their rubber trees, cashew trees, betel nut trees and rubber trees have also been damaged by the road construction.

**Has the road construction been completed yet?**

No, the project has not been completed yet.

**You said you don't know the company's name, correct?**

Yes, I don't know. I will do research and then I will give you the company's name later.

**How did the KNU and Burma/Myanmar government respond to villagers after the villagers reported the event to them?**

I do not have any information about the KNU and Burma/Myanmar government responding to the villagers, but the company said to the villagers that, "*Your land title is an antique.*" They ignored villagers' voices because the company had their project approved by the [Burma/Myanmar] government.

**Did they hold consultation meetings before they started the project?**

No, they did not. They started the project without providing information to the local people.

**Did they give any compensation to the landowners?**

No. Instead of giving compensation money to the landowners, they might want to ask

villagers to give them money because villagers complain to them stating, “*Stop constructing the road. This is my land and these are my plantations. Rocks and stones from the road construction damage my lands and trees. We do not feel safe to go to our plantations because of the stones and rocks always being thrown our plantations.*”

**How wide and how long is the road?**

The road is around 20 feet wide, but I have no idea of how long the road is because the road is very long and they are continuously constructing the road.

**When did they start constructing the road?**

They started the project after the National Ceasefire Agreement<sup>18</sup> around 2015.

**Are there any benefits to the road project?**

There are no benefits, the road construction negatively impacts villagers because the road construction is close to a stream and the road construction pollutes the stream. The muddy stream flows into the river that villagers retrieve water from and now the river is polluted and muddy.

**Do you have anything else to report?**

No, that is all I have.

**I would like to ask you for permission to use your information and your pictures for publication.**

Yes, you can.

**Source #27**

Log #	17-127-A2-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	K'Ser Doh Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	

**Interview Date:** November 12<sup>th</sup> 2017

**What is your name?**

My name is Saw Do---.

<sup>18</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.

**How old are you?**

I am 28 years old.

**Where do you live?**

I live in Dp--- village, La Baw area, K'Hser Doh Township, Mergui-Tavoy District.

**Are you Karen?**

Yes, I am.

**What is your religion?**

I am a Baptist Christian.

**What is your marital status?**

I am single.

**How many siblings do you have?**

I have seven siblings.

**What is your job?**

I work on plantations and plain farms.

**What responsibility do you have [in your community]?**

I am a villager.

**Are there any corporate development projects in your area that started after the peace process (2012 preliminary ceasefire)?**

There are none in my area that began after the 2012 preliminary ceasefire, but there are some development projects that started before the 2012 preliminary ceasefire.

**When did they start?**

A company started a project [confiscated villagers' lands in 1991, but villagers only learned about it in 2002.

**What kind of business does the company operate?**

The company confiscated villagers' land and planted rubber tree on a large-scale plantation.

**Where did this occur?**

In Noh Hpa Doh village, Lah Baw area, which is close to my village.

**Did the company give compensation money to the landowners?**

Yes, they did. Some villagers took the compensation money, but some of them did not take it.

**What is the company's name?**

The company's name is Pyi Phyto Htun Company.

**How many villagers had their land confiscated by the company?**

I do not know the exact number of villagers who had lands that were confiscated, but the Pyi Phyto Htun Company confiscated all the lands near the northern vehicle road in Noh Hpa Doh village. The lands [that were confiscated] are a mix of villagers' land and virgin lands.

**How many acres of land were confiscated [by the company]?**

I don't know how many acres of land were confiscated by the company, but they plan to use more than 1,000 acres of lands for their project.

**Have villagers taken any action to get their land back?**

The villagers reported the land confiscation to the Karen National Union [KNU] District Administrator and the Burma/Myanmar government.

**What benefits has this corporate development project brought for the villagers or your community?**

There have been no benefits from this corporate development project for the villagers or community.

**How has this corporate development project negatively impacted you or your community?**

Before the company fenced their land, the company workers would kill villagers' animals that entered company land.

**Do you mean the company has fenced their land now?**

Yes.

**When did they kill the villagers' animals?**

It was three years ago [2014].

**What are other concerns do the villagers have?**

The villagers' whose lands were confiscated by the company do not have land to build their houses. They lost the farms that they rely on for their livelihoods. They currently have to rely on their neighbours and relatives.

**How many villagers' lands were confiscated by the company?**

I don't know.

**Approximately how many people do you think?**

I think there are around 30 villagers who face this problem.

**What actions did the villagers take beforehand to protect their land? For example, did villagers do anything to protect it themselves once they heard that the company would confiscate their land?**

Nothing was done to stop the company project during the conflict period in 1992 because villagers were displaced. As a result, villagers did not have an opportunity to return to their land and then the company confiscated villagers' land for their project.

**How about after the [2012 preliminary] ceasefire?**

After the [2012 preliminary] ceasefire, the situation has improved so villagers can exercise freedom of speech. Now, villagers have organised themselves and they have reported the [land confiscation] issue by sending complaint letters to the KNU and Burma/Myanmar government township, district and regional authorities.

**When did they report the issue and how many times did they report it?**

I don't remember the date or how many times they reported it.

**Were village agency strategies done by only one person or as a group [community]? For example, did a villager personally submit a complaint letter to the authorities or did villagers submit complaint letters as a group?**

Villagers cooperated as a group and submitted a complaint letter to the authorities.

**Has the company responded negatively to villagers' agency strategies in any way?**

When villagers had a meeting with the Burma/Myanmar government township level, some of the Burma/Myanmar government township administrators told villagers that, "*You report this incident [land confiscation] to us just now, but you [villagers] did not report it when the incident started happening.*" They did not clearly state that they would not solve the problem for villagers, but the way they replied to villagers made it sound as if they don't want to solve this problem for villagers.

**When did this happen?**

It was around 2014 after the 2012 ceasefire.

**Have villagers had any success by using their village agency strategies? For example, did villagers get their lands back from the company or armed groups because of their strategies?**

No, nothing has resulted from their use of agency strategies.

**Were there any positive responses from company workers? For example, did they have consultation meetings, negotiate, or provide compensation to villagers?**

No, there was no negotiation with the villagers. There was a dictatorship in the country when the company confiscated villagers' land. The company cooperated with the Tatmadaw and forced villagers to sign agreements to sell their lands and receive money from the company. There were some villagers who received compensation, but the compensation was disproportionate to their loss.

**When did they provide compensation to villagers?**

It was in 2005 before the 2012 ceasefire.

**Did all villagers whose lands were confiscated receive the compensation money?**

No, some villagers refused to accept the compensation money because the compensation money was unfair.

**Were any other village agency strategies used?**

The villagers only submitted complaint letters and met with the [KNU and Burma/Myanmar] government members.

**My last question is, what recommendations do you want to give regarding any proposed or ongoing corporate development projects that may negatively impact communities? What suggestions do you want to give to villagers when they face business and development projects?**

I would like to give recommendations to both the KNU and Burma/Myanmar governments that the development of the civilians and communities are dependent on the government so civilians will also be impoverished if the governments govern the country in unjustly. The governments should lead the civilians in a just manner and protect the civilians' resources. Any businesses and development projects have to be given permission by the government to operate so that I would like to give a recommendation to both the KNU and Burma/Myanmar government to protect civilians.

**Do you have any other information to report?**

I would like to add more information like this, villagers have struggled to get their lands back, but there has been no response from governments. Therefore, I would like to urge any people to work with villagers to solve land confiscation issues by reporting villagers' problem [to the authorities] in order for villagers to get their lands back into their hands. I would like to request from them to prevent any abuses that will defeat civilians and bring justice for civilians.

**Can KHRG use your information and pictures for publication?**

Yes, you can.

**Source #28**

Log #	17-130-A1-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

**Interview Date:** November 11<sup>th</sup> 2017

**What is your name?**

My name is Saw Cn---.

**How old are you?**

I am 70 years old.

**What is your ethnicity?**

I am Karen.

**What is your religion?**

I am Christian.

**Do you have a family?**

Yes, I do.

**How many children do you have?**

I have 5 children.

**How old is your oldest child?**

My oldest child is 40 years old.

**How old is your youngest child?**

My youngest child is 22 years old.

**What is your occupation?**

I work on a plantation.

**Where do you live?**

I live in Co--- village, Shauk Pin Chaung village tract, Toungoo [Htantabin] Township, Toungoo District.

**Are there any corporate development projects in your area that have started since the peace process (2012 preliminary ceasefire)?**

Yes, there have been land confiscations due to business developments in our village since the 2012 preliminary ceasefire. Although there is development, it does not improve our village. Land confiscations negatively affect the whole village. Villagers do not have the right to work on their land anymore. They do not even have land to secure their livelihood.

**What kinds of development projects are in your area?**

UNICEF (United Nation International Children's Emergency Fund) is operating in our village.

**What does UNICEF do?**

They donate rice and provide cattle to villagers to raise them for their livelihood. I still have a couple of cows that were given to me by UNICEF.

**They donate these to support the well-being of villagers. Did you have to pay for the cows, or were they bought for you?**

They bought them for us. At first they let us take turns to raise a heifer for a year. Each villager can take the heifer for a year only. When the heifer gives birth, we can keep the calf as our own and transfer the heifer to another villager after the heifer has stopped breast feeding. But we need to pay 7,000 kyats [\$5.16 US]<sup>19</sup> for the village fund.

**So, if you get one cow, you have to pay 7,000 kyats.**

Yes.

**Why do you have to pay 7,000 kyats?**

After we get a calf, we pay 7,000 kyat to developer for the fund of the village so that they can provide more support to the village.

**How many cows each family receive?**

---

<sup>19</sup> All conversion estimates for the kyat in this report are based on the 19 June 2018 official market rate of 1,356\_kyats to US \$1

Only one.

**How many households are in your village?**

There are 70 households in this village.

**Do they provide [cows] to all 70 households?**

Villagers that did not want to raise a cow did not take the cow but villagers who wanted to raise cows did.

**Do you know how many people raised cows?**

Around 15 people raised cows.

**What do other people do if they do not raise cows? Are there any other things provided by the UNICEF?**

No.

[Interjection by Naw Dq--- ] They [UNICEF] provide pigs and cows to everyone.

**[Naw Dq--- begins to be interviewed] What is your name?**

My name is Naw Dq---.

**How old are you?**

I am 50 years old.

**What is your ethnicity?**

I am Karen.

**What is your religion?**

I am a Baptist Christian.

**Are you married?**

Of course I am. I have a lot of children. I had nine children before. Now, there are only five left.

**What is your occupation?**

I just work odd jobs. I do not have a plantation because it has been confiscated. The Burma/Myanmar government confiscated my land and said that it is owned by the government. Actually, it is not government land but civilian land. The land should be returned to civilians.

**Where do you live?**

I live in Dr--- village, Shauk Pin Chaung village tract.

**What are the corporate development projects in your area? Do they benefit villagers?**

No. What they are doing is not beneficial for villagers.

**They confiscated villagers' land in the past. So, have they already returned the land to villagers? Or, have they continued using the land after the 2012 preliminary ceasefire?**

Now, they are still using the confiscated land. We requested for them to return our land.

**What are the other projects being conducted in this area?**

There are projects being conducted such as the rubber plantation by the Ministry of Industry #1. Ba Yint Naung also confiscated villagers' land. The projects are not for villagers. Instead, it creates problems for villagers.

**In order to implement their project, do they use the land?**

Yes, they have to because the project is a plantation.

**Who are the owners of the land where they conduct the plantation project?**

It is villagers' land. They trespassed onto and arbitrarily confiscated villagers' land. We have not received any opportunities or benefits from the project, but they do.

**Did they compensate the land that they confiscated?**

No, they didn't. The Ministry of Agriculture and Irrigation and the Ministry of Industry #1, U Than Myint and Ba Yint Naung confiscated our land but we have not received any compensation from them. None of the authorities gave compensation for our land or supported us.

**Have there been any negative consequences due to business developments for you or your community?**

Yes, we had to leave our village and live in other villages. Now, my oldest son is away and has not come back to us.

**Have there been any other negative consequences other than this? We know that after villagers' lands were confiscated, they have been facing negative impacts.**

Yes, of course. They trespassed on our land and confiscated it. Plus, they also sued us for trespassing on their land. They sued the villagers more than one time. Instead of the project bringing opportunities for villagers, now villagers are facing loss of their possessions. There are many villagers who have been sued by the company workers. I asked them [companies or government authorities] to sue me but none of them did. Now, my husband has been sued.

**Your husband uncle Saw Cn--- has been sued?**

Yes, he has.

**So, uncle Saw Cn---, could you please tell me how you got sued? [Interview with Saw Cn--- resumes]**

Aung Kyaw Oo said that the land that villagers were fencing were his land, so he came to see his land. He said that when he came by motorbike to see what was happening, I was one of the villagers who dragged him down from his motorbike, so they sued us.

**Villagers fenced on Aung Kyaw Oo's land? Why?**

We went there to fence our own land. We did not fence on his land. We went to fence our land that is confiscated by the Ministry of Industry #1. Now, we have been sued. The authorised person [Aung Kyaw Oo] from Ministry of Industry #1 who sued the villagers was invited by the authorities [to discuss the case] but he refused and said that it was none of his business. Because of what he said, villagers were waiting for him at the plantation and dragged him down from his motorbike to go see the authorities. But, he refused to meet authorities and villagers because we believe he is a cheater.

**When you say authorities, which authorities are you referring to?**

I mean the village head and hundred-household leader. The project they conduct here is on the land of villagers. The village head invited Aung Kyaw Oo to come and consult with him but they refused. Village elders also invited the authorised person [Aung Kyaw Oo] of Ministry of Industry #1 to meet them, but he also rejected their invitation. He said that it was not his role to make a decision to meet with the village elder members. He said that it was the responsibility of higher authorities in the Ministry of Industry #1. Who are the higher authorities? If they have people who hold higher positions than them, why did they not come and meet with us. They should have come. I have no idea why he came but said that he is

not responsible for it. By the way, we will surely fence our own land [to prevent land confiscation].

**How did they sue you? Can you tell me more details? Can you also please tell us what difficulties you have faced?**

We fenced our own land. But, the Ministry of Industry #1 were not satisfied with this. They also said that villagers took the bowls that store the latex from the rubber plantation. They also said that villagers trespassed on their land and fenced it. Due to these reasons, the Ministry of Industry #1 sued the villagers. The Ministry of Industry #1 reported this case to government authorities so villagers would stop doing these kinds of activities.

Naw Dq---added: Actually, we are not trespassing on their land. It is our land. They are the ones that are trespassing on our land.

**Did you receive any compensation?**

Naw Dq--- answered: No, I have not received any compensation at all. They destroyed our entire long-term plantation. They destroyed our bamboo. They took out our long-term plantation and replaced it with a rubber plantation.

**When did you start fencing your land? How many times have you fenced your land?**

Naw Dq---: We fence it almost every day. I cannot remember how many times it is fenced.

**Can you tell me the possible date based on what you remember?**

Saw Cn---: I think it began in October [2017].

**From October until now [December 2017], how many times has the land been fenced?**

Naw Dq---: I can say that it has been fenced almost every day. Villagers from each section go to fence their land almost every day.

**Have you ever seen the staff from Ministry of Industry destroy the fence?**

Naw Dq---: Aung Kyaw Oo himself destroyed the fence that villagers made.

**What is the position of Aung Kyaw Oo? What is he doing?**

Naw Dq---: I have no idea where Aung Kyaw Oo lives and what he is doing. I just know that he is trespassing on our land and he is a trouble-maker. He is a businessman.

**I want to know if Aung Kyaw Oo has any other position in the Ministry of Industry #1.**

**For example, the position of manager or ...**

Naw Dq---: I heard that he is a manager. However, if he does not have the authority to meet with villagers, the person who is in a higher position than him should come to talk with villagers directly. Why does the higher authority not come? I really would like to ask this question to them.

**Has there been any consultation between villagers and the Ministry of Industry #1?**

Naw Dq---: They just came yesterday [and met with villagers] in the village hall. They asked us to wait. They said that they will report the case step by step.

Naw Dq---: The Township-level Commission of Land Appraisal came here on December 10<sup>th</sup> 2017.

**What was the discussion about when they came to meet with villagers? Who was involved and led the consultation meeting? (Saw Cn--- answers the question)**

The Township general administrator led the group.

**What is his position in the Commission of Land Appraisal?**

He is the chairperson of the commission.

**Do you know his name?**

No.

**Who else was involved in this consultation meeting?**

Regional Parliament Representative was also involved in the consultation meeting. His name is U Moe Ma Kha.

**Is U Moe Ma Kha a Regional Parliament Representative of the NLD government?**

Yes.

**Who else is involved?**

Land Department Officer at the township level is involved. I don't know his name.

**Who else?**

The consultation meeting included authorities from the township Agricultural Department of

and Forestry Department.

**Were there more people involved?**

Yes.

**When you say township, I want to know which township you are referring to.**

I mean Toungoo Township.

**Which township was the Township general administrator, Forestry Department and Agricultural Department officers from?**

They are from Toungoo Township. The consultation meeting also included a Livestock Department officer, a representative from the Municipality of Toungoo Township, representatives from the Independent Labour Union.

**What did they discuss in this meeting? What did they do for villagers? Were they coming to give any information on how they will solve this land issue?**

The respective township authorities told us to submit the letter again to them and said that they will review it in order to help us get back our land.

**Villagers were recommended to submit a letter again, so how will the letter be submitted?**

It was recommended to us that the letter must indicate that the land that has been confiscated by the Ministry of Industry #1 is indeed villagers' land.

**Did they ask for any evidence from the villagers to mention in the letter? What evidence did they ask for? For example, did they ask villagers to provide Land Form #7, land titles, etc.**

They did not ask for that.

**Did they tell you how to submit the letter?**

We have to submit a letter stating the evidence that the land belongs to us.

**As I understand it, what the evidence means here is that villagers should have supporting documents such as Land Form #7 so that they can claim to the government that the land is theirs?**

The land belongs to the village. There is also villagers' plantation land. When we started

working on this land, the documents like land titles or Land Form #7 had not emerged yet. So, now we are fencing our own land. We will just submit a letter stating that we are fencing our own land.

**How many times have you already fenced your land?**

We have fenced our land more than four or five times. We started fencing our land from September until now. Now, each of the land owners is building huts on their land.

**Now in 2017?**

Yes.

**In 2017, when villagers have been setting up huts on their land, have there been any huts destroyed by the Ministry of Industry #1?**

Yes, they destroyed a couple of huts, but not all of them.

**Who destroyed the huts?**

Their staff destroyed the huts.

**What do you mean by their?**

They are Aung Kyaw Oo's workers.

**Who is Aung Kyaw Oo and where is he from?**

According to what I heard, he is the Manager of the Agricultural Department. That's all I know about him.

**Is Aung Kyaw Oo taking responsibility of the company or Ministry of Industry?**

From what I know, he is a manager of Ministry of Industry #1 and #2 of the Burma/Myanmar government. But, there is no Ministry of Industry #1 or #2.

**What are the other ways you have tried to get back your land?**

We have not tried any other ways than fencing our own land. We will continue to do this. We will continue to act to protect our land.

**Other than fencing your land, have you ever tried to submit a complaint letter or form a group that monitors the situation in order to get back your land?**

We have not done that yet. We have not submitted any complaint letters yet but we have reported the case to relevant ministries in Naypyidaw.

**Have you ever confronted company workers directly in person?**

No, how can we talk to the ones who conduct this project when they do not show up to meet with villagers.

**Have there been any discussions between villagers and project manager Aung Kyaw Oo?**

No. We invited him to meet with us but he refused. He said that it is none of his business.

**Who invited him?**

Our Dr--- village chairman [village head] invited him but he refused.

**You have said that many departments from the Burma/Myanmar government, including a township general administrator, came to the consultation meeting. Were any of the relevant members from the Ministry of Industry #1 involved?**

None of the members from the Ministry of Industry #1 came to the consultation meeting.

**By the way, what were the outcomes from the discussion?**

They asked the villagers to submit a complaint letter and said they will take action on it.

**Did you plan to submit the letter?**

Yes, I did.

**What level will the letter be submitted to?**

The letter will be submitted to township level.

**Were there any representatives from organisations that are working on land issues involved in the meeting?**

Only Sayar Doh Htoo and his group got involved in the consultation meeting.

**What did they recommend for villagers to do regarding the land issue?**

According to Sayar Doh Htoo's suggestion, we should submit complaint letters to township authorities, the same as what the Burma/Myanmar government authorities asked us to do

and to wait for a few days. In case the authorities do not respond to villagers within three to four days, they [Sayar Doh Htoo] will start taking action to help us address the issue.

**You said that villagers are capable of fencing their land. Can you explain why you chose to take this type of actions? Why didn't you choose an alternative?**

We can only do this so we just do things this way. We have once already reported the case to [Burma/Myanmar] authorities but there has not been any response from them. The case has been reported to them since 2012 but they have not taken any action to address the issue until now. As our reporting strategy did not work, we finally decided to fence and clear the bushes on our land.

**You said that the issue or the case has been reported since 2012, but no response has been given by the authorities. Why did they not take any action?**

The letter was sent to them but none of the township, district, or region authorities took action.

**Did you fence your land alone or did you act as a community?**

We fenced our land with as a community as a whole. All of the villagers cooperated and helped to fence each villager's land.

**What have been the difficulties or risks associated with your actions?**

The project implementers did not threaten us but they destroyed our fence. However, we built a fence again after they destroyed it.

**Have any of your actions been successful??**

We can say that we have only had half-way success from our actions, but we cannot say that we have completely succeeded. Now, we clean our land. We fight for our land. And, we fence to get back our land. As now is the period of transparency [peace period], we are not afraid of anything. We do it bravely.

**Have you ever been sued for fencing your land?**

We were already sued.

**How many were sued?**

There were five of us.

**Were any women sued?**

There were three women and two men who were sued.

**Why were women sued more than men?**

More women were sued than men because people who did this were mostly women.

**What do you mean by “who did this”?**

I mean that, those who fenced the land were mostly women. As more women got involved in fencing land than men, they sued more women than men.

**One thing that is still unclear to me is, you said that villagers from the whole village cooperated to fence their land. But, only five of them were sued?**

They only sued those who led the activity. As I am a village elder, I was also sued. Township authorities also know about this.

**How were the women?**

Two women were sued because they lead the activity of fencing land but the other one was sued for dragging Aung Kyaw Oo down from his motorbike.

**Can you please explain why, how and where Aung Kyaw Oo was dragged down from his bike?**

He was dragged down on the road across villagers' land.

**How did Aung Kyaw Oo respond to the woman that dragged Aung Kyaw Oo down from his motorbike?**

Aung Kyaw Oo was afraid of her and did not dare to do anything to her. Aung Kyaw Oo embraced the motorbike rider very tightly whilst he was pulled down. There were three people riding on one motorbike and Aung Kyaw Oo sat in between two people. What I know is that Aung Kyaw Oo did not respond to the woman at all.

**Have there been other problems other than this?**

I think nothing more.

**What are your concerns and how do you feel regarding this negative development project?**

I feel like this development project will go to a private company's hands.

**Can you explain more how it will go to a private company's hand?**

If they do not or are not able to work on this land, they will surely sell it to a private company. Now, the Ministry of Industry #1 or Ministry of Industry #2 is not here anymore. The Ministry of Industry and Aung Kyaw Oo already held an auction event. One day, it will be privately owned.

**So, you mean that the land will not be returned to villagers but it will be handed over to others?**

Yes, you are right.

**What are your recommendations for corporate development projects that enter your area? (e.g. how can they best respond to your concerns?)**

As for us, this is villagers' land and it belongs to the village. Whatever businesses they conduct, villagers' land must be in villagers' hands. We do not want money. We just want land to grow our plantation on. This is how I feel. Other villagers also have the same feelings as me. They also want their land back.

**Apart from land confiscation caused by this project, has there been any land confiscation committed by the Tatmadaw?**

Yes, we have land that was confiscated by the Tatmadaw. Now, we are also working to take action on that.

**Can you please tell me about land confiscation incident involving the Tatmadaw?**

They confiscated villages' land to conduct military trainings. We are also trying to protect our land. I already talked about this to Tatmadaw leaders.

**How did they respond?**

They did not respond to me.

**Do they still conduct military trainings?**

No, they conducted military trainings for a few days on December 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> 2017. They fired guns on the last day, December 9<sup>th</sup> 2017. They hold military trainings every four months.

**What do you mean by "they"?**

"They" meaning the Ba Yint Naung military.

**Were the soldiers from the Ba Yint Naung military training school?**

Yes.

**How many of them were in the training?**

There were around 250 trainees.

**Which rank was the training for? (eg. Training for Company Commander, Platoon Commander, etc.)**

The training that they conducted was for Company Commander.

**How did they use the land to conduct military trainings? Did they shoot artillery, or train without shooting, or how?**

The training included firing artillery with military tanks. There were three military tanks.

**When was the land confiscated by the Tatmadaw?**

It was confiscated in 2000.

**Between 2000 and 2017, has there been any land confiscation that has occurred again? Did they already set up a signboard in 2000?**

No, they did not. They just came to confiscate our land.

**Later on, did they come to set up any signboards that indicate they officially confiscated the land?**

It just happened now. In the past, we did not have it.

**When did they start setting up the signboards?**

They started setting up signboards in 2016.

**Do you remember which month?**

No, I don't.

**Have the Tatmadaw ever claimed that they will relinquish villagers' land that they confiscated?**

In November 2004, *Bo Kyoke* [Major General] Min Naung claimed that the land would be returned to the villagers.

**They confiscated your land in 2000, returned it in 2004, and again confiscated it in 2016. So, your land has been confiscated twice?**

Yes.

**Have they done anything to suggest they will return villages' land in 2017?**

No.

**How many acres of land did they confiscate?**

They confiscated 1521 acres of villagers' land.

**Did they inform the villagers about firing artillery before they conducted military training?**

Yes, they did. They gave notification sheets to the villager head to distribute to all villagers. It stated on the papers that villagers should stay away from the place where they conducted military trainings.

**Did any of the artillery that was fired injure or kill villagers?**

No.

**Did any of the artillery that was fired injure or kill the villagers' livestock?**

No.

**Did any of the artillery that was fired damage villagers' plantation?**

Yes, the artilleries fell among the rubber plantation.

**Has there been any compensation provided to the villagers for plants damaged by artillery?**

No.

**What are the ways that you can act to get back your land that was confiscated by the Tatmadaw?**

We already reported the Tatmadaw land confiscation case to the Burma/Myanmar authorities in Nay Pyi Taw as well as to the Tatmadaw Senior General [Min Aung Hlaing] and the president [Htin Kyaw].

**Then, how was the case addressed?**

The case has not been addressed yet.

**When was the case reported?**

It was reported in 2012.

**Have they done anything about this land issue, for instance, returning some parts of the land to the owners or relinquishing the land?**

No, they did nothing at all.

**Regarding land confiscation, have there been any organisations that have met with villagers?**

Yes, Sayar Doh Htoo came here.

**What do they do for villagers in order to get villagers' land back? How do they go about their tasks?**

They helped us and gave recommendations on which government to submit our complaint letter to.

**What is in it, what is the complaint letter about?**

We submitted a complaint letter to get back our land.

**Does the letter sound informed?**

Yes, we sent an informed letter.

**Since you sent an informed complaint letter [to Burma/Myanmar authorities], have there been any people who have decided to come and assess the situation in the area?**

No, not yet.

**Are there any villagers who are now working on the land that was confiscated by the Tatmadaw?**

Yes, some of the villagers and I do work on the land that was confiscated.

**By working on the confiscated land like this, have you faced any confrontation?**

No.

**Have you ever been deterred from taking action?**

Villagers have been informed by the Tatmadaw that if the villagers touch the rubber plantation [on the land that they confiscated], they will take action.

**Where is the Tatmadaw battalion from?**

They are from Ba Yint Naung military camp.

**Is that rubber plantation on villagers' land?**

Yes. Villagers were told not to touch those rubber plants or fence around them, otherwise, there will be serious consequences.

**Have there been any villagers that fenced or made rubber from the Tatmadaw's rubber plantation?**

Yes, the Tatmadaw saw it so they warned the village head about not taking rubber from their rubber plantation. They said there will be action taken against people who do not obey.

**How did the villagers respond?**

Villagers did not reply.

**Have the villagers done this multiple times?**

I am not sure whether they will still continue doing this or not. I have not been to the area where the Tatmadaw warned villagers not to do this. I just go to my own land and work on it.

**Have you been pressured or threatened by working on your land?**

No. But, we were photographed.

**Can you please explain how and why you were photographed?**

They took photos of the rubber plants that had rubber sap taken from them. The Major of the Tatmadaw Ba Yint Naung military camp asked his people to take the pictures and show him

the pictures that were taken.

**Did they take the photos of villagers or just the rubber plants?**

They just took the photos of rubber plants, but not villagers.

**What else did they do?**

They also came to take the photos of my land and plantation. When I told them that I grew these plants by myself, they did not continue to ask me anything or do anything to my land.

**Did they also take a picture of your plantation?**

Yes.

**Did they take a picture of you?**

No.

**Did they inform or ask permission from you when they took the picture of your plantation?**

No.

**Did they tell you why they took this picture?**

They said that the land has been leased by the Tatmadaw. The person who the land was leased to did not feel comfortable to work on that land due to the land problem. He [the Tatmadaw Major] told U Khel Thaw's son, who the land was leased to, that *"I did this not for my own benefit but for you. So, go and take pictures of the rubber plants that had rubber sap taken by other villagers."*

**Were the people who took the pictures soldiers?**

They two [U Khel Thaw's son and a Major's subordinate] went to take photos, but I do not know which one of them takes responsibility for taking photos.

**Was the Major involved in taking photos?**

No.

**What is the name of the Tatmadaw Major?**

His name is Maj. Kyaw Kyaw Lwin.

**Which battalion is Maj. Kyaw Kyaw Lwin from?**

He is from Tank battalion #39 under the Ba Yint Naung military unit.

**What is his position?**

He is a Major. He said he will resign from the Tatmadaw soon though.

**What is the area of the land he is leasing?**

There are around four acres.

**Is any of it your land?**

No. It is the land of another villager.

**I know that there are 1521 acres of villages' land that they have confiscated. Do they also plant anything in it apart from this?**

No. This is the first and only plantation that they grew in our village.

**Did they also confiscate the plantation that was grown by the villagers?**

They confiscated villagers' land that the villagers grew the [rubber] plants on by themselves, but villagers can still work on their [rubber] plantation and take the sap from the rubber trees.

**Since villagers work on the land that has been confiscated by the Tatmadaw, do the villagers have to share half of the outcomes with them?**

No, villagers do not have to. The Tatmadaw only charge those who use the plantation that they grow and lease to others.

**Who are the people that the Tatmadaw lease land to? Are they from this village or other villages or Tatmadaw officers?**

People who work on the leased land are neither from this village nor Tatmadaw. But, they are other places.

**Do you know what kind of people they are?**

They are Karen people from another place but they moved here.

**What have been other development projects in your area that we have not talked**

**about? Are there any? What other information do you have about development project and land confiscation?**

We have U Than Myint and who confiscated villagers' land.

**What did U Than Myint confiscate villagers' land for?**

He planted rubber trees. He took a huge amount of land to plant rubber. He is a private wealthy person.

**Did he use the land that was confiscated by the Tatmadaw?**

He confiscated villagers' land before the Tatmadaw did. At first, the land was confiscated by the Ministry of Industry #1. After the Ministry of Industry #1, U Than Myint took over the land. Finally, the Tatmadaw took it over.

**When did U Than Myint confiscate villagers' land?**

He confiscated villagers' land in 1996/1997.

**Did he provide compensation to the villagers?**

Honestly, I did not receive anything from him. I also have no idea where the compensation went. Our villagers did not receive anything.

**Ok, I might not have asked you questions that you would like to answer. So, is there anything else that you would like to add? You can talk about your feelings.**

I would like to say that villagers have been suffering from land confiscation. Their land has been confiscated by private individuals, companies and the Tatmadaw. The Irrigation and Agriculture departments also confiscated our land but we have not received any compensation. The Ministry of Industry #1 and #2 confiscated our land but we have not received any compensation. The Tatmadaw confiscated our land but we have not received any compensation, because we are not able to show them any documents related to land titles that they ask for. We have not received any compensation from U Than Myint as well.

We want to get back our land. We do not want any compensation though. We only want our land. We, villagers, want our own land to secure our livelihoods. We don't want compensation. This is my feeling about my land. Other villagers also would feel the same. Regarding our land, we have suffered for 20 years. That is why we want to get back our own land. When some people lost their land, they left the village to find work in other places. Some have gone to other countries. Some villagers disappeared and have not yet come back home, for instance, people who work as mahouts in the jungle. Some ladies and women have to work as domestic workers. Some children also cannot study well.

**Because of land confiscation, are there any villagers from here who seek for employment in restaurants or something like that?**

Yes, there are. They work at restaurants in places like Toungoo Town and Yangon City. There are also villagers who go to Malaysia and Singapore.

**Who are mostly working in other places and abroad? Men or women?**

Both men and women, as well as both married or single women and men.

**Finally, what recommendations would you like to give?**

We would like to get back our land that has been confiscated. Now, we do not have any opportunities compared to other places. In other places, people have access to electricity, water and good quality roads. In the summer, we do not even have a drop of water. In the rainy season, there is loads of mud on the road and it is not comfortable for students to go to school. I mean, we have nothing. We would like to recommend the above authorities to take us into consideration.

In our village, there is a lack of healthcare and education services. The above government officials should take sympathy on our situation and return our land to us. Open a clinic for us as well. For the development of the community, open a library for us. Now, our school is self-funded, so support our school. The quality of education is also not up to standard.

**So, these are your recommendations that the government should carry out. Thank you so much for your patience and taking the time for this interview. Do you allow KHRG to use this to publish?**

Yes.

**Can I also take a picture of you?**

Yes.

**Source #29**

Log #	17-130-A2-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Toungoo Township, Toungoo District/northern Kayin State
Full Text	
Interview Date: November 29 <sup>th</sup> 2017	

**What is your name?**

My name is U C---

**How old are you?**

I am 51 years old.

**What is your ethnicity?**

I am Myanmar ethnicity.

**What is your religion?**

I am a Buddhist.

**Do you have a family?**

Yes, I have one.

**How many children do you have?**

I have 5 children.

**How old is your oldest child?**

My oldest child recently turned 30 years old.

**How old is your youngest child?**

My youngest child is eight years old.

**What is your occupation?**

My occupation is a plantation worker. I am working on the plantation, on the ancestral land that was handed over by our previous generations.

**Where do you live?**

I live in Ab--- village, Na Ga Mauk village tract, Toungoo Township, Toungoo District.

**Since you are working on a plantation, do you have any challenges in regards to land issues or others due to development projects after 2012?**

Regarding development projects, there are the Kaung Myanmar Aung Company<sup>20</sup> and Asia World Company<sup>21</sup> operating in this area.

**What did you do for work after the company entered the area?**

How can I work after the company came to our village? The company confiscated our land.

**What are the companies doing?**

The Kaung Myanmar Aung Company is planting a teak plantation on our land, the land that they confiscated.

**What about other company projects?**

The Asia World company is building a hydropower dam.

**What are the impacts of the corporate development projects operated by the company?**

The villagers' lands were confiscated and some plantations sank into the river. Many local people face livelihood challenges. Most of the local people in this area secure their livelihoods from river resources.

**Due to the damaged land caused by development projects, has there been any compensation payment for the affected villagers?**

For me, the company paid 300,000 kyats [\$218.34 US]<sup>22</sup> for each acre of land that was damaged. However, I received the payment only for nine acres even though my lands that are damaged are 15 acres.

<sup>20</sup> Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development within Myanmar. Their chairman is Mr Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Myanmar which have included threats to villagers who were customary owners of the lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014 to February 2015](#)," July 2015. Affected villagers held protests against the company in 2015 and early 2016 in order to demand the return of their lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," July 2016. For information on a similar case with KMAC in Pyin Oo Lwin Township, Mandalay Division, see "[Presidential adviser sues 13 farmers for trespassing](#)," Myanmar Times, September 2<sup>nd</sup>, 2013.

<sup>21</sup> Although referred to as the Asia World Company by the KHRG community member, the company in question here is most likely the Asian World Company. The Asian World Company is Burma/Myanmar's largest and most diverse corporate conglomerate comprising many subsidiary companies, with investments in numerous industries including infrastructure and industrial development, transportation and import-export.

<sup>22</sup> All conversion estimates for the kyat in this report are based on the June 25, 2018 official market rate of 1,374 kyats to US \$1

**Which company paid the compensation?**

Asia World Company paid for it.

**What about the Kaung Myanmar Aung Company, did they provide any compensation?**

The Kaung Myanmar Aung Company did not provide any compensation. Instead, they put a burden on the local people.

**How did the company put pressure on the local people?**

The company confiscated villagers' land, and then accused the villagers of being trespassers. The persecution [by the company] has been happening for two years, it started in 2015.

**How did the company accuse the local people of being trespassers?**

They brought the local people to court at the Toungoo Township level, but the local people won the court case. Then, the accusation was brought up [by the company] again at the District level court, which had the same result, which was that the local people won. Finally, the accusation was brought up again at the regional level. Therefore, now villagers are facing a big challenge to go to the court at the regional level because of the related costs and transportation.

**What are the challenges you faced in court?**

The challenge is that villagers have to hire lawyers and pay each of them 150,000 kyats [\$109.17 US], which costs 1,100,000 kyats [\$800.59 US] overall.

**Have you already paid the lawyer fees?**

We [villagers] have not paid all of the fees yet, only 300,000 kyats [\$218.34 US].

**How many villagers were accused and taken to court by the company?**

There are 10 villagers, including U Myit So, who were taken to court by the company.

**How was U Myit So involved with the villagers in court?**

He [U Myit So] helped us [villagers] in preparing documents and speeches, because he is a member of the Independent Labour Union.

**What are the benefits of the development projects for the local people?**

There are no benefits for the local people. The projects cause problems and are a burden for the villagers.

**Did the villagers protect themselves against land confiscation before the development project started?**

We [villagers] built a fence around our land and plantation, but after 2004, when the company entered, the company cleared the land by force. They cleared all the dog fruit plants, mango plants and others that we had planted a long time ago. They cleared the land by cutting it with machines and cars and then planted teak plants. Then I forbid them from doing this [clear the land] but the company did not listen.

**Who did you report the situation to, the workers or the leaders?**

I reported the situation to a company agent and told them not to clear the land. I said, *"please do not clear this plantation and the plants in it because this is our ancestral land"*. However, they did not listen because they are doing it according to the orders of higher company authorities.

**Which company is damaging the villagers' land?**

It is the Kaung Myanmar Aung Company.

**Do you have any land titles or documentation?**

We only have a land leasing agreement that the government provided. The land form #7 has not been granted to us [villagers] yet but the land was already measured for it. We really want land form #7 in order to work on the plantation properly.

**When was your land measured for land form #7?**

It was measured in 2015.

**You have already had your land measured for land form #7 in 2015, have you received it by now?**

I have not received it yet.

**Regarding the negative impacts of development projects, did the villagers confront the situation by speaking directly to development project workers, writing complaint letters, or demonstrating in any way?**

We [villagers] did protest three times against the Kaung Myanmar Aung Company because they did not listen to us when we talked to them and forbade them from damaging the land. We [villagers] also reported the situation in a press conference in Yangon.

**Why did you choose to do a demonstration?**

We did a demonstration because we want our lands back and we also do not have any other land [apart from confiscated land] to work on.

**So, you have already reported it and spoke to the company but they did not listen, therefore, you made a choice to protest. Are you protesting with the idea that you will get your land back?**

Of course, we villagers did a demonstration hoping to get our land back, because we were disregarded by the Township officers when we reported about land confiscation.

**Who ignored your confrontation, the Township officers or the company?**

Both the Toungoo Township officers and company ignored the villagers' confrontation. The authorities are biased towards the company. Then, villagers were faced with a challenging situation because we do not know who to depend on for support. Fortunately, when we met U Myit So, he knew of our challenges and was willing to help us. Then, we had a *le! tha mar tun tone taik pwel* [an activity where farmers fence their lands] and also demonstrated three times in April 2016. We started confronting the land confiscation case between 2015 and 2016. Then the company accused us [villagers] of being trespassers in 2016 after the villagers protested.

**Did you have any success during the demonstration?**

Yes, we had some success because the Judge trusts us because we confronted the company in an honest way [in accordance with the law]. Therefore, the Judge ruled in our favor in court.

**Do you get back your land after the demonstration?**

As of now, the company has not legally given us our land back but we still stay on our land.

**Did the development project pause or did they stop their operation?**

The development project did not stop. They continued to operate their project but did not enter our land after the court proceedings.

**Did the development project workers force you to leave?**

First, they forced us to leave, but I will not leave until I die. I am now planting in the plantation. I am waiting to see whether the company will cut it down or not. But so far they did not dare to do it.

**After the demonstration, did the company provide any compensation to you for the damaged land?**

No, they never paid compensation before or after villagers' demonstration.

**Have there been any new accusations by the company after the villagers' demonstration?**

Yes, they accused us of [organising] an attack and a demonstration. My wife and I were accused in five cases.

**Can you tell me briefly about the new cases?**

The company accused us of planting trees in the plantation, digging wells and building houses and toilets. The company destroyed my house and toilet that I built then used the well for their toilet hole. Then, I dug a new well.

In this case, the company accused me and my wife of digging the well and building a house, damaging their company plants and for the *lel tha mar tun tone taik pwel*. I grew paddies on the farm and they had already grown up to about a hand span, but the company confiscated my land, cleared the land with a machine and planted teak trees in my plantation. Then, I forbid them from clearing the land, but they did not listen to me. Rather, they said that '*You can report it to the authority. We [company workers] cannot stop it.*' There were about 40 members of the company who forcefully confiscated my plantation. Therefore, the company did not listen to me and my wife because we are only two people.

I discussed the situation then with community leaders and protested the company's actions through a *lel tha mar tun tone taik pwel*. The villagers fenced their lands but the company forcefully damaged the fence and planted trees on it.

**What are other challenges or things make the villagers worry?**

The villagers are worried because the company threatened them and said that they would put the villagers in jail. However, we are not afraid.

**So the company wanted to put the villagers in jail?**

Of course, since the company accused us and brought the case against us at court, this is definitely to put us villagers in jail. Even if we do not really commit a crime.

**When the company settled on villagers' land, did they threaten or argue with the local people?**

No, they did not threaten or argue with us, but they started to do training.

**What kind of training are they doing?**

While the company workers have been staying on local people's land, they have been training to be brave, to kill and act against anyone who attacks them [the company]. During daily routines, we [villagers] hear the company reciting the chant "*Dare to kill? Yes, we dare! Dare to cut? Yes, we dare!*" Since the villagers' huts are distant from one another, we do not feel safe, especially at night because we worry that the company workers will hurt us. The company is rich, and they can pay someone to hurt or kill us. In this case, we are always worried about our security. Even though the company workers did not kill or harm the villagers yet, it is possible that they could do so anytime because they are trained to do so. We usually do not sleep in our hut during the night.

**So, who trains the company workers?**

The company hired former [Tatmadaw] soldiers and then asked them to give military training to the workers.

**Which company is doing the military training?**

It is the Kaung Myanmar Aung Company.

**Are they [company] doing military training? Do they use the weapons in the training?**

Yes, the company is doing military training but they do not use guns. However, they use sticks, knives, belts and water bottles when doing military training. The knife is long, about one cubit and a hand span.

**As you mentioned that workers are reciting the vow during training, what kind of vow is that they are making and how many times do they quote it when they chant?**

The vow is about taking action against anyone who disturbs and inhibits the company's work. There are three quotes in the vow; to protect the company, to look after the company without betraying it, and to act against those who disturb the company.

**How many people or members are in the company?**

The members or people in the company are not regular. Sometimes, there are more than a hundred but sometimes there are only around 40 to 50 members. When company workers confiscate our land, they come with many people and clear the land by machine and plant teak. Thus, the villagers cannot do anything except look at how the company clears our [villagers] land because we have only a few villagers. Right after, the company left, we [villagers] went into the plantation cleared by the company and restored the damaged plants.

**Did the company damage the villagers' plants when they cleared and planted the teak?**

Yes, the company damaged a lot of plants. I took photos of the plants damaged by the company. We could not protect the plants from the company because we are only a few people. We just took photos of how the company damaged the plants. We also forbade the company workers from destroying our land but they did not listen.

**The company that confiscated villagers' land is the Kaung Myanmar Aung Company, right?**

Yes, the Kaung Myanmar Aung Company is owned by the Chief Executive Officer of CB Bank, U Khin Maung Aye.

**Would you like to give recommendations to the company that is damaging the villagers' plantations?**

I would like to suggest that, they should release the villagers' land but they can take the 700 acres of land that they have already planted on. The company has been planting teak since

2009 and their permission to plant teak has already expired in 2015 because they can only work for four years on villagers' land, even if they take it legally. Therefore, we [villagers] could not hold back and wait anymore.

Therefore, we started protesting in 2015. They have planted on about 560 acres of land in 4 years. Therefore, the villagers asked them to release all the confiscated land that they have not worked on yet. The company claimed that they confiscated 2400 acres of villagers' land but actually they confiscated more than 4,000 acres. The villagers measured the land confiscated by the company with the Karen National Union members and also the Burma/Myanmar government, along with the marking signboard erected by the company on villagers' land.

**On how many of the confiscated acres of land can they work on?**

Now they can only work on 560 acres of land that they have already planted on.

**All the confiscated land amounts to more than 4000 acres?**

Yes, it is more than 4,000 acres.

**What kinds of plants did the villagers' plant on the confiscated land?**

The villagers do not plant on the land where the company has already planted the teak. Villagers planted outside of the company's plantation [which is also on the confiscated land]. We planted banana plants, seasonal fruits, and vegetables. We also grew paddies on the land that we can grow on. However, we cannot affirm that it is our own land because it was confiscated by the company.

**Therefore, villagers are still working on their own plantation that is in the process of being confiscated?**

Yes, we are.

**Do you want to share anything else related to the challenges you experience?**

Yes, we [villagers] are facing financial problems for two years now. For instance, when I [interviewee] go to the office [the court], I take only 1000 kyats [\$ 0.73 US] for motorbike petrol. I stay hungry during the day in court and only eat dinner when I get home. The reason is that we only secure our livelihoods on our plantation.

As our generation has been handed the land, we also have to hand it over to our children. Therefore, we protect our land. We have tried to get back our land in a peaceful way but we are ignored [by the company]. We also hold demonstrations and struggle in many ways with the only purpose that we want to hand over our land to our next generation because we love it [the ancestral land] and we do not want our children to face these kinds of problem in the future. In the midst of financial challenges, my wife and I also have to go to court as we are sued by the company. We had to spend money on travel costs and pay for the lawyers. Therefore, as we are facing financial problems, we hope for financial support for our family. This is all I want to say.

**Finally, would you allow the Karen Human Rights Group to use this information and your photo in the publication?**

Yes, I completely allow it.

**Source #30**

Log #	17-134-A1-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Win Yay Township, Doooplaya District/southern Kayin State
Full Text	
<p><b>Interview Date:</b> December 10<sup>th</sup> 2017</p> <p><b>Let's start the interview, Tee [uncle], what is your name?</b></p> <p>My name is Tee Saw Bb---.</p> <p><b>Where do you live?</b></p> <p>I live in Ds--- village, Meh Klaw village tract, Bu Tho Township, Mutraw [Hpapun District].</p> <p><b>How old are you?</b></p> <p>I am 48 years old.</p> <p><b>Do you have a family?</b></p> <p>Yes, I have a family.</p> <p><b>How many children do you have?</b></p> <p>I have four children.</p> <p><b>How many boys and girls do you have?</b></p> <p>There are three boys and a girl.</p> <p><b>In your local area, what are the important ways that villagers confront corporate development projects that violate their human rights? Are there any development projects operating in your area?</b></p> <p>There has been gold mining in Dwe Lo Township and the dam project also planned in Bu Tho Township.</p> <p><b>In which year was the gold mining started?</b></p> <p>It started in 2013-2014.</p>	

**Who is mining for gold?**

Companies.

**What is the name of the company?**

I just started working as a researcher this year and the company paused their gold mining operations for a while. Therefore, I do not know the name of the company.

**How did the villagers confront the company or authorities when gold mines began to operate in local areas?**

There was not much confrontation because the companies asked for permission from the Karen National Union [KNU] leaders. In this case, the villagers do not know how to confront the authorities and the company.

**Do the villagers know for certain that the company received permission from KNU leaders?**

Yes, the villagers know that for sure.

**What level of KNU authorities granted the company permission to operate?**

The Township and District levels of the KNU.

**Where is the KNU authority that permitted the company to operate located?**

The District level KNU office is located in Day Boo Noh area.

**Does the gold mining have any negative consequences for villagers?**

The gold mining polluted water that the villagers have to use daily. Moreover, it also caused landslides that interrupted the flow of the river.

**Are there any problems arising among the local people who consume the water that is polluted by gold mining?**

Yes, consuming polluted water caused sickness.

**What damage has been caused by the landslides?**

The landslides damaged the plantations. Cattle such as cows and buffaloes also died because they fell into the holes dug by gold mining machines.

**Where does the gold mining take place?**

The gold mining takes place in Bu Lo Klo River along Meh Way village tract, Ma Lay Ler village tract.

**Were any lands, plantations and plants damaged by gold mining?**

Of course, plants were damaged, such as dog fruit plants. However, fair compensation was paid for the damaged plants.

**Were the villagers satisfied with the compensation they received?**

Some were satisfied, some were not.

**What was the reaction of the villagers who are not satisfied with the compensation they received?**

Local people did not dare to confront authorities due to unsatisfactory compensation or the actions of the company. This is because the KNU authorities cooperate with the company. The Township officer says that there are no negative impacts caused by the gold mining when we [researchers] collected information. The Township officer also claimed that the gold mining company is responsible for this process.

When we listen to the local people, there are a lot of negative impacts. However, the local people do not dare [feel safe] to challenge the authorities.

**As you mentioned, the company is cooperating with the KNU authorities and a Township officer, can you tell me the name of the KNU leaders and the Township officer?**

As I just started working [as a KHRG field researcher], I do not know the name of the leaders yet. However, I know that the Township officer of Ma Lay Ler village and Meh Way village is cooperating with the company that entered the local area.

**You mentioned that a group of people researched and asked for information from the authorities, leaders and local people about the impact of gold mining. What group of people was that?**

It is us Karen Human Rights Group [KHRG] field researchers who collect the information from the local leaders and people. The Township officer and frontier military [KNU] cooperate with the company and the District leader [KNU] gave permission.

**Why did the Township officer decisively say that there are no negative impacts of gold mining?**

The Township officer and leaders are saying that because they are involved in the gold mining. The Township officer hides all the negative impacts, but when we [researchers] listen to the villagers, they outline many problems caused by gold mining.

**Where did you collect information from the villagers?**

I collected information from Dt--- villagers, Meh Thuh village tract. Villagers reported that the gold mining process interrupts their livelihoods and now they have to work [as casual daily workers] in gold mining as they have no other option. To be able to work in gold mining, the villagers need to ask for a permission document from the KNU leaders. Villagers work as casual daily workers, which pays 5,000 kyats [\$3.61 US] per day in gold mining.

Overall, villagers rely on the Township office authorities, but when the Township leader is

involved in the development project, the villagers have no ways to confront the project.

**Did the villagers try to confront the issues arising from gold mining in different ways?**

The villagers did not have a connection with authorities to confront the issue in any way other than reporting it to KHRG researchers. The villagers cannot rely on Township leaders because they are involved in development projects.

**You also mentioned that a dam project was being planned. Do you know when it will be implemented?**

The dam operation start date is not known yet. However, the dam is called Khoh Loh Klo Taung Kya. Surveys for the dam were done in 2013 or 2014. A Thai manager involved in the survey got injured by a landmine explosion. After the landmine explosion, the villagers who worked in gold mining were arrested by the Tatmadaw security who operated in that area.

At the same time, the Tatmadaw security group let the villagers sit in a sunny place for more than one hour to question them about the landmine explosion. Then, the project was relocated to a new place called Ta Hkaw Poh. After that, the Karen National Liberation Army [KNLA] attacked them [the Tatmadaw and the corporate development project]. Thus, they [the corporate development project staff and Tatmadaw] moved to Ka Ma Moh village, yet they were attacked again [by the KNLA] and had to move to Hpa-an.

Therefore, the corporate development project group travelled every day to the dam site from Hpa-an. They had to spend money on travelling every day to the dam site. Therefore, then they halted the dam project. However, they have plans to continue it. Hatgyi dam is a long-term project as declared by Burma/Myanmar government.

**The dam project you are talking about is Hatgyi dam?**

Yes, it is Hatgyi dam that is locally known as Taung Kya.

**Who gave permission for the Hatgyi dam project?**

We [local people] do not know who gave the permission for this [Hatgyi] project. Even the Township officer who negotiated with the development project workers did not remember the name of the company.

**Did the villagers ask him [Township officer] about the company?**

No, in the negotiation process, he [Township officer] introduced the villagers to the development project staff manager, U Myo Win, who lives in Yangon.

**Did they [development project staff] provide the villagers with information about the project such as starting date, project length and the potential damage to the village?**

In the first negotiation, they did not inform the village leaders. After the negotiation, they started the project but then they paused it for a while. During the negotiation process, the development project staff told the villagers that they will pay compensation for all damaged land and prepare housing for those [villagers] who have to move. Then, the village head told them that the villagers will lose their ancestral land even if the project staff will compensation and relocation.

From then on, the development project manager, [U Myo Win] never negotiates with them [villagers].

**Where was the meeting held and how many villages were invited [by development project] to negotiation?**

The meeting was held in Myaing Kyi Ngu and the invited villages were Meh Hsel, Meh La, Klaw Teh Hta, Pa Deh Hta. There were other villagers invited too, but I do not remember all of them.

**Do they [development project] have plans to continue the project?**

Yes, they do but the starting date is not confirmed yet. However, this project is set out for the long-term.

**Is there any other project in your area?**

At the present, I did not hear about any other project.

**You described that one of the village leaders spoke about for the importance of ancestral land. Was he successful?**

No, he did not succeed. The Township leader said the confrontation makes no sense because the development project worker will do what they planned to do. After that, they [the development project staff] promised the villagers to compensate for their damaged land. However, we [villagers] did not trust the development project worker completely because they can be insincere even if they promised otherwise.

**Let's discuss the gold mining project. As you mentioned, the KNU leaders cooperated with the company and thus limited villagers' ability to confront the company. However, you mentioned that the company once stopped their project right?**

Yes, they stopped the project during the early rainy season but they are now preparing to restart it in the summer.

**You said that there are a number of companies that mine gold in Meh Way Klo [river], how many companies are there?**

I do not know how many companies are mining gold but there are numerous gold mining ships in the river.

**What are the potential consequences that can impact local villagers?**

Extracting natural resources will surely affect the natural environment. The river will be damaged due to landslides. Furthermore, gold mining can also affect the local villagers' livelihood because some villagers secure their livelihoods from natural resources such as farms, hill farms and daily gold panning. The gold mining projects took the resources away from the villagers who pan gold for a living.

Moreover, as per usual the local villagers had to ask permission from the authorities to pan for gold. However, they are not always allowed to. The continuing gold mining project will surely affect the local villagers and future generations.

**Before the company started mining gold, did they negotiate with the local villagers?**

As much as I know, the company did not negotiate with the local villagers. Instead, they asked permission from the authorities and started the project once they got permission. Later, the villagers confronted the company for the damaging land and natural environment. Therefore, the company negotiated with the villagers and promised them [villagers] to pay the compensation cost for damaged land.

**When did the gold mining start?**

The gold mining started in 2013-2014.

**As you mentioned, the villagers confronted the company over the challenges to their livelihoods that stem from damaged land and environment. Please tell me how the villagers confronted the company?**

The villagers expressed that they have been gold panning to secure their livelihood from generation to generation. They sold gold and also exchange it for rice. After the company started mining gold, the villagers had limited opportunity to pan for gold. This will negatively impact villagers' future livelihoods.

**Did the villagers confront the company as a group or individually?**

The local villagers did not usually confront or report problems as a group because they were scared of the authorities. They usually reported their issues on their own or in a group of two people when we [KHRG researchers] conducted interviews with them.

**The company is now preparing to start gold mining again, right? Therefore, did the villagers try any strategies to stop the company from gold mining?**

Actually, the local people wanted to confront the company but they are not brave [feel secure] to speak out. They do not know how to confront the company.

**What is the most important information that the villagers need to protect from or confront against the arising problems related to the development project?**

In order to confront the company, the villagers must gather information and report it step-by-step to the village tract and Township offices. However, the vacant, fallow, virgin lands are controlled by the government, and not by the local people. These lands were the places where the villagers used to work [on their hill farms]. The local people did not confront the authorities for these lands to be mapped.

If they mapped the lands and issued land documentation, we [KHRG researcher] would feel more confident to advocate for the villagers.

**Can we talk about land mapping/documentation: does it mean their lands were confiscated?**

Those lands are theirs [villagers] because they have been working there already. However, they had never registered their land with the government. Not having official land documentation is

common in rural areas.

**Which areas are prone to this issue?**

Almost every rural area does not have their land mapped, unlike the city. They [local people] rarely have their farmland mapped.

**The villagers are not brave to confront the company. Will the villagers remain non-confrontational or are they looking for options to confront the company?**

They will stay like this because they do not know how to confront the company.

**Do you think the villagers need to be able to confront the company?**

According to my opinion, I think that they [villagers] need to know how to confront the company because they do not even know if their rights were abuses or not. For instance, they do not realize that their rights were abused even though their land was confiscated.

**Was any land confiscated for the road construction and rubber plantation done by the developers in your local area?**

It happened in Hpapun and K'Ma Moe villages. There was a road construction done every year from Hpapun to K'Ma Moe. The road construction in Lay Poh Hta village tract brought stone from Brigade #1 area and came across Brigade #5 area in Lay Poh Hta village tract. The villagers complained about the road builders laid stones without taking the local peoples' land into consideration.

**What companies are constructing the road?**

The company did not start road construction yet but it will start it soon in January or February.

**Did the company extend the road or repair it?**

The company extended the road in some places and repaired others. According to the Burma/Myanmar' government's declaration, they are developing the area but when we look at the activities, it seems like they are committing financial fraud because the constructed road is sub-standard and need to repair every year. There was no road assurance, for instance, five-year assurance.

**Did a company construct the road?**

Some roads are constructed by a company and some are private but I do not know the names.

**Did the road construction damage the villagers' land and plantation?**

The road construction damaged villagers' farms and plantations. Especially, nearby the road.

**What kinds of plants were damaged by the road construction?**

Coconuts trees and other plants that were planted near the houses were damaged [beside the constructed road].

**Did the villagers ask for compensation for their damaged plants?**

No, no one dared to ask because they [villagers] were told [by the company] that the road construction will benefit the transportation. Some farms were damaged by the road construction but the owner [villagers] did not receive any compensation.

**Whose farms were confiscated?**

An unknown farm in Way Moh Hkee Law/Way Hsa Hkee Law was confiscated as well as other lands in Ma Htaw village tract and Meh Klaw village tract.

**Why are the villagers afraid to ask for compensation?**

The villagers are afraid to ask for it because they do not know how to do it. The reason is that they [villagers] were told [by company and Burma/Myanmar government] that the lands belonging to the government and the road construction were done only for the local people's benefit. Moreover, they were told that their small areas of confiscated land are not worth enough to ask for compensation.

**Since 2012 many human rights abuses were perpetrated. In this case, how did the villagers confront for their rights abuses? Did they use different methods?**

No special type of confrontation took place. To illustrate, after the [nationwide] ceasefire process, the farm owner was told [by the authorities] that they can get their land measures and documented. However, even though they asked for their land to be registered, there was no response. In this case, the villagers are not confronting anyone.

**In the past, where did the villagers use to submit the complaints and letter to?**

Usually, in this period, the villagers submitted the letter to the Burma/Myanmar government.

**What about the past, for example in 2012, where did the villagers submit complaint letters regarding land?**

There was a report letter in 2010 about the Tatmadaw land confiscation. To address this, the authorities from the National League for Democracy [NLD] held the meeting with the villagers and encouraged them [villagers] to submit a complaint letter [regarding land confiscation]. However, the villagers did not receive a response. Moreover, the agriculture department from central Burma/Myanmar government sent a letter [to local villagers] about solving land confiscation problem and formed the Land inspection committee. They [land inspection committee] claimed that they would inspect in detail the information about confiscated land such as information on perpetrators and date [of confiscation]. After, they would try to reclaim the land less than three months. Nevertheless, there were no actions taken to match the content of the letter [of Burma/Myanmar government to solve land confiscation problem]. In this case, the villagers did not know how to take further action on land confiscation.

The villagers usually submitted the complaint letters to the agriculture department and, land registration department. When the lands were first confiscated, the perpetrators [Tatmadaw] declared that the lands would be taken whether the landowner allows it or not. For instance, many lands were confiscated in Ta Kon Taing area by [Tatmadaw] the Light Infantry Battalion

[LIB] #341 and the operations command. When the Tatmadaw confiscated those lands [in Ta Kon Taing area], they [Tatmadaw] picked up the villagers by car and asked them to go to the office and bring their land title. However, not all villagers had land titles. When the villagers arrived at the office, Tatmadaw asked them to sign in the document that says that their land was confiscated. After the villagers signed the document, the Tatmadaw allowed them to go back on foot at night.

**In the road construction process, the villagers did not confront the company in any way for their confiscated land. Were any lands or plantations damaged since the road was first constructed?**

The road was first constructed in the British colonial period. Currently, there are some places in Way Moh village, Hpapun area, where the villagers' lands were measured in 2013 or 2014 and then confiscated [by an unknown] in order to establish San Pya village. Therefore, the villagers are worried about changes that could force them to leave the village. If there is road construction planned in Hpapun District, the villagers worry that their lands and accommodation would be damaged and that no compensation would be provided.

**In Way Moh village, you mentioned that the villagers would have to move [due to the founding of San Pya village]. In this case, how many households would have to move to another place?**

There are around 70 to 80 households.

**The project [of founding San Pya village], has it started already or is the land still being measured?**

The project has not been started yet. The land is still being measured. We [villagers] do not know that when the project will start. Likely, the villagers do not know that they would have to destroy their houses or rearrange the infrastructure.

**Do you know which company is going to construct the road?**

The company is not known yet because the project has not yet been started.

**Similarly, in Hpapun, there would be road construction or road extension projects right? Therefore, will the villagers confront the company before any impacts are felt?**

No confrontation. For instance, the road construction in the last year damaged many plantations but none of the villagers confronts the company over it.

**Did the villagers report the land confiscation case to the section leader?**

No. The Burma/Myanmar government sent an ordered and notified the section leader about the road construction process. The section leaders or village head also dare not to help the villagers in confronting over the lands. As they [village head] received a salary from the authorities, their attitude became like the authorities.

**What was the villagers' main confrontation method for when their lands were confiscated suddenly?**

There was a case in K'Ma Moe village, Dwe Lo Township, Hpapun District, where the township officer, Saw Ta Klo Htoo confiscated a large amount of villagers lands. Then, he [Township officer] sold the villagers land back to the local people. The villagers did not take any action to confront him over their land as they were afraid of the authority.

**When did he [Township officer Saw Ta Klo Htoo] confiscate the villagers' land?**

He confiscated the land in 2017 but I do not remember the month.

**Did he confiscate the land in town area?**

Yes, he confiscated land in K'Ma Moe town area.

**How did he sell the land back to the local people?**

He measured it by land area but I am not sure about the price.

**Did villagers confront him about this land confiscation case?**

No, I have not heard of any confrontation yet.

**Did the landowners know that their lands were confiscated? Did they report it?**

Yes, they knew about it, but they did not report it yet.

**How do the villagers protect themselves from human rights abuse such as land confiscation?**

The Karen people are not brave [feel secure] to protect themselves because even the past generations were afraid of the authorities. For those who reported the issues [land confiscation] to the authority, there was no response.

**Is there any danger in villagers confronting over their rights abuses?**

As I said above, the villagers are afraid of the authorities and believe that they would be threatened or violated due to taking action. The villagers also fear the armed group will arrest them and take them to court.

**We talked about land confiscation, road construction, dam project and gold mining. Do you want to talk about any other cases?**

I want to say that, by implementing the dam project or gold mining, do it without damaging local people's rights because we also want our rights. The dam project is a big process. Therefore it can have a wide effect on the local people when the problems arise in the process. The development project workers claim that they would pay the compensation for damaged land and displacement. However, we want our generation to stay on the ancestral lands with the natural resources that our generation has been using. We [villagers] do not want the natural environment that we live in to be damaged or harmed.

**As the development project workers claimed that they would pay the compensation for damaged land and people's homes, did they do as they claimed?**

They [development project workers] did not do as they claimed to do. For instance, the gold mining project in past, I do not remember the company name and the date, they claimed that they will build a school after the gold mining done. However, they did not build it and blamed it on their lost profit in the gold mining project. Therefore, the local people perceived that the village leaders are also involved in the dishonest development project process.

**How did they respond to this? Did they gather together and reported it to the village leaders or development project workers?**

The villagers discussed with the village leaders but when the development project workers left, they [villagers] could not do anything at all.

**Do you want to say anything else?**

I want to say that, when operating a corporate development project, make sure that it does not affect villagers' lives. In this case, it is important to support or pay fair compensation to villagers as they rely on the ancestral lands which were handed over to them by generation to generation for their livelihoods. In another way, I hope that the corporate development project workers will negotiate with the local people, especially the landowners, before starting their operations. Similarly, it is important for company workers to do as they promise for villagers, especially when it comes to a compensation payment.

**Source #31**

Log #	17-137-A1-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Shwegyin Township, Nyaunglebin District/eastern Bago Region
Full Text	

**Interview Date:** December 10, 2017

**I am going to ask you about the actions that villagers take when facing concerns about development projects and land confiscation. 'Actions' includes anything before or after land confiscation happens that you do to protect your land or raise your voice about your concerns, such as contacting authorities, attending meetings, writing letters, fencing your land, and making a community group. Can you introduce yourself before we go to questions?**

**What is your name?**

My name is Saw Cq---

**How old are you?**

I am 45 years old.

**Are you married?**

Yes, I am. I have two children. The older child is 7 years old.

**What is your religion?**

I am Christian.

**Where do you live?**

I live in Hc--- village, Ler Wah village tract, Hsaw Htee Township, Nyaunglaybin District.

**What are the main types of agency strategies that villagers take if they have concerns about negative development projects coming to their area?**

Recently, on November 1<sup>st</sup>, 2017, the company started conducting gold mining in Hsaw the [Shwegyin] Township, mostly in my area [Hc--- village or near]. We have seen that the project destructed massive amounts of villagers' land such as places like Saw Ther Hkee village tract, Ta Hkaw Hkoh area, also called Maw Ta Nay Ser area, Hc--- and Pin Vin areas. A lot of wealthy individuals are coming to do business in these areas, especially gold mining. They come with significant machines to extract gold. Poor people cannot do this but only wealthy people can.

**I think villagers might have concerns about this gold mining project.**

Yes, they do.

**So, do the villagers use any agencies to respond to the project?**

In regards to village agency, villagers have informed the village tract leader or village tract secretary [about land confiscations and damages]. Hundreds of villagers' farmlands were destroyed by the gold mining in Saw Ther Hkee village tract. Instead of villagers confronting the actors directly, they feel like they do not have the power to do so. So, they approach the village tract leaders to solve the problem and also ask suggestions from him. Therefore, the village tract leader and the village tract secretary responded that they will submit the case to the authorities and they will talk about this. They reported the situation to KNU township level. They reported [to KNU authorities] that there will be no land for our new generation in the next ten years and the tax that the KNU receives from the project can only be used for a maximum of two years in the community.

I met with the village tract leader on December 6<sup>th</sup> 2017. He said that he will try his best to solve the problem but he stated that the authorities do not listen to them [village tract leader and village secretary] when they reported the case. Villagers have not had any successes

yet from their agency. The current situation is that there is still a dispute between civilians and the government [regarding land tenure and the damages caused to the lands of villagers].

**What are the risks and challenges of these types of agency strategies?**

There is always a reaction of villager's responses [actions]. Now, villagers are suffering [abuses] because of administration and military. Even though there is more transparency now, what is happening in the administration is that everything must be done [through force by the authorities].

**Who said this?**

The township leader himself said this. His name is Kyaw Peh Peh. But he understands what we are talking about [when we discuss] our problems.

**Is Kyaw Peh Peh the township secretary?**

Yes, he is the township secretary of Hsaw Htee Township.

**What is the name of Hsaw Htee Township leader?**

I forget his name. His name is on the tip of my tongue. I will tell you later.

So, the challenges that the villagers are facing is because of the administration system. People who come to conduct the [business] projects are from big towns and cities. None of the local villagers here are involved in [the process]. Local people here only know how to secure their livelihood by farming. The KNU opens a way for wealthy individuals or companies to conduct gold mining here. In the past, there were many companies like Shwe Kyun Gyi Company. Shwe Kyun Gyi Company is the company that conducted gold mining the most.

**What is the company's name?**

The company's name is Shwe Kyun Gyi. It is located in Shwegyin Town. The owners of the company are brothers-in-law: Moe Aung and Kyaw Min Naing. The company's office headquarters is located in Hpweh Kone section, Shwegyin Town.

**What are the successes of these types of agency?**

I have not seen any notable successes from the village agency yet. One notable thing is that the leaders [KNU/Myanmar government] become quieter when villagers start speaking up on the issue a lot. I think villagers will have more opportunities if they are more educated and are able to raise their voice more. If villagers are able to do this then there will be more successes.

Thu Lay Company worked together with a Chinese company in Th'Ray Daw Hpeh area, Kyaukkyi Township to produce lead, which affected 20,000 acres of land. You can see two big mountains in eastern Kyaukkyi Town, that is the place Thu Lay Company, and an unknown Chinese company worked to produce lead. They stopped the project after villagers raised their concerns. So, we can say that this is a big success they have experienced so far. Just imagine that 20,000 acres of land. It will include a huge amount of villagers' plantations such as durian plantations, etc. We do not see the companies conducting any projects there so this is the benefit and success from village agency.

**What other actions did villagers take to stop the project? Did they also send a complaint letter?**

Villagers approached the case with JMC (Joint Monitoring Committee) and they talked about their concerns to the leaders.

**Do you know the villagers who talked with the leaders?**

I do not know them but I know where they are from. They are from Hc--- village. I am not familiar with them because they are not my friends. I also usually do not go to towns/cities. You will see the project site if you go to Kyaukkyi Town because they obviously excavated the land.

**What is the reaction of powerful actors to this type of agency?**

With regard to the companies or actors' reactions, they held a consultation meeting and talked with the villagers. As I stay near the township office, I know that they usually call an emergency meeting if something is happening. Then, they try to explain to villagers about their work process [project plan]. For example, I would like to talk about Thae Law River dam. Thae Law River was naturally very beautiful and has lots of fish. It also has two waterfalls.

The nearby villages like Hd--- village and He--- village held a meeting and discussed the dam project. The Village head announced that the dam will be built in Thae Law River but villagers totally disagreed with it. In the third meeting held by KNU township leader about dam project, He--- village head told the KNU, *"The project can potentially destroy the water life, river, forest and the beauty of natural environment. Every time you come, you just talk about the dam construction. I think you should stop talking about the dam and this should be the last time. If you continue to talk about the dam construction, we will not attend the meetings. If you continue to implement the project, do not blame us [stating] that we create problems and conflicts."*

**Who said this?**

Hd--- village head said this.

**So the dam will be constructed in Hd--- village?**

No, it is not in Hd--- village but the project site is located in Kheh Der village tract.

**So, do you know near which village they will construct the dam?**

The project site is not near Hd--- village. It is near Pa Ta La, Hee Poe Der, Taw Hkoh areas. The nearest village is Hf---, which is very isolated. We can say that villagers' effort to stop this project has been also successful. If we measure with percentage, villagers have already made success in 70% of 100%. It is not 100% yet because they have not stopped the project totally yet. The project is planned to be implemented by a group from Norway.

**Do you know the organisation or company's name of the group from Norway?**

I am not positive whether it is an organisation or a company.

**Who gets involved in the project?**

P'Doh Ber Htoo who manages IDPs<sup>23</sup> knows well about that because he is working closely with the Norwegian organisation. If you want to know about the case specifically, I will provide you with detailed information. This is based on a true event but I did not think I would report on it so I forget to take a record of their names and relevant information. If you want to know [this data] I can get the information easily because it is happening in my area.

**Has there been any physical violence in development/business projects?**

No, I have not heard any violence on villagers in my area yet.

**What are the main types of agency actions that villagers take if they have experienced development-related abuses?**

Like I said, villagers held an immediate meeting when they think the projects can bring negative impact to them.

**Is the meeting held by villagers?**

Yes. But, some villagers are not able to attend the meeting because they have work to do. After the villagers agree on matters in their discussion, they report their concerns to township level. Villagers do not do it by submitting complaint letters but they just report it verbally. Village tract leader informs the villagers not to sell their land to anyone; instead, he encourages the villagers to look after their land very well. In the past, the KNU gave companies permission to come to do business and also asked the villagers to sell their land to development actors. Now, there are still some places that the company comes to give

<sup>23</sup>IDP refers to an internally displaced person.

them [villagers] money [to move from the land]. The company pays the villagers 30,000,000 to 40,000,000 kyat per acre. Some of the land will even be paid 100,000,000 kyat.

However, all of this has happened because of KNU's permission to companies and wealthy individuals to implement their projects. So, villagers are holding a meeting in order to pressure the KNU to not let the companies and wealthy individuals come in [to implement development-related projects]. Some wealthy individuals come here and give hundreds and thousands of money to villagers to conduct gold mining but they finally left the land damaged without getting anything from it. In this kind of situation, there are no advantages on both sides [the actors and the villagers] but the land is destroyed. I have seen that villagers are still only talking about this but there have not been any complaint letters submitted to the authorities yet.

**So, the main type of agency strategy is that they hold a meeting in a village as a whole and they discuss the issues and they oppose the project together.**

Yes.

**What factors make it more likely for multiple villagers to work together instead of working separately?**

Working alone will never be an effective strategy for villagers. When you are standing up alone and oppose the project alone, people laugh at you. So, landowners are talking to each other in order to take action to prevent [the destruction and confiscation of] their land. If a villager is going to do it alone, nobody will listen to him.

**What kind of information is most important for villagers to have in order to take action against negative development projects?**

In my opinion, if a company plans to do business/development project in our area, they should let us know prior to the implementation. They should let us know how long it will take and what the project is about. Moreover, they should let us know how much the project will bring profit to the local community. They should provide these kinds of information to us. By looking at the current situation, none of this information relating to development projects has been informed to villagers.

Now, villagers have started to understand what they should do after they have received VAW (Village Agency Workshop) training. So, villagers determine to accept the development projects that know the local situation very well, bring advantages to villagers, report to villagers about the potential destructions, etc.

**So, what kind of information is most important that villagers should know in order to take action against the negative projects?**

There are such as Doo Hpa Lel, Htee Bla, Saw Ther Hkee and Meh K'Ti areas... in Hsaw Htee [Shwegyin] Township should be provided with more awareness training. With this knowledge, they can take action against negative development projects. I am not sure whether I answered your question or not. I think, providing awareness training in the community is very essential for the villagers to take action on development projects.

**What kinds of awareness trainings do you mean?**

Awareness trainings on topics such as human rights and land law. Anyway, the most important thing is education. Some of the current leaders did not go to school at all. Just look at my village tract. If people asked a show of hands if there is anyone in this village tract that finished high school, there will be only one to two people who will raise their hands. So, education is the main issue. Another thing I am wondering is that villagers have not received awareness training to respond to the development projects. Human rights trainings like VAW are very good. We should provide more VAW to villagers; they also welcome the training.

They [villagers] said that, if possible, come and provide the training in three areas [Doo Hpa Lel, Htee Bla, Saw Ther Hkee and Meh K'Ti]. These three places are the very important places. In Htee Bla village tract, a pastor Lel Lo Thaw told me that the company, which I don't know its name, came to give 500,000 kyats to each of the family members. If there are ten family members in your family, you will receive 5,000,000 kyats [approx. 3,370USD]. The profit of the company is that they take the villagers' land. When villagers see five million kyats, they think that an organisation supports them. But in reality, the company is using the land of the village and extracting gold. Therefore, it is necessary to give workshops to villagers.

**Do you know the company that comes to give the money?**

I don't know about the company but about the ones that are working with the company. A person who is closely working with the company is a Hsaw Htee Township battalion #7 commander Lah Poe. He is in contact with that company. I knew this information from the pastor. I went to see it with my eyes as well.

**But, you do not know the company's name?**

No, I am not sure that the one who conducts this gold project is a company or a wealthy individual.

**Do you mean that they offered money to villagers so villagers gave them permission to work on their land?**

It sounds like that but this happened because the villagers did not know anything about what they should do. So, what I would like to say is that we should provide awareness workshop or training for villagers in order to know their rights.

**So, the most important thing is to provide awareness training on human rights and land.**

Yes, you are definitely right.

**How do you think past experiences with development projects impact village agency strategy and tactics?**

Due to my understanding, the development projects are beneficial for everyone. But, development in here is only focusing on the benefit of an individual or one particular group. Villagers took photos of the actors and the project being implemented. So, the company or wealthy individual kept themselves low profile because they did not want the villagers taking pictures of them and talking to them about what they were doing. I think there was no significant strategy that the villagers used in the past because they did not have [sufficient] knowledge about what was happening around them.

**Which factors cause village agency tactics to be different in different areas? (For example, people in Toungoo District make protest and Dooplaya District submit complaint letters)**

I think, still, not all villagers have access to awareness training about human rights and the right to land. We have a land policy in Nyaunglebin District but the authorities do not follow the policy. Now, the authorities said they will measure the land and distribute five acres of land to each villager [each household] but I have seen any land distribution until now. They have said this for a long time already; it has already been six years. I have not seen any of the KNU land department come to measure the land. I don't know if they are not experts [have the capacity] to measure the land or they just don't do it due to other circumstances. In my point of view, this happens because the above KNU/KNLA leaders are still holding the power over everything. So, the situation is different in different locations. There is a lack of opportunity for villagers and news/media.

**What recommendations do you have for business developers in your area?**

What I would like to recommend to business developers is that they should come to meet with villagers first instead of getting permission from the above authorities. They should go to the authorities when the villagers agree with them. Villagers also should have a chance to negotiate and talk with the authorities about their benefit as well. For example, the amount of land that the company can take to do the business projects. How much I want to request for my land and how much tax do I have to pay to the KNU. This sort of thing should be included. The companies/wealthy individual does not notify villagers at all when they come to do business. So, they should provide information about the positive and negative impacts and the standard of the project [project plan]. The project should also benefit the community.

For example, a dam was constructed in Hc--- area and many villages are under water. But, all of the profit is only brought to the cities. Villages that have experienced flooding, which destroyed their farmlands and plantation where they work to secure their livelihood, do not get any benefit from it. In my opinion, the company should pay compensation to the victims. What I want to say is that firstly, [companies/investors/individuals should] get prior consent of local villagers, and secondly, the project should be beneficial for the [host] community.

**Do you think there are any changes with regard to agency tactics and development projects since the preliminary ceasefire (2012)? How and why?**

Before 2012, villages had a lack of agency tactics to respond to these cases [land disputes]. We can also say that they did not have strategies at all. Now, since after 2012 preliminary ceasefire, villagers have started to speak more about their rights and they also feel more secure than in the past. Their mind has also broadened gradually as many organisations come to their communities. So, we can say that there are changes within our community. When an issue comes up, they hold a meeting and sit together to discuss what they should do. They are advising each other where and who to submit the case too. We did not have this kind of activity in the past.

In the past, villagers thought that the way to ambush [confront others] was with a musket gun because it was a conflict period. When you did something wrong, people confronted you with a gun. So, people used violence for everything in the past. Nowadays, they have a meeting and talk about their issues to solve the problem. If everyone agrees [on an issue] they submit a complaint to the authorities. They also seek help from the CBOs/CSOs like KHRG to help them address their issues.

**What are the main types of agency actions that villagers take if their land and plantations are unexpectedly affected by development projects?**

If something happens unexpectedly, they go to claim their case by themselves. When they are unsuccessful, they ask for help from a village administrator, such as the village head, ten-household leader, etc. This is what they commonly do.

**So, they mostly approach the leaders?**

Yes, we also depend on our leaders.

**Have villagers used the law in order to protect themselves in cases of development abuse? Do you have any examples?**

Villagers do not know about laws, neither do I. I know villagers want to solve the cases according to the law but the problem is that they do not understand the law. However, they try to approach who understands the law to help them. They also seek advice from the

village head on what they should do. The weakness of villagers is that they do not understand the law.

**How do villagers decide if their agency is risky or not? What do they do if they think it might be too risky?**

I also have this experience. Let me tell you about my experience first. In June, I talked to the Ministry of Industry #22 manager in Th'Yet Chaung and asked him, "*Why do you excavate the land here?*" He replied to me that they did it because the above authority ordered them to. Then I continued, "*Where are they?*". He replied to me that they are in Naypyidaw now. As villagers had their plants and wells there, I told him not to excavate [the land]. After I told him, I realised that I was so afraid to be arrested by the police. So, villagers always have fear in their heart because we know that there are villagers who are still alive now that were once physically abused and tortured over the last 5-6 years.

In the past, during SLORC/SPDC and also President Thein Sein period, when you spoke up against the actors you were beaten three times. Villagers are still in fear and so am I. When I went to Th'Yet Chaung in June, I talked with a local villager who was accused of trespassing into the Ministry of Industry #22. He told me that if we are asked to move from here, we have no option but to move.

Then, I asked him, where are you going to stay if you leave your current place? He replied to me that he has nowhere to stay. He said it is not easy for them to build a new house. So, I asked him how he is going to stay. He replied to me that he will follow everyone from here [their village] wherever they go. So, I see that villagers have lack of knowledge in the law. We still need more organisations to give them awareness trainings. They still fear [the result] of their agency [actions].

**So, how do they decide if it is too risky?**

They stay quiet and do not make any moves [take any action] when they are threatened.

**What recommendations do you have for business developers in your area?**

I would like to recommend to civilians that a community should be developed if a [positive] development is conducted. There should be love and agreement on both sides [civilians and the actors] as well as maintaining mutual understanding. The civilians should know if the development project will be beneficial for civilians and the country. For companies and wealthy individuals, they should promise to share the profit fairly and avoid harming villagers. As they get profit, the civilians also should be benefited from it.

I really do not want the civilians left to suffer from their land destruction while the companies/wealthy individuals are making a huge profit. Companies should have the expertise to understand the situation of villagers' land the best. They can analyse how much

the project will damage the land. For example, if the land that they damage will create significant livelihood challenges on villagers for 50 years. In this case, they should consider how to help the victim villagers to free them from livelihood challenges for 50 years. There should be agreements on both sides.

**Ok, I have asked you a lot of questions so far. So, what would you like to add more? Do you have anything more to say?**

Finally, I would like to say that you have asked me many questions that I have not been able to answer you completely. This is my weakness that I sometimes forget to pay attention to the issues. But the information that I give you is based on true events that are happening in my area. My mistake is that I forgot to record to the names. I want my leaders to help the villagers to be educated. Now, most villagers are working in their hill plantations after they attended Standard ten. Even though the ceasefire was signed, we have not seen much difference in our area in terms of health and education. Therefore, we really need help from our leaders to support our community to get access to health and education.

We would like our leader to let the CBOs/CSOs come into our area and give awareness training so that our villagers will have more knowledge and their mind will be broadened. That's all I would like to recommend to all governments to consider.

**You have provided us with a lot of information so thank you so much for taking the time to have this interview.**

**Source #32**

Log #	17-32-A7-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Ler Mu Lah Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	

**Could you tell me your name, your village and a little about the situation in your village?**

My name is Pu Bm---- and I live in Dawei.

In 2007, the Tatmadaw attacked this area and therefore we moved to Htee Moh Pga. After the Tatmadaw attack, we founded a church here [in Htee Moe Pga].

In 2009, a company that wanted to build a dam [in the local area] came to the village and held a meeting with villagers. The company told the villagers about their proposal to build a dam and asked the villagers to share their opinions. As a response, villagers said that they did not want the dam project because it could lead to negative consequences. However, the company workers said, it is not possible [for them] to forbid the proposed dam because it was ordered [by the authorities]. The company workers informed the village head, the pastor and the elders in Moh Roh village, since the proposed dam site is near Moh Roh village.

They also examined the proposed dam site for a year, and then they left. During the examination process, local villagers asked [the company workers] about the potential consequences [of the dam]. They told us that there would not be huge flooding. [They also said] that it would not damage plantations and the local area because there will only be limited flooding. They told us this in order to gain our consent. However, we knew that there will be flooding in every plain. The company workers examined a place called Tha Meh Hkee in order to know where the water in the dam will flow. In between Tha Meh Hkee and K'weh Hkee area, there are no high mountains. Therefore, company workers proposed that P'Yoh Kwee [a shallow area of water] would be the main place to maintain water from the dam. This is because it is located at a lower altitude. Otherwise, the water will flow out and the area would not be able to maintain such a big amount of water.

In this case, we know that if the dam project is built, local people in the area will face difficulties. The local people who will become displaced [by the flooding will face worse conditions than] people who have fled from the conflict. Some people who face military conflict can stay in their place when others are fleeing. But in the case of the dam, every local person will face the same situation and be displaced.

Villagers who live in the plains near the proposed dam site are worried that the company worker will forcefully take their lands and settle in the area. In this case, local people do not want to allow the dam project. Villagers tried to forbid the dam project but as they do not have authority, they do not know whether their desire will be successful or not.

The company workers told us that this proposed dam will surely be built in the next 25 years. However, the dam project can be either successful or unsuccessful. Local people are worried that if the dam project is successful, it will have negative consequences for them. The company workers promised local villagers that they will provide compensation for damaged lands and plantations.

However, we know that all of the lands in the plain will be damaged. The local people will have to settle in the mountainside. As a result, villagers will have to cultivate land on the mountainside, which is more difficult to cultivate than in the plain. Regarding this, company workers claimed that they will provide all the necessary seeds to help villagers work on their plantation. They also claimed that it will be an easier lifestyle [cultivating plantations on the mountainside] and not as hard as the way villagers used to do. They persuaded us by saying that there will be no more traditional agriculture because they will bring pineapple seeds, grape seeds and sugarcane to cultivate on the plantations, [crops] that can be more beneficial.

But for villagers, this new lifestyle will be difficult as we have never worked in this way before. Even though the company claims that they will provide compensation for all damaged lands, the compensation can benefit local people for short-term only but our plantations are beneficial for the long term. We cannot trust the company as they promised this only to persuade us. We know that we will face difficulties [if the dam project is implemented].

**How did the company worker explain the proposed dam project to local people?**

They did not tell us where the electricity generated from the dam project will be sent to. However, we know that they have a business strategy for this dam. They also claimed that they will gather all of the local people in this area in one place and that they will build houses

for us, then will install electricity and water supplies.

However, this is not what we want. We would like to live in a peaceful traditional way because we cannot see the consequences and problems that will arise in the future. The company did not come back since they have left this area. But they will come for sure [at some point]. If they do, we want to report this case to the authorities.

**When they came back, did the company workers tell you about the place where the local community will be resettled?**

At one point, they took some young people to the bottom of Lay Muh [mountain] and told them that local people will be gathered in that place. They [said that they] will build houses for local people. They said local people should not stay in a different place because it will be difficult to install electricity for them. Therefore, the company will gather villagers from 18 villages together in one place.

**Did the company have any plans to help villagers with their livelihoods, education or healthcare if the dam is built?**

The company only discussed building houses for local people. They did not talk about anything related to livelihoods, plantations, education or healthcare services.

**According to your opinion, what are the potential challenges for local people?**

Local people will face challenges such as losing their plantations, cattle farm or pastures for domestic animals.

**Did the company have a plan to provide compensation and livelihoods support for local people, especially for villagers who secure their livelihoods by trading wood?**

They did tell us that they will provide compensation for local people base on the number of plants on their plantation. People who have more plants will get more compensation and people who have less will get less. However, we do not trust that they will be honest. For those who do not have any plantations, they have to become casual daily workers.

**Did they share any information about how long they will support villagers after the dam is built? Is it two to three years?**

They told us that they would compensate each tree [planted in villagers' plantation] for 3,000 Thai baht. They will support local people for three years after the dam is built. Local villagers will have to find their way of securing their livelihoods and their income at the end of those three years.

**Where did they get permission from, the Burma/Myanmar government or the Karen National Union (KNU)? Did they bring any permission documents [with them]?**

They had some challenges with the KNU/KNLA (Karen National Liberation Army) when they first came to this area [to examine the proposed dam site]. The KNLA did not allow them to do so. In this case, they went back again and asked permission from the [KNU] District leaders. Because of this, the local villagers did not dare to confront the company to fight for their rights because they held a permission letter from the District level.

**Was the company from Burma/Myanmar or from foreign countries such as China or Thailand?**

It was a Thai Company, but some of the company workers were Bamar [ethnic Burmese] people.

**Do you know the name of the company?**

I do not remember the name of the company.

**Some local villagers heard that the permission letter that they brought was out of date. I do not know this is true or not. Do you know anything about this?**

They did not bring any permission letter when they came here for the first time. When they tried applying for it they faced challenges. They first came without permission letter, but examined this site as they wished. This is a way of oppressing local people. At that time, the villagers who live near the proposed dam site faced difficulties.

**How many times have they examined the place? Have they started their project and decided where they will construct the dam?**

The place they examined was on the upper side of P'yoh Kwee [a shallow area of water]. When I asked them where they will construct the dam, the company workers said that they will construct it from P'yoh Kwee area to Ler Ter Hkok and towards the upper side, at the bottom of a rocky mountain.

**How many times did the company workers come here? How long has it been from the time that they came until now?**

It has already been eight years from the time that they came and left.

**Did they inform local people when the dam project will start?**

They did not tell us when the construction of the dam will start. However, they left a marking point in the area. They asked a local [in chard] to look after the marking point they set up. They paid him a salary. He was asked to record the time when the tide is over. After they went back, they never came again. They did not tell the villagers when the dam will be constructed. However, it is certain that they will come back again.

**Do you think the company will continue the dam project, what is the local people's desire for this?**

I think that they would not stop the proposed dam project. They will implement it for sure, but we do not know whether it will be successful or not. Local people completely disagree with the proposed dam project, but we cannot do anything.

**What are the potential consequences for local people from the 18 villages [that will be affected] by the dam? For example, how much will the damaged plantations, belongings and plantations cost?**

If the dam project is implemented, the plants in local plantations will be damaged, including coconut trees, durian trees, betel nut trees and other agriculture in Kloh Hkoh area. Moreover, we will lose our pastures for domestic animals and cattle. We cannot estimate the cost of these resources, but it will be a lot of damage.

**Did the KNU, Burma/Myanmar government or any other organisations investigate and research this proposed dam project?**

The KNU investigated the company once when the [company workers] were here. The Burma/Myanmar government did not do any investigation or research, and neither did any other organisation.

But the military [Tatmadaw] that settled in Htee Moh Pga area also claimed that they do not agree with this dam project. They [the Tatmadaw] also encouraged the local people to oppose the construction of the dam.

**Did the [Tatmadaw that settled in Htee Moh Pga area] oppose the proposed dam project directly or did they only encourage the local people to oppose the dam?**

The Tatmadaw did not oppose the dam directly but only encouraged us to oppose the dam.

**Have any NGOs or CBOs done any research or investigations on this issue?**

No organisation came to investigate the proposed dam. However, an organisation came to question villagers about it.

**Did this organisation take any responsibility for local people?**

The organisation did encourage and give suggestions to local people to confront the proposed dam. But they did not take any other responsibility.

**What did the organisation suggest?**

They suggested to the local population that we should ask for the permission document when the company comes, and we should also ask for the company's name, and then report them to the organisation.

**Which military groups and military commanders are responsible in the local area?**

When the company was examining the proposed dam site, the Tatmadaw military group [Battalion] #557 cooperated with the company [to provide security]. Therefore, we know that the Tatmadaw will not help villagers to confront the proposed dam project.

**What about the KNLA, did they ever give any suggestions or help the villagers to confront the proposed dam?**

When the company examined the place where they intended to build a dam, they did so without holding any permission document [from relevant authorities]. The KNLA helped villagers confront this situation. The leader is KNLA officer Thu Hkoh Eh Baw. He encouraged villagers to confront the proposed dam project together. He told us that we

should not confront the dam by using arms or weapons. Instead, the villagers should demonstrate [to show] the company that we do not agree with the proposed dam. He asked villagers to gather together but some distant villagers did not come. Therefore, we conducted a demonstration with some nearby villagers that came and gathered with us including the KNLA officer Thu Hkoh Eh Baw.

**How do you feel as a villager about the proposed dam?**

Several challenges will arise for local people in this area [if the dam is built]. Therefore, on behalf of the local people from Htee Moh Pga, I want to report this to authority so that Burma/Myanmar government and international governments will know about this problem.

**Do you want to talk about any other issues?**

I want to express that, if the proposed dam is built, it can worsen displacement for local people in Htee Moh Pga, Tanawthri river [Tanintharyi] area. The displacement caused by the dam will be worse than displacement caused by the armed conflict we have experienced in the past. Therefore, we want to share this with the world so that the world will know. We want the world to consider the local people who live in Htee Moh Pga, Ta Naw Th'Ree (Tanintharyi) River area. Every village in the local area will face trouble.

**Source #33**

Log #	17-32-CL1
Type of report	Complaint Letter
Publishing Information	Previously unpublished
Location	Ler Muh Lah Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	
<p>To: Dr Let Let Maw Prime Minister Tanintharyi Region Burma/Myanmar government Administration Tavoy Town</p> <p style="text-align: right;">Date: January 11<sup>th</sup> 2017</p> <p>Subject: This is a complaint letter providing details about an incident of negligence during the Kyun Pat Lan road construction [a road going] around K'Tan Kyun Island. [Workers] carelessly threw stones and ground waste [while they were constructing the road], damaging the surrounding plantations. This complaint letter is for demanding compensation for defamation and releasing of confiscated lands.</p> <p>The plantations of Saw R--- (also known as U Min Lwin) and Daw Dr--- were damaged on November 9<sup>th</sup> 2016, during the road construction. Both of them are villagers from S--- village, Ka Pa village tract, Kyun Su Township. The Kyun Pat Lan road going around K'Tan Kyun Island, is 46 feet in length, at mile pole no #14/3. This road across S--- village and damaged 400 rubbers plants, 100 cashew plants, 30 betel nut tree, 30 black pepper plants, 500 cardamom plants, 30 jackfruit trees, 50 palm trees.</p>	

Altogether, 1,140 plants were damaged because of negligence during the Kyun Pat Lan road going around K'Tan Kyun construction project. . While this road was being built, ground waste and stones were thrown carelessly, damaging many plants in the surrounding plantations.

The local people told the workers to throw the ground waste and stones, in order to prevent damaging plants. But [the road contractors] did not consider their request. On November 25<sup>th</sup> 2016, when I was clawing rubber trees, the road was being built nearby. The ground waste and big stones were sliding down into the plantation. I told the road constructors to be careful and not bring harm to [the local people].

On November 27<sup>th</sup> 2016, I met with the road construction engineer, the Ka Pa village tract administrator, the hundred household leader, and the Kyun Su vice-Township minister. I negotiated with them to protect the plants that were damaged because of negligence during the road construction. In this case, the authorities declared that they would take responsibility to prevent this issue in the future.

Even though the [authorities] declared that they would take responsibility for the negligence, the situation is not yet changed. The plants are still damaged by the road construction and we have not received any compensation for this.

Firstly, we joyfully welcome the road construction as we believe that it will benefit local development. Nonetheless, the negligence that the Kyaw Nay So Mo Company workers showed during the road construction is disrespectful towards local people. We simply perceive that there might be insufficient supervision from the project department and those responsible for the road construction.

This report asks for accountability and compensation for the 1,400 damaged plants. We ask for the company to stop damaging plantations in the future by throwing ground waste in proper place.

Related information- 6 photos of damaged [plantations]

Respectfully,

Saw R---

S--- village, Kyun Su Township

094---(censor victim phone number for security)

Photo copy sent to:

- U Ho Pin, Social and municipal minister, Tanintharyi Region government group, Tavoy Town.
- JMC chairperson, Myaik Town.
- JMC Secretary Pado Saw Bi Lei, Myaik Town.
- Accepted.

**Source #34**

Log #	16-110-P1
Type of report	Photo Note

Publishing Information	Previously unpublished
Location	Kyaukkyi Township, Nyaunglebin District
Full Text	
<ul style="list-style-type: none"> <li>These photos were taken on May 2<sup>nd</sup>, 2016 in Kaw Saw Htee [Shwegyin] Assembly Hall, Myay Ta Section, Ler Doh Township, Kler Lwee Htoo [Nyaunglebin] District. They show a meeting between the Thoo Lei Company, the KNU Central Economic Committee, local villagers, as well as CBOs and CSOs. The meeting was held to discuss the Baw K' Hta Dam consultation and survey assessment. All the village representatives were informed about the process.</li> <li>These photos were taken on December 3<sup>rd</sup>, 2016 in Ler Doh Township, Kler Lwee Htoo District. Due to the government's project to widen the road from Ler Doh to Mu Theh area, villagers from Hsaw Mee Loo, Khoo Poo, Kheh Kahko and Kheh Der village tracts suffered damage to their farmlands and plantation lands. The road will be extended to 34 feet wide. No negotiations were held on the road extension project. The road construction was implemented by the government. Tatmadaw Infantry Battalion #60 and Light Infantry Battalion #349 took responsibility to protecting the construction staff. These photos show the lands that were destroyed and the ones that are planned to be destroyed. The road extension is ongoing since November 16<sup>th</sup>, 2016.</li> </ul>	

#### Source #35

Log #	14-54-P1
Title / type of report	Photo Note
Publishing Information	Previously unpublished
Location	Dwe Lo Township, Hpapun District
Full Text	
<p><b>Date Received: July 10<sup>th</sup> 2014</b></p> <ol style="list-style-type: none"> <li>These photos were taken on April 5<sup>th</sup> 2014 in D--- village, Waw Muh village tract, Dwe Lo Township, Hpapun District. It shows a gold mining operation run by an unnamed Chinese company that has been extracting gold from the land on the Buh Loh River. The project has polluted the water and destroyed land belonging to local villagers.</li> </ol>	

#### Source #36

Log #	17-58-A6-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Thandaung Township, Toungoo District/northern Kayin State
Full Text	
<p><b>Interview Date:</b> On April 21<sup>st</sup>, 2017</p> <p><b>What is your name?</b></p> <p>My name is U Saw Am---</p> <p><b>How old are you?</b></p>	

I am 44 years old.

**What is your ethnicity?**

I am Karen.

**What is your religion?**

I am a Christian.

**Are you married?**

Yes. I am.

**How many children do you have?**

I have five children.

**How old is your eldest child?**

My eldest child is 18 years old.

**How old is your youngest child?**

My youngest child is 11 years old.

**Where do you live?**

I live in An--- village, Thandaunggyi Township.

**Where am I conducting this interview with you now?**

We are now in An--- village.

**What work do you do to support livelihood in your village?**

We work on hill farms in our village. Mainly we support livelihood by doing agriculture work.

**Are there any schools in your village?**

Yes. There is a school in our village.

**What kind of school is it?**

It is a primary school which goes up to 4<sup>th</sup> standard.

**Was the school in your village built by the Myanmar government or Karen National Union [KNU]? If not, was it built by the village community?**

The new school in our village is currently being built by the Myanmar government. However,

it has not finished yet.

**What about the current [old] school?**

The current school was constructed and funded by the village community in 1997. Recently, the Myanmar government provided 70 sheets of zinc to the school in order to rebuild its roof with the fund provided by the United Nations International Children's Emergency Fund [UNICEF].

**Did the UNICEF only donate 70 sheets of zinc to the school?**

Yes.

**Can you tell me about the new school construction project which is currently conducted by the Myanmar government?**

Yes. The Myanmar government is currently building the new school with the funding for the next month.

**How does the Myanmar government conduct the new school construction project? Which company comes to construct the school? Can you tell me if you know about it?**

Currently, Myint Myat Than Lwin Company is constructing the new school.

**Can you tell me about how the Myint Myat Than Lwin Company constructs the new school? For example, do they [company] consult with villagers when they construct the school?**

Yes. Before they reconstruct this new school, they went to consult with villagers to discuss the school construction plan. They also wanted local villagers to cooperate with them in order to construct the school so they negotiated with villagers to get the fair daily wage.

**Has the new school construction finished?**

The school reconstruction has not finished yet. However, 75 percent of the school construction is finished now.

**What do they need to build in order to finish the new school construction?**

To finish the school construction, they need to build the ceiling, the roof, and pillars.

**This month is April. The school opening ceremony will start next month and students have to study in the upcoming month. Do you think that this new school construction will be finished this year?**

Yes. The 75 percent of the school construction is already finished. So we hope that the school construction will be finished this year.

**Are local teachers still able to use the old school for teaching?**

Yes. If the new school construction is not finished, currently we can use the old school for

teaching.

**How many millions did Na Ta La (the Myanmar Ministry for Progress of Border Areas and National Races and Development Affairs) allocate for the new school construction project in your village?**

To the best of our knowledge, Na Ta La allocated 36,000,000 kyats for the new school construction project.

**The Na Ta La allocated fund for the new school construction project in your village. The total amount of money is 36,000,000 kyat. So do you think that this new school construction is of good quality?**

If we see this school construction as the local village level, we can say that this new school construction has good quality.

**Is the fund sufficient to do the new school construction project?**

We do not know whether this fund is sufficient or not. The Myint Myat Than Lwin Company is using this fund to construct the new school. So if we want to know whether it is sufficient or not, it depends on how the company uses this fund to do the new construction project.

**Regarding the new school construction, are the villagers involved in taking participation and leading roles to construct this new school?**

Yes. The local villagers have participated in constructing the new school. As villagers, we can find logs and sand for the school construction.

**Regarding how the money [fund] is used, can villagers know about it?**

Yes. We can access all the information regarding how the money is used.

**Are there sufficient school teachers in your village?**

We started to have sufficient school teachers in our village in 2012.

**How many students are there in the school?**

There are 28 students in An--- school in 2017.

**How many school teachers are there in the school?**

The school has one male school teacher and five female school teachers.

**Do the students have to pay the school fee?**

In the last three or four years, the students do not have to pay the school fee.

**Are there any organizations which support the school in order for students to be able to study? For example, is there anyone who donates school materials such as pencils**

**and books?**

Yes. The KNU organisation [Karen Education Department] supports our school and they donate writing materials, books and sports materials to our school.

**Is it sufficient for students?**

Yes.

**What about the Burma/Myanmar government? Do they support the school?**

Yes. The Burma/Myanmar government also supports the school in our village.

**What do they [Burma/Myanmar government] support the school with?**

They contribute books, pencils and sports materials to the school.

**Are there any clinics and hospitals in your village?**

We do not have any clinics or hospitals in our village.

**So where do villagers go to get medical treatment or medicine if they are sick?**

The Burma/Myanmar government's midwives come to our village at least one time a month in order to provide medical treatment to villagers. Sometimes they come to our village three times a month.

**What medical treatment or medicine do they give to villagers?**

They give vaccines for polio to villagers.

**If villagers get serious sickness, where do they go to get medical treatment?**

If villagers get serious sickness, they go to the hospital in Thandaunggyi Town to get medical treatment.

**Do villagers have to pay the medical fee?**

We have to pay the medicine fee but we do not have to pay a lot like four or five years ago. How do we explain this? For example, we had to pay 30,000 kyats for a medical fee in the past and now we only have to pay 10,000 kyats. So [the medical fee] has reduced.

**You mean in the village?**

Yes. The medical fees have been reduced in both the village and the town.

**What is the difference between the medical fees in the village and town?**

There are some local health workers in our village who attended medical training in town. They go to get medicine in town once a month because the Myanmar government provides medicine in town. Some poor villagers cannot afford the medical fees so they go to get free

medicine and medical treatment from those local health workers. For some villagers who can afford the medical fees, they only have to pay one-third of the medical fee. For example, if the medicine cost three kyats, villagers have to pay one kyat. Therefore, we do not have to pay a lot of medical fees.

**When villagers go to get medical treatment at a hospital in town, how different is it regarding the medical fees? Another thing is, how do doctors treat villagers?**

If we go to get medical treatment at the public hospital in Thandaunggyi Town when we are sick, nurses look after us all the time. For some villagers who cannot afford the medical fees, they can negotiate with doctors that they will pay it later. The doctors also understand their situation.

**Can you tell me about community development projects in your village?**

Regarding community development projects in our village, they [projects] have been conducted since 2012 by three different groups. They are Ka Lah Phah, Na Ta La<sup>24</sup> and Mya Sein Yaung project.

**What does Ka Lah Phah stand for?**

It means the [Union of Myanmar] Poverty Reduction Fund.

**Another one is Na Ta La (the Myanmar Ministry for Progress of Border Areas and National Races and Development Affairs). What does Na Ta La do regarding local development project?**

Na Ta La is now trying to install electricity for villagers. They also donate funds for the new school construction project in our village.

**So the new school construction project in your village is funded by Na Ta La?**

Yes.

**What about Ka Lah Phah (the Myanmar Poverty Reduction Fund)? What do they do for villagers?**

The road between An--- village and Hc--- village was constructed. Two bridges were constructed in our area. Another road was constructed between An--- village and Htee Bo Khee village. All of these local development projects were conducted through the funding of Ka Lah Phah.

**Which group/organization came to install a water supply and electrical system in your village?**

The micro hydroelectricity system was installed in our village by the fund of Na Ta La. Last month the BIP [Basin Implementation Plan] came to install a water supply in our village.

---

<sup>24</sup> Na Ta La is a Burmese language word which refers to the Burma/Myanmar government's Ministry for Progress of Border Areas and National Races and Development Affairs.

**Is the water sufficient for villagers?**

Yes. The water is sufficient for villagers.

**What about electricity?**

The villagers can have sufficient electricity because of the micro hydroelectricity system. Because of this, we cannot have sufficient electricity in the dry season but we can have sufficient electricity in the rainy season.

**Are there any roads being constructed near your village?**

The car road between An--- village and Gi Yat Myain village is being constructed.

**How many miles is it?**

It is more than six miles long.

**Which company is constructing this car road?**

Ngwe Sin Phyo Company.

**Are the villagers involved in constructing the car road? Do the villagers really want this car road construction?**

Yes. Before the company began constructing this road, they consulted the villagers and discussed what the villagers needed. They also asked permission from KNU local authorities to conduct road construction. After all, we started to construct the road together.

**Some part of the road might be curved and bent. So does the company follow the advice of the villagers regarding how to construct the road properly? Or do they construct the curved road improperly?**

When villagers originally constructed the road, they did not use any machines. Now they [company workers] are reconstructing the road using machines.

**Due to this road construction, were the villagers' plantations and gardens destroyed?**

Yes. The villagers' plantations and lands were destroyed but we had already consulted with landowners before the road was constructed. This road is not for only one person but for the whole community. That is why this road construction project is conducted in accordance with the community's wishes. However, landowners did not say anything about their land destruction. At first, they did not understand the situation. Therefore, we explained to them clearly the purpose of the road construction. Finally, they understood the situation and they did not say anything.

**Some villagers' plantations were destroyed due to road construction. So did they receive any compensation for what they lost?**

No. They did not receive any compensation.

**This road construction project negatively affected your village. What about other villages?**

Yes. Some other villagers' lands were destroyed too.

**Did they demand a compensation for their land destruction?**

We already consulted with landowners who might lose their lands if the road is constructed. We tried to help them by giving some compensation from our road project's fund.

**Does every landowner who lost land get compensation?**

We only gave compensation to those who came to our meeting. In the meeting, we consulted with them and we discussed the amount of money of compensation that we can give. We gave them some compensation and they were satisfied with it. However, we cannot give compensation to everyone because some villagers did not come to the meeting.

**For villagers who received compensation, did they get fair compensation?**

Yes. We gave them compensation based on how much they demanded.

**Are there any other human rights abuses which happened in your village? For example, human rights abuses committed by armed groups or local authorities?**

I have never heard about human rights abuses happening in our village.

**For example, the Myanmar government told villagers that they will give daily wages to villagers because villagers worked for the Myanmar government for the road construction. Later on, the Myanmar government did not give daily wages to villagers. Has the Myanmar government ever lied to villagers in your village?**

No. We have not had a case where villagers were cheated like that.

**Due to KNU armed group's activities and the Myanmar government military's activities, does it concern villagers?**

Within these three or four years, we have not had much concern regarding the armed group's activities.

**So did it concern villagers in the past?**

Yes. It concerned us a lot in 2008. [Tatmadaw] demanded porters and forced labours from villagers. Also, we often had to flee our village.

**Did villagers have to relocate from your village?**

Yes. We had to relocate to other places in 1992. Again we had to relocate in 1996.

**Did the KNU force villagers to relocate? Or did Tatmadaw force villagers to relocate?**

Tatmadaw forced villagers to relocate.

**Where did you relocate to? Which village?**

In 1996, a lot of villagers came to gather together in the same place.

**Which place? Which village?**

When we were forced to relocate, villagers from An--- village tract came to gather together in Hc--- village.

**After the ceasefire agreement was signed, can you tell me about Tatmadaw activities in your village?**

Since the ceasefire agreement was signed there are no Tatmadaw activities in our village. Nevertheless, they are active in our area to provide medical treatment to villagers.

**How are can they reach your area to be able to provide medical treatment to villagers?**

There is a road goes between Thandaunggyi Town and An--- village. So they came to our village by using that road and they helped villagers by providing medical treatment.

**Did villagers go to get medical treatment from them [Tatmadaw]?**

Yes.

**After the ceasefire agreement was signed, did the Tatmadaw and KNU armed groups sometimes have a conflict or disagreement in Thandaunggyi area?**

We have not heard about the fighting between KNU armed group and Tatmadaw occurring in our area after the ceasefire agreement was signed. Once we heard about a problem that happened in Balay Tee area in 2015 or 2016.

**What happened?**

The Tatmadaw heard a rumour that more than 100 KNU soldiers came to gather in Balay Tee area. The Tatmadaw worried that the KNU soldiers would plan to start the fighting. Due to this, the Tatmadaw prepared arbitrary weapons to shoot them. It concerned villagers a lot.

**The Tatmadaw just prepared to get ready for shooting. Right?**

Yes.

**Did the problem happen in the village? or where else?**

It did not happen in the village. It happened beside the Thandaunggyi road near Balay Tee village. The Tatmadaw just heard about a rumour that KNU soldiers were there and active.

**Did the KNU soldiers actually come to stay there?**

Actually, three or four KNU soldiers [KNU Forestry Department staff] came to stay there in order to protect the environment. They also wanted to obtain a motorbike driving license.

**What about the Tatmadaw? Where did they come?**

They came to stay in the cemetery.

**Which cemetery? The Thandaunggyi cemetery or the An--- cemetery?**

The Thandaunggyi cemetery.

**How did they come to stay in the cemetery?**

As far as I know, they came to the cemetery by military trucks.

**How many military trucks?**

Two military trucks.

**Were there a lot of Tatmadaw soldiers in the military trucks?**

Yes. There were a lot of Tatmadaw soldiers.

**How did villagers feel about it [military movement]?**

Villagers were worried and frightened when they first heard about the military activities because there had been a decrease in military activities for over three or four years.

**Did villagers feel like it is a threat?**

Yes. Villagers worried that the fighting will happen again. They felt like it was a threat for them [for their security].

**How many days did it [military activities] take?**

It did not take a day. It just took about 30 minutes. After that, they went back to their camps.

**Did they build their [temporary] army camp before they went back?**

There were no soldiers or [temporary] army camps left after they returned to their camps.

**Did they leave some security guards in that area when they went back?**

Yes. They left four or five security guards in the new area of Thandaunggyi Town. After one month, they [security guards] returned to their army camps.

**OK. I might forget to ask you something that you want to share. Regarding human rights abuses, can you tell me about your experience regarding human rights abuses? What do you want to suggest in order to improve the human rights situation after the ceasefire agreement was signed? What should KNU armed group and Tatmadaw do to improve the situation?**

In the future, KNU and Tatmadaw should work together to improve the situation in the rural

area. They both should build a better understanding and trust. Villagers also have to be aware of what they are doing. We all should work together to find out the truth [to have transparency]. The last thing I want to say is that the KNU and Tatmadaw should [do their best to] fulfil the villager's needs [such as protecting villagers and support community development].

**What about other things? Do you want to say anything else?**

No. I do not have more to say.

**OK. Thank you very much for your answers.**

Yes. Thank you too.

**So do you allow KHRG to use the information that you have shared?**

You can use the information. If some information should not be used, you do not need to use.

**What do you mean by some information that should not be used?**

Some information might not have been completely correct during our conversation. If you see that information, you do not need to share.

**OK. Thank you.**

Yes.

**Another thing, I want to take a picture of you for KHRG's photo record. Do you allow me to take a picture of you?**

I give you permission to take a picture of me if necessary.

**Thank you.**

You are welcome.

**Source #37**

Log #	17-64-S1
Type of report	Situation Update
Publishing Information	Previously unpublished
Location	K'Hser Doh Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	

**Village Situation**

There were many different perspectives on development projects in different areas of K'Hser Doh Township. There was hatred between people in different areas when their perspectives would not match. Some villagers did not obey and refused the guidance of their leaders.

The problem of drug use has continued to grow. However, some village heads were not

motivated to deal with the issue.

#### **Business**

Since February 2017, gold mining has occurred in Dy--- village, Paw Hkloe area. A group founded by four people approached the village head of Dy--- and the villagers asked for permission to conduct gold mining. However, their request was denied.

They just carried on with their plans to mine gold regardless. The local District and Township leaders were not consulted. The village head felt disappointed with their actions and wanted to resign from his position.

A Community-based Organization (CBO) that is working in this area envisioned to protect the environment and streams for the villages along Paw Hkloe river bank. It has been working to support the community enhance natural sustainability, health, and the well-being of villagers. However, we noticed that due to gold mining the streams have become polluted and are carrying less water. We know that they were using restricted substances and chemicals for gold extraction that caused water pollution.

#### **Companies**

Currently, gold mining, logging, and coal mining businesses are negatively impacting the community. The business projects have created biases, misunderstandings and lack of unity among the Karen. Companies do not comply with their codes of conduct. They usually cooperate with the Myanmar government in order to implement their business activities.

#### **Asia Company Road Construction**

From November 2016 to May 2017, the company started constructing a 40 mile-long road from Hkay Tu Toe area to the crossroads of Thaw Kheh river bank and Hpaw Taw Teh Weh Pa Meh area. The road that was built between Hpaw Taw and the Taw Kheh river source is 50 feet wide. The road construction damaged villagers' coconut, betel nut, and rubber trees. However, the company did not compensate for any of these damages. Instead, they said that the road was constructed for civilian use. This road leads to Kyaw Zin Hpya area, the location of the Asian Highway.

#### **Myanmar Government Activity**

The Myanmar government cooperated with the Asia Company and built a road in K'Hser Doh Township.

Some local people proposed to teach Karen language and culture at schools once a week. However, this proposal has not yet been considered, as the Karen leaders did not yet meet with the Union Government in Nay Pyi Taw to negotiate and discuss this request.

#### **Source #38**

Log #	17-75-D1
Type of report	Other Document
Publishing Information	Previously unpublished:
Location	Kyainseikgyi Township, Dooplaya District/Southern Kayin State
Full Text	

**A land confiscation case took place in Noh Taw Pla village tract, Kyainseikgyi Township.**

Between 2015 and 2016, the Border Guard Force (BGF) leader Hpuh Daw Daw, from Battalion #1023 sold around 800 acres of land from Noh Taw Pla village tract, Kyainseikgyi Township to a local Tatmadaw officer and some companies. According to the villagers, Hpuh Daw Daw's army camp is based near Kyaikdone Town, Kyainseikgyi Township.

The villagers reported to the KHRG researcher that the BGF leader Hpuh Daw Daw did not consult with them before selling the land. The lands that were sold are designated as a reserved forest by the KNU. They were used by villagers from Dz---, Ea--- and Eb--- villages in Noh Taw Pla village tract. Villagers used the land for their livelihoods. Villagers had plantations on some of the confiscated lands. The lands that were sold by Hpuh Daw Daw are located along the main vehicle road between Kyaikone and Kyainseikgyi towns.

In 2016, a forestry officer and a land survey officer from Myanmar government went to measure the land with the help of BGF soldiers from Battalion #1023. Villagers were not informed and not aware of this action.

In early 2017, villagers reported the land confiscation case to the KNU's village tract leaders. However, they could not solve the issue. Therefore, they suggested to the villagers to write a complaint letter to the KNU township office. As a follow-up, the villagers whose lands were confiscated wrote, signed and submitted a complaint letter to the KNU township office. The authorities responded saying that the villagers could work on their land as per usual. However, they could not help villagers to process the case further. They also stated that the lands are in an area demarcated as a reserved forest by the KNU. Therefore, the KNU could not provide a land title for the local villagers.

On June 4<sup>th</sup> 2017, the BGF soldiers came to the area and cleared the land to carry out a palm oil plantation project. They planted the BGF's flag on the land, measured and confiscated it. The villagers did not dare to say anything to the BGF soldiers as they were afraid of them.

#### Source #39

Source doc #	Source #39
Log #	17-96-A2-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Win Yay and Kyainseikgyi Townships, Dooplaya District/Southern Kayin State
Full Text	

**Interview Date:** August 10<sup>th</sup> 2017

**Before I start the interview, do you have any questions?**

No.

**Let's start the interview. We will speak Burmese. What is your name?**

My name is Saw F---.

**How old are you?**

I am 38 years old.

**Where do you live?**

I live in Ec--- village.

**Can you tell me the full address of your village? Your village tract, Township and District?**

Yes, it is Than Pya village tract, Win Yin Township, Doooplaya District.

**Do you have a family?**

Yes.

**How many family members stay with you?**

Altogether 5 members.

**How many children do you have?**

Three.

**How old is your youngest child?**

Eight years old.

**How do you earn your livelihood?**

Farming.

**What is your religion?**

Buddhist.

**What is your position in your village?**

No position, I am just a villager.

**Can you please tell me of how long have you stayed here and when did you come to this village?**

This village is my birthplace. I have stayed here since I was born.

**Can you tell me about your experiences in this village?**

When I was young, this was a Black Area [a KNU controlled area]. The situation changed since the ceasefire.

**Do you know the exact date when the ceasefire process took place?**

I am not sure about the exact date, but it was about three years ago.

**What kinds of challenges and problems do you currently face?**

There are many problems related to education, healthcare and transportation.

**Could you tell about the problem concerning education?**

Concerning education, we have a middle school in our village. Before, we only had a primary school. The problem is, however, that the students who graduated from middle school, grade eight, need to move to another place for further studies. As most parents were facing financial problems to support their children's further studies, many children stopped studying after the graduated from middle school.

**The children who stopped their studies, how did they earn their livelihoods?**

As they were not able to study any further, they just worked with their parents on their property and lands. For those who are poor and do not have any property and land, they just worked as casual daily workers to earn their income.

Some of the places were not safe to work. Moreover, they have financial problems as they do not have permanent work.

**How much do the daily workers earn each day? Is there any gender discrimination in payment?**

Honestly, pay depends on gender. Men get 5,000 Kyats per day but women get 3,000 Kyats per day.

**Why do you think the payment is different?**

Most of the work is rough and weary and best fit for strong men, but women are not strong enough to handle this kind of work. In this case, women got paid less than men.

**What about the leadership system of the village, who are the top leaders in each department?**

The majority of leaders in my village are women. They participate in and dedicate themselves to many different departments, such as women's department and religious services.

**Could you describe the problems concerning transportation?**

The roads are worse in the rainy season. Even the highway, the vehicles could not travel properly in the rainy season. The roads and the streets are worse than the highway and we cannot use them at all in the rainy season.

**Do you know which company is responsible for building the road and when this highway was constructed?**

As much as I know, the responsible companies in Than P'Ya village territory are Man Pyi D'Gon Company and D'gon Power Company.

**Are they still working in this area or have they left after the road was built, when did they leave?**

After they constructed the road, they just left.

**Currently, who takes the responsibility for building roads and their repairs?**

I am not sure about this.

**What kinds of problems are the villagers facing due to the damaged road?**

As the roads are damaged by the weather, the villagers have trouble travelling. Especially, when they need to buy food and materials from the town.

**When was this road constructed? What are the advantages and the disadvantages?**

The advantages and disadvantages depend on the quality of the road and the weather. When the road is usable, it is good for our transportation but when it is destroyed, it causes the problems with travelling.

**Could you tell me about the problems and difficulties related to healthcare?**

Due to the poor quality of the road, it is difficult for them to travel to the medical care centre in town when villagers are sick.

**How many hours does it take to go to the hospital on foot in the rainy season [from Ec---]?**

The distance is approximately 3 miles. Currently, most people travel by motorbike, because they cannot travel by car in the rainy season.

**Are there any negative consequences of the road construction?**

The road construction damaged many plants in the villagers' gardens and farmlands that they rely on for their livelihoods.

**Were the villagers notified before the road construction took place in this area? If yes, who and what organisation notified the villagers?**

They sent observers to collect information about the damaged lands and plants. They also asked for the signature of the land owner. However, there was no response since then.

**Who and what company or organization observed the operation and notified villagers about the damages?**

The responsible observers were Htun Ya Za from D'Gon Power Company and Ko Poe Htaung from Man Pyi T'Khun Company.

**Do you know why they asked for the signature and recorded this information? What assurances did they give to the land owners?**

They did not disclose any information nor provide assurance concerning this case.

**What are the common diseases in this area and how do they affect the villagers?**

There are many diseases but I do not know exactly what the most common diseases are.

**Let's move to another question, what is your view regarding the Khonkhan rocky mountain?**

The Asia Eagle Company had a project to mine Khonkhan rocky mountain for cement. As a local person, I do not agree with this.

**Why do you disagree? Did you do anything about it?**

I disagree because there are gardens and lands owned by the villagers at the bottom of this rocky mountain. The gardens, the lands and the plants depend on the shade of Khonkhan Mountain. If the mountain is mined down, all the gardens and plants will be destroyed. The local people also use the trees and bamboo from this mountain to build their houses. They would have big challenges finding trees and plants to build their houses with. There are many animals living on this mountain, these animals will disappear when the mountain is destroyed.

**What do you know about this project?**

I do not know anything specific except that Asia Eagle Company came and surveyed it [the mountain].

**Did the Asia Eagle Company get a permit to do it?**

They brought a recommendation letter from Win Yin Township and then they measured the mountain.

**Who are the people responsible for this project in Asia Eagle Company?**

The geologist - Ko Than Htun.

**When did they come to measure the mountain and how many times did they come to do it?**

I do not know exactly, but they came many times.

**What was the response of the local people when the geologist and other concerned people came?**

Firstly, the local people were not concerned about this but later they realized that if this

project really happens, there will be many problems. Now, the villagers actively try to forbid this project.

**How do the villagers forbid it?**

The villagers collaborated with the village heads, village tract leaders and the Township leaders. They organised a meeting and expressed their views. Then they submitted the information to the Win Yin Township.

**How did the Township [Win Yin] respond to the villagers?**

I do not know how the Township leaders processed this case, but I know that they reported it to the District leaders.

**Did the district leaders take any action on this?**

No, I did not hear anything about it.

**How many villages are nearby the Khonkhan Mountain? If this mountain was mined down, how many villages would be affected?**

There are Than P'Ya Chaung Phya village, Khonkhan village, Taung Sun village, Kyauk P'Lu village and Wa Maw Lay village surrounding the Khonkhan Mountain. All of these villages have high population except Wa Maw Lay village.

**Could you tell me about the livelihoods of the local people in these areas?**

Most people are farming and planting betel nut trees and rubber trees.

**How do you feel about this project?**

It can affect the livelihoods of the villagers because the gardens and the lands will be damaged and it can also affect their health as well. If the project happens, the villagers will have to move away.

**If they start implementing the project, will the villagers take action on this? How would you take action? What are your plans?**

The villagers have no plans for dealing with this.

**How many single parents are there in this village?**

I do not know the exact number of the single parents, but it is probably about 20.

**How many children are there in your village who cannot attend school?**

There are many children who cannot attend school because of financial problems. Some parents already struggle for their livelihoods. Therefore, their children do not have the opportunity to study.

**How about the school fees, is education free? Who financially supports the school?**

I do not know much about education and the school administration.

**What about other villages? How are they planning to deal with the Khonkhan mountain project?**

The desires of other villages are also the same as ours. As much as I know, they have organised an environmental conservation committee to protect the Khonkhan mountain.

**Could you tell me how this environmental conservation committee was founded? Does it have permission from the authorities? Is it still active?**

As much as I know, this committee was founded based on the local people's suggestions. I did not hear if it was founded by any other departments.

**How many military bases are settled around this area and which ones are the closest to this area?**

Two military groups stay near this area - the KNU and Tatmadaw.

**Are the military groups involved in local area development?**

I do not know anything about their involvement in developing the local area.

**Would you like to ask any questions or tell me about some cases that I have not asked you about?**

No.

**After this interview, we will take photos. Therefore, do you give consent for us to use these pictures and interview?**

I have no problem you using the photos and the interview, if you take my personal security into account. It is okay with me.

**Do you have any suggestion for KHRG?**

I see that KHRG's activities are very beneficial to the citizens. Therefore, I would like to encourage you to continue.

**Source #40**

Log #	16-1-P1
Type of report	Photo Note
Publishing Information	Previously unpublished
Location	Kawkareik Township, Doooplaya District/southern Kayin State
Full Text	

- These photos were taken on November 13<sup>th</sup> 2015. These photos show a telephone signal tower that was built in the Myout Kyar Inn monastery compound in Ev--- village.
- These 19 photos were taken on November 17<sup>th</sup>, 2015. I interviewed a villager named Saw Ew--- about a bridge construction that affected the local villagers' land and a betel field in Kawkareik Township, Doolaya District. The Htay company is constructing a bridge between Mel Kwee and Khoh Toh areas. U Saw is the project manager. Because the bridge's pylon was constructed in the water, the water flow was redirected into the betel field as well as the villager's house. Therefore, he had to move his house. Moreover, due to the road construction, the villager's betel nut and tobacco fields were destroyed. The size of these 2 fields was big enough to plant one paddy basket in it.<sup>25</sup> In the aftermath, the villager tried to meet with U Saw, but there is no response. The villager was told that he [U Saw] cannot consider the issue of victim's land and that he should go meet with the Karen Peace Force [KPF]<sup>26</sup> and Pue Daw Daw, the leader of the BGF in Kyel Doh place to discuss his issue.
- These 3 photos were taken on September 23<sup>rd</sup>, 2015. These photos were taken in Mar Nar Kone (Hpar Sar Kone), in Aung Hpa village (Aung Hpa Gyi village), Kawkareik Township, Doolaya District. The land in the area is used for a mobile signal tower by Nokia, Ooredoo, and Pan Ei Sa Companies. These lands are owned by U A' Mu and U Sein Win Kyi. These companies pay 200,000 kyats a month to use U A' Mu's land. U Sein Win Kyi's land plot is small. Therefore, he is paid 20,000 kyats a month for the use of his land. Before the tower has constructed, the companies and the owners met with the commander from Battalion #18. All parties agreed to the proposed contract. The company uses 60 square feet of the land. The height of the signal tower is set to be 200 feet. The total cost of the tower is over 60,000,000 kyats (around 46340 dollars). The construction started in January.

#### Source #41

Log #	14-85-P1
Title / type of report	Photo Note
Publishing Information	Previously unpublished
Location	Bilin Township, Thaton District
Full Text	
Date Received: November 12 <sup>th</sup> 2014	
<p><b>1. Photo numbers from 152-0258 to 0268</b></p> <p>I [KHRG researcher] took these photos on August 2, 2014 and the place is close to A--- village, Ta Aoo Hkee tract, in Bilin Township, Doo Tha Htoo [Thaton] District. These photos were about the Bilin Township officer who is Saw Kyaw Day. He is</p>	

<sup>25</sup> A paddy basket refers to an indigenous land measurement system.

<sup>26</sup> Karen Peace Force (KPF) was formed in February 1997 after splitting from the KNU/KNLA and surrendering to and signing a ceasefire with the Burmese military government. Significant parts of the KPF merged with the Burmese military government into Tatmadaw Border Guard Force #1023 whilst others remained independent. The independent (non-Border Guard) KPF controls some administrative areas in addition to road and river checkpoints in the area of Three Pagodas Pass. Following repeated rejections of Burmese government proposals to reform KPF into the Tatmadaw Border Guard, substantial elements have since reformed in the Tatmadaw Border Guard in 2010 while others remain independent.

conducting logging and the sawing of planks of wood. Then they [Saw Kyaw Day's workers] transport it [the logs] downtown in order to sell the planks of wood. In this case, villagers [also] wanted to do logging just to [get planks of wood] to build the house but they were not permitted. The [Bilin] Township Officer said to the villagers that, *"If you want the wooden planks to build a house, you can come and buy them from me; just give [pay] me 900,000 kyats for one ton [of wood]."* Villagers in the whole township are complaining about this case because the officer is allowed to do logging but the villagers are not. Some villagers have reported this case to the group leaders and demonstrated their desire [to also have access to logging]. [Therefore] the group leaders went and reported the case to the Township Officer. Then, in May 2014, it was declared that villagers from the villages in Tah Aoo Hkee territory are allowed to do logging for one month in Bilin Township, Htee Hpah Doh Htah tract, in Kywun Waing territory.

**2. Photo numbers from 152-0270 to 0276**

I took these photos on February 13, 2014 and it was at a place between B--- village and C--- village which is [between] Tah Aoo Hkee and Aee Soo Hkee tract, Bilin Township, in Doo Tha Htoo [Thaton] District. The photos are about Htoo Company U Ye Htut that has come to do logging at a place in Tah Aoo Hkee tract and Aee Soo Hkee tract in Bilin Township. The photos that appear are of the road construction for the transportation of the logs. The logging is permitted by KNU [Karen National Union] and [the KNU] charges the company 90,000 kyats for a ton of wood [in logging tax]. Based on these charges [taxes], KNU also pay back 20,000 kyats to the villagers who are from the villages that are close to the areas being logged. It [the KNU] knows that this road construction is impacting on some villagers' land and forests in D--- community. Villagers reported this [impact] to the KNU and KNU arranged to pay them back a fair price for the destruction [of the land and forest].

**3. Photo numbers from 101-0153 to 0158**

I took these photos on January 1, 2014 and it was at Lah Kyoh Hkoh village, Noh Ber Baw tract in Bilin Township, Doo Tha Htoo [Thaton] District. The photos show the villagers who gather together to help build the nursery school. Villagers try their best as much as they can just [to help] the next generation's education.

**Source #42**

Log #	18-10-A1-I1
Type of report	Situation
Publishing Information	Previously unpublished
Location	Thaton Township, Thaton District/northern Mon State
Full Text	

**Could you please tell me your name, age, organization and position?**

I am Naw Bd--- and I live in Brigade #1, Min Lwin Area, Ed--- village. I am working as a secretary in the Min Lwin regional environmental conservation group.

**We would like to interview people from CSOs and use the interviews for our thematic report base on the commercial development project. Is it ok for us to quote you?**

Yes.

**I would like to ask you questions related to this topic. As you work together with the local villagers on the land confiscations that happened for the Min Lwin cement factory, you know of their agency to defend their rights and fight the injustices committed to them. While you were working together or supporting them, were there any successes that you have achieved? How did you achieve them? Can you also provide any information on land confiscation and environmental destruction?**

Can I tell you piece by piece? First, I will talk about the challenges that I faced and later I will talk about the processes that we went through. After that, I will talk about my successes.

**Could you also please let me know what are the issues you are working on and where you are working on them?**

I am Naw Bd--- and I live in Ed--- village, Min Lwin Area, Brigade #1 [Thaton District]. I am working as a secretary in the Min Lwin region environmental conservation group. That committee was formed by local people.

In 2014, Phyu Min Tun company came to Ed--- village. They met with the elders and persuaded them in several ways to accept the cement factory project. That divided the villagers into two groups of villagers: those who live at the base of the mountain and the villagers who live far away from it [their location determines how much they will be impacted by the cement mining on the mountain]. The administrator himself treats the villagers differently depending on where they are from. He told them that they will have to live with the decision because they are uneducated. He did not respect the villagers. His approach is unacceptable.

We see that he used the wrong action toward villagers. We also see that company is doing that too. Their strategies to persuade the local community to give them authority to develop a cement factory is wrong. They forced villagers to sign papers. They also said different things to the villagers. When I saw that, I felt like it was not fair. Their actions violated the villagers' rights.

The rights of the people from this village were being violated before the peace process: villagers in the area between Ed--- and, from Min Lwin area were being killed and accused by Tatmadaw of violating the Unlawful Associations Act Section #17/1: "Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes, or receives or solicits any contribution for the purpose of any such association, shall be punished with imprisonment of a term [which shall not be less than two years and more than three years and shall also be liable to fine]".<sup>27</sup> Once, they killed eleven people at the same time. Villagers were suffering.

Even after the peace process has started, villagers continued to suffer from abuses by companies, the military and the Karen National Union (KNU). I feel that this shouldn't be happening. Therefore, I stand up for them. The Mawlamyine Catholic Bishop Fr--- was the first person to help me. I talked to him about how we can negotiate with those people [company representatives] who are trying to mislead the villagers.

<sup>27</sup> For more detailed information see, "[Legal Climate Within Burma](#)", AAPP.

Firstly, we met with a former state minister U Ohn Myint. He invited us to a negotiation so I went there. However, he supported the company instead of us. We argued with him. It was our first challenge dealing with the state government.

Another party is the KNU. In the past, the KNU did not give the company a permit. However, I do not know how, but the company deceived the KNU. Now, the company has a KNU issued permit.

Pa Doh<sup>28</sup> Ta Doh Moo, who gave the permission, came and met with us. He met with Min Lwin villagers. For the meeting, we invited Karen people from Mon State.

Before we founded the Min Lwin region environmental conservation committee, we advocated for our rights as a youth group. Pa Doh Ta Doh Moo asked us to write a report about the villagers' concern on Min Lwin Mountain cement factory. This is why we formed the Min Lwin region environmental conservation committee at that time. Then, we started writing the report. The MATA organization helped us out. KHRG also provided Village Agency Workshop to the villagers. I only learned about it later on.

I faced many challenges at that time. Because the villagers were uneducated, it was very exhausting to advocate for each person. They were not organized and they also couldn't speak very well. Because I provided trainings for them, they have had become empowered. I trained them on their rights and how to speak to the KNU (in the past, they thought that they would be killed if they were to speak out). Later, they learned about their rights and how to speak for and to fight for them.

**You have mentioned that when the company came to the area, local authorities and armed actors collaborated for it, right?**

Yes. When we met with the American Embassy representatives, we told them that the local people are afraid of the KNU, the military and the government. In the past, people were not afraid of the companies. However, now they do.

This is caused by the fact that the KNU, the military and Myanmar Government are all supporting the companies. All of those groups firmly stand behind them. We also heard that some military Light Infantry Division (LID) commanders forced villagers to agree with the project. Therefore, we know that the military is behind the project.

Moreover, during the era of the previous government, the Township administrator and parliament member U Thaung Sein along with U Than Shwe's grandson Phoe Hla Pyit came to Htee Nya Loh monastery. They lobbied to the villagers. We learned about the visit because a monk told us that U Than Shwe's grandson visited him. Even though the monk said that he cannot agree with the implementation of the project, Phoe Hla Pyit told him it all depends on what the villagers want. He said that they would only implement the project if the villagers were to agree to it.

The local KNU also decided that they will definitely continue to support the project. We don't want any conflict. We very well know about the situation of our village. We realized that if we cannot approach the local KNU, we will have to approach the central KNU. We have now

<sup>28</sup> *Pa Doh* is a title meaning 'governor' or 'minister,' within the government or military.

started to negotiate with the central KNU.

**So, the case is with the local KNU but not with the central KNU?**

Even though the central KNU stopped the project temporarily, the KNU Brigade #1 and the local government frequently came to persuade the villagers. They threatened the villagers and told different villagers different things.

**You mentioned that villagers were empowered and now dare to speak up. Is this a successful agency strategy to protect and support local civilians?**

Yes, MATA helped us with report writing and KHRG and KESAN helped us with advocacy.

**What are the main activities that villagers partake in, in order to respond to development projects? Do they meet with CSOs, or do they speak directly with the government and negotiate with the companies?**

Even though the villagers know about the negative impacts of development, they are afraid to respond to the perpetrators. If the project implementers come accompanied with armed soldiers, the villagers have to agree with the developers whether they like it or not.

This is my village. Therefore, I encouraged one or two villagers to attend trainings provided by MATA, KHRG and KESAN. I also asked them to accompany us to a CSOs forum if there are seats available. By doing these things, they started to realise what their rights are.

One of our strengths is that we have a retired lady called Daw Than Sein who used to be a government teacher. She knows information about the government administrations and some NLD government workers from the parliament also stand with us. They go to the field to observe the situation themselves. Even though the Karen Affairs Minister was willing to proceed with the project, he said officials were against it. When they learned of the villagers' opposition to the project, they promised not to implement the project. When the government asked the villagers what they wanted, the villagers responded that they did not dare to ask for anything because they are afraid that they will have to give the Min Lwin mountain to them. Moreover, the previous parliament member eventually aligned with the company. When Phoe Hla Pyit came to the area, I was not involved in this process yet. However, once he got involved with the company, he stopped coming to the area.

When Phoe Hla Pyit came to the area, I was not involved in this process yet. After I got involved, they do not come anymore. Daw Naw Ohn Hla came to the area and gave encouragement speeches. Therefore, the villagers know what they need to say. I also tried to negotiate among villages. When we collected data, I told them that people persuaded them in order to cause disunity [misunderstanding] among the villagers. That is the strategy and of the government and the military. They can only continue their [development] process when the people are disunited. It's like a proverb, "*The tiger snatches the cow when it has separated from its herd [united we stand, divided we fall].*"

When we collected data from village to village, we discussed these issues with the villagers and could see how people are becoming united again. We could see that the villagers from big villages such as Ed--- and other small villages started to stand up for their views. We also have regular phone communication with them. We get updates such as who came to their area, who is being threatened, and etc. Then we suggest to them ways they can

respond to the situation in order to stand up for their rights. Later, we noticed that the Ed--- village leaders started to show respect to the small villages.

My elder sister told me that the villagers are Karen and that they are not educated, they say improper words against the company. For example, when the company told them that they have already spent so much money on this cement factory project, they responded to the company that they didn't ask the company to come to the area. Because their education level is not that high, we encourage them to speak up. The most important thing is to project their voices. Whenever I meet with the leaders, I always tell them not to blame our people for their unprofessional responses. Villagers are not properly responding to them because they are not educated. Otherwise, they [local authorities and company leaders] have to know how to negotiate. When I cannot control my mind, even myself sometimes use rough words which I think suits them.

**After the villagers were inappropriate in responding to the company or/and the leaders, were the villagers threatened verbally or physically? What kinds of challenges did they face?**

This process is very abstruse. In the past, only three to five people stood against this project. There was a lot of intimidation against people who have shown opposition. Even I was being intimidated. U Play [Bo Play, an Operations Commander of the Karen National Liberation Army in Thaton District] told me that he knows where I live in Mawlamyine and that he would have killed me if I kept my attitude. There were many things that I was told. I recorded them in my book. I recorded the ways I was being threatened and I also dated them.

Commercial development staff from NLD government said, *"You are the people who stand for Min Lwin Mountain environmental conservation, aren't you guys afraid that you will be murdered [authorities]?"* District #1 Operations Commander Tee Bo Play also told some villagers that, people who do not agree with the projects are his enemies. He knew one Min Lwin Mountain environmental conservation committee in Fs--- village. Tee Bo Play said, *"Should I bring that person [a Fs--- villager] and kill her and then, kill him?"* We face those kinds of threats.

In the past, nobody dared to speak against Tee Bo Play. For example, the Ya Zar Min case<sup>29</sup> that occurred in 2015. People who against him are his enemy. Karen people ended up being imprisoned. It showed that there are no Karen people who dare to stand against Tee Bo Play.

Therefore I handled this case together with the Bishop. I used my own money to meet with the KNU leaders. Eventually, we succeeded in solving the case.

**Regarding the Yar Zar Min incident, do you have any information that you have processed?**

I was provided with a lot of information. However, I have already thrown it away. If you want that information, there is a man called U Tun Win. He is handling that case, yet it is not going well. He is very stressed.

**In the past, we [KHRG] also received information regarding Yar Zar Min case.**

<sup>29</sup> For more detail information, see "[Thaton Interview: Naw C---, June 2015](#)", KHRG, June 2015.

**However, we no longer do.**

I also told [a KHRG staff] that if he wants to know about this issue, he can talk to U Tun Win. I didn't handle that issue because I was worried that I would say wrong things. There was a lot of information that he has given to me but I could not read all of it. Thus, If you want, U Tun Win is working hard on that case, he could tell you a lot.

I will tell you about Min Lwin again. We don't want conflict. We only want to go with the negotiation process. We will respond if anything happens. If the company releases a statement, we will empower the villagers so that they dare to talk to them. If U Bo Play comes and threatens them, we will report it to the central KNU. The project has been frozen for a month now because we responded immediately. We even talked about this with Pa Doh Thaw Thi Bwe and Vice Chief of General Sar Doo Gaw. We wrote an email back and forth to General Isaac and Pa Doh Ta Doh Moo, Pa Doh Kweh Htoo Win and we met with them in person once. The reason why we did not dare to talk to Tee Bo Play is because of his background. When we handle a conflict, we also have to know its background. In the past, when the DKBA fell, the situation in Brigade #1 was not good and there was nobody who could help the Brigade #1. Thus, the leaders do not dare to say anything. I told the leaders that when the Brigade #1 fell, Tee Bo Play was not the only person who was in trouble. There were thirteen people who were killed under Unlawful Associations Act section #17/1 (affiliated with ethnic armed groups).

How do we consider it? We have to advocate using multiple methods. There are many people who want to keep going with the process. When they want to do something, they do not consult with the people on how they are going to do it. They do not consult with people. What would we do if the company does what they want? Some KNLA soldiers from the local level said that they will fight again. However, they can't do anything in the 21<sup>st</sup> Penglong Conference.

How will they deal with this issue? This project had military ambitions behind it. In the past, the KNU used this area as a hiding place. They [Pyu Min Htun company] bought the land for testing with 50,000 kyat per acre. If you look at the report that we wrote together with MATA, we explain it there. There are many problems that we encountered during the initial stage of the project. The KNU has to be satisfied with 50,000 kyat with no complaints. Because we could foresee that there would be a lot of environmental destruction and land disputes, we stand against these things. We have to negotiate with some leaders. We told them that we don't want to have any conflict. We also asked people from our village not to make verbal agreements.

Now, the current village head from KNU side has short temper. They do not talk to me much. I told the villagers that if something happened, let us know first. Before the committee was formed, I had to stay at the front. They only let me take action because they are afraid. At that time, I had to stand in the front and I told them to put all the blame on me. Later, as Sayarma Ma Than Sein was also there, we stood as an environmental group.

**So, we could say that the agency has improved. In the past, they let you stand up for them and they stayed behind. Later, they stood together with you, correct?**

It also makes it easier for us.

**Could you please tell me about the violations of the NCA code of conduct in your**

**area? For example, there are articles which relate to land. So, could you please tell me about this case or any other case that is related to NCA's code of conduct.**

For Min Lwin, the main thing is that they buy land at a very low price. There are only a few acres of land that were bought. It was about fifteen acres. They agreed to the price of 50,000 kyat per acre. For the Tanintharyi region, even though we said that villagers can complain about the violations of NCA, when they actually complain about it, they just refer the case to the government land committee. For example, General Wanna from JMC (Joint Monitoring Committee) said that they will only take the required amount of land for military purpose and that they will give back the rest.

However, if we look at Wah Soe Oak area from Tanintharyi, they took more land than necessary and they didn't give back. Even though people complained about it, there was no action taken. When the JMC members came, they refer [the case] back to the land committee. They said that it is not related with JMC.

**What kind of information is important for the villagers when they respond to their rights violation? For example, are the international standards, EIA/SIA and information or related to companies important?**

The land confiscated by the military is not related to a company. For the Min Lwin case, they only solved the problem after they finished the survey [assessing the quality of the limestone on Min Lwin mountain for the purposes of establishing a limestone mine and a cement factory]. They should have negotiated with the villagers before they started the survey process for the cement factory project. It would be better if they did beforehand.

As they have already done with the survey process, the villagers had to agree with the amount that they offered. If they don't take that money, they will lose everything. In the past, the company said that whether the villagers agree or not, they will continue with the process. I had to stand very firmly. While they negotiated, they gave 300,000 kyat to each villager. As the villagers were afraid. They thought that if they took that money, it would mean that they've got something from the project. If not, they will lose everything. Thus, they took the money and fingerprinted the agreement. They also faced threats from the company of being sued for taking the money.

However, when MATA, KESAN and Naw Ohn Hla came and told them that they cannot threaten or sue us like that, the villagers felt at ease. Our Bishop also told them the same thing. Thus, they are gradually becoming less afraid.

**What kind of recommendation do you want to give to the government, KNU and the company who are implementing the business development project?**

Our Karen people are not united. By using that, the businessmen can take many advantages. Thus, they have done so many things to disunite us. They know that if we are united, they would not be able to make it easily. I would like to say that any project should be based on the public's views. Even the peace process should be based on the civilians' views. They shouldn't just aim to complete the project but they have to see the needs of the public as well. They should find out the needs of the villagers. Some NGOs know the conflict but sometimes, they mess up the situation. Thus, I don't allow all NGOs to come and work here because of that reason. Sometimes, they make the situation complicated.

We are concerned about those things. It is better if their actions are based on the needs of the people and work together with the people. [It would be better] if they used the negotiation process and also had a discussion with the government. This is also what we are doing in the current situation. We empower the villagers through the negotiation process and advocacy. If these activities are not effective, we will protest. However, we are not at that stage yet.

**Is there any other thing that you would like to say?**

In Mon State, we don't have Karen organization. We always work together with the Thaton Karen Literature and Culture group and Bishop Poe Ray. Some representatives from Government and KNU said that the Thaton Karen Literature and Culture group is not a legal/registered group. Later, they work together with that group. They are against them because that group is working together with us.

If a group wants to enter into an area, they have to know the local context. Some experts talk about development. For us, what we know is that people from Min Lwin area suffer from human rights violation while there is conflict. They also suffer when there is peace. My question is, "What are the nationalists doing?" They are doing business while talking about peace and local people continue to suffer. When there was no peace, no experts came and supported us. If they want to influence us now; when there is peace, we won't let it happen.

**Among the seventh districts of KNU, your location is in Brigade #1.**

Yes. Some of the Brigade #1 leaders with two-faced. At first, they don't agree. Later, we heard that they took the money. They were invited by the company to events. Once I wrote to Daw Zipporah Sein and the company told the KNU to take action on me after they read that letter. They said, if this government does not take action, they will ask other government to take over the power. In the past, the central KNU came and met with people frequently as we invited them and there were findings released. It said that asking the Karen leaders to take action on a Karen lady for this issue is a disrespectful action. Some people used brave people like Tee Bo Play.

For me, even though some KNU members may not be good, there are still good policies. So, we have to use those policies to respond to them. If our area is not peaceful whether it is caused by armed conflict or not, who will take responsibility? What is the difference? Later, they will not be able to fight against the Tatmadaw anymore. We are not sure whether some KNU members understand the KNU policies or not because we've seen that they go against the KNU policies. Villagers are very disappointed.

During the peace process, some villagers only said bad things about KNU so, I have to negotiate with them. I told them that the KNU has very good policies. The people who are not good are the ones who have a relationship with the government and the military. We've heard that the government is supporting Tee Bo Play. They are not real KNU. I told Dtee Hsa Du Gaw that we have to tell them [people who use KNU name for the business purpose] openly. They are using KNU name and doing their business. So, when bad things happen, only KNU will lose their name. I can take a rest only after mid-2017. In the past, from 2004 to 2006, it was a war for me.

**What are you working on with the villagers?**

When I started to stand up for the Min Lwin case, I joined a forum in Mawlamyine together with the Township administrator. He told me that that the KNU soldiers killed a person in my village. As I do not live in my village, I was not aware of it. And I asked him for more information. I also told him that if KNU soldiers kill a people, we can use the KNU policy to take action. Later on, we found out that it was not the KNU. I heard that people from DKBA killed him due to personal reasons.

Therefore, I tried to learn more about the killing case. After that, I learned that the KNU township and district level authorities are handling this case. As the villagers are poor, they just want to let it go. Currently, I am not sure what the situation is.

**Thank you very much for your time.**

**Source #43**

Log #	18-10-A3-I1
Type of report	Interview
Publishing Information	Previously unpublished
Location	Merqui-Tavoy District/ Tanintharyi region
Full Text	

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

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], 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.

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 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 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.

**Source #44**

Log #	15-133-A2-I1
Type of report	Interview

Publishing Information	Previously published in June 2017: <a href="http://khrq.org/2017/06/15-133-a2-i1/toungoo-interview-htantabin-township-november-2015">http://khrq.org/2017/06/15-133-a2-i1/toungoo-interview-htantabin-township-november-2015</a>
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

## Toungoo Interview: Htantabin Township, November 2015

*This Interview with Saw A--- describes events occurring in Htantabin Township, Toungoo District in 2015, including land confiscation, education, village relocation and military activities.*

- Saw A--- stated that his village, Hton Bo village, Htantabin Township, Toungoo District was forced to relocate by the Tatmadaw and Shwe Swan In Company. The villagers were then forced to stay in the cemetery of another village, as the Shwe Swan In Company did not provide them with land.
- Another company, Kaung Myanmar Aung Company later confiscated Hton Bo villagers' lands and grew rubber plantations on the confiscated lands. The company did provide some compensation, but this was minimal and forced upon the villagers.
- Alongside other villagers, Saw A--- explained that they would demonstrate against the actions of Kaung Myanmar Aung Company. However, in an attempt to limit the agency of the villagers, the company has sued the villagers a number of different times.

### Interview | Saw A---, (male, 46), Hton Bo village, Htantabin Township, Toungoo District (November 2015)

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Toungoo District on November 22<sup>nd</sup> 2015 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>30</sup> This interview was received along with other information from Toungoo District, including ten other interviews.<sup>31</sup>*

**Ethnicity:** Karen  
**Religion:** Christian  
**Marital Status:** Married  
**Occupation:** Hill Farmer  
**Position:** Villager

**What is your name?**  
My name is Saw A---.

**How old are you?**

<sup>30</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>31</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.

I am 46 years old.

**What is your ethnicity?**

I am Karen.

**What is your religion?**

I am a Christian.

**Are you married?**

Yes, I am. I have four children.

**How old is your eldest child?**

My eldest child is 12 years old.

**How old is your youngest child?**

My youngest child is one year old.

**Which village and Township do you live in?**

I live in Hton Bo village, Na Ga Mauk village tract, Htantabin Township.

**What is your occupation?**

I am working on garden land and hill farming.

**How many houses are there in your village?**

There are [censored] houses in my village.

**Do you have a school in your village?**

We have a school in Na Ga Mauk village [new village]. We do not have a school anymore in the old village where we lived, because the Tatmadaw moved the village when the Shwe Shan In<sup>32</sup> Company entered the village. Then, the Kaung Myanmar Aung Company<sup>33</sup> arrived in the village. Finally, the land in the village was damaged.<sup>34</sup>

<sup>32</sup> KHRG reports have implicated Shwe Shan In in human rights abuses against villagers in Toungoo District, see "[Toungoo Field Report: Slow transitions towards real change, January to December 2015](#)," KHRF, January 2017 and "[Toungoo Interview: Naw A---](#)," November 2015," KHRG, November 2015.

<sup>33</sup> Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development within Myanmar. Their chairman is Mr Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Myanmar which have included threats to villagers who were customary owners of the lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014 to February 2015](#)," July 2015. Affected villagers held protests against the company in 2015 and early 2016 in order to demand the return of their lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," July 2016. For information on a similar case with KMAC in Pyin Oo Lwin Township, Mandalay Division, see "[Presidential adviser sues 13 farmers for trespassing](#)," Myanmar Times, September 2<sup>nd</sup>, 2013.

<sup>34</sup> To see other examples of how Kaung Myanmar Aung Company has used confiscated land, please see [Toungoo Interview: Naw A---, November 2015](#) (KHRG, February 2017) and [Toungoo Situation Update: Thandaunggyi Township, November 2015 to February 2016](#), (KHRG, November 2016).

**What year did Shwe Swan In Company enter your old village?**

Asia World [Shwe Swan In] Company<sup>35</sup> arrived in the village in 2006 or 2007.

**Which company arrived in the village in 2006? Shwe Swan In or Asia World?**

Shwe Swan In is Asia World. Asia World is Shwe Swan In. They are the same company but different names.

**When they [Shwe Swan In Company] came to the village, did you have a school in your village at that time?**

Yes, we had a school.

**Why did it happen like this [school relocation]? Can you tell me about it in detail?**

At first the Shwe Swan In Company made a partnership with the Tatmadaw, because the Tatmadaw had the power at that time. That's why the villagers were removed from the village. They [villagers] were stuck [they did not have a choice] so they had to move to Na Ga Muak village or Kauk Ko Htoo village. Finally, no one remained in the village, so the school was also destroyed. Now they [Shwe Swan In Company] are constructing their buildings in the area of the school.

**They destroyed the village. Is that right?**

Yes, they destroyed the village. However, we planned to come back and live in the village. When we tried to come back, the Kaung Myanmar Aung Company had arrived in the village. Then, the land was damaged. They confiscated the garden land.

**After your village was destroyed, where did you move to?**

Some people moved to stay in their relative's houses in other villages, such as Na Ga Mauk village and Kauk Ko Htoo village. Some people moved to stay on new lands or gardens. This is how we moved.

**How did you know that the company [Shwe Swan In] would come to the village?**

At first, before Shwe Swan In Company arrived at the village, they sent the Electric Power Corporation to the village in 2003. This group monitored the situation of the village, such as land and water. Afterwards, the Shwe Swan In Company came to the village. I did not know what kind of strategy they used [to confiscate the land]. Then the Tatmadaw demanded the villagers to relocate. In the past that was their [Tatmadaw] time and no dog dared to bark [villagers lived in fear]. If the villagers came back to their village from the outside [relocated village] they had to bring a ticket [permission letter] and show the Tatmadaw. They had different kinds of permission letters, such as a one day permission letter and a one week permission letter. Even if a villager wanted to bring rice to support their livelihood, they were just able to bring one week's worth of rice rations. Things happened like this.

<sup>35</sup> Asia World is a Burma/Myanmar company with significant investments in the shipping industry, infrastructure, and plantations in Myanmar. Asia World and its additional companies owned by Myanmar national Stephen Law were added to the US Sanctions list in July 2016 due to their historic and continued links to the Burma/Myanmar military regime, see ["US extends sanctions, further targets Asia World,"](#) Myanmar Times, May 17<sup>th</sup> 2016. In KHRG's operation area of Toungoo District, Asia World constructed a hydroelectric dam resulting in damage to villagers' land and the relocation of villagers, see ["Toungoo Interview: Saw H---, April 2011,"](#) KHRG, September 2012. Additionally, in Mergui-Tavoy District, Asia World confiscated villagers' land for plantations, see ["Mergui-Tavoy Situation Update: Ler Muh Lah and Ta Naw Tree Townships, January to June 2015,"](#) KHRG, October 2015.

**Which battalion of the Tatmadaw entered the village?**

They are always changing. They rotate every six months. Infantry Battalion<sup>36</sup> #73, Battalion #26, Battalion #53, Battalion #35 from Tharyarwaddy [Bago Division] and Light Infantry Battalion<sup>37</sup> #20.

**Are they [battalions] all on the frontline?**

Yes.

**Do you know the name of the battalion leaders?**

We do not know the name of the battalion leaders, we only know the battalion. In the past, how to say, it was difficult to communicate with them [Tatmadaw]. It was also hard for us even if we wanted to meet up with them. If something was wrong with us all they would do was beat and hit us.

**After your village was destroyed, did they give you any resettlement land?**

Shwe Swan In said they would give 100 acres of land for our resettlement, but they have not given it yet. In Na Ga Mauk village they built the church and they contributed towards the electricity needs of the villagers, but they did not give them land. They just sold one plot of land for between 200,000 kyats [US \$ 145.22]<sup>38</sup> and 500,000 kyats [US \$ 363.06] [current price], but the villagers could not afford it. How could the villagers survive without land? So the villagers just went back to stay in their farms or gardens. Some people just decided to stay in the village although the company entered their lands. They [Shwe Swan In Company] cut off the electricity in the houses that people did not stay in. They said they would give the land to the villagers in Na Ga Mauk village, but in reality they did not give any land. Now the villagers have to live in the cemetery area of Na Ga Mauk village. The villagers in Hton Bo village are dead people [they feel like they have no hope]. The company makes the villagers stay in the dead people area [cemetery]. How can the villagers feel happy about it?

**You mean they [Shwe Swan In Company] promised that they would give the land to the villagers, but in fact they did not carry out their words. Is it right?**

Yes. Even the school is very near to the cemetery.

**Did the company move the school near to the cemetery, or did the [Na Ga Mauk] villagers discuss with each other and plan to move it near the cemetery?**

No, as a village, the villagers in Na Ga Mauk village did not agree with it because they did not want anyone to stay in their lands for free. The company forced Hton Bo villagers to stay in the cemetery area. That's why they had to stay there, despite their wishes. Also, they [villagers] did not have any firewood for cooking, so they went back to stay in their lands again. Some people just stayed in Hton Bo village, in spite of the forced relocation [by the company], because they were stubborn. So the company asked them to pay money [as a bribe]. Some people can stay if they pay. People who could not pay just went to stay in old Hton Bo village.

<sup>36</sup> An Infantry Battalion (Tatmadaw) comprises 500 soldiers. However, most Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. They are primarily used for garrison duty but are sometimes used in offensive operations.

<sup>37</sup> 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. LIBs are primarily used for offensive operations, but they are sometimes used for garrison duties.

<sup>38</sup> All conversion estimates for the kyat in this report are based on the 19th May 2017 official market rate of 1,377 kyat to US \$1.

**Do you still have old Hton Bo village?**

Old Hton Bo village is the place where we rebuild our houses because our home village [Hton Bo] was destroyed. Look at our houses now; they are just built with bamboo. We could not build them with wood because we have to watch how the company acts, whether they will oppress us [destroyed villagers' houses], and also we could not afford to build it with hard wood.

**Did the company give you compensation when they confiscated your lands?**

As I told you before, at first they tried to threaten us. The compensation looks like, for example, if somebody rapes your daughter, and then says he will marry her. It is like he must marry her even though you do not want to lose your daughter.<sup>39</sup> Now the issue is like that. If they [Kaung Myanmar Aung Company] give 50,000 kyats [US \$ 36.31] to each villager as compensation, we have to take it even though we are not satisfied with it. It is not that we want to take their compensation, but it is because we are afraid of them. They used police officers and soldiers to threaten the villagers into taking their money. It is not because we were afraid to lose our lands, but it was because we were afraid of them. Where can we buy new land with only 50,000 kyats [US \$ 36.31]? We were afraid of their dictatorship [Kaung Myanmar Aung] so we took their money. In fact, we just want our lands back.

**How much compensation did they [Kaung Myanmar Aung Company] give to the villagers for one acre of land?**

At that time, they gave 50,000 kyats [US \$ 36.31] for one acre of land. Then they forced the villagers to take it. The villagers would lose their lands whether they took the money or not. They had to take the compensation, although they did not want to, because they were afraid.<sup>40</sup> What they were afraid of was the dictatorship [of Kaung Myanmar Aung Company]. In fact, they want their lands back. They did not want to sell their lands. How do I say? Look at my parents-in-law. They were determined to stay in the village, although they have been forced to move, but they did not take the compensation that the company offered because they had grown a lot of teak trees. The company did not negotiate with them about the compensation. Also, the company did not make them satisfied. Now there are many teak trees that have been left.

**So based on what you have mentioned above, the villagers did not want to take their compensation. Is that right?**

Yes, the company intimidated the villagers to take the compensation with their power.

Villager #2: My father has not taken their money until now.

**Even though they [villagers] did not take the compensation, the company [Kaung Myanmar Aung] continued to expand their plantation. Is that right?**

Yes, they expanded their plantation on the villagers' land whether the villagers agreed to it or not.

**So they [Kaung Myanmar Aung Company] came to give the compensation to the villagers after they implemented their projects [plantation]?**

Yes.

<sup>39</sup> Although a problematic comparison, here the villager is voicing his perspective on the compensation issue.

<sup>40</sup> The interviewee demonstrates that this development project was carried out without free, prior and informed consent. For more information on the problems of land confiscation and consent, please see [“With only our voices, what can we do?": Land confiscation and local response in southeast Myanmar,"](#) KHRG, June 2015.

**Which company came to give the compensation to the villagers?**

A chairperson of Co-operative Bank LTD,<sup>41</sup> U Khin Maung Aye and his group [employees] from the Kaung Myanmar Aung Company destroyed the village, and afterwards they gave compensation to the villagers. The villagers had to take the compensation despite their wishes. Local villagers from Hton Bo village, Na Ga Mauk village, Yay Owe Sin village and Kyat Kyauk village, did not want to take their compensation, but they took it because they were afraid of the company. The company forced the villagers [who did not take the compensation] to leave the village. If the villagers did not leave the village, the company called the police or village administrator for help, in order to teach the villagers a lesson. They pressurised and threatened the villagers to leave in different ways. Some people took the compensation because they were afraid of the company. Some people were stubborn and did not leave. The company forced them to leave their homes, but they moved to another place in the village. It happened like this for some people. Recently, many villagers have been sued for trespassing on the land.

Villager #2: For example, a father and son have to build their hut every year. If the company forces them to leave their place, they move to another place. These are their lands but they do not have the right to stay. If the [Kaung Myanmar Aung] company comes to their place they move to another place again. They move from place to place if the company arrives. So how can they make money [business]? How can they build their house with wood? They can only build their house with bamboo.

Villager #3: You will know it [the living situation] if you go there.

Villager #4: Because the company drives the villagers out if they do not take the compensation. They [Kaung Myanmar Aung Company] only have the right to do their projects in a limited area here. Now they know that they could grow teak, so they want to expand their plantation. So they try to make the villagers move out of their lands. How can I say? They want to have the entire plantation in the village.

**So you mean the company wants to have the opportunity to expand their plantation, beyond what the government has given them?**

Yes. That is right. The government gave them permission to make a plantation. The permission number is OSS #1. There are 2,400 acres of empty land that they could have used for the plantation, but we did not have any empty land in our area because these lands belonged to the peasants. The peasants had farms or gardens on these lands. However, the company abused the right [the government gave them] to make the plantation. They were given the permission to make a plantation of 2,400 acres, but perhaps they made a plantation of 4,000 acres. The peasants did not want all of their lands to be destroyed. When the company arrived in 2013 they destroyed the lands that the villagers possessed, which was mostly in Hton Bo Village. Now they have sued the villagers three times.

Villager #2: These lands were ours in the past, before the British people went back to their country. We, the Karen, helped the British people to fight the Japanese coloniser. So the Karen people were asked what they wanted. The British would give whatever we, the Karen, wanted. We are Karen. We like to work on farms. As you know, in the past, most of the Karen people on the mountain used these lands for hill plantations, to support their livelihoods. There is a traditional belief that short-term plantations cause the paddy to grow badly, and more recently

---

<sup>41</sup> U Khin Maung Aye is the chairman of both Kaung Myanmar Aung Company and the Co-Operative Bank LTD.

more wild grass has been appearing around the paddy.

Villager #3: How to say, they now have to farm from place to place. If they can do farming in a place, they do. If they can do gardening in a place, they do. If they can produce seasonal fruits, they do. To grow seasonal fruits on the farm we have to use fertiliser, but the local residents cannot afford to use fertiliser. So they have to change the place where they do their plantation every three years or every four years. Some people make short term plantations but some people make long term plantations. Even one person could do three different kinds of plantations. That is how they are making their farms or plantations.

**Did the company help you to build the school after they confiscated the land?**

Don't talk about the school. They [Kaung Myanmar Aung Company] did not even build a water pot for the villagers.

**They confiscated your lands and you lost your lands, but did you get any benefit from them?**

No, we did not get any advantage, we only got disadvantage. We just had a problem with our families' livelihoods. If possible, they want to put us in jail.

Villager #2: Now they sue us.

**How many times did Kaung Myanmar Aung Company sue the villagers?**

They sued the villagers so many times. As for me, they have sued me three times. On one occasion they sued some of the girls. The company sued five villagers at a time, then six villagers on another occasion and then also another 12 villagers. Once, they only sued one villager. It is only me who has been sued three times.

**I did not understand clearly how the company sued you. Let me ask you. Why did the company sue the villagers separately?**

Yes. They sued different villagers separately. Sometimes five people. Sometimes six people. Now they sue 12 people.

**When they sued you, you responded that you wanted to get back your land. Did you remain in your homes when you responded?**

Yes. We responded that we wanted to get back our ancestral lands, but they forced us to leave our homes. When we did not leave, they called the Na Ga Mauk village tract administrator to make us leave, but we did not leave. Then they called the police for help. We have not left yet. So now they are trying to sue us like this.

**When they [Kaung Myanmar Aung Company] sued the villagers separately, did they want to threaten the villagers, or did they want to make people afraid so they [villagers] would not do it [remain in their lands] again?**

Sometimes they threatened people. Sometimes they pressured people. They thought that if they sued these people, then other people would not dare to do anything. It is like they can do whatever they want to do. They can destroy whatever they want to. Now they sue the people who are clever. If they can control those people, they think they can do anything to other people. It is like the villagers are just water in their hands.

Villager #2: Some of the rubber plantations were burned, so they [Kaung Myanmar Aung Company] called the police and the police came to take a picture, and then they went back. There was no answer for that. They [Kaung Myanmar Aung Company] burned [the villager's

plantations] and then they called the police, but nothing happened.

Villager #3: Regarding these kinds of cases, nobody solves our problems. For example, if our garden or farms are destroyed we inform the police to try and find out who did it, but the police do not help us. When we inform the [Kaung Myanmar Aung Company] company about that, they just inform the police again. They said that the villagers did not have a chance to report it to the police.

**I want to ask a question. When you reported it [land issue] to the police, did you pay any money to the police?**

How can we afford to pay money to the [Myanmar] police? Here we have to struggle with our livelihoods. We just report it to the police in person, but the police do not come and solve our problems.

**You told me before that you reported it to the police in person, so did you write a letter to the police when you reported it?**

We reported it to the police both in person and by letter.

**Did they take any legal action for what you reported?**

No, they did not. They did not do anything for the peasants.

**What about the company? What did the police do for them?**

I do not know exactly. The [Kaung Myanmar Aung Company] company pays money to the police for their help. They wanted us to sign an agreement letter but we did not want to sign it. So they called the police and immediately the police arrived and arrested the peasants.

**I do not understand clearly. Let me ask you a question. The police asked you to sign the agreement letter. So did you have to sign it at the police station or at your home?**

We have to sign it at the police station. They sent a letter informing us to go to the police station.

**What would happen if you had not gone to the police station?**

If so, they would have come to us. Then they would have taken a picture of us and recorded the information about us. They then would have arrested us. The peasants were afraid of them so they went to sign the agreement letter.

**What kind of agreement letter was that?**

The agreement letter says that the villagers cannot go and stay within their lands. They [Kaung Myanmar Aung Company] got permission for the plantation. If the villagers stay on their lands it becomes a problem for them. So they set that rule, and they arrest the villagers to make them sign the agreement letter and not stay on their lands.<sup>42</sup>

**Did they [police officers] report this agreement letter to their leaders?**

We do not know whether they [police officers] reported it to their leaders or not, but we have to go to the police station so many times, back and forth. Sometimes we were sued and we had to go to the court at the Township level. Sometimes the Township administrator called us to come and meet him. Nobody helped us. We just confront the difficulties on our own.

<sup>42</sup> According to other sources the police charged seven farmers under Section 26 and 27 of the Vacant, Fallow and Virgin Lands Management Law. Please see, "[Taungoo farmers deny rumours of negotiations for seized land](#)," Eleven Myanmar, July 2015 and "[Taungoo Situation Update: Thandaunggyi Township, November 2015 to February 2016](#)," KHRG, November 2016.

**Did you have to pay money when you signed the agreement letter?**

No, we did not need to pay. We just signed.

**Did you pay money to the police to help you, so you would be able to stay on your lands and in your village?**

We did not pay like that. We also do not have a plan to pay like that. We could not pay them even if we had the money. If they try to arrest us here we move to stay over there. If they go to arrest us over there we move to another place, because we have very wide lands where we can move from place to place. For example, only one villager owns one hundred acres of land. This is how we move if the police come to arrest us. Some people lost all of their lands. As for me, some of my family lost some plots of land. We do not know when we will lose all of our land.

**I was a bit confused. Let me ask you. Now, they cannot confiscate all of your lands so you can move from place to place, but if they could confiscate all of your lands one day, what would you do?**

If they could confiscate all of our lands, we would not have any more land to live on, but we try to report this case to the relevant people who have the authority to let us stay on our lands. We are also still trying to find people who are able to solve our problems. We are still asking people who want to help us to get back our lands.

**I do not understand clearly. I want to ask one more question. How many times did you report it to the relevant responsible people, in order to get back your lands?**

I have reported it to the relevant [Myanmar] government department seven times, so that they might solve our problems, take an action and give us the rights to get back our lands, but they have not done anything for us. Besides, we were sued when we tried to get back our lands. I have reported it to them [the Burma/Myanmar government], in order to hold a demonstration for the first time, but they said it is time for an election and they did not give us the rights to hold a demonstration. After the 2015 election, I, again, reported it to police station #2 for a second time on November 18<sup>th</sup> 2015, in order to get the rights to hold a demonstration, and we planned to hold a demonstration on December 3<sup>rd</sup> 2015. The police officer in charge of police station #2<sup>43</sup> told me *"However, bring back your report letter, I promise that you can demonstrate on December 3<sup>rd</sup> 2015 for sure. So you have to report it again on November 27<sup>th</sup> 2015. If you could negotiate with Khin Maung Aye, from Kaung Myanmar Aung Company, between November 18<sup>th</sup> 2015 and November 27<sup>th</sup> 2015, then you will not need to hold a demonstration"*. Today is November 22<sup>nd</sup> 2015 and we have an appointment to meet the Kaung Myanmar Aung Company owner, Khin Maung Aye, at 12 pm today, but we have not gathered our people who want to be involved and help us. That is why I told the police officer who is in charge of police station #2 that we would not go to meet with Khin Maung Aye, because we were not ready yet. Then, he [police officer] told me on the phone *"So ask me whatever you want to know if you go to report it on November 27<sup>th</sup> 2015, but I will make sure that you can hold a demonstration on December 3<sup>rd</sup> 2015"*. The police just promised me it verbally.

**So did you get any legal letter from the police that you can hold a demonstration on December 3<sup>rd</sup> 2015?**

They did not give us any legal letter, but they verbally promised us that we can hold a

<sup>43</sup> In another KHRG interview, a villager from Toungoo District, detailed how he was sued by the Chief of Police, Aye Zaw from No. 2 Police Station, because he had organised a protest against land confiscation by Kaung Myanmar Aung Company. Please see, "[Toungoo Interview: Saw A---](#)," January 2016, February 2017.

demonstration on December 3<sup>rd</sup> 2015, but I am going to report it to them on November 27<sup>th</sup> 2015. They just promised verbally, but they did not give us any legal permission letter for holding a demonstration. I do not know what they will tell me if I go to report it to them on November 27<sup>th</sup> 2015.

**Who gave you permission to hold a demonstration?**

The police officer in charge of police station #2 has allowed us to hold a demonstration, but he promised it to us verbally. Yet, he said if we could negotiate with Khin Maung Aye we would not need to hold a demonstration.

**What is the name of the police officer in charge of police station #2?**

I do not know it but I have his phone number.

**It is not clear for me. Let me ask you. When you had an appointment with Khin Maung Aye, did you get an appointment letter, like an invitation letter?**

No, the police did not give us that. The police told us verbally that we had to go to meet with Khin Maung Aye. Khin Maung Aye, himself, did not directly tell us anything.

**So Khin Maung Aye did not say that he would like to meet you. Is that right?**

Yes, he did not say anything. The police just called me on the phone and told me to meet with him.

**Let me ask you. Regarding the land issue, I think there is a Land Management Department in the government, which you could negotiate with to solve the land issue. Is that right?**

Yes, maybe.

**Is there an organisation for solving the land issue? Did they call you to involve you?**

No, they did not call us.

**Did they call you to go to the police station?**

Yes, I have been called to go to police station many times. The Land Records Department also called me to meet with them. They asked me *"Do you work on your lands properly? If so, I will go and check your lands"*. But they never do anything [solve the problem] for us. The Toungoo Township General Administrator called me to meet with him too. We went to meet him but nothing changed. We could only express what we suffered. No problem was solved.

**I did not understand one thing. Let me ask you. The police have a responsibility to solve the case [problem]. Is that right? How can I say? Does Khin Maung Aye or the Land Records Department have a duty to solve the problem regarding the land issue? Or do the police have to solve it?**

I do not know about that. I have no idea what they have the responsibility for. If I go to the general administration office, the police officer knows it. If I go to the police station, people from Land Records Department know it. They all know each other and they all know about this land issue.

**Who is Khin Maung Aye?**

Some people said he is the adviser of the President, Then Sein, but we do not know exactly. Some people said he is the face of Toungoo town because he is rich. He owns the hotel near to KanDawGyi Lake [in Yangon].

**I want to know something. If you are going to demonstrate against the company on December 3<sup>rd</sup> 2015, how many people in Toungoo Town will be there?**

I guess about 200 people will go to demonstrate, but some people will not be able to go there because of different reasons, such as family issues. However, there are a lot of peasants who suffered from land confiscation in the four villages [who will attend].

**I want to know more. What is the best way, or solution, that you have, in order to be able to get back your lands?**

How do we say? We are trying to look for people who want to help us, and land organisations that are able to help us. We can say that we have found them. He [one helper] is U C---, from a social group. However, he was also sued.

**Where does he come from?**

His address is in Yangon. You can find it in the letter that you took and it includes his phone number. He was also sued for helping us. We also reported the case [land conflict] to all relevant responsible people from the KNU, in order to get help from them.

**If you are not successful this time, what about next time?**

We have plans to demonstrate against the company. We will ask for our lands until we get them back. We will fight for our lands until we die because our families are going to die of hunger if we do not have these lands, so we must get our lands back.

**Have you heard about *Lal Tha Mar Tun Tone Taik Pwe* [an activity where farmers fence in their lands]?**

We have heard about it.

**So how does it relate to you?**

I do not know if it is from our organisation or outside [organisation]. We did it outside too but we do not remember the incident date. We need to look at it in our books.

**When did you do that [activity where farmers fence in their lands]?**

We did it on July 9<sup>th</sup>.

**Where did you do that?**

We started to do that in Hton Bo village.

**How many people were there?**

More than 200 people [peasants]

**What is *Lal Tha Mar Tun Tone Taik Pwe*? Did you demonstrate against the company?**

It means we tried to get back our lands. It is when we made a fence around our lands.

**When you made a fence, did anyone give you trouble?**

Yes. The police came and they took us to the police station. Then, they asked us to sign an agreement letter not to do it again. It [agreement letter] continues until now.

**Who is in charge of the police station near Hton Bo village?**

He is Ye Ko Ko.

**How did they [the police] pressure you?**

They pressured us not to do this again. Then they asked us to sign an agreement letter.

**What kind of agreement letter is that?**

I do not know exactly about it because I did not read the information in the agreement letter. It is similar to a section of an Act [of government], such as section #26, #27 and #28. We could not make a fence on our land. It is as if they came to threaten us, stating that we could be arrested and that we may have to go to jail. Then, they asked questions like who led it and who was involved. Those kinds of things [the agreement letter] are like that.

**Who was asking those things?**

The police.

**Did they [the police] do something else to you after they asked you to sign the agreement letter?**

After they asked us to sign the agreement letter, we had to sign another agreement letter. For me, I had to sign twice. Then, we took those agreement letters and we reported it to the court. On October 14<sup>th</sup> 2015 we had to go to the court for an appointment.

**So you did *Lal Tha Mar Tun Tone Taik Pwe* on July 9<sup>th</sup>, and after a few days you were sued. Is that right?**

Yes.

**Who was the complainant in the court?**

U Thoung Kyout was the complainant and he reported the case to the court. He is the general manager of Kaung Myanmar Aung Company, owned by U Khin Maung Aye. Then, he [U Thoung Kyout] tried to sue the villagers.

**You move from place to place because of land confiscation, so did anyone become unemployed?**

Some villagers became jobless. Some villagers still work on the farms that they saved because the company could not confiscate all of their lands.

Villager #1: Finally, how to say, they even lost their buffalo house and their cow house.

Villager #2: If their lands were destroyed, they lost not only their buffalo house and cow house but also their homes. If the villagers go to stay on their confiscated lands, the company always tries to sue them and make them go to the police station.

**Even the animal houses were destroyed?**

Yes. They set up many sign posts. It says *"Buffalo and cattle cannot pass the grassland [grazing ground]. Do not fish and hunt animals. Do not burn anything here"*. The other sign post says *"Do not trespass on the land and do not live in the houses, if you live and trespass you will be arrested because of the existing law"*.

**Did women also face these problems?**

Yes. They also suffered.

**As you mentioned above, was that Daw<sup>44</sup> H--- who suffered like that?**

Yes, it was Daw H---.

<sup>44</sup> Daw is a Burmese female honorific title used before a person's name.

**Was she also sued?**

Yes, in Hton Bo village. Actually, she was not sued. U I---'s wife. Who is that? Tell me her name. I do not know. The time the company sued five villagers all together for the first time.<sup>45</sup>

Villager #2: J---, K--- and L---. Yes. Three of them are women.

**Only three women?**

No, four women. In Hton Bo village five people were sued for the first time. Four of them were women and one man. Now many people are sued for the second time. There are 12 people, including myself and my son.

**Ok thank you for telling me about it. So you can ask me whatever you want to ask. Maybe I did not ask you things that you want to share. Now you can ask me.**

Yes, we have. Before British people went back to their country, they shared the different lands out amongst the villagers in Hton Bo village.

Villager #2: We kept our lands and we cleared the bushes in that land for three years, because we wanted to use that land for our agriculture, but the company came and they confiscated our lands.

Villager #3: Actually, we have a temporary hill plantation. In our area we have farms, gardens and hill farms. In some areas we raise seasonable fruits.

Villager #4: That is why we did not make a rubber plantation until now, as we have continued the British style of farming.

Villager #5: There are many betel trees and different kinds of trees in these lands. We do not have empty lands. Everywhere we have permanent gardens and seasonable fruits.

Villager #6: Some villagers have land titles. Some people work on the land that they inherited from their grandparents.

**OK thank you so much for sharing. Can I share this information with my organisation, KHRG?**

Yes, we permit you to use it.

**Source #45**

Log #	16-10-A4-I1
Type of report	Interview
Publishing Information	Previously published in February 2016: <a href="http://khr.org/2018/02/16-10-a4-i1/toungoo-interview-saw-bx-january-2016">http://khr.org/2018/02/16-10-a4-i1/toungoo-interview-saw-bx-january-2016</a>
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

**Toungoo Interview: Saw Bx---, January 2016**

<sup>45</sup> At this point of the answer the interviewee appears to be attempting to remember who exactly was sued by talking to himself.

*This Interview with Saw Bx--- describes events occurring in Htantabin Township, Toungoo District, during the period between December 2015 and January 2016, including land confiscation and demonstrations.*

- *In 2009, Kaung Myanmar Aung Company (KMAC) confiscated land in O---, L---, M--- and N--- villages after successfully applying to the Burma/Myanmar government to designate those lands as virgin and uncultivated land. Villagers who were using that land for their livelihoods have been sued by KMAC for trespassing multiple times.*
- *80 farmers on December 5th 2015 and between 150-200 farmers on January 12th 2016 held protests against Kaung Myanmar Aung Company to attempt to regain their land. The protests lasted for three hours and the main slogans shouted were: "We want to regain our confiscated land. We do not want the Farmers' Development Party. We do not want Kaung Myanmar Aung Company. Kaung Myanmar Aung Company must leave immediately."*
- *Saw Bx--- also describes in detail his experience protesting and explains his motivations for fighting this land confiscation case.*

## **Interview | Saw Bx--- (male, 35), O--- village, Htantabin Township, Toungoo District (January 2016)**

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Toungoo District on January 12<sup>th</sup> 2016 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>46</sup> This interview was received along with other information from Toungoo District, including eight other interviews, one incident reports, one situation report and 334 photographs.<sup>47</sup>*

**Ethnicity:** Karen

**Religion:** Christian

**Marital Status:** Married

**Occupation:** Farmer

**Position:** Villager

### **What is your name?**

I am Saw Bx--- and I work as a plantation worker in A--- area [village], Na Ga Mauk village tract,<sup>48</sup> Toungoo Township, Bago Region, [Toungoo District].

### **How old are you?**

I will be 36 this coming May [2016].

### **What is your ethnicity?**

<sup>46</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>47</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.

<sup>48</sup> A village tract is an administrative unit of between five and 20 villages in a local area, often centred on a large village.

I am Karen.

**What is your religion?**

I am Christian.

**Are you married?**

Yes, I am.

**How many family members do you have?**

I have seven family members; three sons and two daughters.

**What is your occupation?**

I mainly farm and I also work on a plantation for my livelihood.

**Where do you live?**

I live in O--- old village, Na Ga Mauk village tract, Toungoo Township, Bago Region.

**Do you face any problems regarding the land?**

We face huge problems related to the land. In 2009, the CB Bank chairman, U Khin Maung Aye, who owns Kaung Myanmar Aung Company<sup>49</sup>, applied [to the Burma/Myanmar government] to designate the lands in O---, L---, M--- and N--- villages in Na Ga Mauk village tract, Toungoo Township, Bago Region as virgin and uncultivated lands; they [the Burma/Myanmar government] signed on paper [agreed to designate the lands as virgin and uncultivated]. Therefore, they [Kaung Myanmar Aung Company] were given a document which granted them permission [to work on the land]. When they [Kaung Myanmar Aung Company] came into the area [villages], they cleared all the trees in our land. They put pressure [on the villagers]. Those villagers who did not want to take [compensation for their lands] were forced to take it, and those villagers who did not want to leave were forced to leave. The villagers have been sued many times by the Kaung Myanmar Aung Company staff and this has continued until today, January 12<sup>th</sup> 2016. On [January] 18<sup>th</sup> [2016], 12 of the villagers have been appointed to [attend] a court trial; three villagers will be seen at a time; 12 villagers are also appointed [to go to the court] for trial on 25<sup>th</sup> [of January 2016] and they will be seen one at a time. We do not know what [punishment they will be given].

---

<sup>49</sup> Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development within Myanmar. Their chairman is Mr Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Myanmar which have included threats to villagers who were customary owners of the lands, see "[Toungoo Situation Update: Thandaunggyi and Htatabin townships, November 2014 to February 2015](#)," July 2015. Affected villagers held protests against the company in 2015 and early 2016 in order to demand the return of their lands, see "[Toungoo Situation Update: Thandaunggyi and Htatabin townships, November 2015 to January 2016](#)," July 2016. For information on a similar case with KMAC in Pyin Oo Lwin Township, Mandalay Division, see "[Presidential adviser sues 13 farmers for trespassing](#)," Myanmar Times, September 2<sup>nd</sup> 2013.

	
<p>This photo was taken on December 5<sup>th</sup> 2015 in [between] Toh Bo and Nar Gar Mount villages, Htantabin Township, Toungoo District. This photo shows land confiscated by Kaung Myanmar Aung Company to plant timber plantations. KMAC has also built a signboard prohibiting fires, [farm] animals from entering the 2,400 acres of confiscated land and villagers from farming and cutting logs on the confiscated land for firewood.” [Photo: KHRG]</p>	<p>This photo was taken on December 5<sup>th</sup> 2015 in Toh Bo village, Htantabin Township, Toungoo District. This photo shows a house Kaung Myanmar Aung Company forced local villagers to dismantle after accusing villagers of trespassing on their land. [Photo: KHRG]</p>

**How many times have the villagers been sued?**

Personally, I have been sued three times already. I have been sued three times by three plaintiffs.

**Did the truth emerge [in the trials]?**

The [truth] case did not emerge at the first [trial]. The truth did not emerge at the second one either. As they are rich, they might have bribed [the court officer]. I have faced [trial] twice already and I do not [know] what will happen when I face the third trial.

**Was the case in which you were sued based on misinformation?**

It was not entirely true [although the trial was processed] in accordance with the law.

**What did you try to do in order to regain your land?**

We are going to keep acting in accordance with the law [protest to regain land]. We have protested twice already. In order to regain our land, I am going to act [protest] resolutely until we get back our land. I am going to try to regain my land even if I am punished or put in jail, as the land is very important for us and we rely on our land for our livelihood.

**As far as I know regarding attempts to regain the land, two or three villagers [initially] started to protest, as well as groups of people who have gathered together to protest. There have been three or four protests.**

No protest has been held in which only two or three people gathered and held the protest. On December 5<sup>th</sup> 2015, 80 farmers gathered and held a protest because the farmers are easily afraid [and therefore gather many people together]. Some farmers were afraid of the CB Bank Chairman, U Khin Maung Aye, [who is the] father-in-law of the second Minister for Home Affairs, Ko Ko, as well as the advisor of the President [U Thein Sein], and [they were afraid of] the police and the soldiers who were providing security so they went back home. Therefore, only 80 farmers protested that day. Today, on January 12<sup>th</sup> 2016, we protested again. The number of the people [who protested] was around 150 to 200.



This photo was taken on December 5<sup>th</sup> 2015 and shows villagers holding a peaceful demonstration in order to reclaim their lands. Signs held by the villagers say: *"We do not want Kaung Myanmar Aung Company [to operate in our land]; We do not want the Myanmar Farmers Development Party [MFDP]; Return our land."* [Photo: KHRG]

**After you protested on December 5<sup>th</sup> 2015 with 80 farmers, how did Kaung Myanmar Aung Company respond?**

I applied for the [permission letter] from the #2 police station [in order to] protest. I applied for it more than three times. When I applied [for it] for the fourth time, I was given permission [to protest]. I do not know whether Kaung Myanmar Aung company applied for permission [to protest] or not. We protested once but they protested three times. I do not know whether they [the protests by Kaung Myanmar Aung Company] are in accordance with the law. [Even] as an uneducated farmer, I see that they do not act in accordance with the law.

**Did you have rules for the protest?**

I wanted to write on the sign board [of the protest], *"CB Bank chairman, U Khin Maung Aye, owns the Kaung Myanmar Aung Company"* but I was not allowed to write that. I was only allowed to write, *"Kaung Myanmar Aung Company"* on the sign board. I also wanted to write, *"We do not want the government department [staff] to solve this issue for us"* but they [the protest organisers] wanted us to write. *"The government should solve this issue for us"*.

**What about the other rules about what the protesters were allowed to bring or not during the protest?**

We asked them not to bring water bottles, sticks, knives, and stones.

**Where did you protest?**

We started at Maung G---'s [villager] hut, which is in the lower part of M--- village, [and went] to the crossroads of L--- village.

**When were you allowed to protest?**

They gave us only three hours. We started at 9:00AM and ended at 12:00PM.

**Did you have enough time [for the protest]?**

Yes, we had [enough time]. [However,] we had to rush our protest.

**Did they sue the villagers after they protested?**

Yes, they did. U Thaung Nyut from Kaung Myanmar Aung Company sued 12 villagers, including me and a couple of Ko H--- [villagers] so there were 13 people in total. However, the sued villagers had more than 13 cases [filed against us]. They signed the promissory document in M-- - police office, which is not at the court yet. Three villagers have signed two sections of the document: section #447 and section #427, but I do not know yet when they are going to court.

**When did they sign the document?**

They possibly signed the document on December 29<sup>th</sup> [2015]. Now, the second police officer, Than Zaw Oo, is in charge of the case [at the police station].

**The three villagers were asked to sign a document, right. What kind of document did they sign?**

They [Kaung Myanmar Aung Company] said that the villagers were trespassing on the lands [that their project was being carried out on] so they were asked to sign a promissory document and they were sued. However, they have not been sent to the Township court yet.

**Are the lands [they were accused of trespassing on belong to] the villagers?**

The land belongs to the villagers and they live and work on the land. Their grandparents passed these lands on to them. However, they [Kaung Myanmar Aung Company] pressured the villagers in many different ways and sued them according to many different sections [of the law].

**The villagers are facing [many] cases. Is there any possibility that they will have to mediate [with the police]?**

I do not know whether they will have mediation or not. Today is January 12<sup>th</sup> [2016]. On January 11<sup>th</sup> [2016], they [Kaung Myanmar Aung Company] used a strategy in which they called and met with farmers who are not actually farmers from the villages. The Farmers' Development Party held a meeting at a hall with them and distributed letters to them, but we, the real farmers, did not receive any letters. They, Kaung Myanmar Aung Company and the Farmers' Development Party, along with other media groups, held a conference.

**Did anyone from your village attend the meeting?**

There were only a few villagers from our village who attended the meeting.

**Were most of those people who were in the meeting their staff?**

Yes, there were only those who had been forced to attend the meeting, their staff and other villagers who were forced to go. No real farmers [from the village] attended the meeting.

**How did you apply for permission for today's protest?**

We applied for permission from #2 police station. We got permission and protested. But when we protested a police officer shouted at me and said, "*Saw Bx---! Why are you using the loudspeaker for your slogans? Stop it immediately!*" I replied to him "*Are you going to arrest me? Tell me if you are going to arrest me.*" He replied, "*I won't arrest you but please stop it.*" I do not know what trouble they are going to give me regarding that [incident].

**Did you protest today because you want to regain your land?**

Yes, the main reason that we protested was to regain our land. We are farmers and we mainly depend on our farms for our livelihood.

**The #2 police station officer told you to stop using the slogan. What did it say?**

The slogan said, *"We want to regain our confiscated land. We do not want the Farmers' Development Party. We do not want Kaung Myanmar Aung Company. Kaung Myanmar Aung Company must leave immediately."*

**What do you mean by, "Kaung Myanmar Aung Company must leave immediately"? Where do you want them to leave?**

We want them to stop their project and leave all of the four villages where they confiscated the villagers land [for their project].

**How many women and men were involved in the protest?**

There were many women and men involved in the protest. I do not know exactly how many as I did not count them.

**Were children also involved [in the protest]?**

Yes, there were also children involved. There were four or five children who are about 15 or 16 years old. As their parents' lands were confiscated, they could not stand [it] and protested together with their parents.

**When you protested on December 5<sup>th</sup> 2015, were there any police providing security?**

Yes, when we protested, both the police and soldiers guarded us for security and the protest went well. This year [on January 12<sup>th</sup> 2016], when we protested in Toungoo town, I did not see any police [guard for security].

**Were they [police and soldiers] watching you or providing security for you [on December 5<sup>th</sup> 2015]?**

We did not know whether they were watching us or providing security for us.

**Did you notice if anyone was watching you?**

I saw that Kaung Myanmar Aung company staff were always watching us. The Farmers' Development Party also came and donated water to the villagers, but we did not dare to drink [their water]. If they are willing to serve the villagers, why have they not served [us] since the beginning [of the land dispute]? However, they came and donated water after we protested. If they had put toxic [poison] in the water, then we would have died if we drunk it.

**Were water bottles allowed to be brought to the protest this year?**

No, the water bottles were not permitted but some people donated water bottles for us to drink while we were protesting.

**Did today's protest go smoothly?**

Yes, it did.

**Did all the protesters hear the sound from the loudspeaker?**

When we protested in the town not all of the protesters heard the sound from the loudspeaker, as it was noisy with the cars passing. Therefore, we tried to use a sound box [to shout slogans].

**Who helped you organise the car for the protest?**

Sayar [teacher/respected elder] I--- supported the travelling and the cost [of the protest]. He supported the protest. He supported a conference [that we held] and paid for a judge when [the

farmers] were appointed to go to the court.

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

What I want to add is that this [land confiscation] case has troubled me for almost three years. My attempts to secure my livelihood were unsuccessful. Nevertheless, I will fight this [land confiscation] case not only for myself but also on behalf of all of the [affected] farmers. I am ready to [fight this land confiscation case], no matter if I will be put in jail, tied up, or ordered to be killed. My weakness is that I have financial hardship, for [supporting] my family or for travelling. However, I have been trying my best for all the farmers since December 2013 up until now [2016]. What I want is for the CB Bank chairman [U Khin Maung Aye] to return our lands. To achieve that goal, I am going to cooperate with my *thara* [seniors]. Not only me but all the farmers depend on these lands for their livelihoods, and for sending their children to school. Therefore, we farmers must fight together to regain the land [and will not stop fighting] until we regain it.

**Thank you for patiently providing me with this information.**

Thank you.

**Do you give KHRG permission to use this information?**

Yes, I give permission.

**Source #46**

Log #	16-10-A8-I1
Type of report	Interview
Publishing Information	Previously published in February 2016: <a href="http://khrhg.org/2017/02/16-10-a8-i1/toungoo-interview-saw-january-2016-2">http://khrhg.org/2017/02/16-10-a8-i1/toungoo-interview-saw-january-2016-2</a> Previously unpublished:
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

**Toungoo Interview: Saw A---, January 2016**

*This Interview with Saw A--- describes an arbitrary arrest that occurred in Htantabin Township, Toungoo District, in January 2016. Saw A--- describes how he was arrested and sued because of a demonstration, which he and other people held against Kaung Myanmar Aung Company on January 12<sup>th</sup> 2016 after the company confiscated villagers' lands. Saw A--- faces criminal charges for using a loudspeaker, as it broke the law against the disturbance of public peace. Chief of Police, Aye Zaw from No. 2 Police Station, Toungoo District, submitted the charge against him as a complainant.*

**Interview | Saw A---, (male, 36), B--- village, Htantabin Township, Toungoo District (2016)**

*The following Interview was conducted by a community member trained by KHRG to monitor local human*

*rights conditions. It was conducted in Toungoo District on January 31<sup>st</sup> 2016 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>50</sup> This interview was received along with other information from Toungoo District, including 9 other interviews.<sup>51</sup>*

**Ethnicity:** Karen  
**Religion:** Christian  
**Marital Status:** Married  
**Occupation:** Farmer  
**Position:** Villager

**What is your name?**  
Saw<sup>52</sup> A---

**How old are you?**  
I'm 36 years old.

**And your ethnicity is?**  
Karen.

**What about the religion?**  
I believe in Christianity.

**What is your profession?**  
I am working on land and cultivation as a farmer.

**Are you married?**  
Yes I am.

**How many family members do you have?**  
I have seven family members. I have five children.

**Where do you live?**  
I live in Bago Division, Toungoo Township, Seik Pue Toung village tract, B--- village.

**I have already conducted an interview with you actually, but I heard that you held a demonstration on January 12<sup>th</sup> 2016, so I just want to know what happened afterwards?**  
On January 12<sup>th</sup> 2016, at the time when we held the demonstration, I was sued for using a loud speaker because it broke one of the disturbances of the public peace laws.<sup>53</sup> Chief of

<sup>50</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>51</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.

<sup>52</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

[Burma/Myanmar] Police, Aye Zaw from No. 2 Police Station, submitted the charge against me as a complainant. At the moment, I am not able to bring the loud speaker as evidence, so the case cannot be submitted to the Township Court yet. However, on January 25<sup>th</sup> 2016 I went [to the police station] and signed the pledge to be arrested. On the day when I can bring the loud speaker for evidence, they [the police from No. 2 Police Station] will sue me in the Township Court and the plaintiff is Officer Aye Zaw, Chief of the No. 2 Police Station. This is the current situation that I am facing at the moment.

**Aye Zaw is the Chief of Police?**

Yes, Aye Zaw is the Chief of Police from No. 2 Police Station.

**How did you sign the pledge to be arrested by the police?**

It is just to prove that they [police] are allowed to arrest me since I have signed the pledge, although I am not able to bring the evidence at the moment.

**Did you have to go and sign at the police station?**

Yes, I had to go and sign at the police station, and I also had to provide a recommendation [guarantee] from two people.

**What do you mean by recommendation?**

It means that two guarantors had to approve that I would not escape.

**How did they inform you that you have to sign the pledge? Did they come to your house and inform you about that**

I was initially informed by Bo<sup>54</sup> Lay, as he is a person who deals with this kind of issue. So I went and asked Bo Lay, 'I heard that I was in the arrest warrants, is that true?', and he replied 'Yes'. And then I told him not to give me prior notification of the arrest warrant [letter], about when I will be arrested, and come to arrest me at my house. Just let me know on what day I will be arrested by the police and I will go to the police station and pledge to be arrested. There is no point in you coming and arresting me. If it is obvious that I committed a crime I will go and be arrested, and I will bravely face whatever.

The day they asked me to go to the police station was after two days of demonstrating, around the 14<sup>th</sup> or 15<sup>th</sup> [of January 2016], and I went and met with the Chief of Police, Aye Zaw. He asked me to bring the evidence materials, such as the loud speaker, but the fact is the loud speaker that I used during the demonstration did not belong to me. I borrowed it from someone, so I could not submit it to the police station. However, he [Aye Zaw] told me that, "Although you just borrowed it [loud speaker] from someone you have responsibility for it because you led this demonstration. So you have responsibility and accountability for whatever." Then he took my phone number and said, "Do come when I phone you". So on the 25<sup>th</sup> [January 2016] I signed the pledge to be arrested, and before that day I phoned him [Aye Zaw] and informed him that I had got a loud speaker as a sample. It was not the one that I used during demonstration because I didn't know where the person who I borrowed the loud speaker from was. Now I have to find a new loud speaker to submit as evidence and I have to buy it with my own money, but this will have to wait because I have financial difficulty. I bought one loud speaker and I

<sup>53</sup>Although it is not clear what specific law this is referring to, there is evidence that the Burma/Myanmar government authorities have used legislation to limit opposition and peaceful protest. To find out more on this issue please see, "[They Can Arrest You at Any Time: The Criminalization of Peaceful Expression in Burma](#)," Human Rights Watch, June 2016.

<sup>54</sup>Bo is a Burmese title meaning 'officer.'

submitted it to the police, but they did not accept it and they asked me to submit it fully, such as with a sound box and microphone. So they asked me to submit it when I have a fully equipped loud speaker.

**So where did you get that loudspeaker?**

From U Myint Soe, who is a labour agent, and he is currently included in the list of people who were sued. He also borrowed the loudspeaker from somebody else, and the person he borrowed the loudspeaker from was a GTC [Government of Technological College] student. When he contacted that person he was not reach able them and the loudspeaker could not be returned. So the Chief of Police asked for that person's phone number, but he [Chief of Police] was only focused on me. I just have to present it [loudspeaker] as a sample of evidence, so I need to buy a fully equipped loudspeaker. I have bought a sound box, which cost me around 100,000 kyat [\$73.79]<sup>55</sup>, and for the loudspeaker, even if you buy an old one, the price is from 150,000 kyat [\$110.69] up to over 200,000 kyat [\$147.59], but now I have financial difficulty buying the fully equipped loudspeaker.

**So it means that the loudspeaker that you used for the demonstration does not belong to you, so has the person who lent you the loudspeaker also been sued by the police?**

No, they [police] only sued me because I led the demonstration.

**So what are the laws that prohibited using the loudspeaker?**

There are some rules that they [police] have set up for the demonstrations, such as no more than five slogans are allowed to be shouted, only megaphones can be in used, no loudspeaker is allowed to be used because it causes a public disturbance, so it [loudspeaker] is totally not allowed. So according to the rules of peaceful demonstrations the loudspeaker is totally not permitted to be used.

**By using a loudspeaker during the demonstration does it cause public attention or public disturbance?**

I personally would say that if you use the megaphone I don't think that people around the downtown can hear us, because not everyone within our demonstration team will be able to hear [the voice from the loud speaker]. So you have to listen carefully in order to be able to hear the voice because of the surrounding noise, such as the sound of cars and motorcycle engines. Although people, or any organisation [such as the media], are interested in our demonstration they cannot hear us, that is why we used a loudspeaker in order to let the media and the people hear us clearly, so that they can pay more attention to us.

**Do you mean that your demonstration will be more successful when you use a loudspeaker, because you get more attention?**

Yes, I think like that because the loudspeaker can produce a louder voice and we can hold our activities successfully. But it seems like they [police] don't want us to hold the demonstration successfully, so maybe they find us the problem for this reason. At the moment we really like holding demonstrations with a loudspeaker and it brings us a lot of success

**Let me ask you again, because I am not clear about success. What do you mean by success?**

If the civilian can hear our voice clearly and exactly then they will know what difficulties, challenges and problems farmers face. And the media can also write up news when they hear

<sup>55</sup> All conversion estimates for the kyat in this report are based on the 26<sup>th</sup> January 2017 official market rate of 1355 kyat to US \$1.

our voice and they can also record our voice [for the media purpose]. So from these outcomes I consider that we can achieve success in our demonstration.

**As you have mentioned, you were sued by them [police] regarding the loudspeaker usage. So for you it is not possible to submit [for the evidence of the case] the original loudspeaker, but if you bought the substitute one will they accept it?**

They told me that they will accept it if the substitute one [type of loudspeaker] is similar to the one I used during the demonstration. But they said that the sound of the substitute should also be similar.

**So you have to find a similar one [loudspeaker] yourself?**

Yes

**But it will not be the one that you used?**

Yes, it will not be the original one.

**But will the police still accept it?**

Yes, because the original loudspeaker that I used I got from a labour agent and I don't know where he borrowed it or got it from. I did not bring that loudspeaker and I cannot even ask where that loudspeaker is originally from, and that is why I have to find it myself [in order to get the substitute one]. I asked the Chief of Police, Aye Zaw, "*If I could find a similar one would it be fine*"? and they replied yes, they told me that if the sound of the loudspeaker was similar it would be fine.

**What I understood is only if there is evidence the case [defendant] can be sued, right?**

That is right, without any evidence he [Chief of Police, Aye Zaw] cannot take action against me. At the moment, based on my case, I think I can be detained in a cell within 24 hours, like other cases such as theft, looting and killing cases. If there is evidence found and there is a conviction then they can apply directly to a court of law at the township level, and they will have the right to keep detaining me in the cell. But now I would say that my case is a little bit affiliated with politics, so they listed my name in the arrest warrant but not [arrested me] in person yet. However, what are they going to do to me if I fail to submit the evidence?

**Does that mean that they need evidence to be able to arrest you?**

I don't know yet, but after they submit the evidence, which will identify the articles I broke, then they will question me.

**So I want to know clearly why they asked you to sign the pledge in the arrest warrant. I mean how did that happen? Can you explain to me in detail?**

I think the reason I was asked to sign the pledge of arrest is because it [demonstration] broke one of the disturbances of the public peace laws. Actually, they [police] already knew [people who were involved in the demonstration] and they also already saw the loudspeaker, but I don't know whether they are obligated to investigate the whole incident. But now I have signed for the pledge of arrest warrant, however until I am able to submit the evidence they cannot submit the case [to the court]. They are only able to sue me when I can provide them with evidence, but if I fail to do that I don't know how they will continue to oppress me to reveal the case, and I don't even know what work the police department do.

**So on the day of 25<sup>th</sup> [January 2016], after you signed for the pledge of the arrest warrant, what happened? Have they [police] contacted you and informed you of anything else?**

After I gave my signature they asked for my phone number and said that if they have anything

they will inform me through a phone call. However, I always give them [police] an update of what is going on from my side [regarding finding the substitute loudspeaker for the evidence]. I have already informed them that I got one louder speaker, but they replied that they wanted the whole loudspeaker set. They told me to keep looking until it is fully equipped, including the microphone and sound box, and the sound should also be similar.

**When they [police] told you about the arrest warrant did they say it by a phone call or by the notice letter?**

No, they didn't release any summons letter, and I told them not to arrest me because what I did was not an iniquity, instead I did it because I thought I should do it. There is no reason that you have to arrest me, however, if you really want to arrest me then just let me know, and I will come to you and let myself be arrested. They also already have my phone number, so if they have anything they call my phone and I go to see them in person at a particular time and date to have an appointment. Since then, I went to meet them whenever they asked me to come and on the 25<sup>th</sup> [January 2016] I went to them and signed the pledge of the arrest warrant.

**So it means that there was no official letter released when they asked you to sign the pledge of the arrest warrant, they just informed you by phone call. Is that right?**

Yes, just by phone call.

**So when you got their phone call, regarding that issue, did you inform your village administrator or anyone close to you about their phone call?**

I did not inform the village administrator, but I discussed it with my fellow colleagues and farmers whose lands were confiscated.

**How about the police? Did they also inform the village administrator that a villager in this village [as you are one of the villagers] was entangled with a law regarding the demonstration event [that you have held]?**

I have not heard about that.

**So they just directly contacted you through a phone call?**

Yes, they just made direct communication with me through a phone call. I went to see them in person when they called me and answered the questions that they asked, and then I went back home. So currently I have to adapt to the situation and do as they say.

**I have one concern about having communication by phone, because it can be either official or unofficial. So do you think it would be more official if they released a letter or statement?**

Actually, if they do the process by releasing a statement or letter it would be more official. But now, they have just communicated with me through phone calls, which actually don't make the communication effective. However, I have a concern that if they release the statement or letter to the village or village administrator it would make other villagers ask questions about what unlawful things I have committed, why a statement arrived to our village, and so on. So I don't want this happen, that is why I prefer letting them contact me by phone, then if they want to arrest me they won't come to my home, instead I will go to them. And also if they have anything to ask me, rather than they come and ask, I will go to them and answer their questions.

**What I have seen is that the police go and arrest people who act for the farmer, such as an agent. But now in your area the police do not need to come and arrest [an agent], instead a villager like you goes to them [the police] to be arrested. So I would say there is difference regarding this because the case can be done through only phone calls.**

Yes, now the case is done like that.

**So based on the case that you face for leading the demonstration, what would you like to be done in the future?**

I will struggle [fight] for my right to hold the demonstration, even if I have to face difficulties. However, I'll try my best until I, including all farmers, get the land back. I will do my best as much as I can, and if I have to hold demonstrations again then I will continue until U Khin Maung Aye [Chairman of Kaung Myanmar Aung Group of Companies] officially gives a signature that he returns the lands.<sup>56</sup> We will keep doing what we have to do. I heard that yesterday they [U Khin Maung Aye] held a press conference at Kay Tu Ma Ni hall, which is the hotel owned by Kaung Myanmar Aung Company,<sup>57</sup> with around 70 people. But I don't know who those 70 people are and when I asked the journalists about this they did not tell me anything. I also asked Chief of [local Burma/Myanmar] Police Aye Zaw about why U Khine Maung Aye held a press conference at his hotel yesterday, and he replied that he did not know about that, as he lived outside the hotel. That night Maung<sup>58</sup> E---, who is a journalist at the Tha Bar Wa Journal, asked me about why I held the demonstration and I explained to him all the reasons why. Then he [journalist] kept asking me questions and I answered everything he asked, moreover, he criticised me saying that, "*Maybe you [farmers] have some background organisations [support] that pushed you to be able to respond like this*". Actually, it is just because the farmers were no longer able to tolerate what they have suffered, that is why we the farmers were able to respond like this. Whatever, tomorrow I'll go and submit the permission letter again to the number 2 police station for the demonstration. After that, on February 2<sup>nd</sup> and 8<sup>th</sup> 2016, I have two appointments at court. So after I am done with the court appointments, and when I get the permission, then I will start holding the demonstrations again. Furthermore, I will hold a press conference with my senior fellows at Yangon.

**So what is the press conference in Yangon for?**

We will analyse and criticise the land confiscation by U Khin Maung Aye, from Kaung Myanmar Aung Company. This is what we are going to talk about at the press conference.

**So who do you mainly plan to involve in the press conference?**

We mainly request farmers whose lands were confiscated to participate and I, including my senior fellows, will lead the press conference.

**How about media?**

<sup>56</sup> The demonstration for which Saw A--- has been charged was organised by villagers to demand their farmland be returned after 2400 acres of land was confiscated by Kaung Myanmar Aung Company. See, "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," July 2016.

<sup>57</sup> Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development within Myanmar. Their chairman is Mr Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Myanmar which have included threats to villagers who were customary owners of the lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014 to February 2015](#)," July 2015. Affected villagers held protests against the company in 2015 and early 2016 in order to demand the return of their lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," July 2016. For information on a similar case with KMAC in Pyn Oo Township, Mandalay Division, see "[Presidential adviser sues 13 farmers for trespassing](#)," Myanmar Times, September 2<sup>nd</sup>, 2013.

<sup>58</sup> Maung is a Burmese male honorific title used before a person's name

If we hold it in Yangon there will be a lot of media groups. But if we hold it [press conference] here in our area, I personally see that there are few media organisation that stand for the farmers. Here I don't mean to say just stand for the farmers, but if the farmer's actions are true just write the news correctly, and if the company is right or wrong just write the news correctly, and if the farmers are wrong just write according to reality. Just because the media does not write clearly about who is right and who is wrong, that is why we plan to hold a press conference in Yangon as there are more media groups here in Yangon.

**So you want the media to write the truth?**

Yes.

**So do you think there will be media in Yangon that write the true information?**

I am not sure about that, but recently some media organisations have interviewed me and the information wasn't published. I would say there was no information published although they have interviewed me many times. Now look at reporter Ko<sup>59</sup> F---, he interviewed me many times, but I haven't seen that the information I gave was published in the journals or on the internet or on Facebook. When they publish the information they mostly stand for the company's side. Just listen to the audio file of U Khin Maung Aye speech; it is clearly apparent in the speech. He [U Khin Maung Aye] didn't even agree when the Administrator of Na Gar Mout [village] spoke about the true situation of the farmers. We said that "*We don't want the Farmers Development Party*".<sup>60</sup> We are daring to point this out, because we heard it in the speech that he [U Khin Maung Aye] gave during their celebration of the 50<sup>th</sup> anniversary of Kaung Myanmar Aung Company, through the audio file.<sup>61</sup>

He [Kyaw Soe Moe], from the Farmers Development Party [MFDP],<sup>62</sup> talks about two people who are Saw C--- and Saw D---,<sup>63</sup> these people are close to me. He said that Saw D---had planted the entire plantation on his plot of land, so he [Saw D---] could take his land back to work on it. But Saw C--- didn't have any plants on his land; this is what I cannot accept because they just stand for one side. Maybe they just follow the money [bribery/profit]. Saw D--- lives next to my land, which is really close to me, and I did not see any long term plantations on his land, I saw only seasonal plants on his land. Just look, in the year of 2015 he planted banana trees and corn trees on his land in this rainy season; however, he [Saw D---] can plant whatever trees on his land. I just want to point out what Kyaw Soe Moe mentioned, as he said Saw C--- doesn't have any plants on his land. So I want to hook his [Kyaw Soe Moe] ear with reaping hook or bull hook and show him Saw C---'s land, it is full of plants. He [Saw C---] also has a farm which produces two to three hundred baskets of rice, and he has coconut trees, marian plum trees, and rubber trees on the corner of his farm. So I would say that he has various plants

<sup>59</sup> Ko is a Burmese title meaning older brother. It can be used for relative as well as non-relative.

<sup>60</sup> The Myanmar Farmers Development Party [MFDP] was formed in 2012 and has its headquarters in Yangon. The MFDP is chaired by U Kyaw Swar Soe. The party claims to represent the rural peasantry on a campaign based on the modernisation and mechanisation of agriculture. For more information see, "[Myanmar Farmers Development Party](#)," The Irrawaddy, October 2015.

<sup>61</sup> Here the interviewee refers to two separate interviews. One given at the 50<sup>th</sup> anniversary of the Kaung Myanmar Aung Company and one given by the Administrator of Na Gar Mout. It has not been specified when these speeches were given and what was said during the speeches.

<sup>62</sup> The Myanmar Farmers Development Party is a Myanmar based political party. It was established in 2012, and contested the 2015 election claiming to represent impoverished farmers. For a brief outline of the political party please see, "[Myanmar Farmers Development Party](#)," The Irrawaddy.

<sup>63</sup> The interviewee is now referring to a separate speech to the two already mentioned. It is not specified when this speech by the Farmers Development Party was given.

on his farm and he planted some extra trees, such as bamboo trees, surrounding his farm in order to have shade for the long-term trees. Saw D---, as I have mentioned about him, most of his plantation is just seasonal trees and he has been working on his plot of land for long time. But he does not plant long term plantations and Saw C--- mostly plants long term plantations, and his rubber and marian plum trees have grown very big. He [Saw C---] has his house on that plot of land and he works on it. What Kyaw Soe Moe [from the MFDP] has said is that Saw C--- doesn't have any plantations, which I can't accept. So this means that they are speaking without any analysis from going to the fields and observing the situation on the ground. They do whatever they want to with their paper. So if I have to then I can meet with them in person and I can point out these facts.

**Can you clarify the land issue of these people [Saw C--- and Saw D---] you have pointed out? What are the different issues between them?**

What I have pointed out is, by looking at the different situations of these two people, the Farmers Development Party is not working properly. So I think their actions are not right.

**So does this mean that the person [Saw C---], who planted the plantation on the land, has a small size of land?**

Yes, the land size is small.

**So they want to leave [not confiscate] the lands that are a small size?**

Exactly, because that person [Saw D---] is a member of the Farmers Development Party, which means they don't treat people equally. They try to protect their members, and we can say that because that person's land is in the village where they put their sign board. So they just protect the villager where they are allowed to put their sign board. For Saw C---, because he is not in the village where the Farmers Development Party put their sign board, he wasn't cared for by those people [the Farmers Development Party].

**You are facing many problems regarding the land issue at the moment. So is this related to the company or can you explain to me what the root cause of this land problem is?**

The main perpetrator that caused the land problem is the Kaung Myanmar Aung Company; especially because what U Khin Maung Aye is doing is wrong. So I have to deal with the government department related to this land problem. So just because of their actions I am facing this problem [land confiscation and criminal charges].

**I have asked you a lot of questions but it may not cover everything, so if you have anything on your mind I now give you time to speak out.**

We are the people who live in the rural area and also we are farmers. We mainly rely on our lands for our livelihoods, our children's education, social [community activities] and so on. So we want to get our land back. More than that, we want the Kaung Myanmar Aung Company, who unfairly confiscated our land, to return the land officially to the owners. This is what we want to happen and until they do that we will keep moving on with what we have to do, according to the law.

**Is there anything else you would like to add?**

Nothing special, as I have mentioned many things already, but there will be something that is missing. However, what we would like is for the relevant government department, or the recent government, or the new government that will come up later, to solve this land problem for us because we are mainly relying on these lands. We, the farmers, have worked on this land since our ancestors' era, and we have to say that they [KMAC] forcedly confiscated our lands and we cannot suffer because of this. That is why we will keep trying to get back our lands. What I want

to say is just this.

**Thank you very much for explaining this to me, like this.**  
I also thank you too.

**So do you give us permission to use your information for KHRG?**  
Yes, I do.

**So thank you.**  
Yes, thank you.



This photo was taken on January 31, 2016 in Toungoo District, Toungoo Town and it is a photo of Saw A---, the local farmer who led a demonstration against land confiscation by Kaung Myanmar Aung Company. Following the demonstration he was asked to sign the pledge for his own arrest warrant and provide evidence of the loudspeakers that he used during the demonstration to the police station. In this photo Saw A--- is submitting the evidence of the loudspeakers to the Number 2 Police station in Toungoo Town on the afternoon of January 31, 2016. *[Photo: KHRG]*

#### Source #47

Log #	16-10-S1
Type of report	Situation Update
Publishing Information	Previously published in November 2016: <a href="http://khrg.org/2016/11/16-10-s1/toungoo-situation-update-thandaunggyi-township-november-2015-february-2016">http://khrg.org/2016/11/16-10-s1/toungoo-situation-update-thandaunggyi-township-november-2015-february-2016</a>
Location	Thandaunggyi Township, Toungoo District
Full Text	

#### **Toungoo Situation Update: Thandaunggyi Township, November 2015 to February 2016**

*This Situation Update describes events occurring in Thandaunggyi Township, Tounngoo District during the period between November 2015 and February 2016, including education, healthcare, social situation, economic and political and military situation.*

- Myanmar government military (Tatmadaw) sent and transported more rations to their Tatmadaw army camp in the east of Thandaunggyi Township, Tounngoo District. Tatmadaw tested their weapons near to the local village. Due to that, some of the villager's gardens were destroyed and it made the villagers worry.
- In Thandaunggyi Township, Tounngoo District, some schools are very old and need to be fixed and rebuilt. Thus, the villagers tried to inform the Burma/Myanmar government in order to rebuild their schools but they have not received any support.
- The local villagers reported health concerns as they did not want to go to the Burma/Myanmar government hospitals in Thandaunggyi Township if they were sick because some doctors only care for the patients who bring gifts for them.

### **Situation Update | Thandaunggyi Township, Tounngoo District (November 2015 to February 2016)**

*The following Situation Update was received by KHRG in February 2016. It was written by a community member in Tounngoo District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>64</sup> This report was received along with other information from Tounngoo District, including, one incident report, nine interviews and 334 photographs.<sup>65</sup>*

This Situation Update describes events happening in Thandaunggyi [Daw Hpa Hko] Township, Tounngoo District during the period between November 2015 and February 2016. It includes education, healthcare, the social situation, the economic and political situation, and the military situation.

#### **Education**

In Thandaunggyi Township, students had a problem because the Burma/Myanmar government has changed the education system. In the past, the Ministry of Education in Burma/Myanmar set the rule that every student had to pass their exams without failing. Most of the students have already experienced this education system. In 2014 and 2015, students who were in fourth Standard and eighth Standard had to take the [Burma/Myanmar] government examination so it was very difficult to pass the exam for the students [because the exam was different to the curriculum]. In the 2014-2015 academic year, students had free text books for learning at nursery schools but they had to share when they moved up to the next Standard [Grade]. Each student received only six note books. They had to study like this.

From November 2015 to January 2016, there has been no tuition for the students, but teachers

<sup>64</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>65</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.

called their students to come to the school or [the teacher's] house for studying [for extra classes]. Therefore, each student had to pay 5,000 kyat [US \$4.09]<sup>66</sup> per month [for extra classes]. Some students went to the school for learning using round-table reading<sup>67</sup> and they also had to sleep there; teachers are teaching like that in down-town schools. There were not enough school teachers in the schools in the rural areas. Teachers also came from a long way [away] and they could go back to their home in the town one time each month. Moreover, those teachers were often called to attend a meeting in the Township Education Office. Therefore, school teachers in rural areas could not fulfil their duties [as they were often absent]. Also, it affected the students to study in the school.

In addition, some schools were very old and needed to be fixed, so the villagers submitted it [the need] to the Township Education Office many times in order to [get the Township Education Office to] rebuild the school, but there has been no reply or help from the Township Education Office. Thus, it was dangerous to study in the school. It also worried the students. The school might fall down because it is getting very old. This [old] nursery school is located in Ku Pyaung village, Thandaunggyi Township, Toungoo District. The local villagers built a self-funded school for their children as they wanted their children to get education even though the Burma/Myanmar government did not provide any funds to build a school. Then, the villagers called teachers to teach in the school. Teachers got paid or received salary from the villagers. Until now, the government has not given any support to build the school, but the villagers have requested to the Burma/Myanmar government to officially recognise the school. Since 2015, the Burma/Myanmar government permitted the villagers to have a sub-nursery school in their village. This school is located in Mar Day village, Leik Tho Town, Thandaunggyi Township, Toungoo District.

There are many local schools in the Burma/Myanmar government controlled areas. Most of the people in those areas are Karen people so they want to learn their own language in the school. The Township Education Office said that the local teachers in the village would earn 30,000 kyat [US \$24.56] per month if they taught Karen language for one hour each day. The local teachers have given their time for teaching, but they have not received any kyat [payment] until now. So the local teachers who teach Karen language reported [this issue] to the headmaster [in order] to demand their salaries from the [Burma/Myanmar government's] Township Education Office. The Township Education Department said that the District Education Department did not have any plan to give teachers a salary so therefore they do not have money [budget] for the local teachers. The local teachers did not do their jobs very well and their motivation of teaching has decreased. Now Karen language is not taught in the school. There are many schools [teachers] that do not receive salary although they are teaching Karen language. To be more specific, those schools are located in Maing Lun A'Ler village and Lay Law Day village, Thandaunggyi Township, Toungoo District.

In Thandaunggyi Township, because of the war in the past, houses and schools in the village have fallen into disrepair. Now, the villagers rebuild the school with bamboo [poles] and they asked for text books from the KNU-KED [Karen National Union-Karen Education Department]. Then, the villagers hired only one female teacher from each village to teach the children. The villagers pay 200,000 or 300,000 kyat [US \$163.75 or \$245.63] per year for one teacher. The teachers do not care about their salaries because they only want the children in the village to be

<sup>66</sup> All conversion estimates for the kyat in this report are based on the 8<sup>th</sup> September 2016 official market rate of 1221 kyats to US \$1.

<sup>67</sup> Round-table reading refers to a form of evening study whereby students sit around a table with a teacher and study together. It implies a less-formal education.

educated. The children are often unwell and also they do not feel secure because, although they are learning in the school, the school does not have a secure roof or floor. They only can establish [build] one school for three or four villages and the school is just a nursery school. There are only 20 or 30 students in this school. KNU-KED helps this school by providing note books, pencils, writing tools and sports supplies. There is no support from the Burma/Myanmar government. KNU tries to build middle schools (township-level schools) as much as they can. For students who study in the middle school, they have to go to KNU's school. Students who study at KNU-KED's school are able to read and write in Karen language, but students who study at Burma/Myanmar government's school are not able to read and write in Karen language because Karen language is not taught in the Burma/Myanmar government's school. For the local school, which is supported by the Burma/Myanmar government in the rural area, KNU provides writing tools such as pens, pencils and books and sports supplies. KNU also contributes Karen text books and note books to the local school, but students do not have time to learn Karen language because teachers have to teach many subjects from [Burma/Myanmar] government [curriculum] so they do not have enough time to teach Karen language and they [therefore] skip the Karen subject.

A [business] company also supports schools in some rural places. They [the business company] built only the school, but they do not provide or contribute school materials so it becomes a problem to learn for students. Moreover, there are more and more students in the school in some villages so the school does not have enough space to learn. It brings difficulty for students and teachers. For example, there are a lot of students in Leik Tin village, Htantabin [Htaw Ta Htoo] Township, Toungoo District, but there are not enough spaces to learn in the school. So, the villagers submitted their case [information about overcrowding] to the Burma/Myanmar government in order to get support, but the Burma/Myanmar government did not give them any support. Then, the villagers again submitted the case [information] to an NGO [Non-Governmental Organisation] for help. On January 23<sup>rd</sup> 2016 two representatives from Japan came to meet the villagers in order to help them build schools.

There is no school in old Hton Bo village so the children could not study and they have to work. The students who have no school in their village have to go to study in Nan Ga Mauk village, Htantabin Township, Toungoo District. Therefore, students have a problem for transportation [to reach the school].



This photo was taken on December 1<sup>st</sup>, 2015 by a KHRG community member in Thandaunggyi Township, Toungoo District. It shows the Burma/Myanmar government primary school in



This photo was taken on December 13<sup>th</sup>, 2015 by a KHRG community member in Thandaunggyi Township, Toungoo District. It shows one sub-primary school in Mar Day village, Leik Tho

<p>Ku Pyoung village, Thandaunggyi Township, Toungoo District. This school used to be a self-funded school supported by the villagers. The school got very old and needed to be rebuilt. The villagers proposed to the Burma/Myanmar government [that they need to] rebuild the school more than three times. Yet, there was no reply from the Burma/Myanmar government. Therefore, there is a problem to teach the local students which also concerns the villagers. <i>[Photo: KHRG]</i></p>	<p>Town, Thandaunggyi Township, Toungoo District. In order to build the school, the villagers submitted their building school plan to the State Education Department for financial aid, but there was no support coming from State Education Department. That is why the villagers themselves then constructed the school. <i>[Photo: KHRG]</i></p>
--	---

### Healthcare

For the health situation in Thandaunggyi Township, Toungoo District, most people who live in Thandaunggyi Township have the flu. Some people vomit and have diarrhoea, but they do not want to go to the hospital for medical treatment because they cannot afford the medical fee. Thus, they just try to look for local health workers who live in the village. Especially when the children who get many different diseases because of intestinal worms go to the hospital for medical help [their treatment is unequal]; the doctors only care a lot about the patients who give the doctors presents and gifts [bribes]. If the patients cannot give any gift, they [the doctors] do not care so much. If outpatients go to the hospital, doctors want them to buy a medical ticket [pay a standard treatment fee]. Doctors said the cost depends on how much they can pay for the medical ticket fee [treatment fee]. Actually, each medical ticket [treatment fee] costs 1,000 kyat [US\$ 0.81] at the least. If a woman who is pregnant goes to the hospital, she has to pay 250,000 kyat [US \$204.69] to give birth, not including the medical fee.

If the children from Thandaung Myo Thit Town got sick, their parents did not send them to the hospital because they could not afford the medical fee [treatment fee]. So, they just went to the traditional medical doctor in the village because traditional medicine is cheaper than modern medicine in the hospital. The pregnant women were vaccinated one time each month. When the health workers from the government gave vaccinations, they put [a request] to donate money in the donation box and they said that anyone could give money depending on how much they wanted to donate. Yet, they actually wanted the people to donate at least 1,000 kyat [US\$ 0.81]. Therefore, some people did not go to receive the vaccination because they did not have just 1,000 kyat [US\$ 0.81] to donate. The health workers do not regularly give vaccinations in the remote areas because they did not go to those areas [frequently]. Even if they went and gave vaccinations in those areas, they did not have much time to help villagers because they said they could not stay and sleep [even] for just one night in the remote villages.

In the rural area on the highland, there is no clinic and hospital. Therefore, the former military doctors from KNU have helped the villagers for medical treatment. These former military doctors asked the villagers to buy some required medicine and then they gave the villagers medical treatment for free. The military medical team from the KNU also gave the villagers medicine for free. However, sometimes villagers had to buy medicine outside because the KNU did not have enough medicine for all the villagers. Sometimes the villagers died from illness because the KNU could not send them the medicine on time. Most of the local civilians who live in the rural area are on the high [mountainous] land, and they experienced communication problems and money problems if they went to the hospital down in the town. Thus, they went to the military

medical team from the KNU if they got sick. In those rural areas, the villagers only relied on the KNU if they had health problems. BPHWT [Back Pack Health Worker Team] and [Free Burma Rangers] FBR provided medical help but also contributed medicine for the villagers. They help the villagers as much as they can. In some rural areas, the villagers were given medical treatment by an extra group of people who had been trained how to care for pregnant women, and religious groups who had attended healthcare training for a while.

In some rural places, clinics were built, but there was no medicine in the clinic. So the villagers could not have medicine if they got sick. [Local] Midwives also helped pregnant women to give birth, but the health workers from Burma/Myanmar government disliked that. So they [Burma/Myanmar government health workers] scolded the pregnant women and they asked money from pregnant women as a fine because they said that the pregnant women had to give birth by [using] them [Burma/Myanmar health workers].<sup>68</sup> The amount of money they [health workers] asked from the pregnant women is from 5,000 kyat to 30,000 kyat [US \$4.05 to \$24.30]. Although the Burma/Myanmar government health workers said they care for pregnant women, they actually could not give their full time for the villagers. They just were able to come to the village for one time or two times in a month. It is not easy for the villagers.

The midwife helped the pregnant women to give birth and afterwards the health department of Burma/Myanmar government tried to make a list which includes the names of the pregnant women. The pregnant women did not want to give birth in the hospital because mostly the maternity doctor in the hospital asked the pregnant women to decide if they want to be sterilised after having a baby [by providing them with information about birth spacing and sterilisation] or they want the pregnant women to have a caesarean birth. The pregnant women were afraid of those kinds of medical treatment. There were not enough health workers in the hospital. It was also a problem to hire health workers because the Burma/Myanmar government did not have enough money.

### **Social Situation**

Many different ethnic groups stay together in Thandaunggyi Township, Toungoo District, but the vast majority of people are Karen people. There are also Burmese [Bamar], Shan and other ethnic groups. It is normal that different ethnic groups stay together in a big area, but it is unusual [for most people] to treat Muslims differently when they are together in the same place. As a Muslim, other people want to oppress them. Also, other people do not want give them any rights to do something. On January 14<sup>th</sup> 2016, Muslims wanted to celebrate their ritual bathing ceremony in Thandaung Myo Thit Town, Toungoo District. Each Muslim had to pay 200 kyat [US \$0.16] [admission fee] if they entered into the Town for the Muslim ritual bathing ceremony. The money the authorities received was more than 400,000 kyat [US \$327.51] on that day.

The day after the ceremony [January 15<sup>th</sup> 2016], U Myut Tin who lives in Thandaung Myo Thit Town, Toungoo District submitted a [false] case to the Township Administrator in Thandaunggyi Town. In that case, [he claimed that] seven Muslims who stole children [on an unknown date] had been [present] downtown in Thandaunggyi Town.<sup>69</sup> Related to that case, Muslims [in the

<sup>68</sup> KHRG has followed up on this information; Burma/Myanmar government health workers told pregnant women that they should not use local midwives. According to the local community, this was accompanied with the threat that if they did, they may go to jail.

<sup>69</sup> KHRG has followed up on this information. There was a personal disagreement between U Myut Tin and K--- U which resulted in U Myut Tin making a false accusation of child stealing against K--- U. This resulted in harassment for K--- U, including the Township Administrator requesting to see his visitor permission records. The accusation of child stealing has since been shown to be false.

Town] were being watched and checked. Moreover, they said they would check visitor permission records at K--- U's house, who is a Muslim [to see if any Muslims had stayed there]. However, they did not check visitor permission request letters at his house and no visitor was permitted to sleep at his house after that [case] without [the authorities] knowing the reason. Thus, K--- U faced many problems about visitor permission records, and finally he decided to solve any problems that he would have if he allowed people to sleep at his house. Until now, people are still visiting and sleeping at his house.

KNU soldiers needed to set up a checkpoint in Shwe Nyaung Pin village, Thandaung Township, so they arranged some place to stay [accommodation] for their soldiers since 2014. If family problems, theft or other unnecessary problems come up, they solve those problems together with the local villagers. Regarding stealing problems [when villagers accuse each other], it costs a lot of money and takes a lot of time to solve the problem if the local people submit the case to the Myanmar Police. It is also very complex if the Myanmar Police force takes responsibility for cases of theft. Therefore, local people mostly report criminal cases to the KNU. It might become a problem because of business [local businesses feel affected by this crime]. It [criminal cases] can also create social conflict because of land confiscation [caused by companies]. Kaung Myanmar Aung Company [KMAC]<sup>70</sup> confiscated land in four villages which are Hto Bo village, Nan Ga Mauk village, Yay Ao Sin village and Kyet Khay Khyau village in Htantabin Township, Toungoo District. Due to land confiscation, the local peasants became homeless. Some local peasants were sued [by the company] because they had claimed that the land does not belong to Kaung Myanmar Aung Company. The local people who were sued are just daily labourers so they could not pay for a lawyer to solve their problems in court. Some local villagers were forced to destroy their houses because the company said that they were trespassing on its land. The company opened a case in the court of law and they sued the local people for trespassing on their lands.<sup>71</sup> The Myanmar police department also wanted the local villagers to sign a promise letter not to demand their lands [back]. Based on the land confiscation, these were the consequences of social conflict. Because of land confiscation, the local residents have faced many problems. The company which confiscated the land is Kaung Myanmar Aung Company.

<sup>70</sup> Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development across Myanmar. Their chairman is Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Myanmar which have included threats to villagers who were customary owners of the lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014 to February 2015](#)," July 2015. Affected villagers held protests against the company in 2015 and early 2016 in order to demand the return of their lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," July 2016. For information on a similar case with KMAC in Pyin Oo Lwin Township, Mandalay Division, see "[Presidential adviser sues 13 farmers for trespassing](#)," Myanmar Times, September 2<sup>nd</sup>, 2013.

<sup>71</sup> See "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," July 2016.



This photo was taken on December 5<sup>th</sup> 2015 by a KHRG community member in Thandaunggyi Township, Toungoo District. It shows a villager's house in Nan Ga Mauk village, Htantabin Township, Toungoo District that was destroyed; Kaung Myanmar Aung Company [KMAC] forced the villagers themselves to destroy their own houses. In Nan Ga Mauk village, Htantabin Township, Toungoo District Kaung Myanmar Aung Company came to that village and planned to make a timber plantation. The land that they will make into a timber plantation is the wild [forest] land so they said that the government is willing to give them permission to make a timber plantation as they requested. In fact, these wild [forest] lands belong to the villagers because they inherited these lands from their grand-grandparents. In order to make a timber plantation, they [KMAC] forced the villagers to move their houses away. The villagers do not have any other place to relocate their houses to so they have bases their houses on the wild land (inherited forest land). Again, they [KMAC] sued the villagers for living on the wild [forest] land. Then, they forced the villages to move away so it has caused serious difficulty for the villagers. *[Photo: KHRG]*

### Economics

Mostly, the local people are working on farms as farm labourers in Thandaunggyi Township, Toungoo District. Mainly, they are cultivating rubber, jengkol bean, cardamom and betel nut. One pound of rubber is priced at 450 kyat [US \$0.36] so it is not easy to support the family with earnings at that price. One sack of rice is priced at 27,000 kyat [US \$22.10]. One viss<sup>72</sup> of pork is priced at 5,000 kyat [US \$4.09]. With the income that they earn, it is not enough to support

<sup>72</sup> A viss is a unit of weight equivalent to 1.6 kg or 3.52 lb.

their families. The rubber price is not good so they have to cut the rubber tree and sell it. The harvest crops do not grow properly because of the bad weather. Also, the price is not good so the local peasants and gardeners are confronted with a serious problem. When they have a problem with social occasions [family and community responsibilities] including funerals, they have to rely on the price of home-grown fruit and vegetables so that they can pay for anything's cost. When the price of home-grown fruit and vegetables goes down, the price of rice goes up. Therefore, the income and the expense are not fair. The Burma/Myanmar government staff's salary has increased, but the commodity price is uncontrollable, so that daily labourers and garden owners face difficulties to solve their families' livelihood problems. Most of the local people left their gardening jobs and they work as tree cutters or they look for other jobs on the border [with Thailand]. The local people in Hto Bo village and Nan Ga Mauk village, Htantabin Township, Toungoo District could only buy bananas with their incomes. Currently, they have to feed themselves by eating bananas. Kaung Myanmar Aung Company also sued the local people for trespassing on its land [in the case mentioned above], and they [local people] had to spend their money for travel costs when they went to the law court. So they also had a problem to support their families. In the summer, some local people looked for jobs and some people had to work as daily labourers but they [still] face serious hunger. The daily wage is just only 3,000 kyat [US \$2.45].

In Thandaung Myo Thit Town, Thandaunggyi Township, Toungoo District, on January 22<sup>nd</sup> 2016 there was an announcement that the civilians could not sell petrol because one businessman wanted to be the only one to sell petrol. Thandaung Myo Thit Town is a central hub for transportation. If the people want to travel, they have to go through Thandaung Myo Thit Town. That is why some local residents sell as much petrol as they can for their livelihood, but there are many small petrol shops in Thandaung Myo Thit Town. Recently, U Myo Tin finished constructing his gas station in Thandaung Myo Thit Town. On January 22, 2016, Township Administrator, U Myin Than, proclaimed that people must only buy petrol at U Myo Tin's gas station and the other small petrol shops cannot sell petrol. Thus, the local people who own small petrol shops have faced this challenge. Also, it was not easy to get petrol [at U Myo Tin's gas station] for the people who buy the petrol. It took time to go and buy the petrol at U Myo Tin's gas station.

Some people use a municipal car to do business [make money] for their own benefit. There is one municipal car which is arranged [given] by the government in Thandaung Myo Thit Town, Thandaunggyi Township. Naw A---, the chairperson of the municipal committee in Thandaung Myo Thit Town, uses that municipal car for her own benefit. The local people also do not know in what way people should use the municipal car. When the State Investigation Committee came, and check the situation in Thandaung Myo Thit Town, ten-household-leaders and hundred-household-leaders called the local civilians to do cleaning [loh ah pay]<sup>73</sup> in their own area. The local civilians did not get any wage despite cleaning.

### **Military Situation**

Within Thandaunggyi Township, Toungoo District, the military's activities of Burma/Myanmar government are that they send more rations, troops and military supplies such as ammunition to the army camps in the east of Thandaunggyi Township. They normally transport rations once a week. Moreover, they set up security forces on the road in downtown Thandaung Myo Thit Town. There is a military training camp in Bu Yin Naung camp Town. In the military training camp, they do their normal military activities and also they do firing with artillery weapons

<sup>73</sup> *Loh ah pay* is a Burmese term now commonly used in reference to forced labour, although traditionally referring to voluntary service for temples or the local community, not military or state projects.

[mortar] for practice. Because of their practice firing with mortars, some local peoples' gardens were destroyed so it concerned local people a lot. On December 20<sup>th</sup> 2015, Major Soe Tin Naing, [Tatmadaw] Cantonment Area Commander, who was former headmaster in Thandaung Myo Thit Town, heard the news that KNU-KNLA [Karen National Union-Karen National Liberation Army] troops had arrived in Section (3), Thandaunggyi Town. That is why about 70 soldiers from his army with four military vehicles entered into the Town without informing the civilians and they positioned themselves to be ready and waiting. They brought a lot of artillery weapons in order to fight KNU army troops. It seemed that they are ready to fight, but there were not any KNU soldiers staying in that area. The local residents were frightened. Since January 20, 2015 [up until now], they [Tatmadaw] put security troops in Section (3), Thandaunggyi Town. They [security troops] sleep in the school at night and they stay in the villager's houses in the day time. The security troops are ordered to live like that. It is an obstacle for teachers and students. Also, the local residents are worried and frightened.

The security troops beside the road have to do not only security duties but also they have to find any required bamboo and trees for their mother [headquarter] army camp. There are 15 military cars which carried rations and foods transporting to Htantabin Township, Toungoo District. On January 29<sup>th</sup> 2016 they also sent rations to Thandaunggyi Town.

Tatmadaw army [also] confiscated the villager's land. The area of the land was confiscated by IB [Infantry Battalion]<sup>74</sup> #124.<sup>75</sup> The ammunition was sent to the front line and the horses were put into military trucks to carry military supply. In the east of Thandaunggyi Township, Toungoo District, Tatmadaw normally used animal transport [horses] in order to send more rations.

Therefore, [because of Tatmadaw activity in the area] KNU army built the camp near to Shwe Nyaung Pin village, Thandaunggyi Township, Toungoo District and they said it is a Karen organisation so they raised the Karen flag up in front of the camp. [Tatmadaw] Cantonment Area Commander U Soe Tin Naing in Bu Yin Naung camp Town said that he did not want to see the Karen flag so KNU had to take it away. [Tatmadaw] Battalion Deputy Commander Ye Min Naing from IB #39 and Company Commander Thaw Kin Aung went to the KNU camp in order to take the Karen flag away. On December 23<sup>rd</sup> 2015 Karen soldiers themselves took the flag away. Before December 23, 2015, Deputy Commander Ye Min Naing from IB #39 went to KNU army camp in Shwe Nyaung Pin village, Thandaunggyi Township and he said to KNU *"Cantonment Area Commander U Soe Tin Naing in Bu Yin Naung camp Town dislikes the Karen flag that you raised, you have to put it down. Otherwise, it will turn into a conflict"*. Then, two soldiers from KNU army camp took the flag away. The next day, KNU raised the Karen flag again and then Battalion Deputy Commander Ye Min Naing from IB #39 and Company Commander Thaw Kin Aung came again and took the Karen flag down. On Karen New Year's Day, it is permitted to wave the Karen national flag from the morning to 12 o'clock. After 12 o'clock [noon], it is not permitted to fly the flag anymore. Saw Aa Lan Ka, officer in charge of KNU army camp, said to Tatmadaw *"We will take the Karen national flag down [off the flag pole] as you order, but you can take it down by yourself if you want to take it down"*. Therefore, it [the flag] became a source of insecurity for KNU army camp. Moreover, Tatmadaw were active in military operations which were intended to hurt or bully the villagers in 2006; it affected the local civilians. Actually, it is still affecting the local civilians whenever they [Tatmadaw] go and do their military operations. There is an unknown Major from LIB #563 under Military Operations Command #5 in Maung Nwe Gyi camp, Thandaunggyi Township, Toungoo District. He told

<sup>74</sup> Infantry Battalion (Tatmadaw) comprises 500 soldiers. However, most Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. Primarily for garrison duty but sometimes used in offensive operations.

<sup>75</sup> See ["Ongoing militarisation in southeast Myanmar,"](#) KHRG, October 2016.

some villagers to come to him because the cows from the village destroyed his army fence. So he ordered the villagers to cut the bamboo for him in order to rebuild the army fence.



This photo was taken on February 3<sup>rd</sup>, 2016 in M--- village, Thandaunggyi Township, Toungoo District. The issue is about the Tatmadaw who asked the villagers to cut bamboo. In M--- village, Thandaunggyi Township, Toungoo District, Major Tin Lin Oo, battalion commander of LIB # 563, which is under Military Operations Command #5, took local cow owners to the village administrator's house because the military fences were damaged and spoiled because of cows. Each cow owner had to cut 15 bamboo [poles] and carry and send them to the military camp. There were only five or six people who cut and carried bamboo, but they did not get any compensation for that. Therefore, the villages who were bullied did not dare to talk and they just had to follow what was demanded. *[Photo: KHRG]*



This photo was taken on January 31<sup>st</sup>, 2016. In front of IB #39 army base, 4 miles far from Toungoo Township, Toungoo District, there were more than 15 vehicles which often transported rations and ammunition to back up the temporary army camps situated in the east of Toungoo Township, Toungoo District. *[Photo: KHRG]*

During the collection of information in the past, the local villagers were not able to respond to social conflict after their lands were confiscated. Regarding land confiscation, the situation became worse because the villagers had to go to the law court and they were afraid to deal with the case in the law court. The villagers had to go whenever the authorities from the company confiscated their land. However, the situation has become better during the period between November 2015 and February 2016 because the villagers from Hton Bo village, Nan Ga Mauk village, Yay Ao Sin village and Kyet Khay Khyang village, Htantabin Township were able to hold a demonstration in order to demand their lands [back]. It means the situation gets better because the villagers are working in unity.

#### **[Conclusion]**

Livelihood: In the past, the commodity price was going in the middle [stable] before the 2015 general election, but the commodity price went up after the 2015 election.

Military activity: In the past, Tatmadaw sent more rations and ammunitions, as usual. After the signing of the NCA [Nationwide Ceasefire Agreement]<sup>76</sup>, the situation has been getting worse because Tatmadaw did [were active with] military operations but also they threatened local people.

Regarding development [living standards], previously only rich people took [business] positions but nothing changed for poor people. Nothing has changed for the people from the working class so they have serious difficulties for their livelihoods.

#### Source #48

Log #	16-110-A1-I1
Type of report	Interview
Publishing Information	Previously published in September 2017: <a href="http://khrh.org/2017/09/16-110-a1-i1/nyaunglebin-interview-naw-november-2016?qt-related_readings=1&amp;page=1">http://khrh.org/2017/09/16-110-a1-i1/nyaunglebin-interview-naw-november-2016?qt-related_readings=1&amp;page=1</a>
Location	Shwegyin Township, Nyaunglebin District /eastern Bago Region
Full Text	

### Nyaunglebin Interview: Naw A---, November 2016

*This interview with Naw A--- describes events occurring in Hsaw Htee (Shwegyin) Township, Nyaunglebin District, including goldstone mining.*

- According to Naw A---, the Karen National Union permitted business men to conduct goldstone mining in September 2016 on Hsaw O'o Law Klo River in Shwegyin Township.
- Due to the goldstone mining project, the river has been polluted. As a result, local villagers have been exposed to hazardous chemicals and the risk of sickness and disease.

#### Interview | Naw A---, (female, 27), Shwegyin Township, Nyaunglebin District (November 2016)

*The following interview was conducted by a community member trained by KHRG to monitor local human*

<sup>76</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. 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 15<sup>th</sup> 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 1<sup>st</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. 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.

*rights conditions. It was conducted in Nyaunglebin District on November 10<sup>th</sup> 2016 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>77</sup> This interview was received along with other information from Nyaunglebin District, including five other interviews, six incident reports and 106 photographs.<sup>78</sup>*

**Ethnicity:** Karen

**Religion:** Christian

**Marital Status:** Single

**Occupation:** -

**Position:** [position censored for security] of Karen Women Organisation [KWO] in Hsaw Htee [Shwegyin] Township

**What is your name?**

My name is Naw A---.

**How old are you?**

I am 27 years old.

**Where do you live?**

I live in Hsaw Htee [Shwegyin] Township.

**What is your ethnicity?**

I am Karen.

**What is your religion?**

I am a Christian.

**Are you married?**

No. I am single.

**What is your position?**

I am a [position censored for security] of KWO in Hsaw Htee [Shwegyin] Township.

**Tell me about the current situation about education in your area.**

We have now our [Karen] high schools in the area and our school teachers in our area just teach the children by using the Karen Education Department [KED]<sup>79</sup> curriculum and instructions.

<sup>77</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>78</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.

<sup>79</sup> The Karen National Union's Education Department. The main goals of the KED are to provide education, as well as to preserve Karen language and culture. During the civil war in Burma/Myanmar the KED became the main

**Can every child in your area study at the school?**

Most of the children in our area can study at the school.

**What about the healthcare situation in your area?**

What do you mean by healthcare? What kind of healthcare?

**I mean do people get medical treatment if they are sick? For example, do people have healthcare services in your area?**

Regarding healthcare services, people in my area can receive medical treatment as well but sometimes there are not enough different types of medicine. If people get really sick, there is not enough medicine such as saline bottles [for intra-venous drips]. It causes a difficulty for villagers to get saline bottles because they have to buy them.

**Are there any hospitals in your area?**

Yes. We have a hospital.

**Who built the hospital in your area? Karen Nation Union [KNU] or another organisation?**

KNU built the hospital.

**What do villagers mostly work on?**

There are some villagers from the Irrawaddy Delta and some villagers from the mountains [who now live] in our area. Villagers from the mountains mostly work on farms and hill farms. Villagers from the Irrawaddy Delta work on farms and hill farms and some villagers work as daily labourers in order to support their livelihood.

**Can villagers work on their farms freely? Regarding their work, have they had to stop working due to fighting [between armed groups]? Does the military [Tatmadaw] disturb villagers when they work on farms? For example, when Burmese soldiers [Tatmadaw] come to villages, do they give trouble to villagers?**

Burmese soldiers [Tatmadaw] do not come to our area.

**What is the structure of development projects regarding economic [activities] in your area? Are there any development projects in your area?**

There are many economic [development] projects in our area. Especially gold mining.

**Regarding gold mining, are there any land confiscation issues in your area?**

I do not know [enough] to say whether villagers' lands are confiscated or not. Before I came back [from a refugee camp in Thailand], villagers' lands were confiscated in the past. In Htee Ban village tract, their lands were confiscated due to gold mining. I heard that [the gold miners] told villagers that they would give one motorbike and they would build a house [for each family whose lands were taken]. However, villagers have not been given anything until now. The person who told villagers that has not done anything for the villagers yet.

**For people who conduct gold mining in that area, are villagers included or is it just business people from other places?**

---

organisation providing educational services in the KNU controlled areas in southeast Burma/Myanmar. The KED also previously oversaw the educational system in the seven refugee camps along the Thai-Burma/Myanmar border, however in 2009 these activities were restructured under the Karen Refugee Committee – Education Entity (KRCEE). See "[Conflict Erupts over Govt teachers deployed to KNU areas](#)," Karen News, August 20<sup>th</sup> 2013.

I cannot say about that. Some local villagers in that area have Burmese friends [business people] from other places and they call their Burmese friends to come to the village because it is easy to travel as the road is good. Then, their Burmese friends come to live in the area in order to seek business opportunities.

**So the gold mining is conducted in the KNU controlled area?**

Yes.

**So the KNU gives them [business people] permission to conduct the gold mining?**

Yes.

**Regarding conducting gold mining, does it cause conflict in the village area? Does it cause trouble to villagers when they work or travel?**

Yes. It causes trouble to the villagers. Now [business men] come to conduct goldstone mining<sup>80</sup> in our township and also they [business men] conduct it in the area of the headquarters. This is not safe for villagers. In addition, they do not respect villagers. When we live in our area, people respect us. When some other people come to our area, they do not respect us. I have seen things like that.

**What is the name of the place where they conduct the gold mining?**

The place is called Hsaw O'o Law Klo [River] in Hsaw Htee Township<sup>81</sup>. This is the name of the river. In the past, business men were already conducting the gold mining on this river. Then, the goldstone mining was conducted in the same place after the gold mining had been conducted.

**When was it conducted?**

Do you mean goldstone mining?

Yes.

Business men started conducting goldstone mining in September 2016. I heard that they started to discuss about goldstone mining project on the 8<sup>th</sup> [September].

**As you told me before, it is not safe for villagers [when the goldstone mining is conducted] so do the local authorities manage this issue, for villagers' safety?**

Local authorities do not manage [arrange] anything to protect villagers.

**How is goldstone made? I mean, for example, with gold, people dig the ground and they pour water on the gold and they make gold. What about goldstone?**

The goldstone is hit and broken it into many pieces. Then, it is put through a grinding machine and then it needs to be heated again. After that, the gold appears from the stone.

**When the goldstone is heated, do [people] use chemicals and put it in the fire?**

Yes. They use a lot of chemicals such as *Pauk Tay* and *Indrian*<sup>82</sup> to break down the goldstone

<sup>80</sup> The interviewee switches between 'goldstone' and 'gold' mining, both of which may be conducted in this area. Goldstone mining is locally used to refer to the separation of gold from stone using a grinding machine; gold mining is locally used to refer to the separation of gold from sand using water. Both processes involve the heavy use of chemicals to refine the separation of gold from other materials.

<sup>81</sup> KHRG has previously reported on the issues surrounding gold mining in Hsaw Htee [Shwegyin] Township. See, "[Nyaunglebin Situation Update: Kyauk Kyi Township, February to April 2013](#)," December 2013, and "[Nyaunglebin Situation Update: Moo, Ler Doh and Hsaw Htee townships, January to June 2012](#)," October 2012.

when they heat it.

**When a lot of chemicals are used, it can cause trouble [harm] to the villagers. So are there any plans to protect the villagers?**

No. There is no plan to protect villagers. [Business men] said that they are allowed to use only 20 bags of chemicals in order to test the goldstone. There was a discussion before they could test the goldstone. They were not allowed to heat the goldstone but they were allowed to heat it in the Htee Wah Bah Khaw area. I do not know where it is. However, one of our leaders allowed [business men] to use only 20 bags of chemicals in order to cook the goldstone. We do not know how many bags of chemicals they actually used but our leader said that they are allowed to use 20 bags of chemicals only.

**Regarding using chemicals to heat the goldstone, do you think it can cause harm to villagers' health?**

When we read about it from a book, [it said] first of all, the poison in the chemicals will spread into the air and then people will breathe it in and it will become a disease. That is one thing. Another thing is, if we use the water [that has chemicals in from the goldstone mining process], we will get skin cancer. According to one book, if animals consume that chemical water, animals can die. If we eat those animals, we can also die.

**Regarding using chemicals to heat the goldstone, does it cause contamination to the water that villagers use? Do local people have to use the water from the source of the stream [instead]?**

When they heat the goldstone, there are villagers from B--- village who have to use the water.

**As you said, there are villagers who have to use the water downstream when [the gold stone workers] heat the goldstone beside the stream?**

Yes. There are villagers who have to use water downstream. This stream flows into the sea.

**By using chemicals, it can cause problems to many people who live downstream. So how many households or people do you think can be affected by the chemicals in the water? Can you estimate?**

There are more than 30 households downstream [who might be directly affected]. However, from the chemical poison that spreads in the air, it will cause problems for all the people in this township.

**How many villages are there around the place where the goldstone process is conducted?**

There are three or four villages around the place where they conduct the goldstone process. So there are more than 600 people from four villages; there are more than 100 households from these four villages.

**What are the names of those villages?**

The names of those villages are C--- village, D--- village, E--- village and B--- village.

**So there are more than 100 households in those villages. Right?**

Yes.

<sup>82</sup> These chemicals have no direct translation in English. They most likely refer to cyanide and mercury. Both chemicals are extremely toxic to human health and the environment.

**What about the number of people?**

There are more than 600 people including children.

**As you said before, business men started conducting the goldstone process on September 8<sup>th</sup>, 2016. Did they consult with local villagers before they implemented it?**

No. They did not consult with villagers but our [KNU] leader told them that they had to consult with villagers before they started processing the goldstone. If our villagers agreed with their project, we would be able to allow them to do it. Our [KNU] leader explained this to them. However, another [KNU] leader said that they did not need to consult with villagers. [KNU said] if we [KNU] make a decision, villagers have to follow [accept] the decision made. There are many [KNU] leaders who agreed with this. That is why the [local] leader who supports villagers [by trying to disagree with the gold mining] could not make the decision.

**Who are the business men? Where are they from? Do they work for a company? If so, what company? How many companies are there?**

I do not know about that. It is not like they are a company. How do I explain this? Eight businessmen work together to conduct the goldstone process.

**Do you know the names of those eight businessmen?**

I do not know all of their names, I only know one or two of the businessmen's names. They are Soe Min and Kyaw Min Naing. For the rest of the businessmen, I do not understand [their relationships] at all, it is something like Soe Min's brother-in-law and his parents-in-law. It is confusing. I do not know all of them.

**Are they working [collaborating] with any organisations?**

They work together with the Township's military [KNLA] organisation. To be clear, the township permanent committee need to know about it. [Now] The township permanent committee do not know all about it. Also, the administration's [KNU] organisation does not have any information about it.

**Regarding the goldstone project, do you think it can benefit villagers or not?**

In my opinion, it cannot benefit the local community. In addition, it is not secure or safe for the community. There is no one who protects the community. In fact, soldiers have to protect the community but they do not. Instead, they just give protection to the businessmen. The businessmen asked soldiers to take responsibility in providing for their security. Because of this, no one can disrupt their business.

**Did the KNU/KNLA provide their soldiers to take responsibility for the businessmen's security?**

Yes.

**So there is no protection for villagers but only for those eight business men. Right?**

Yes. These eight businessmen asked [Karen National Liberation Army] soldiers to take responsibility for their safety and security. Furthermore, they put soldiers around the place where they conduct the goldstone mining process because businessmen do not want anyone else to do goldmining in their area.

**How many acres of lands are there around the area that they conduct goldstone mining on?**

I heard that they have taken seven or ten acres of land to conduct their goldstone mining. Oh no, they only took seven acres of land.

**Regarding goldstone mining, do villagers stand up and take a stance against it in order to protect their community?**

What do you mean by that?

**I mean what do villagers do against the project?**

We have responsible people [local leaders] in the community. They wrote a letter to the Township leader but there was no response from the Township leader. I heard that local villagers also reported it [goldstone mining] to the District leader but there was no reply so they [villagers] thought that [it was because] the information they wrote in the letter was not systematic or formal. Local villagers have already written this [complaint] letter [to the District leader]. KWO also tries to be active to protect the rights of the community. KWO also reported to the Township leader that the local villagers do not agree with the goldstone mining project.

**OK. As you said, how does KWO try to be active? How does KWO try to protect the community?**

At first, we KWO had a meeting with village authorities, the village tract leader, the ten households' leader and some local villagers. In the meeting, KWO explained that there is no protection for them as well [from the pollution]. At that time, we heard that the goldstone process can cause harm to villagers if they [business men] heat the goldstone. KWO explained to them [village authorities] about it and they told everyone that we have to stop it together. KWO told them that KWO had to work together with villagers because nowadays their [KWO] voice cannot be heard but the villagers' voices can be. Therefore, KWO had to go to explain villagers about it. Also, KWO had to ask permission from village authorities. Then, KWO had to go to educate villagers house by house regarding [the risks of] the goldstone mining project. For villagers who do not agree with the project, we had to get signatures from them and [explain] why they do not accept the project. KWO tries to do things like that.

**Then, KWO submitted a letter to the Township leader?**

Yes.

**Did they [KWO] get any reply from the Township leader?**

They received a reply but [then] villagers and KWO were called to attend a meeting. They [Township leader and authorities] said that there is one barrier for them so they called a meeting with villagers and KWO because the letter that we sent had caused a problem for them. That is why we were asked to attend the meeting.

**In the meeting, did they explain to villagers and other organisations about the goldstone mining project?**

No. They [Township leader and authorities] did not plan to tell villagers about how the project would be conducted. They did not explain how the project is conducted in front of villagers. That is why KWO reported in the meeting that they [Township leader and authorities] should tell us about the process of the project. However, they did not tell us anything about the process of the project.

**So we cannot know whether it can benefit the community or not. Right?**

Yes. We cannot know. Honestly, it will benefit only one or two people but it will not benefit the community.

**Regarding the goldstone project, what is the title name that they have given it? I mean, what is the purpose of this project [e.g. community development, military development]?**

**Because of this purpose, they will work in one way and not another [according to the regulations]. How do local leaders plan to do the project?**

The title [purpose] that they give is for Township military development.

**Regarding their title and their plan [purpose] for Township military development, do local authorities understand about it? Did they write [their plan] down in a book systematically? Or how did they plan it?**

I do not think local authorities understand all about it, whether it is written or not.

**In which village tract is the goldstone project conducted?**

The goldstone project is conducted in Hsaw Ther Khee village tract.

**Is anyone from the four villages that you mentioned in Hsaw Ther Khee village tract involved with the goldstone mining project?**

No. Nobody is involved with it. How can any villager enter that area and be involved with the project? Because of the security plan that they set up, no one can enter that area and conduct the goldstone mining. Therefore, nobody [villagers] goes to disturb them [people who conduct goldstone mining].

**Does anyone from KWO or any villagers enter the area where the goldstone mining is conducted? Has anyone interviewed the people who conduct the goldstone mining?**

No. Villagers went to interview [people] there but KWO also went there to [try to] interview. We know that they [workers] dig the ground with a backhoe and then they grind the goldstone with a machine. They divide into two working groups, to break the goldstone into pieces. The first working group has to break goldstone without gloves and the second working group has to break goldstone wearing gloves. The second working group with gloves receives a higher salary than first group. Each worker from the second working group gets 10,000 kyat [US\$7.36]<sup>83</sup> per day but each worker from the first group only gets 8,000 kyat [US\$5.88] per day.

**How many backhoes and machines do they use?**

When we went to see their workplace, they had one backhoe and one goldstone machine.

**So you did not go to see their workplace one month ago?**

No.

**Is anyone allowed to go and enter their workplace in order to study [observe] it?**

When they started to test the goldstone mining, nobody was allowed to go and study it. They have tested the [area for] goldstone mining for over one month. Now people try to stop it but it is uncertain [if they have been successful]. However, they just continue to conduct it and they do not stop it [because] we heard that they heat the goldstone. So we went to ask [KNLA] soldiers at their workplace about whether they [businessmen] are heating it or not. [KNLA] soldiers said that they do not heat the goldstone here but they heat it in Htee Wah Bah Khaw area. Then, we went to Htee Wah Bah Khaw area and we saw one building. We asked workers why they constructed this building. They told us that they used this wooden building as an office [as part of the goldstone mining operation]. However, we do not know where they got permission to construct this office. Also, they told us that this building is an office for their leaders from the town. If they come to this area, this office is where they can stay. We asked them [workers] again whether they heat goldstone there or not. They replied that they heat it there and they

<sup>83</sup> All conversion estimates for the kyat in this report are based on the August 23, 2017 official market rate of 1359 kyat to US \$1.

showed us a place where they heat goldstone. 20 bags of the goldstone have to be heated there [during the testing]. We asked them when they will leave. They said that they will leave when the goldstone has gone here.

**Did you interview the businessmen or their workers?**

No. We just interviewed the workers. When we went there, we did not see [any] businessmen.

**Did local villagers and KWO meet with the business men?**

No. Local villagers and KWO have never met with the business men. For us, we want to have a meeting with the businessmen but there is no arrangement to meet with them.

**What do you think of the goldstone project? How do you think it should be carried out?**

Personally, I think this goldstone project should be stopped, we do not want it to continue anymore because this project is conducted in our Township. There is no protection for our community. A lot of people travel to our Township and some do not respect our community. Our community's security is not safe. Therefore, I want it [the project] to be stopped. However, one of our leaders told us that it is a good opportunity and we have to use this opportunity wisely, but I do not know whether this opportunity is good or not.

**Regarding the goldstone project, there has been no certain or clear explanation given to villagers. Right?**

Yes. Our villagers do not know anything about how the goldstone project is working.

**Where did businessmen get permission from to conduct the goldstone mining? From the KNU Township leader or somewhere else?**

How do I explain? They got permission from the military side [KNLA] because the Township administration department did not want to agree with this project.

**So you mean they [businessmen] got permission [instead] from the Lead and Iron [Mining] Department [of the KNU]. Right?**

No. No. Villagers saw that [goldstone area] and they told one of the Karen military leaders about it. I do not want to mention that leader's name. Then, that leader called the Burmese businessmen to test the area for whether goldstone is present or not. They found out that the goldstone is in the area. Then, that [Karen military] leader allowed the business men to conduct the goldstone mining.

**Who are the villagers who saw the goldstone area? Where are they from? Are they from that area?**

Yes. They are from that area [around where the goldstone mining is conducted].

**Now, do those villagers benefit from that project?**

No. They do not get [enough] benefit because they only get 30 percent [paid back to the village as profit] out of 100 percent [of the total profit made from the goldstone project]. It is not fair for them. Now the Township permanent committee have made a decision that those villagers can get 40 percent of [the profit] benefit. It is better if they can get 40 percent. Business men said that villagers must get 30 percent and they get 70 percent [of the total profit made from the goldstone project].

**Oh you mean business men have to get 70 percent of benefits and villagers should get 30 percent, according to the business men. Right?**

Yes but villagers have to dig the ground by themselves. I mean, if villagers want to do goldstone

mining.

**Oh you mean villagers who saw the goldstone in that area cannot conduct the goldstone mining?**

Villagers who saw that goldstone area requested funding in order to conduct the goldstone mining but nobody gave them a chance [with funding] to conduct it.

**So how many villagers saw goldstone in that area?**

Only one or two people.

**So they [villagers] cannot conduct goldstone mining because nobody gave him permission to do it. Right?**

Yes. They thought that their leader would give them a chance to conduct the goldstone mining so they informed the leader. In fact, the leader called business men from outside [of the village] to conduct it. They [villagers who saw goldstone area] requested funding to conduct the goldstone mining separately but nobody gave them the permission to do it.

**Can you tell me the name of that leader?**

His name is *Bo Lay*<sup>84</sup> Traw.

**What is his position?**

Battalion deputy commander [KNLA]. If we look at the situation, the military [KNLA] wants to take power. We are working with the [KNU] administration department. It seems like it is meaningless if you work for the administration department [because] it is as though the administration leaders do not have power.

**Which village do the villagers who told the leader about the goldstone area [live in]?**

They live in C--- village.

**Do you have anything to report that I have not asked you?**

No. I do not have anything [more] to report. You have asked me everything and I have answered you.

**I mean do you want to say anything?**

I want to say that this goldstone project should be stopped. If not, it will not be easy for us because our community will be destroyed. They [businessmen] said that they will conduct the goldstone mining by [digging] 30 holes. We do not know how wide the 30 holes will be. If they continue conducting the goldstone mining, it will affect most of the villagers, but not our leaders.

**What about other things? Do you have anything to say?**

No. I do not have anything to say now.

**Thank you so much.**

Yes. Thank you too.

**Source #49**

Log #	16-11-S1
Type of report	Situation Update

<sup>84</sup> Bo Lay is a Burmese title for a military rank, equal to 2<sup>nd</sup> Lieutenant.

Publishing Information	Previously published in July 2016: <a href="http://khrgh.org/2016/07/16-11-s1/toungoo-situation-update-thandaunggyi-and-htantabin-townships-november-2015-january">http://khrgh.org/2016/07/16-11-s1/toungoo-situation-update-thandaunggyi-and-htantabin-townships-november-2015-january</a>
Location	Thandaunggyi and Htantabin townships, Toungoo District/northern Kayin State
Full Text	

## Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016

*This Situation Update describes events occurring in Thandaunggyi and Htantabin townships, Toungoo District between November 2015 and January 2016, including military activity, education, healthcare, land confiscation, drugs, and landmine information.*

- On December 29<sup>th</sup> 2015, the Tatmadaw in Toungoo District sent rations to Than Daung Gyi, Kler La, Kaw Thay Der, Buh Hsa Hkee, and Klaw Mee Der army camps. They sent rations using 100 horses and 30 trucks. On January 19<sup>th</sup> 2016, they sent more rations to Kler La army camp using 40 trucks.
- The Tatmadaw confiscated 5,000 acres of land in order to build Bu Yin Naung military training school and 1,500 acres were confiscated by Light Infantry Battalion (LIB) #104 in Than Daung Gyi area. Light Infantry Division (LID) #106 and Infantry Battalion (IB) #73 confiscated 3,000 acres of land in Leik Tho area.
- The villagers from Hseik Pu Taung and Nan Ga Mauk village tracts held two protests on December 5<sup>th</sup> 2015 and on January 12<sup>th</sup> 2016, respectively, in order to get back the 2,400 acres of land which were confiscated by Kaung Myanmar Aung Company.

## Situation Update | Thandaunggyi and Htantabin townships, Toungoo District (November 2015 to January 2016)

*The following Situation Update was received by KHRG in February 2016. It was written by a community member in Toungoo District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>85</sup> This report was received along with other information from Toungoo District, including 109 photographs and five video clips.<sup>86</sup>*

### Introduction

This Situation Update was collected from two townships in Taw Oo [Toungoo] District. It was collected from November 20<sup>th</sup> [2015] to January 30<sup>th</sup> [2016]. The below topics [cover] issues which occurred in Toungoo District, including Tatmadaw activity, the civilian situation, education,

<sup>85</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>86</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.

healthcare, land confiscation, the KNLA [Karen National Liberation Army] situation, drugs, and landmine information.

#### **Tatmadaw [army camps] location and activity**

The MOC [Military Operation Command]<sup>87</sup> #5 is situated in Toungoo District but we are not sure whether they have already changed their location or not. LIB [Light Infantry Battalion]<sup>88</sup> #124 is based in Than Daung Gyi permanent army camp and Bu Yin Naung military training school is based there [Toungoo District]. LID [Light Infantry Division]<sup>89</sup> #603 and IB [Infantry Battalion]<sup>90</sup> #73 operate in Leik Tho area. The Burma/Myanmar government military [Tatmadaw] operate in Toungoo District [in the same way] as they have operated before. They always [normally] send rations [to their army camps] every three or four months. They not only sent rations, but they also sent military equipment and artillery to Buh Hsa Hkee and Klaw Mee Der army camps. On December 29<sup>th</sup> 2015, they sent rations to Than Daung Gyi, Kler La, Kaw Thay Der, Buh Hsa Hkee, and Klaw Mee Der army camps. They sent rations by 100 horses and by 30 trucks. On January 19<sup>th</sup> [2016], they [again] sent rations to Kler La area [army camp] by 40 trucks. Moreover, Kler La and Kaw Thay Der villagers reported [to a KHRG community member] that they brought Muslim [people] with them in a truck. But we do not know their activity [purpose] behind it [bringing Muslim people with them]. We have recently heard from the villagers that they have seen thieves [gangs] going around rural areas but they [the village authorities] have not arrested them yet. We do not know the [details of the particular] case behind it but it brought worry and fear for the villagers.

#### **Civilian situation and livelihood**

Most of the civilians who live in Toungoo District earn a living from plantations and farms. In plantations they plant cardamoms, betel nuts,<sup>91</sup> durians, and coffee seeds. The farmers plant paddy, green gram, and mung beans. Regarding their livelihood, some villagers produce enough [food] each year but some of them do not produce enough. For the villagers who do not produce enough food for a year, they have to work as labour workers and some of them go to work in Maw Hkee [area]. The villagers have faced livelihood problems because commodity [cooking ingredients] prices have increased. The villagers reported that the fruits that they are producing from their plantations have a very low market price but the [cooking ingredients] they buy from the market have a very high price.

<sup>87</sup> Military Operations Command. Composed of ten battalions for offensive operations. Most MOCs have three Tactical Operations Commands (TOCs), made up of three battalions each.

<sup>88</sup> Light Infantry Battalion (Tatmadaw) comprises 500 soldiers. However, most Light Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. Primarily for offensive operations but sometimes used for garrison duties.

<sup>89</sup> Light Infantry Divisions (Tatmadaw) are commanded by a brigadier general, each with ten light infantry battalions specially trained in counter-insurgency, jungle warfare, "search and destroy" operations against ethnic insurgents and narcotics-based armies. Light Infantry Divisions are organised under three Tactical Operations Commands, commanded by a colonel, (three battalions each and one reserve), one field artillery battalion, one armoured squadron and other support units.

<sup>90</sup> Infantry Battalion (Tatmadaw) comprises 500 soldiers. However, most Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. Primarily for garrison duty but sometimes used in offensive operations.

<sup>91</sup> 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.

At the present time, the villagers can travel freely because the Nationwide Ceasefire Agreement<sup>92</sup> (NCA) was signed [in 2015]. But some of them remain worried because the Burma/Myanmar military [Tatmadaw] are repairing their army camps and sending more rations [cooking supplies and military equipment] even after [the NCA was signed]. They are patrolling as they used to patrol in the past [before the NCA was signed]. Thus, the villagers have no trust in the Burma/Myanmar military [Tatmadaw]. Moreover, from December [2015] until the present time, we have heard that the Burma/Myanmar government have allowed thieves [gangs] and child trafficking [in Toungoo District]. So, it has caused worry for the villagers there.

### Education

There has been no special improvement in terms of education in Toungoo District. The education situation is still the same as before [the NCA was signed] but in some areas the Karen language was allowed to be taught in some [Burma/Myanmar] schools. The Karen language was not allowed to be taught during school hours. It was [only] allowed to be taught before and after school hours. If we look at the present time, the situation of education is gradually improving. But in some villages there is no school. Therefore they have to go to study in other villages.



This photo was taken on December 13<sup>th</sup> 2015 in Ma Day village, Maing Lun village tract, Thandaunggyi Township, Toungoo District. The picture shows the old school. Although some schools have been repaired, some schools, such as the school in this photo, have not

<sup>92</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. 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 15<sup>th</sup> 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 1<sup>st</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. 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.

been repaired. Therefore the students have to learn in the old buildings. *[Photo: KHRG]*

### Healthcare

Since November [2015 to January 2016], the villagers in Toungoo District have faced common illnesses, such as diarrhoea, coughing, [high/low] blood pressure, flu and malaria. Health is very important for human beings. We are able to earn a living if we have good health but if we do not have good health we cannot earn a living easily. It can also impact our family life and [we] will have no happiness.

There are two kinds of people [who live in Toungoo District]: the first kind live in urban areas in the towns and the second kind live in rural areas. Living in the towns means they are under the control of the Burma/Myanmar government. The people who live in rural areas are under the control of the KNU and they do not live under Burma/Myanmar government control.

The villagers who live under the control of the Burma/Myanmar government [usually] have to go for medical treatment in government hospitals when they are sick. At the present time, we can say that the situation is improving but there is no special support in terms of healthcare from the Burma/Myanmar government. In some villages there is no clinic. Only nurses are present when they give immunisations. They are not able [sufficiently trained] to treat the patients.

The villagers who live in rural areas go to KNU clinics and hospitals when they are sick. The KNU does not have much funding in terms of healthcare and does not have enough medicine to treat patients. So this has caused problems for the villagers [patients]. Therefore the villagers have to buy medicine by themselves and buy the medicine that they used to use. They [the villagers] treat common illnesses by themselves in the villages and they help each other. But if they face serious sickness and cannot treat patients in the villages they send them to [KNU] hospitals.

### Land problems

There have been many land issues [land confiscations] in Toungoo District. Some [plots of] lands were confiscated by military groups and some were confiscated by companies and rich people. At the present time, [many of the] human rights issues occurring [in Toungoo District] are related to land issues. The Tatmadaw have [previously] confiscated 5,000 acres of land in Than Daung Gyi area to build Bu Yin Naung military training school [which has been built]. Military LIB #124 also confiscated 1,500 acres of land in Than Daung Gyi area. LID #603 and IB #73 confiscated 3,000 acres of land in Leik Tho area. The company [Kaung Myanmar Aung Company] confiscated 2,400 acres of land in Hseik Pu Taung and Nan Ga Mauk village tracts.<sup>93</sup> There are many problems regarding land issues in Toungoo District but we do not know [the details about all of the cases]. In relation to the land issues, the villagers whose land has been confiscated have already held two demonstrations. The first demonstration took place on December 5<sup>th</sup> 2015 [in Htantabin Township].

<sup>93</sup> KHRG has previously reported on a different incident in which Kaung Myanmar Aung Company confiscated villagers' land in Htantabin Township, Toungoo District between November 2014 and February 2015. For more information, see "Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014 to February 2015," (July 2015).



The above photos were taken on December 5<sup>th</sup> 2015 on the road between Htoh Boh and Nan Ga Mauk villages in Day Loh Muh Nuh La section, Htantabin Township, Toungoo District. The photos show villagers whose land has been confiscated by Kaung Myanmar Aung Company gathering together for a demonstration. [Photos: KHRG]

The second demonstration took place on January 12<sup>th</sup> 2016. The villagers who held the demonstration wanted to get their lands back and to be able to work on their lands peacefully. They tried very hard to get their lands back from Kaung Myanmar Aung Company which had confiscated their lands. After they [first] held a demonstration in Toungoo Town, Kaung Myanmar Aung Company met with them to provide compensation. They [the company] would provide [offered to give] 300,000 kyats [US \$256.63]<sup>94</sup> per acre of land to the owners but the villagers did not accept the compensation. They only need their land back. The main reasons [and demands] for holding the demonstrations were:

- (1) Kaung Myanmar Aung Company, which illegally trespassed and confiscated inherited land that has been worked [on] by the residents' grandparents, should leave immediately;
- (2) To return the land which the residents' grandparents have been working on [for generations];
- (3) To solve land problems according to the law;
- (4) We do not want [Myanmar] Farmers Development Party [to operate in our land];

<sup>94</sup> All conversion estimates for the kyat in this report are based on the July 11<sup>th</sup> 2016 official market rate of 1169.00 kyats to the US \$1.

(5) We do not want Kaung Myanmar Aung Company [to operate in our land].



The above photos were taken on January 12<sup>th</sup> 2016 in Toungoo Town, Thandaunggyi Township, Toungoo District, show villagers from two village tracts gathering together on the road in Toungoo Town to hold a land demonstration. It was the second time they held a protest against Kaung Myanmar Aung Company to get their land back. [Photos: KHRG]

#### KNLA situation

The KNU [KNLA] Operation Command, Battalion #5, Battalion #6 and four battalions of the KNDO<sup>95</sup> [Karen National Defence Organisation] are based in Toungoo District. They plan to improve the quality of their soldiers so they [usually] provide basic military training in the summer season [in Toungoo District]. Each training takes one month.

The KNU have also planned to go to civilians' [villages] to educate villagers about the NCA treaty. On December 29<sup>th</sup> [2015], they went to Kler La area and explained to villagers about the KNU activities. They held discussions with civilians in Leik Tho Town and KNU headquarters leaders also participated in the discussions. They educated villagers about the NCA and also conducted question and answer sessions with villagers.



The above photos were taken on December 29<sup>th</sup> 2015 in Leik Tho Town, Thandaunggyi Township, Toungoo

<sup>95</sup> The Karen National Defence Organisation (KNDO) was formed in 1947 by the Karen National Union and is the precursor to the Karen National Liberation Army (KNLA). Today the KNDO refers to a militia force of local volunteers trained and equipped by the KNLA and incorporated into its battalion and command structure; its members wear uniforms and typically commit to two-year terms of service.

District. The photo on the left shows the KNU leaders holding a meeting with civilians and educating them about the NCA. The photo on the right shows Tatmadaw officers from Battalion #603 who also participated in the meeting. [Photos: KHRG]

### Drugs

We can say that in Toungoo District there has been no drug selling in previous years. But at the present time methamphetamine has appeared [again since] November 2015. The KNU has already captured them [drugs] twice at KNU checkpoints. In the first incident the KNU seized ten pills of methamphetamine<sup>96</sup> and in the second incident they seized two pills but we cannot remember the date. They seized them on Kler La road, Toungoo [Town]. Regarding this drug issue, a Burmese [villager] who carried the drug for Kler La army camp soldiers reported [the information to a KHRG community member].

Regarding the drug issue, we do not know how many drugs are coming to Toungoo District. It is a problem for the villagers as well as the young people who are affected by this problem.

### Landmine information

There is no special information related to landmines. Since the ceasefire [the 2012 preliminary ceasefire agreement] has taken place, the [armed groups have stopped] planting landmines. Because they have stopped planting landmines it is very good [safe] for human beings [the local community members to travel]. Landmines can smash [injure] our physical bodies and they can kill us.

At the present time, we can say that in Toungoo District the KNU military [KNLA] have no plans to plant new landmines. The Burma/Myanmar government [Tatmadaw] do not plant new landmines either. But the old landmines still exist and they have not been cleared yet. The villagers do not dare to travel in the places where the old landmines still exist.

### Conclusion

This Situation Update covered the above topics and the situation in Toungoo District that we know about. There is lots of information that we do not know about. If we look at the events that occurred in Toungoo District the KNU tried to help the villagers solve the problems for them as well as they could. In respect of the land problems, the villagers have met with the KNU leaders and asked for suggestions from them.

### Source #50

Log #	16-12-A2-I1
Type of report	Interview
Publishing Information	Previously published in February 2017: <a href="http://khrgh.org/2017/02/16-12-a2-i1/toungoo-interview-naw-november-2015">http://khrgh.org/2017/02/16-12-a2-i1/toungoo-interview-naw-november-2015</a>
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

## Toungoo Interview: Naw A---, November 2015

*This Interview with Naw A--- describes events occurring in Htantabin Township, Toungoo District,*

<sup>96</sup> KHRG has previously reported on this incident in "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, July to September 2015](#)," KHRG, July 2016.

including land confiscation and threats to a villager.

- Naw A--- discusses the ongoing consequences of land confiscation which occurred in 2009 by Asia World Company. Kaung Myanmar Aung Company and Shwe Swan In Company are also listed as investing in land and hiring villagers for daily labour in Toungoo District.
- An Asia World Company security guard, Aaung Naing Win, verbally threatened to sue Naw A--- in court if she did not sign a paper to stop her working on her land.

### **Interview | Naw A---, (Female, 54), B--- village, Htantabin Township, Toungoo District (November 2015)**

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Toungoo District on November 15<sup>th</sup> 2015 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>97</sup> This interview was received along with other information from Toungoo District, including four other interviews, 172 photographs and 12 video clips.<sup>98</sup>*

**Ethnicity:** Karen  
**Religion:** Christian  
**Marital Status:** Married  
**Occupation:** Farmer  
**Position:** Villager

**Aunt what is your name?**

My name is Naw A---.

**How old are you?**

54 years old.

**What is your ethnicity?**

Karen.

**What about your religion?**

<sup>97</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>98</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.

Christian.

**Do you take any [have a position of] responsibility in your village?**

I do not take any [have a position of] responsibility.

**What do you do for a living?**

I am working on a hill farm.

**How many standards are taught in the school [in the village]?**

In C--- [village], three standards<sup>99</sup> were taught in the school. After [C---] village was relocated to B--- [village] the school has been upgraded to eight standards.

**Are there any hospitals here?**

There is no hospital, only a clinic was built here.

**Have any development projects taken place here?**

I have never thought about development projects, therefore I do not know.

**Did you go to vote?**

No I did not. My husband and my children went to vote.

**Did your name appear on the voter list?**

Yes the people told me that my name was on voter list but I did not go to vote.

**Is there any land confiscation happening in your village?**

The companies confiscated land in 2009; they destroyed banana trees and cashew nut trees along with one plot of my farm. In 2013, they gave some compensation [to the owners]. They also said that the land [owners] who do not take compensation are allowed to work on their lands. I told them that the main priority for us is to hold the handle of machetes [to farm]. We were not holding money because we are not educated. *Tha* [researcher], my land is located in the place you came across on your way [here]. We tried to maintain our land, which is located next to the land that I am currently working on. We planted banana trees on our land. When I worked on that land a security guard asked me, "*A mo*<sup>100</sup> *why were you working on the land?*"

**Do you know the security guard's name?**

<sup>99</sup> 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.

<sup>100</sup> *A mo* is a term in Burmese/Myanmar meaning mother, used to express respect when talking to older people. Although it translates as 'mother' it does not imply a familial relationship.

Aung Naing Win is the security guard in charge. He told me that those lands have already become company land. I replied to him, *"Even if they are owned by companies, I have not taken any compensation [from companies]."* He again told me, *"Whether you took [compensation] or not, you were not allowed to work on your land. You can grow short term plantations: peanut; corn and paddy, but you were not allowed to plant long term plantations, such as rubber and banana trees".*

I told him that, however, *"A mo [interviewee] will go to plant [long or short term plantations] because I have not accepted the compensation [the company offered]"*. We did not pay attention to him and we planted them on the land. They [the company] always order us to meet them so they can sue us. In the first month of 2015, he [Aung Naing Win] told us that, *"It will be the last day for you [interviewee] to meet me. If you do not come as I ordered I will go to take action on you, A mo]"*.

I went to meet him and he told me that, *"We can only depend on you [to follow this order] because those lands were owned by companies already. The contract that we signed included the land where the company planned to build an industry, therefore the land that you are working on right now was included on the contract list to build an industry"*. He told me, *"You were strictly prohibited from planting long term plants."*

I told him that I have not accepted compensation yet, thus, I can go to plant on my land. We planted the banana trees on the land and he again asked me to meet him. When I went to meet him [the second time] he told me that, *"I attempted to tell you many times and prohibited you [from planting long term plantations]. Why did you plant in the period when I prohibited you?"* He told me that, *"I will help you to read out the letter after I [am] done writing it. So [after I read out the letter] please sign your name below on the letter"*. After he told me he started writing the letter.

On the letter he wrote [interviewee reads out the letter]:

To,

D--- [section].

*The hill cultivators [farmers] named Saw E--- and Naw A--- were cultivating the land and planted 350 bananas and 150 drumstick<sup>101</sup> trees. He or she must leave [stop working] on the land when that group or party or company reaches [comes to build their industry] there in sometime or in some years.*

I told him that *"I am so sorry, A mo [interviewee] definitely could not accept to sign this letter."* He said, *"Why?"* [Naw A--- replied] *"Why? Because I have not received any compensation, so I definitely do not want to sign it."* He told me that, *"You should go back to think about it carefully, what will happen in the next one or two years. Do you want me to sue you in the court or would you leave your bananas [plantation] instead? A mo, please think about the ways [options] that I made you choose [from]."*

I went to discuss that with my uncle, Thara F---. I told my uncle that, *"Uncle, I could leave the*

<sup>101</sup> The drumstick tree, also called moringa, is a highly nutritional fast growing tree whose leaves are used for soups, and roots are used for medicine in Myanmar.

*banana plantation after we finish the harvest [this year] because I still have enough time". He [security guard] told me [to decide] in August. When he saw me on the way, he asked me who would go to sign the letter. I told him that no one wants to sign the letter. He said, "What should we do?" I told him, "You do not need to do anything". If I finish the harvest, I will leave the banana plantation but I will still not sign the letter. We thought it best to cultivate the rest of the land that we have not yet cultivated, but he [Aung Naing Win] did not allow us to cultivate it to plant more bananas. He told me, "I stopped you from planting, but you still plant the [long term plantations] and you were the one who exerted yourself to work on the land". I told him that, "Exertion is not something new for the farmers." [He told me], "The time when I did not allow you to plant banana trees on the land you still went to plant them, so everything [responsibility] will be on my head". I asked, "Why?"*

*He said, "Because the farmers can work freely [on their own land]. "For us [security guards] we have already used [taken] the company's money and we have to do what they [the company] ordered. If they travelled around here and saw bananas trees, they would say to us [security guards], 'You told us [you would do] this and that and we gave you salary, why didn't you prohibit farmers [from planting on the land]? And why didn't you [repeatedly] forbid them until they stopped working [on the land]?' As we [security guards] are company staff there is no freedom for us. A mo, you can work freely as the farmer".*

*We argued with each other and I told him, "Tha [security guard], it is not the right time to talk about freedom here. Because in the past C--- villagers lived like fish in the river and went around freely but now we have to do what we are told, so there is no more freedom for us". He said, "A mo, you should not talk to me like that", and I replied to him, "A mo [interviewee] also did not want to talk to you like that. You were talking about freedom and I explained to you [and asked] 'what does real freedom mean to you?'". We have not met each other again since this time.*

**Did he ever come after that [when you talked to him]?**

He has never come since I told him that I will leave the banana plantation [after the harvest].

**Are you still working on your land?**

Yes, we have not finished harvesting. Four owners who own land besides my land also have not taken compensation. For me, I still have 20 acres of land that my parents worked on when I was a child.

**When did he [Aung Naing Win] come?**

He first came when we were cultivating the land in the first month of 2015. Later my younger siblings went to plant banana trees. After five months [May 2015], he came again. Finally, he came again, which was when we argued with each other, in September of 2015.

**Are they [security guards from] Asia World Company?<sup>102</sup>**

<sup>102</sup> Asia World Company is a Burma/Myanmar company with significant investments in the shipping industry, infrastructure, and plantation agriculture in Myanmar. Asia World Company and its related companies are owned by Myanmar national Stephen Law and were added to the US Sanctions list in July 2016 due to their historic and continued links to the Burma/Myanmar military regime, see "[US extends sanctions, further targets Asia World.](#)" Myanmar Times, May 17<sup>th</sup> 2016. In KHRG's operation area of Toungoo District, Asia World Company constructed a hydroelectric dam resulting in damage to villagers'

Yes they are [from] Asia World Company.

**So is he in charge of something?**

Yes, he is a security guard. U Wan Maung is in charge of company management but he didn't say anything to us. He [Aung Naing Win] is in charge of stopping villagers from working on their land.

[Villager 2:] We need our land back; if they do not give back our land we do not have any land to earn a living on so we need your [KHRG researcher's] help.

*Tha [researcher]*, I will tell you that there are many problems faced by C--- villagers. We moved [relocated] here in 1997.<sup>103</sup> The village head then told us that we could go back to live in our own village, and we stayed there for 7 years. But later we moved again from our village, in 2006. After we moved from there we had to go back and work [on our land] along with a daily work permit. We went to work and came back on the same day [villagers during this time were prohibited from staying on their farms overnight]. One of the militia groups is based there and they were very bad. If they saw you, they would check whether they knew you or not. If they knew you they would not beat you, but if they did not know you they [would] beat you. They constructed the road and asked villagers to work for them. They were LID [Light Infantry Division]<sup>104</sup> #20. They asked villagers to follow them and work for them. The villagers who came to work for them had to come along with a permission letter. We had to pay 300 kyat [US \$0.21]<sup>105</sup> per letter. If one family came along with five family members they had to make five permission letters. All letters had their own number, like one, two, three and four. Later when we went to work there we also planted peanuts on our land, therefore we had to pay 500 kyat [US \$0.36] per letter [to work for ourselves]. They did not allow us to sleep over night therefore we had to come back the same day.

Later on, the company came to operate in our area and we came to work along with the company. We thought that after the company came here we would be able to cultivate and work freely on our lands and we were so happy. But it did not turn out the way that I expected. After they came here it [the situation] was worse than before. [Many companies came] to operate in our area, including Kaung Myanmar Aung Company<sup>106</sup> and Shwe Swan In Company. Then we

---

land and the relocation of villagers, see ["Toungoo Interview: Saw H---, April 2011,"](#) KHRG, September 2012. Additionally, in Mergui-Tavoy District, Asia World Company confiscated villagers' land for plantations, see ["Mergui-Tavoy Situation Update: Ler Muh Lah and Ta Naw Tree Townships, January to June 2015,"](#) KHRG, October 2015.

<sup>103</sup> Throughout the civil war between the Burmese military regime and ethnic armed groups many villages in Karen State were forcibly relocated to areas under Burmese military control. For an example from Htantabin Township where this interviewee is based see, ["Patrols, movement restrictions and forced labour restrictions in Toungoo District,"](#) September 2009.

<sup>104</sup> Light Infantry Division (LID) of the Tatmadaw is commanded by a brigadier general, each with ten light infantry battalions specially trained in counter-insurgency, jungle warfare, "search and destroy" operations against ethnic insurgents and narcotics-based armies. LIDs are organised under three Tactical Operations Commands, commanded by a colonel, three

<sup>105</sup> All conversion estimates for the kyat in this report are based on the 21st December 2016 \_official market rate of 1378 kyat to US \$1.

<sup>106</sup> Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development within Myanmar. Their chairman is Mr Khin Maung Aye. KMAC have

had no land [available] for cultivating, so when they were offering daily labour work we had to work for them. We cleared the trees on the mountain side [to make a hill farm]. If they needed firewood we collected the firewood to sell to them. At the present time, all the villagers in C--- village earn a living as daily labour workers. We also face food problems because almost all of the households have to buy rice every month [as they no longer have the land to grow it on]. Mothers and children have no time to meet with each other and can only meet twice a week, when they [stay home because they] are feeling sick. If we do not have enough rice we borrow from each other [in the village]. We do not use the rice that we receive from charity [by donation], instead we feed chickens and pigs [with it]. But now we cannot feed our livestock.

**Do you have to buy rice every month?**

Yes, because the new paddies that we planted could not produce rice; the rice died immediately. For the good quality rice we have to pay 27,000 kyat [US \$19.58] [per basket<sup>107</sup> of rice]. If we buy the rice which is not so good we have to pay 5000 to 7000 kyat [US \$3.62 to US \$5.08] [per basket of rice]. If we cannot pay the shopkeepers straight away, we have to pay 3000 kyat [US \$2.17] as interest per basket of rice each month. All the villagers are doing their living in this way and we can [only] go through year-by-year with the grace of God.

**In the end, do you want to add anything?**

I want to say that the farmers want to work freely for a living. The rest of the land which has not been confiscated yet, we want to use it to work on, so we need help from the leaders to arrange something for us.

**Thank you.**

Yes, thank you.

---

been implicated in land confiscation cases in southeast Myanmar which have included threats to villagers who were customary owners of the lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014 to February 2015](#)," July 2015. Affected villagers held protests against the company in 2015 and early 2016 in order to demand the return of their lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," July 2016. For information on a similar case with KMAC in Pyin Oo Lwin Township, Mandalay Division, see "[Presidential adviser sues 13 farmers for trespassing](#)," Myanmar Times, September 2<sup>nd</sup>, 2013.

<sup>107</sup> 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, and 32 kg or 70.4 lb of milled rice. A basket is twice the volume of a big tin.



#### Source #51

Log #	16-22-D1
Type of report	Short Update
Publishing Information	Previously published in July 2016: <a href="http://khr.org/2016/07/16-22-d1/mergui-tavoy-short-update-kser-doh-township-june-2015?page=3">http://khr.org/2016/07/16-22-d1/mergui-tavoy-short-update-kser-doh-township-june-2015?page=3</a>
Location	K'Ser Doh Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	

### Mergui-Tavoy Short Update: K'Ser Doh Township, June 2015

*This Short Update describes events occurring in K'Ser Doh Township, Mergui-Tavoy District in June 2015, including logging and gold mining.*

- Wealthy individuals, Tha Yet Chaung forest administrators, village tract administrators and village heads started to conduct logging in Kyaw Khay Toh Praw large area in June 2015 permitted by the Burma/Myanmar government from Nay Pyi Taw without consulting with local residents.
- Tha Yet Chaung forest administrators reserved forest nearby Htee Khay and Yay Pya villages and then started logging. Some villagers' lands were marked as reserved forest land but administrators did not consult with them before the project was implemented.
- An unknown Chinese Company conducted mineral mining at Ba Wa Pin Mountain causing water pollution.

### Short Update | K'ser Doh Township, Mergui-Tavoy District (June 2015)

*The following Short Update was received by KHRG in March 2015. It was written by a community*

*member in Mergui-Tavoy District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>108</sup> This report was received along with other information from Mergui-Tavoy District, including one other situation update.<sup>109</sup>*

#### **[Logging]**

Burma/Myanmar government, rich individuals, and head villagers were gathering together to conduct logging. [The groups involved are]

Wealthy individuals

Tha Yet Chaung forest administrators [from the Burma/Myanmar government]

Village tract administrators [from the Burma/Myanmar government]

Village heads

They started to conduct logging at the beginning of June 2015 and got permission from [parliament in] Nay Pyi Taw. The logging took place in Saw Lay [Khay] Toh Praw [Kyaw Khay Toh Praw large] area. The [villagers] live in [the following 20 villages]: Htee Hpa Doh, Pa Da Chaung Gyi, Law Moh Hpa, Gay Mi Ba, Ler Wah, Kyauk Pru, Saw Khay, Taung Zin, Ta Pru, Ta Pru Chaung, Kwee Lay, Kauk Aaing, Meh Kreh, Mel Ke, Toh Praw, Taung Prauk, Maw Koh, Yay Pu, Htee Khay, and Yay Pya. They are suffering because of logging [destruction]. Consultation and permission [for logging] were not asked [for] from the villagers. The villagers asked for compensation in the form of logs or money but none has been paid to them. They [the wealthy individuals] were moving the logs [by elephants] in the villages [and they] passed over the bridges and damaged the bridges and roads. The villagers asked for cement and steel framing as compensation to rebuild bridges and roads but they [the loggers] did not pay them. It caused problems for villagers [to travel] after the roads and bridges were damaged. The trees are getting fewer and it is very far to go to get them for constructing the houses and village [community] buildings.

Tha Yet Chaung forest administrators reserved the forest to do logging. The villagers were not allowed to work in the plantations and do logging [in the reserved forest]. Only responsible people [local officials] and Burma/Myanmar government [staff] are able to do logging. The trees, bamboos, betel nuts trees and five people's lands were included [in the area marked as reserved forest]. They did not inform villagers about reserving the lands in the reserved forest. [Some] villagers' lands and betel nut plantations were included in the place that they reserved. The reserved forest is located very close to Htee Khay village and Yay Pya village.

#### **Ba Wa Pin Mountain Mineral mining**

The mining was taking place between Taung Thon Lon and P'Gan Ri villages. The Ba Wa Pin River was polluted [due to the mining]. Ba Wa Pin River flows to Than Ga Ton River and Tha Ga Ton River [again] flows to P'Ka River. We have seen that Ba Wa Pin River flows beside Wa Koo village so villagers in that village have to dig a well [to access clean water] without receiving

<sup>108</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>109</sup> In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in southeast 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.

any help [from the mining company]. We are not sure whether other villages [also faced this same difficulty about water pollution]. [The mining] destroyed the river and polluted water until it [the water] went down. The company who conduct the mining is [an unknown] Chinese Company.

**Source #52**<sup>110</sup>

Log #	16-40-A1-I1
Type of report	Interview
Publishing Information	Previously published in December 2016: <a href="http://khrhg.org/2016/12/16-40-a1-i1/thaton-interview-u-2016">http://khrhg.org/2016/12/16-40-a1-i1/thaton-interview-u-2016</a>
Location	Thaton Township, Thaton District/northern Mon State
Full Text	

## Thaton Interview: U A---, 2016

*This Interview with U A--- describes events occurring in Thaton Township, Thaton District, in early 2016, including ethnic and religious discrimination and Min Lwin Mountain mining.*

- U A--- describes how Muslim people in B--- village, Pein Nel Taw village tract, Thaton Township, Thaton District have been discriminated against by the Burma/Myanmar government regarding their rights to have an ID card. As they did not have ID cards, Muslim students were rejected from studying at the Burma/Myanmar government college.
- U A--- also states that many houses around his village would be destroyed and damaged if a company conducts stone mining on Min Lwin Mountain near to B--- village, Pein Nel Taw village tract.

### Interview | U A---, (male, 58), B--- village, Thaton Township, Thaton District (2016)

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Thaton District in early 2016 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>111</sup> This interview was received in May 2016 along with other information from Thaton District, including one other interview.<sup>112</sup>*

**Ethnicity:** Muslim

**Religion:** Islam

<sup>110</sup> Please note, direct reference to this source document was removed from the final publication of Foundation of Fear.

<sup>111</sup> KHRG trains community members in southeast 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>112</sup> In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in southeast 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.

**Marital Status:** Married  
**Occupation:** Casual labour  
**Position:** Villager

**What is your name?**  
My name is U<sup>113</sup> A---

**How old are you?**  
I am 58 years old.

**Where do you live?**  
I live in B--- village, Pein Nel Taw village tract [P'Nweh Klah], Thaton Township.

**What is your ethnicity?**  
I am Muslim [*Ka la*<sup>114</sup>].

**Are you married?**  
Yes, I am.

**What is your occupation in the village?**  
I am just a casual labourer. I also have a duty to look after the village as an elder person.

**How many houses are there in the village?**  
There are more than 50 houses in B--- village.

**Is there a school in the village?**  
There is no school in the village.

**If not, where can the children go to study?**  
The children in B--- village go to study at the school in the upper area of Pein Nel Taw village [tract].

**Up to which Standard do they teach in Pein Nel Taw's school?**  
There is a Myanmar school and a Muslim school within Pein Nel Taw's school. For the Muslim school, the children can study until Fourth Standard.

**Oh, they have Muslim school there?**  
Yes, they have.

**What about male teachers and female teachers?**  
There are six male teachers in that school but they do not have female teachers.

**Does the Myanmar government support school teachers in that [Muslim] school?**  
No, they do not support [them].

<sup>113</sup> *U* is a Burmese title used for elder men, used before their name.

<sup>114</sup> *Ka la*, is a Burmese/Myanmar term which is sometimes used to refer to individuals in Burma/Myanmar who are perceived to have a darker skin colour. In Kayin state, it is often associated specifically with followers of Islam (Muslims), although this association is sometimes erroneous, and Muslim individuals do not typically self-identify with this term.

**So who supports the school teachers?**

Only the villagers support the school teachers.

**Where do those six male school teachers live?**

Four of them live in B--- village. The other two teachers are from Thaton.

**Are they all Muslim?**

Yes.

**After the children finish Fourth Standard from that school, do they move to study at the Myanmar government school?**

Muslim school is different from Myanmar government school. This Muslim school is a religious school. So if the children finish this at Muslim school, they could go to study at Myanmar government school in C--- village.

**What about if they finish Fourth Standard in the Muslim school?**

After they finish, they also could to attend religious school in Thaton or Kyaikaw. They have a Muslim high school there.

**Some Muslim children are attending Myanmar government school. Are they different from the children who are studying at religious school?**

Muslim children who attend religious school could also study at Myanmar government school.

**Oh, they go to both schools?**

Yes. They finish their classes at 8:00 AM at religious school. Then, they take their breakfast. After that, they could go to Myanmar government school because they start to study at 9:00 AM there. So they go to different schools at two separate times.

**I would like to interview you regarding education. Where do your children go to study if they have to study at the middle school? Is there a middle school in C--- village?**

Yes. They have a Myanmar government high school in C--- village. If the students in B--- village want to attend 10<sup>th</sup> Standard, they have to go to the high school in C--- village. I have three daughters. Two of them are studying at 9<sup>th</sup> Standard. The other one is studying at 10<sup>th</sup> Standard and she is very clever. She passed 10<sup>th</sup> Standard the first time. However, I was angry at that year [when she passed] because the local Myanmar government came to register the students to give them Burmese ID cards at the high school but all of my daughters were not allowed to get ID cards. My wife does not have an ID card but I have one because I got it when I was a village elder [in a responsible village position], I could not remember the exact time [when I got the ID card]. Therefore, I tried to talk to U T--- [former village head] to make my daughters get ID cards because they need ID cards when they go to study at the college. He rejected my words. All my words were useless. Now the Myanmar government came to make ID card for the students at the school but our Muslim children were rejected because they [the government] said we have to go and ask for ID cards at the Township level if we want to make one. It is not easy to make an ID card if we go to the Township office. Also, we have to pay a lot of money. Some Muslim people reported the case many times but in the end, they just lost their money. So I withdrew my daughters from the school that year. Then, some female school teachers came to say to me, *"Your children are very clever, why do you stop them studying?"* I said, *"You are right, teacher. My children are good at studying but it requires a lot of things [challenges] if they go to college without an ID card. Without an ID card, how can they go so far in the future?"* Nothing [good] will come [from this process]. So I stopped my daughter from going to study. We

sent our children to the school for 9 or 10 years but finally we lost everything before they could get to college, because of the ID card issue. Most of the Muslim children left the school.

**Now what are your daughters doing?**

They just help us in the house. They are just now doing odd jobs such as working on the farm and looking after the cows.

**They just do odd jobs for the family; they do not study anymore?**

Not anymore.

**Is there anyone [Muslim] in B--- village who has attended the college?**

No one has attended the college. The children just left the school after they studied in 10<sup>th</sup> Standard. Because of the Myanmar ID card issue, they could not have a chance to attend the college and nothing special will happen [they will not have good opportunities in the future because they cannot receive a full education]. So it's better to leave school because they could not do anything without an ID card if they keep studying; so the parents got angry because of that [ID issue] and they made their children stop studying. When the Myanmar government made ID cards for students at the school, Muslim students were not included in the list. Even if we [parents] have ID cards, they just discriminated against Muslim children so that I was disappointed about it.

**What do you want to say regarding healthcare? Do you feel like they discriminate against you?**

Regarding healthcare, it is fine when we go to the clinic. They look after us. We have no problem with it.

**Now the local government plans to create ID cards for the villagers. Did you hear about that?**

It is not that I have heard [about that]. Every year they [local government] come to the village and they make ID cards for the villagers who are Buddhist but nobody calls us who are Muslim. They even do not inform us. We see that they are making [plans] for ID cards but they do not call *Ka la* to make ID cards. So how can we go and get ID cards?

**Do you try to talk to the village administrator about making an ID card?**

I already talked to the village administrator but it did not work. They said we have to apply to the District office if we want ID card. How can we apply for an ID card from the District office if we do not have money? Some Muslims have applied for an ID card from the District office but most of them did not get one. They faced many problems when they applied such as [requests for their] family household and ancestor record issues. So they just lost their money and came back home without getting an ID card.

**How long you have you been in B--- village?**

I was born in B--- village. I've been here for 58 years.

**What do most of the people do for their livelihood in B--- village?**

Mostly, we earn our living by fishing and catching frogs. No one here has any farmland. We just borrow other people's cultivated land to grow on because no one sells the land even if we want to buy it for a family settlement. They just reject it. They do not want to sell it to *Ka la*. We have suffered from that kind of oppression.

**You said they reject if you want to buy the land. Who are they?**

How do we say here? It happened in the past. I used to buy land to live on for my family but when I asked the price of the land they refused to sell it to me in the end. Another thing is my cousin, who lives in C--- village, he was called to buy the land for 2,800,000 kyat [US \$2144.54]<sup>115</sup>. He had bought it already but the land owner came back and returned money to my cousin two weeks later. He did not sell the land to my cousin anymore because my cousin is *Ka la*.

**What do you want to say regarding those types of ethnic discrimination?**

In the past, I could not talk about it. Actually, I have a lot of things to say. I have not talked about my suffering for 58 years. If we talk about it openly, we are a minority ethnic group and I am afraid that we will be assassinated by someone. As you know our situation, we have no guarantee for [our] security. We worry that something bad will happen if we talk about our suffering. That is why we have kept our suffering silent until now. I have plenty of words to say.

**How do you feel if you would have equal rights?**

I [would] feel happy and good. I have a good attitude because I have been an elder person for a long time. Different village heads have changed 7 times but I have not changed yet [still working with each village head]. Whoever [village head] has changed, I always participate in helping villagers. I assist KNU [Karen National Union] social cases and I also help the Myanmar government by working in society as needed. I always told my nephew that we regularly help the village celebrating the Honouring Teacher Ceremony every year. So we donate 100,000 or 200,000 kyat [US \$76.59 to \$153.18] to Honouring Teacher Ceremony each year. We want to do [good things] like that. We can participate in donating money. All I want actually is [that we] help each other but things do not happen as we hope.

**What do you know about Min Lwin [*Maw Lay*] Mountain case? Can you tell me even if you know a small amount?**

Regarding that case, firstly they [the responsible people] called us for a meeting. There was the Thaton Township administrator in the meeting. U Aye Hlaing also participated in the meeting.<sup>116</sup> The day we were called for a meeting: when we arrived at the meeting, we were asked to sign. They [said that they] would build the road better; they would give money. They tried to persuade people with incentives. We finally signed although we did not know anything because we were the last group who arrived at the meeting. After we signed, they checked our signatories and they said that the agreement which is implemented is won when they have divided the number of people [counted the majority vote]. It is like most people agreed. As I told you in the afternoon, we were scolded because of that agreement despite not being aware of anything. They said like, *"You, Ka la, signed the agreement paper so you sold the mountain"*. I told them, *"We, Ka la, have only 50 houses but you have more than 800 houses. How can we win? Talk carefully and wisely"*. This was a small argument. Nothing was special [there was no big problem]. U M--- [said], *"Do not do that again,"*. How do we say? He just maintains the mountain. If we think about it carefully, we have to consider [the benefits of the mountain]. It is good to have this mountain. We do not cut any bamboo or trees [on it] but this mountain can benefit us because when Cyclone Nargis happened, one of the trees in my house compound was almost blown away. If this mountain were not here, my whole house would probably be destroyed. Only the roof of my house was destroyed. This is just [because of] the protection of this mountain [as a wind break]. What I mean is that money is nothing for us. We could not

<sup>115</sup> All conversion estimates for the kyat in this report are based on the November 11<sup>th</sup> 2016 official market rate of 1305 kyat to US \$1

<sup>116</sup> KHRG is in the process of following up on the position of this person within the community.

support our lives with the money they give [as compensation]. Even if they give me 1,000,000 kyat [US \$765.91], I could not exchange it with this mountain. We could not support our lives for 100 years with 1,000,000 kyat [US \$765.91]. I do not know if most people agree with it but I do not want to sell this mountain. Anyway, I would not become poor without this mountain because I have eaten rice for 58 years [I can take care of myself]. That is my attitude.

**The people in the villages around Min Lwin Mountain [could] become united [collaborate] and they should maintain this mountain. So what do you think or wish if you work together [collaborate] with nearby villages?**

This mountain has existed for so long, before I was born. We could get benefit from this mountain. We can take a rest in the shadow of this mountain. So I am not happy if this mountain has been sold. As I told you before, we only can support ourselves for two months with the amount of money they give but they [the company] can support themselves for 100 years if they get money from this mountain. So how can we exchange such little money with this mountain? In the meeting, I said, *"We, people, are crazy because we have to sign the agreement paper after we looked at many different faces [after they felt peer pressure because other villagers had signed the agreement]"*. It looks like we are afraid. Nobody can tell what reality is in our mind [what we really think or feel]. At that time, I told the people that if the leader says it is good, the people will [also] say it is good. If the leader says it is bad, the people will [also] say it is bad. We have to nod our heads [in agreement] if the leader says it is good. Now [in this case] it was not like that [there was no guidance from their leader]. It is because he [other villagers] signed so I signed. It is because she [other villagers] signed so I signed. It is because you<sup>117</sup> signed so I signed. The people are going crazy. They have to attend meetings [like this] 3 or 4 times.

**What would you think if the company could work on this mountain? Have you thought about what challenges would you face?**

I have thought about that. I will be fine as I live here far from the mountain but the village and the house near to my house will be destroyed or damaged because of stone mining [on the mountain]. I do not feel happy about that but if the government thinks that it is not [good] to do stone mining for the people, they will stop. We will agree if our leaders here agree because we are their people. We could not support ourselves with the amount of money the company would give but we could not object to our leader as a person [could not disagree with their leader as they are only civilians]; if our leader agrees we can still live like this because of their guidance. Maybe you have heard about the riot that happened in Mate Htee Lar [Meiktila] previously.<sup>118</sup> It [anti-Muslim sentiment] had spread quickly. One day when I went out, I met with the Township leader [from the KNU] in the street. We talked together for a moment. Then, I reported to him that the people [members of the anti-Muslim organisation] (969)<sup>119</sup> from here [surrounding area] said they would destroy or burn our religious school and our Muslim temple [mosque]. So I discussed about it with the Township leader. Then, he told me that he would come to call a meeting for us after two days but we, *Ka Ia*, were not invited to come to the meeting for the first time because the other people would see us in a different way. Even though we did not go to the meeting, people still criticised the Township leader [accused him of supporting Muslims] when the Buddhist monk came to preach here. In my life, I have never seen those who have bad attitudes [hate] towards other people. Now it happens like that. We were not happy about

<sup>117</sup> The interviewee is giving an example of being influenced by villagers around him and does not suggest that the researcher actually signed the agreement.

<sup>118</sup> In March 2013 a riot between Muslim and Buddhist ethnic groups in Mate Htee Lar [Meiktila], Mandalay Division left at least 40 people dead. See ["State of emergency declared in Burma after religious riot,"](#) TIME, March 22<sup>nd</sup>, 2013.

<sup>119</sup> 969 is a radical Buddhist organisation in Burma known to be strongly anti-Muslim.

that. It also made a worse situation for us. It became a noise [commonly spoken in the village] that people should not buy things from *Ka la* [Muslim] shops. Most *Ka la* are poor people. Maybe you may see many *Ka la Malay* [young Muslim girls] who are street sellers in the street. During that whole year [after the 2013 riots], it became a serious concern because they [street sellers] were afraid to sell outside. If we go out for fishing, we worry that we will be beaten by other non-*Ka la* people because we are a minority ethnic group. That case [experience of discrimination] became very tough that year so the Township leader had to call a meeting two times. Then, it [discrimination] became silent. We can stay in peace here because of KNU's support. Without KNU's support, I could not imagine what would happen to us. The people from the upper land, C--- village, B--- village, and D--- village have never seen us in a negative way until now, but for the people who are from the other side [a different area] [they have a negative view] and I know about U Maung Gyi [a man from the different area who has a bad attitude towards Muslims]; they dislike *Ka la*. They never want to see us. We have been suffering brutally. We have a lot of examples to express our sufferings. As for me, I have been an elder person [who is responsible for the village] so that I can know more about KNU. Every year I have tried to help the village as much as I can. If the people wanted to build the school or something, we, *Ka la*, were called to participate in helping them. However, they did not call anyone [who was Muslim] to attend [village] meetings if something urgent came up. In my opinion, it is because of the village administrator's poor management. They put us away [did not involve us in community meetings] but they called us when they needed money. Even when we participated in the meetings they never took our suggestion and advice. They just did whatever they wanted to do. We just give money that they need [donate to the community] and then we have to stay in our houses [not invited to participate in meetings]. We do not know anything [information on what is happening in the village]. We have been discriminated against like that. They do not want to call us. They do not want to count us in.

**So we will come back to the mountain case. Ok? I heard they [E--- village and other villages] will celebrate the traditional religious praying ceremony on the mountain on the 29<sup>th</sup> [of this month]. What do you think about that?**

I was born here. I am a villager in this area. If they do like that [hold a traditional ceremony], we and they have the same heart. If they do not want to do, we also do not want to do. If they think it is good, we will think it is good because we all live in the same village and drink the same water. This is my attitude.

**If you are invited to go to the traditional religious praying ceremony on the mountain, will you go there?**

Of course, I will go because it is our village. We will definitely go if we are invited to go.

**Are the Tatmadaw here still doing [demanding] forced labour?**

No, now they do not do it anymore. They stopped doing forced labour 3 years ago. In the past, they asked people to buy things [supplies for Tatmadaw] outside [of their army camp]. It happened like that. 3 years ago, they stopped doing that.

**Why did they stop doing [demanding] forced labour? What do you think about that?**

They oppressed the villagers. They treated the villagers unfairly. We had to give them bamboo and trees for free in the past. They demanded bamboo from every village. The villagers had to give [their resources] without any complaint. Because of those kinds of unfair activities, the people [leaders] raised their voices [expressed their feelings] on the radio and TV. Later on, they [Tatmadaw] reduced that kind of forced labour. Finally, it disappeared in our area.

**Which Tatmadaw army camp is near to your village [B--- village]?**

It is Pein Nel Taw army camp. This is the only army camp which is very near to the village. It is also near to our Muslim temple [Mosque]. It is just one road's distance between the army camp and our temple.

**Do you know which Battalion leads this army camp?**

It is Battalion #44. Maybe, I am not sure. I just heard that.

**Do you know who is the Camp Commander?**

I do not know.

**Does he [the Camp Commander] not call to see the people [make requests on the villagers]?**

They [Camp Commanders] have changed from the previous Camp Commander recently. No, they do not call the people like before. Now they do not want anyone to see them. They just stay in their own places.

**What do you want to say or give suggestions on regarding the human rights that we have talked about this afternoon?**

As you know, many people are eager to talk about human rights. They have waited for a chance to talk about it. In my whole life, more than 50 years, I have never talked about human rights. Now I have the right to talk about it. I am very happy but the reality is [that this is] just the beginning [for getting human rights] as you told me. You or I do not get the light [the opportunity to talk about human rights during the 'dark' times of oppression]. We all want to see the light. We want to get benefits from the reality [of starting to talk openly about human rights] that is happening. In the past, sometimes we wanted to say [about human rights] but we could not say [anything]. We worried that somebody [soldier] would take us [risk their security]. We were afraid of many things. Now we all already know that we do not need to feel afraid anymore. So now a lot of people want to talk about it [human rights]. I have been suffering for more than 50 years. I feel like my suffering will disappear in the future. Sometimes it happened like we talk about human rights and then it [suffering] disappears. Some people think it is not special even though they talk about it. Actually, it happened in the past [people saying human rights are not special] but not now. Now we have the rights to talk but also we have to get benefits from the reality.

**Can you give me advice or tell me if you see me next time when something important comes out?**

Yes. I can.

**Thank you so much for your time and answers.**

You are welcome.

**KHRG is one of the human rights groups. They thank you too.**

Yes. I am very happy to know about KHRG because we have been oppressed for a long time and now we can talk about human rights. Even though we do not get it at all [full human rights], we can feel it.

**Ok thank you.**

**Source #53**

Log #	16-53-S1
Type of report	Situation Update

Publishing Information	Previously published in September 2016: <a href="http://khrhg.org/2016/09/16-53-s1/hpapun-situation-update-bu-tho-township-march-may-2016">http://khrhg.org/2016/09/16-53-s1/hpapun-situation-update-bu-tho-township-march-may-2016</a>
Location	Bu Tho Township, Hpapun District/northeastern Kayin State
Full Text	

## Hpapun Situation Update: Bu Tho Township, March to May 2016

*This Situation Update describes events occurring in Bu Tho Township, Hpapun District between March and May 2016, including taxation, forced recruitment, militarisation and healthcare.*

- In 2015 the Karen National Union (KNU) collected taxes from the Bu Tho Township villagers and the farmers were required to pay the taxes with money instead of with paddy rice.
- Between 2014 and 2015 the Karen National Liberation Army (KNLA) decided to recruit five to six soldiers in each village tract without consulting the villagers. Many people from A--- village fled to Myaing Gyi Ngu Town because of this forced recruitment.
- On April 21<sup>st</sup> 2016, Light Infantry Division (LID) #44 and Border Guard Force (BGF) Battalion #1014 gathered with 38 soldiers to maintain security at Htee La Beh Hta Bridge. They set up a checkpoint at the end of the bridge and checked all the passengers.
- The Free Burma Rangers (FBR) and Back Pack Health Worker Team (BPHWT), under the supervision of the KNU, have built clinics and hospitals in Bu Tho Township which provide free healthcare and medicine to the villagers. The Burma/Myanmar government have also built some clinics but there is insufficient medicine or health workers, and villagers have to buy medicine themselves when they go to these clinics.

## Situation Update | Bu Tho Township, Hpapun District (March to May 2016)

*The following Situation Update was received by KHRG in May 2016. It was written by a community member in Hpapun District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>120</sup> This report was received along with other information from Hpapun District, including nine interviews, 51 photographs and five video clips.<sup>121</sup>*

### Introduction

I am sending a Bu Tho Township Situation Update covering villagers' challenges, education,

<sup>120</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>121</sup> In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in southeast 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.

healthcare and armed actor activity that I know about. It was documented from March 2016 to May 2016.

**Detailed information [Tatmadaw and BGF patrol at Htee Lah Beh Hta Bridge]**

On April 21<sup>st</sup> 2016 in the evening, the Burma/Myanmar government military [Tatmadaw] Company Commander Myo Myit Myit Aung with 28 members from LID [Light Infantry Division]<sup>122</sup> #44 gathered with ten soldiers from Border Guard Force [BGF]<sup>123</sup> Battalion #1014<sup>124</sup> led by [Bo<sup>125</sup>] Maung<sup>126</sup> Chit<sup>127</sup> [and they] went to Htee Lah Beh Hta Bridge. In total there were 38 people. The villagers did not know why they entered the area. They stayed there on the western side of the bridge at the end of the bridge and checked the villagers who were traveling on the river on motor boats. They started to check the passengers [traveling] from Ler K'Baw to upper parts. They only allowed one sack of rice to be carried in each boat. Starting from Ler K'Baw to lower parts they allowed people [traveling on the boats] to carry two to three sacks of rice because a group of BGF are also based in Ler K'Baw. They asked the passengers some questions. Htee Lah Beh Hta Bridge was built [in October 2015] in Htee Tha Daw Hta village tract, Bu Tho Township. When they [Sayadaw U Thuzana<sup>128</sup> in cooperation with the Democratic

<sup>122</sup> Light Infantry Division (LID) of the Tatmadaw is commanded by a brigadier general, each with ten light infantry battalions specially trained in counter-insurgency, jungle warfare, "search and destroy" operations against ethnic insurgents and narcotics-based armies. LIDs are organised under three Tactical Operations Commands, commanded by a colonel, three battalions each and one reserve, one field artillery battalion, one armoured squadron and other support units.

<sup>123</sup> Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw. BGF battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry battalions are assigned two digit battalion numbers and light infantry battalions are identified by two or three-digit battalion numbers. For more information, see "[DKBA officially becomes Border Guard Force](#)," *Democratic Voice of Burma*, August 2010, and "[Exploitation and recruitment under the DKBA in Pa'an District](#)," KHRG, June 2009.

<sup>124</sup> KHRG has received numerous reports of human rights violations committed by soldiers from Border Guard Force (BGF) Battalion #1014, including killing, torture, violent abuse, explicit threats, arbitrary taxation and demands and land confiscation. For more information, see "[BGF Battalion #1014 demands forced labour, asserts heavily militarised presence in villages in Hpapun District, June 2015](#)," KHRG, December 2015; "[Human rights violations by Border Guard Force \(BGF\) Battalion #1014 in Bu Tho Township, Hpapun District, May 2012 to March 2014](#)," KHRG, July 2015.

<sup>125</sup> Bo is a Burmese title meaning 'officer.'

<sup>126</sup> Maung is a Burmese male honorific title used before a person's name.

<sup>127</sup> Commander Maung Chit, also referred to as Maw Hsee, is the commander of Tatmadaw Border Guard Force (BGF) Battalion #1014 in Hpapun District. Maung Chit is not to be confused with Maung Chit Thu (typically referred to as Chit Thu), who is a senior level BGF commander overseeing battalions #1017, #1018, #1019 and #1020 in Ko Ko, Hpa-an District. See, "[Human rights violations by Border Guard Force \(BGF\) Battalion #1014 in Bu Tho Township, Hpapun District, May 2012 to March 2014](#)," KHRG, July 2015.

<sup>128</sup> U Thuzana is an influential ethnic Karen Buddhist monk based in Myaing Gyi Ngu who was instrumental in the formation of the DKBA in 1994; see "[Inside the DKBA](#)," KHRG, March 1996. In 1995, KHRG reported that U Thuzana had collaborated with the Tatmadaw, and met with then-Southeastern Commander Major General Maung Hla to obtain weapons and supplies for 4,000 soldiers in his monastery. As a result of the agreement, U Thuzana's headquarters and main monastery in Myaing Gyi Ngu, in northern Hpa-an District, reportedly developed a reputation as a mystical safe haven for villagers avoiding Tatmadaw abuses. See "[Karen Human Rights Group commentary](#)," KHRG, February 1995. More recently monk U Thuzana has been implicated in forced labour demands and of stoking religious conflict by confiscating land to build Buddhist stupas. See "[Hpapun Field Report, January to December](#)

Karen Benevolent Army (DKBA)<sup>129</sup> first decided to build Htee Lah Beh Hta Bridge, they said that it would be [owned by] monks and the DKBA [would also be temporarily based there]. After the construction was completed, [the DKBA left the area and then] the Burma/Myanmar government troops [Tatmadaw] and the BGF came to maintain security at the bridge. It was not clear to the villagers [why Tatmadaw and BGF patrolled at the bridge].



2013," March 2016, and "[Myanmar Religious Officials Decry Buddhist Monk's Pagoda-Building Spree](#)," Radio Free Asia, May 2016.

<sup>129</sup> The Democratic Karen Benevolent Army (DKBA) was formed in 2010 as a breakaway group following the transformation of the majority of the original Democratic Karen Buddhist Army (1994 – 2010) into the BGF. This group was originally called the Democratic Karen *Buddhist* Army until it changed its name to the Democratic Karen *Benevolent* Army in April 2012 in order to reflect its secularity. This group is comprised of different divisions, including K'lo Htoo Baw Battalion and DKBA-5, and was led for many years by General Saw Lah Pwe aka Na Khan Mway who died in March 2016 and was replaced by General Saw Mo Shay in April 2016. The DKBA signed a preliminary ceasefire with the Burma/Myanmar Government on November 3<sup>rd</sup> 2011 and then signed the [signed the Nationwide Ceasefire Agreement \(NCA\)](#) on October 15<sup>th</sup> 2015. The group is based in Son Si Myaing area, Myawaddy/Kawkaireik Township, Dooplaya District, southern Kayah State. This DKBA (Benevolent) (2010 – present) should not be confused with, either the original DKBA (Buddhist) (1994-2010) which was transformed into the BGF in 2010, or with the DKBA (Buddhist) (2016 – present) which was formed in 2016 as a splinter group of the DKBA (Benevolent) (2010 – present). Importantly, the DKBA (Benevolent) has signed both the preliminary and nationwide ceasefire agreements with the Burma/Myanmar government, whereas the DKBA (Buddhist) has not signed either agreement. For more information on the DKBA and its relationship with other armed actors, see "Milicias in Myanmar," John Buchanan, The Asia Foundation, July 2016.

The above photos were taken on May 6<sup>th</sup> 2016 at Htee Lah Beh Hta Bridge, Htee Tha Daw Hta village tract, Bu Township, Hpapun District. The top two photos show the bridge that was commissioned by Sayadaw U Thuzana [and the DKBA] and which damaged some parts of a villager's land. The DKBA left the area after the bridge was completely constructed. The bottom two photos show the checkpoint set up by the Tatmadaw and BGF after the DKBA left the area. [Photos: KHRG]

### **Villagers' livelihoods and challenges**

In 2015 there was environmental destruction in the whole of Bu Tho Township. Moreover, most of the bamboo trees were flowering so there were lots of rats attacking the paddies. The villagers, who work on the hill farms, cleared a very large area of the hill [farm]. It is large enough for five baskets of paddy seeds to be grown on the [whole] hill farm but the villagers could only collect two to three baskets of paddy [in their part of the hill farm]. Some paddies were attacked by insects until they [the paddies] could not produce rice even [though] the plants were grown. In the last year, in 2015, the heavy rain damaged some parts of the villagers' plain farms. The villagers who work on the hill farm near Pyeh Loh Koh River had their paddies flooded because there was heavy rain for ten days which damaged the paddies. The paddies were not able to produce rice any more after the flooding and they were attacked by rats. This occurred in every village tract in [Bu Tho] Township.

In the circumstances of these challenges, many villagers could not collect enough food and [therefore] they have to work as labour workers. Some villagers cut down the bamboo and collect fruits to sell. Some of them raise livestock in order to buy rice. In 2016 the villagers are likely to talk about food shortages. They also have to pay taxes but they could not afford to pay [taxes] with paddy rice so instead they have to pay with money. Because of the destruction [to their paddies], the village tract leaders and township responsible people followed up with them [the villagers] for more detailed information about whether they are able to pay the taxes or not. Therefore they [the leaders] do not ask villagers [to pay the taxes] if they know they [the villagers] are unable to pay the taxes.



This photo was taken on May 4<sup>th</sup> 2016 in Htee Tha Daw Hta village tract, Bu Tho Township, Hpapun District. This photo shows villagers moving bamboo on a river to Myaing Gyi Ngu Town to sell them to earn a living. They sell them to those people who do not have bamboo to build their houses. [Photo: KHRG]

### **Education**

Since the BGF was formed in 2010 fighting has always broken out between the BGF and the Karen National Liberation Army [KNLA] in D--- village, Htee Tha Daw Hta village tract, Bu Tho Township. Since it was formed, some villagers have fled to live in Kaw Taw [Myaing Gyi Ngu Town] and some of them have fled to live in refugee camps in Thailand. There are only [number censored for security] households left in D--- village and no teachers so the school has had to close down until the present time. We are not confident enough to take pictures of the school because the BGF army camp is located next to the school. D--- villagers have had to build the school very far away from the village in another place. The B--- village head said that one of his sons is studying Standard 10<sup>130</sup> in a Burma/Myanmar government school in Ka Ma Moh [Ka Ma Maung Town]. He has to pay 1,500,000 kyat [US \$1,238.31]<sup>131</sup> [per year] for his son's school fee but he [the village head] cannot find a job. Most of the other villages have schools in their own village and most of the schools are run by the KED [Karen Education Department]<sup>132</sup> or are run by villagers independently. Some schools were built by the Burma/Myanmar government who send their own teachers to teach in the schools. The villagers have to provide some small support to [the Burma/Myanmar schools] and they also have to pay travel fees for the teachers. They also have to pay a fee [for associations between different local schools] and if the headteacher comes to visit the school they collect at least 500 kyat [US \$0.41] from each student to have a welcome party for the headteacher.

#### Healthcare

In terms of healthcare the KNU [Karen National Union], Back Pack [Health Workers], and FBR [Free Burma Rangers] have built hospitals and clinics in Bu Tho Township. Since 2014 the [Shoklo Malaria Research Unit (SMRU)] malaria research project has started but it has not been implemented in many village tracts; only in a few village tracts. The villagers do not need to pay for the medicine when they go to get medicine from hospitals, clinics, Back Pack [Health Workers] or FBR. The Burma/Myanmar government also have their own programme related to healthcare. They [the Burma/Myanmar government] operate in the delimited area<sup>133</sup> and they built clinics in the villages but there are no health workers or medicine to treat villagers [patients]. When villagers go for medical treatment they [the Burma/Myanmar government health workers] sometimes could not provide medicine as there is no medicine in the clinics so the villagers who go for treatment there have to buy medicine themselves from the shops.

#### Delimited area for each armed actor [militarisation]

There are three armed actors in Bu Tho Township, which are the KNLA, Tatmadaw and BGF. Since 2012 and 2013 until the present time, the Burma/Myanmar government military

<sup>130</sup> 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.

<sup>131</sup> All conversion estimates for the kyat in this report are based on the 1<sup>st</sup> September 2016 official market rate of 1,211.38 kyat to US \$1.

<sup>132</sup> The main goals of the Karen National Union's Education Department (KED) are to provide education, as well as to preserve Karen language and culture. During the civil war in Burma/Myanmar the KED became the main organisation providing educational services in the KNU controlled areas in southeast Burma/Myanmar. The KED also previously oversaw the educational system in the seven refugee camps along the Thai-Burma/Myanmar border, however in 2009 these activities were restructured under the Karen Refugee Committee – Education Entity (KRCEE). See "[Conflict Erupts over Govt teachers deployed to KNU areas](#)," Karen News, August 20<sup>th</sup> 2013 and the [KRCEE](#) website.

<sup>133</sup> 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.

[Tatmadaw] have tried to improve their army camps and upgrade the roads. The Tatmadaw and the KNLA have their own [separate] demarcations. They [Tatmadaw] once passed over [the KNLA] demarcated area in 2015 and the KNLA fought against them.<sup>134</sup> After the fighting broke out they contacted each other to ensure future communication and now they understand the situation.

From Meh K'Naw River in Kyaw Pah village tract down to Meh Pree [village] in Htee Tha Daw Hta village tract, the BGF have demarcated this area as their operation area. They said that if the KNLA want to go in their area they have to go as civilians. They also did not allow village tract leaders or the KNLA to collect any kinds of support [taxes] from the villagers [in their operation area]. Based on this, the villagers do not understand them [the different armed actors] either because both groups have their own armies. They do not know which group they should trust and some villagers could not make their own decisions [about which armed actors to trust].

#### **KNLA activity**

Between 2014 and 2015 the KNLA implemented their plan for recruiting more soldiers.<sup>135</sup> They ordered each village tract leader and village head leader [to recruit soldiers for them]. But some village tract leaders were ordered [to recruit] fewer soldiers than other village tract leaders [based on how large the area is]. The villagers also live in many different places in different villages so they may not clearly understand [about the KNLA recruitment]. Thus, some of them fled to Kaw Taw [Myaing Gyi Ngu] Town and to other villages located in other village tracts in other townships. According to information that we received from one village, the village tract leaders, township leaders and battalion commanders did not consult with the villagers for details [about the recruitment plans]. However, many villagers knew that they would be forcefully recruited as soldiers so they fled to escape from the recruitment. In the place where the incident took place, the KNLA has not recruited as many soldiers since the DKBA was formed [after they split from the KNLA in 1994]. They planned to recruit five to six<sup>136</sup> soldiers in each village tract. They [villagers] know that if they go to live in Kaw Taw Town they would not have to serve as soldiers or pay any taxes. This issue is based on [caused by] KNU weakness [poor communication] with the villagers. The [number censored for security] villagers who live in C--- village, Kyaw Pah village tract, Bu Tho Township fled to Kaw Taw [Town].<sup>137</sup>

#### **Taxation**

Regarding taxation they [KNU] have started to change the taxation system. In 2015 they asked villagers to pay taxes with money. In previous years they asked villagers to pay with paddy rice for hill taxes and farming taxes. They asked for two baskets of paddy per hill farm and one basket of paddy per acre of plain farm. The other types of taxation are motorbike licence, rice

<sup>134</sup> For more information on this incident see ["Fighting between Tatmadaw and KNLA soldiers leads to violent abuse and displacement of villagers in Bu Tho Township, Hpapun District, October 2015,"](#) KHRG (October 2015) and ["Hpapun Short Update: Bu Tho Township, May and June 2015,"](#) KHRG (January 2016).

<sup>135</sup> For more information on this incident see ["Villagers displaced following rumours of KNLA forced recruitment, more flee following a clash with Tatmadaw in Bu Tho Township, Hpapun District, September to October 2015,"](#) KHRG, June 2016.

<sup>136</sup> The KHRG community member stated this number as between five and six although KHRG has previously received a news bulletin which stated this number as ten. See ["Villagers displaced following rumours of KNLA forced recruitment, more flee following a clash with Tatmadaw in Bu Tho Township, Hpapun District, September to October 2015,"](#) KHRG, June 2016.

<sup>137</sup> For more information on this incident see ["Villagers displaced following rumours of KNLA forced recruitment, more flee following a clash with Tatmadaw in Bu Tho Township, Hpapun District, September to October 2015,"](#) KHRG, June 2016.

mill machine tax and car taxes. They collected taxes after orders from the KNU headquarters. When they were collecting the taxes, they did not collect the same amount of taxes in each village tract. When they were collecting the taxes they might ask for some small amounts from some village tracts. Before the [2012 preliminary] ceasefire [agreement]<sup>138</sup> was signed, [in some areas], especially in Day Wah, Kyaw Pah, Meh Pree and Htee Tha Daw village tracts which are under the control of the DKBA, they did not pay taxes. From 1995 to 2011-2012 they did not pay taxes. Since the KNU took control of the territory they have had to pay lots of taxes so some of them are not clear [about the KNU taxation system]. Since 2015 the [KNU] district leaders have collected hill and plain farmers to pay money instead of paddy rice. They ordered them to [collect] taxes of 4,000 kyat [US \$3.30] across the whole district. Therefore the villagers who owned many acres of land have to pay more tax.

Since 2015, the [KNU land department policy] states that all farms which are located in reserved areas [KNU land department operation areas] will find out detailed information about their land and [the KNU] will provide land grants [to the landowners]. They will ask for higher taxes than for the plain farms which are located outside of the KNU territory. I do not know how much they will ask for each acre of plain farm. I will find out more information and let you know later.

#### Conclusion

The above information is a Situation Update so it is not detailed information because it is a Situation Update. Some of this [information] includes KNU/KNLA recruiting more soldiers. Some villagers did not agree with the KNU's plans. And some people were not confident enough and fled away but I can only provide this much information.

#### Source #54

Log #	16-5-S1
Type of report	Situation Update
Publishing Information	Previously published in January 2017: <a href="http://khrhg.org/2017/01/16-5-s1/dooplaya-situation-update-kyonedoe-township-september-2015-december-2015">http://khrhg.org/2017/01/16-5-s1/dooplaya-situation-update-kyonedoe-township-september-2015-december-2015</a>
Location	Kyonedoe Township, Dooplaya District/southern Kayin State
Full Text	

### Dooplaya Situation Update: Kyonedoe Township, September 2015 to December 2015

*This Situation Update describes events occurring in Kyonedoe Township, Dooplaya District during the period between September and December 2015, including the situation for civilians.*

<sup>138</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see ["Seventh Round of Nationwide Ceasefire Negotiations"](#), *Karen National Union Headquarters*, March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see ["KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit"](#), *Karen News*, April 22<sup>nd</sup> 2015.

agriculture, education, healthcare, Burma/Myanmar government and Border Guard Force (BGF), Karen National Union (KNU), Democratic Karen Benevolent Army (DKBA) and Karen Peace Council (KPC).

- On January 6<sup>th</sup> 2015, Daw N Haw Company constructed a road from K'Nyin K'Taik village to Tha Main Dwut village in Kyonedoe Township, Dooplaya District. As a result, many of the villagers' farms and plots of land were destroyed. The village head went to meet the villagers at their houses, one by one, at night and he asked them to sign the agreement paper in order to get permission for this road construction.
- A Township Campaign Officer told villagers that because villagers had requested a better road there is no need to document lands that were destroyed due to the road construction and that the villagers will not receive any compensation.
- Local villagers reported that they are still being taxed by Battalion Commander Aung Yin's group from Democratic Karen Benevolent Army (DKBA) #901 and Karen National Union (KNU). Therefore, local villagers requested that only one organisation collects tax from them.
- The local villagers could not build a school in Kyonedoe Township, Dooplaya District and have therefore applied for a school to be built by the Burma/Myanmar government education officer and the Township Education department.

### **Situation Update | Kyonedoe Township, Dooplaya District (September 2015 to December 2015)**

The following Situation Update was received by KHRG in January 2016. It was written by a community member in Dooplaya District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>139</sup> This report was received along with other information from Dooplaya District, including five interviews, 77 photographs and five video clips.<sup>140</sup>

This Situation Update describes briefly the events occurring in Kyonedoe Township, Dooplaya District from September to December 2015.<sup>141</sup> It includes the situation for civilians, agriculture, education, healthcare, Burma/Myanmar government and BGF [Border Guard Force],<sup>142</sup> KNU

<sup>139</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>140</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.

<sup>141</sup> The KHRG community member has also chosen to include issues occurring outside of this stated reporting period which are deemed to have an ongoing impact on the community, such as the road construction which began in January 2015.

<sup>142</sup> Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw. BGF battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry battalions are assigned two digit battalion numbers and light infantry battalions are identified by two or three-digit battalion numbers. For more information, see "[DKBA officially becomes Border Guard Force](#)" *Democratic Voice of Burma*, August 2010, and "[Exploitation and recruitment under the DKBA in Pa'an District](#)," KHRG, June 2009.

[Karen National Union], DKBA [Democratic Karen Benevolent Army]<sup>143</sup> and KPC [Karen Peace Council].<sup>144</sup>

**Civilians' situation and farming, gardening, cultivation**

The local people in Kyonedoe Township mainly earn their living from cultivation and plot farming. This year they have had just a fair harvest as the weather has been unusual. It was raining during harvesting. As a result, some of the paddy was spoiled. Some people said the rice price will increase in the coming year, 2016.

Currently the Nationwide Ceasefire Agreement [NCA]<sup>145</sup> is being signed by different armed groups and the Burma/Myanmar government. However, this year Battalion Commander Aung Yin's group from DKBA Battalion #901 collected tax on plot farms, farms, rice mills, sawmills, cars, charcoal mounds, irrigation canals and fishing nets, [just] as KNU collected tax last year [and every year]. Therefore, the civilians want only one organisation to collect taxes if possible.

<sup>143</sup> The Democratic Karen Benevolent Army (DKBA Benevolent) was formed in 2010 as a breakaway group following the transformation of the majority of the original Democratic Karen Buddhist Army (1994 – 2010) into Border Guard Forces (BGF). This group was originally called the Democratic Karen *Buddhist* Army until it changed its name to the Democratic Karen *Benevolent* Army in April 2012 in order to reflect its secularity. This group is comprised of different divisions, including Kilo Htoo Baw Battalion and DKBA-5, and was led for many years by General Saw Lah Pwe aka Na Khan Mway who died in March 2016 and was replaced by General Saw Mo Shay in April 2016. The DKBA (Benevolent) signed a preliminary ceasefire with the Burma/Myanmar Government on November 3<sup>rd</sup> 2011 and then signed the Nationwide Ceasefire Agreement (NCA) on October 15<sup>th</sup> 2015. The group is based in Son Si Myaing area, Myawaddy/Kawkareik Township, Dooطلا District, southern Kayin State. This DKBA (Benevolent) (2010 – present) should not be confused with, either the original DKBA (Buddhist) (1994-2010) which was transformed into the BGF in 2010, or with the DKBA (Buddhist) (2016 – present) which was formed in 2016 as a splinter group of the DKBA (Benevolent). Importantly, the DKBA (Benevolent) has signed both the preliminary and nationwide ceasefire agreements with the Burma/Myanmar government, whereas the DKBA (Buddhist) has not signed either agreement.

<sup>144</sup> The KNU/KNLA Peace Council (also called the Karen Peace Council or KPC), is an armed group based in Htoh Kaw Koh, Hpa-an District, which split from the Karen National Union (KNU) and signed a ceasefire agreement with the SPDC government in 2007. The KNU/KNLA-PC subsequently refused to comply with orders from the then-SPDC government to transform into a Tatmadaw Border Guard Force in 2010. The KNU/KNLA-PC signed a preliminary ceasefire agreement with the Burma/Myanmar government on February 7<sup>th</sup> 2012, and the Nationwide Ceasefire Agreement (NCA) on October 15<sup>th</sup> 2015.

<sup>145</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. 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 15<sup>th</sup> 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 1<sup>st</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. 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.

Furthermore, they [local civilians] also want KHRG to report about drug issues in the local area in order to reduce [drug use], because young people's behaviours are becoming worse and worse due to drug use.<sup>146</sup>

On January 6<sup>th</sup> 2015, U<sup>147</sup> Myin Zaw who works for Daw N Haw Company constructed a road from K'Nyin K'Taik to Tha Main Dwut crossroads, which is 16 miles long. As a result, many of the villagers' farms and plot farms were affected. However, the villagers did not get any compensation. Moreover, they [the company] [worked on] a road across the farms and they covered the road with earth, so it is difficult [for villagers] to make irrigation channels [to drain water into their fields]. Consequently, there are many farms that are not able to grow rice [because of this road construction] between Khyin village and T'Khon Ka village.

This road construction should have been completed by the end of December 2015. Thus, Major Thet Naung who leads *Na Wa Ta* [The Ministry of Progress of Border Areas and National Races and Development Affairs] in Kawkaik Township came and observed the situation of the road construction. He saw that the road had not been finished yet and its quality was not good. Also, the road has many sharp curves; because of that [Major Thet Naung's disapproval of the road construction], villagers said some road constructors and the governor from Ai Paing village were beaten as punishment.

Now, in 2015, Daw N Haw Company still has not finished the road, so they requested assistance from Khin Zaw Company to continue the road construction. The road is 3 miles long from Khyin Village to Tha Main Dwut Street. Therefore, Atun, the manager from Khin Zaw Company, started to construct the unfinished road on November 28<sup>th</sup> 2015.

Many of the civilians' lands and plot farms were spoiled and destroyed as Khin Zaw Company constructed the road. However, the road must be constructed to make it 40 feet wide which was the limit given, but villagers said that they [Khin Zaw Company] would construct the road to be 30 feet wide on November 30<sup>th</sup> 2015.



These photos were taken on November 29<sup>th</sup> 2015 in a place from Ka Yin village to Tha Main Dwut

<sup>146</sup> KHRG continues to receive reports detailing villagers' concerns over increased drug use and drug trading in their communities. See for example, ["Growing drug use and its consequences in Doooplaya and Hpa-an Districts, between February and December 2015,"](#) May 2016.

<sup>147</sup> U is a Burmese title for a respected or elder male.

crossroads in Kyonedoe Township, Dooplaya District. These photos show local villagers' lands and rubber plantations that were being destroyed due to road construction conducted by the Khin Zaw Company. [Photos: KHRG]

The land owners dared not to report or talk about their lands and rubber plantations that were destroyed due to road construction, because this road construction was permitted by responsible people in the Township office. So it was difficult to document how many lands and plantations were spoiled. People from A--- village said the reason [that villagers have not reported about their land being damaged] is that the village head went to meet the villagers at their houses, one by one, at night and he asked them to sign the agreement paper in order to get permission for road construction.

During February 2015, in Kyonedoe Township, the road from Taung Kya Inn village to Hti Hu Thi village and Aung Chan Tha village was rebuilt, since it was first constructed in the period of colonisation.<sup>148</sup> Because of the rebuilding of this road, many lands and plantations were also spoiled. Land owners also did not get any compensation. Although people who have accountability [at the Burma/Myanmar government level] gave the paper documenting land destruction, no documentation paper has been received [prepared]. If anyone wanted to know about this case, they had to go and meet with the Township administrator.

On December 1<sup>st</sup> 2015 the villagers went to the office where the Kyonedoe Township Campaign Officer lives and they asked questions like, *"How did you know about the new road construction and the old road construction?"* He told them that the old and new roads were constructed because the local residents requested for road construction. So there is no need to document lands that were destroyed because of road construction. Also, he said that the ILO [International Labour Organisation] would not come if anyone reported this case to the ILO or KHRG.

He replied [to the villagers], *"I do not make it [the documentation paper] complicated. All of the information about lost land and plantations that were destroyed must be documented due to road construction that occurred in each District according to the 14<sup>th</sup> Dooplaya Congress in 2015"*.

The road from Taung Kya Inn village to Hti Hu Thi village and Aung Chan Tha village has not been finished yet, so Khin Zaw Company will completely take care of this case. As mentioned above, this [report] is just because no one has documented the lost lands and the destroyed plantations due to old and new road construction in Kyonedoe Township.

The old road from Chaung Nit Khwart village to Aung Chan Tha village had been constructed since Burma/Myanmar was colonised by the British. In September 2015, Lieutenant Kyaw Aay from BGF [Border Guard Force] Battalion #1021 together with Ngwe Kyauk Twein Company, Than Zaw Oo who is in charge of road construction, U Aung Thein Lah who is in charge of bridge construction and Bo<sup>149</sup> T'Ki who leads the road security force from BGF [Border Guard Force] organised for the old road to be rebuilt. However, they did not need to construct the section of the road that goes to Chaung Nit Khwart village; only the road from Bu Ya Kon village to Aung Chan Tha village must be constructed. Although this road is 9 miles and 1 furlong<sup>150</sup>

<sup>148</sup> Burma/Myanmar was a British colony between 1824 and 1948. For an analysis of the impact of this colonisation from the perspective of the Karen see, "Seeing 'Karen' in the Union of Myanmar," Nick Cheesman, *Asian Ethnicity*, September 2002.

<sup>149</sup> Bo is a Burmese title for a military officer.

<sup>150</sup> A furlong is a unit of distance equivalent to 0.2 km or 0.125 miles.

long and 100 feet wide, they only would use a width of 18 feet when they lay down flat stone on the road. They have to finish this road by the end of March 2016.

3K Star Company has to take responsibility to construct 2 miles of this road. Engineer U Myin Than and his assistant engineer, Way Lin Han arrived at the road that needs to be rebuilt on November 24<sup>th</sup> 2015.

This road is between Noh T'Kaw Township and Kyonedoe Township. Thus, neither of these Township officials gave permission or authority [to the company] to construct this road. 140 acres of rubber plantation were destroyed, 5 plots of farmland were spoiled, 1 garden of lime trees was damaged, and one building was damaged due to the road construction. The villagers who lost their lands, plot farms, farms, and buildings did not know anything about how to report or submit this information. They are helpless like an orphan [without support].

The rubber plantation beside this road belongs to the villagers. They had to cut their rubber trees [to make way for the road] although they did not want to.

In 2014 Director Po Ya Wa Gya from SCGC (Japanese company) and U Myin Zaw Tun who is in charge of road construction, had to take responsibility for laying down flat stones on the road from T'Ya Na village in Mon State to Bu Ya Kon (or) Ta Khnein village in Kyonedoe Township. They have to finish the road by the end of March 2016. This road goes across [20 villages] which are T'Ya Na village, Kaw Hto Kaw P'Naw village, Shwe Wa Khyan village, Kyaik Htaw village, Nyaung Kon village, M'Yan Kon village, Ye Tha Na village, Pa Thein village, Taung Thu Kon village, Taung K'Lay village, Shwe Mo village, Nga Pel Khyan village, Taung Na village, Noh Auk village, Bu Ya Ngok To village, Kyo Kwel village, Hlwa Sin Kon village and Bu Ya Kon village. A highway bus station will be built in Bu Ya Kon. There is a stone crusher machine in Kyo Kwel village to lay down flat stones on the road.

Since 2013, U Thu Taw who runs a private business company [the group that mined stone from Atayan rocky mountain] has made money from selling stone. Because of mining stone, some of the lands were spoiled. The villagers reported it to [Burma/Myanmar government level authorities and local] organisations who have accountability, but no one took any action. According to an unknown administrator, government authorities in Naypyidaw already gave permission to U Thu Taw regarding mining stone on Atayan rocky mountain; so, nobody [within the community] can shut it down.

Many stone mining companies have been doing stone mining on Atayan rocky mountain up until now. The following companies [are doing stone mining from Atayan rocky mountain] as mentioned below:

1. U Pay Aung (private company)
2. U Thu Taw (private company but it is led by Battalion Commander Saw P'Lu from BGF Battalion #1021)
3. Mann Myin Naing (private company)
4. Mann S'Kin Sein (this company is still mining stone but Soe Ya Za Company has not mined stone yet)

Currently many private companies are [also] mining stone from Mu Soe Ma mountain near to Atayan rocky mountain. They are:

1. Mann Mein L'Than (private company)
2. U Win Ko (private company)

No one has heard about any problems made by these two private companies, but they have to pay tax [from stone mining]. People who collect the tax money are as mentioned below:

1. KNU (300,000 kyat) [US \$218.02]<sup>151</sup>
2. The Burma/Myanmar government (300,000 kyat) [US \$218.02]
3. The Burma/Myanmar government police (200,000 kyat) [US \$145.35]
4. Operation Commander from Military Operation Command #19 in Kyainseikgyi Township (100,000 kyat) [US \$72.67]

*"We [companies] have to pay tax once a year."* said Mann S'Kin Sein, who owns a private company.

This Atayan rocky mountain is connected to people who live in M'Yan Kon village, Bu Ya Kon village, Hlwa Sin Kon village and Kyo Kwel village because they earn their living from agriculture, cultivation and farming. So they gather together and they go to worship and pray at Atayan rocky mountain in order to have a good harvest when they celebrate their traditional festival once a year, as they firmly believe.

People who worship and pray at the place near to the mountain are from [12 villages] which are M'Yan Kon village, Chaung Nit Khwart village, Yay Pu Tha Yat Kon village, Yay Pu Kaw Sat village, Bu Ya Kon village, Hlwa Sin Kon village, Kyo Kwel village, Noh Auak village, Taung Na village, Tan Ta Oo village, Nga Pel Chaung village and Nga Pu Ain village.

The villagers said they would be happy if anyone could shut it [stone mining] down. Otherwise, [the spirit of] Atayan rocky mountain will cry.

#### **Land grant**

Regarding land grants, there are two different types of land grants from the Burma/Myanmar government and the KNU government. So there is a difference between the Right to Act, granted by the Burma/Myanmar government, and the Right to Possess, granted by the KNU government. Therefore, some local residents want to ask the question which [government] side has effective assurance [guarantees] for their lands? The people in Karen State want the land grant to come from the KNU government as Karen people govern Karen State. The KNU land grant costs 4,500 kyat [US \$3.27] but in fact two land grant eyewitnesses have to sign the agreement paper so they also get 1,000 kyat [US \$0.72]. Land owners [also] have to pay for the photo fee. [Therefore] the total is 6,500 kyat [US \$4.72]. They also have to pay 1,000 kyat [US \$0.72] per acre when the land is being measured if they want the land grant guarantee.

In 2014 U Win Naing Shwe, Burma/Myanmar land measurement surveyor in Kawkareik Township, had to measure the land in A--- village, Tha Main Dwut village tract, Kyonedoe Township. So he took a list of the lands and the payments, 3 million kyat [in total] [US \$2180.25], for measuring the lands before he measured the lands. He said he would come and measure later but as of 2015 he had not measured any land for land grants yet. Thus, the villagers did not completely trust the land grant [system] from the Burma/Myanmar government. This case became known because the villagers reported it.

#### **Education**

Every parent wants their child to have an education. So some people built self-reliant schools [run and funded by the local community] in some villages. Some villagers cooperate to work with the Burma/Myanmar government and people [donors] from Switzerland in order to build a Burma/Myanmar government school.

<sup>151</sup> All conversion estimates for the kyat in this report are based on the 22<sup>nd</sup> December 2016 official market rate of 1376 kyat to US \$1.

In some villages, the local people could not build any schools. So they have to apply [submit a request for a school] to the Burma/Myanmar government education officer [through the] Township Education Department. When they apply, they have to make a list of the number of [potential] students and they also have to pay an application fee, 30,000 kyat [US \$21.80], but [so far] no one [from the Burma/Myanmar government] has come to build any schools [in those areas].

In the self-reliant schools, there are no school teachers from the Burma/Myanmar government. So the villagers have to hire teachers who are local residents. They have to pay 500,000 kyat [US \$363.37] for one teacher per year. They also have to help teachers with their food, such as [giving them] rice, oil, salt and also charcoal [for cooking]. However, the villagers try to help as much as they can, although they have some difficulties.



This photo was taken on November 24<sup>th</sup>, 2015. It was taken in B--- village, Win Tha Lwel village tract, Kyonedoe Township. It shows a self-funded school which might need to be relocated in the coming year, 2016, due to road construction conducted by Daw N Haw Company, according to students' parents.  
[Photo: KHRG]

KED [Karen Education Department] supports self-reliant schools and gives school materials such as pens, pencils, note books, nail cutters, footballs and teacher uniforms. KED also gives them [local teachers] some money to help. Karen language is being taught in self-reliant schools, whereas it is not being taught in Burma/Myanmar government schools.

In January 2015, Daw N Haw Company constructed the road from K'Nyin K'Taik village to Tha Main Dwut crossroads. This new road crosses the place near to the school in B--- village, Win Tha Lwel village tract, Kyonedoe Township. So it affected the children [and they] have difficulty learning in the school. Therefore, the villagers reported this case to Burma/Myanmar government education officer in order to build a new school, but they have not received any reply [information] yet. Some parents said the school has to relocate in the following year, 2016, so it will need a lot of school aid [funding].

#### **Healthcare**

Being healthy is the most important need for people. There are some local clinics [run and funded by Burma/Myanmar government] in some villages, [set up] after some local residents reported [their need] to the Burma/Myanmar government. After celebrating the clinic opening ceremony, there is now not enough medical doctors in the clinic, so sometimes local mid-wives have to come to the clinic. If the patients have a serious disease, they are sent to the hospital.

Sometimes [during the reporting period] a Mother and Child Protection Group from the Burma/Myanmar government went to the clinic to give injections for women and children, in

order to protect them from polio.

[Regarding the] KNU side, they also came to the clinic to give the people vaccinations in order to avoid malaria.<sup>152</sup> They also went to other villages which have no clinics. The [local] people suffer mostly from malaria, body pain, high blood pressure, itchy skin and stomach pain.

#### **Burma/Myanmar government and the BGF**

After the NCA [Nationwide Ceasefire Agreement]<sup>153</sup> was signed in 2015, the Burma/Myanmar government army forces [Tatmadaw] did not run any militarisation [activities] in our area but the BGF did. There are some [BGF] soldiers who do not wear their soldier uniforms in some villages near to Burma/Myanmar government police stations [therefore, they are still active]. Also, some village tract leaders who have been selected by the Burma/Myanmar government had to regularly go to meetings [at the] Township administration office, once a month. They had to report about the situation of the village and they had to manage everything that they were asked to do by the Township administrator.

#### **KNU situation**

KNDO [Karen National Defence Organisation]<sup>154</sup> Battalion #6 and the KNU are able to work together now in KNU-controlled areas. If they [KNDO and KNU] celebrate significant Karen days such as Karen New Year's Day and Karen Martyrs' Day, they both discuss about how to work with each other. They have already formed KYO [Karen Youth Organisation] and KWO [Karen Women Organisation]. In addition, they might even discuss with civilians about the political situation during the peace process.

#### **DKBA situation**

In DKBA-controlled areas, Battalion Commander Aung Yin and Battalion Deputy Commander Hto Doh from DKBA Battalion #901 who are now based in A'Lel Kyun have not done anything special but they do collect tax on gardens, sawmills, rice mills, phone shops, irrigation canals, fishing nets and charcoal mounds. It seemed they did not do anything to bring benefit for the civilians.

#### **KPC situation**

<sup>152</sup> KHRG is in the process of confirming the details of this vaccination program.

<sup>153</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. 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 15<sup>th</sup> 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 1<sup>st</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. 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.

<sup>154</sup> The Karen National Defence Organisation (KNDO) was formed in 1947 by the Karen National Union and is the precursor to the Karen National Liberation Army (KNLA). Today the KNDO refers to a militia force of local volunteers trained and equipped by the KNLA and incorporated into its battalion and command structure; its members wear uniforms and typically commit to two-year terms of service.

Battalion Commander Ye Maw from KPC Battalion #776 and Battalion Deputy Commander Saw Zaw Tin from KPC Company #5 are based in Aon Nit Pin village. Company Commander Ya Th'Waw from KPC Battalion #908 is based in Pa Ky village. Company Commander Saw Paw Aaw Yaw from Battalion #909, KPC headquarter Officer Kyaw Win and KPC headquarter Detective Hsa K'Lein did not do any work related to benefitting civilians but they did not collect tax from the civilians. They just stay in their places; they do not have any special office. If emergencies happen, they just go to their headquarters, which are based in Htoh Kaw Koh.

#### Conclusion

I would like to say that the people in some villages just have a lack of access to education, healthcare and social support. Also, people have lost their lands and farm plots because of road construction, [and] they did not even get any compensation. In addition, more and more people sell and buy drugs, therefore, it badly affects a lot of young people—their behaviour becomes worse and worse.

#### Source #55

Log #	16-63-S1
Type of report	Situation Update
Publishing Information	Previously published in February 2017: <a href="http://khrgh.org/2017/02/16-63-s1/dooplaya-situation-update-kyonedoe-township-april-2016-july-2016">http://khrgh.org/2017/02/16-63-s1/dooplaya-situation-update-kyonedoe-township-april-2016-july-2016</a>
Location	Kyonedoe Township, Dooplaya District/southern Kayin State
Full Text	

### Dooplaya Situation Update: Kyonedoe Township, April 2016 to July 2016

*This Situation Update describes events occurring in Kyonedoe Township, Dooplaya District during the period between April and July 2016, including education, healthcare, the situation for civilians, Burma/Myanmar government military (Tatmadaw) activity, Border Guard Force (BGF), Democratic Karen Benevolent Army (DKBA), Karen Peace Council (KPC) and Karen National Union (KNU) activities.*

- *In Kyonedoe Township, Dooplaya District, there were a number of problems affecting civilians, including low incomes for rubber plantation workers, forced labour, taxation and land destruction.*
- *Some of the local students in Kyonedoe Township had to stop studying after they finished primary school in their villages, because their parents could not support them if they went to study at the Burma/Myanmar government's middle school.*
- *The Burma/Myanmar government has opened a clinic for the villagers but it lacks supplies and local villagers continue to use traditional medicine.*
- *Tatmadaw activity has decreased in Kyonedoe Township. The BGF, DKBA and KPC are all still active in the Township, while the KNU is working to make villagers aware of the Nationwide Ceasefire Agreement (NCA) and drug policies.*

#### Situation Update | Kyonedoe Township, Dooplaya District (April to July 2016)

*The following Situation Update was received by KHRG in July 2016. It was written by a community member in Dooplaya District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>155</sup>*

During the period of April 2016 to July 2016, I [KHRG researcher] went to collect the information from some villages in Kyonedoe Township, Dooplaya District. It includes [updates on] the situation for the civilians, [Burma/Myanmar] government, BGF [Border Guard Force]<sup>156</sup>, DKBA [Democratic Karen Benevolent Army]<sup>157</sup>, KPC [Karen Peace Council]<sup>158</sup> and KNU [Karen National Union], as mentioned below.

#### **Civilian Situation (Livelihood)**

The majority of civilians earn their living from gardens, farms and agriculture. Mostly, they grow different kinds of paddy rice in their area.

In 2015<sup>159</sup> the price of rubber decreased; one pound of rubber was priced at only 400 kyats [US \$0.30]<sup>160</sup>. Therefore, the rubber plantation owners and rubber tappers became unwilling to

<sup>155</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>156</sup> Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw. BGF battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry battalions are assigned two digit battalion numbers and light infantry battalions are identified by two or three-digit battalion numbers. For more information, see “[DKBA officially becomes Border Guard Force](#)” *Democratic Voice of Burma*, August 2010, and “[Exploitation and recruitment under the DKBA in Pa’an District](#),” KHRG, June 2009.

<sup>157</sup> The Democratic Karen Benevolent Army (DKBA Benevolent) was formed in 2010 as a breakaway group following the transformation of the majority of the original Democratic Karen Buddhist Army (1994 – 2010) into Border Guard Forces (BGF). This group was originally called the Democratic Karen *Buddhist* Army until it changed its name to the Democratic Karen *Benevolent* Army in April 2012 in order to reflect its secularity. This group is comprised of different divisions, including Kio Htoo Baw Battalion and DKBA-5, and was led for many years by General Saw Lah Pwe aka Na Khan Mway who died in March 2016 and was replaced by General Saw Mo Shay in April 2016. The DKBA (Benevolent) signed a preliminary ceasefire with the Burma/Myanmar Government on November 3<sup>rd</sup> 2011 and then signed the Nationwide Ceasefire Agreement (NCA) on October 15<sup>th</sup> 2015. The group is based in Son Si Myaing area, Myawaddy/Kawkaeik Township, Dooplaya District, southern Kayah State. This DKBA (Benevolent) (2010 – present) should not be confused with, either the original DKBA (Buddhist) (1994-2010) which was transformed into the BGF in 2010, or with the DKBA (Buddhist) (2016 – present) which was formed in 2016 as a splinter group of the DKBA (Benevolent). Importantly, the DKBA (Benevolent) has signed both the preliminary and nationwide ceasefire agreements with the Burma/Myanmar government, whereas the DKBA (Buddhist) has not signed either agreement.

<sup>158</sup> The KNU/KNLA Peace Council (also called the Karen Peace Council or KPC), is an armed group based in Hto Kaw Koh, Hpa-an District, which split from the Karen National Union (KNU) and signed a ceasefire agreement with the SPDC government in 2007. The KNU/KNLA-PC subsequently refused to comply with orders from the then-SPDC government to transform into a Tatmadaw Border Guard Force in 2010. The KNU/KNLA-PC signed a preliminary ceasefire agreement with the Burma/Myanmar government on February 7<sup>th</sup> 2012, and the Nationwide Ceasefire Agreement (NCA) on October 15<sup>th</sup> 2015.

<sup>159</sup> Whilst the title of the Situation Update received states that the information is from April to July 2016, the researcher has included information from before this reporting period which may remain unresolved and therefore still be affecting civilians during the reporting period.

continue in the rubber business because they were not satisfied with their income [which also decreased when the price of rubber decreased]. Besides, some of the rubber plantations were destroyed by fire.

In that year, some of the durian plantations and betel nut<sup>161</sup> plantations died because of hot weather; some of them [durian and betel nut] were not able to grow properly.

Forced labour, portering and *Loh ah pay*<sup>162</sup> have reduced since the NCA<sup>163</sup> was signed in 2015. However, the villagers had to pay farming tax to the DKBA and the KNU, and also other taxes. (According to the local KNU authorities they [KNU] have to collect taxes from the people because they do not get any salary).

This year [2016] many organisations arrived in the local area and they tried to help the local villagers to reduce the problems affecting their livelihoods, such as access to electricity, water, education, agriculture and livestock.

2016 - Organisations who have come to the villages:

- (1) Community Development Group, activities:
  - (a) Dig a deep well and build a water pipe
  - (b) Rebuild a broken school
  - (c) Rebuild a small bridge in a village
- (2) Mya Sein Yaung Project, activity:<sup>164</sup>

<sup>160</sup> All conversion estimates for the kyat in this report are based on the 23<sup>rd</sup> January 2017 official market rate of 1342 kyat to US \$1

<sup>161</sup> 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.

<sup>162</sup> *Loh ah pay* is a Burmese term now commonly used in reference to forced labour, although traditionally referring to voluntary service for temples or the local community, not military or state projects.

<sup>163</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. 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 15<sup>th</sup> 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 1<sup>st</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. 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.

<sup>164</sup> 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 receive a

(a) Implement agriculture and livestock projects

It was reported that the Asian Highway road<sup>165</sup> would be constructed in 2015.

- (1) The road from Taung Kya Inn village to Aung Chang Thar village (dirt road) [approximately 12 miles]
- (2) The road from Chaung Nit Khwat village to Aung Chang Thar village (paved road) [approximately 23 miles]
- (3) The road from Ka Nyin K'Taik village to Tha Main Dut village (dirt road) [approximately ten miles]

Two of the roads have been constructed in dirt but they have not been paved yet. One road has been paved but it has not been finished yet. The local residents' lands, gardens, farms and plantations were destroyed because of the road construction. However, the local people did not get any compensation for their lost properties. In addition, they do not dare to talk about what they have suffered. Some villagers said that it is easy to transport drugs because of the better road. That is why more and more people are addicted to drugs. As a result, many people become bad people.

**Education**

Every parent wants to send their children to school, in order for their children to become literate. Some parents can afford to send their children to school but some parents cannot. Children [often] attend a self-funded primary school in their village. After the students finish primary school they have to continue studying at a middle school that the Burma/Myanmar government recognises, but some parents cannot support [afford] their children if their children go to the Burma/Myanmar government's middle school. Therefore, many children in villages drop out of school. They just go back [home] and help their parents.

Because of these cases [of children not attending middle school], village authorities submit cases to the [Burma/Myanmar] government education department at the township level, in order to request post-primary school teachers in their villages. Thus, the local Burma/Myanmar government have sent some post-primary school level teachers to villages. Also, they [Burma/Myanmar government] have sent primary school teachers to the other villages. However, villagers [often] have to give support to the school teachers in the form of food and materials, such as oil and charcoal. In some villages, people cannot build a school, so they request that the local Government Education Officer builds a school in their village. Then the Burma/Myanmar government comes and helps them [villagers] to build a school. The Burma/Myanmar government contributes some school materials, such as books and pencils, to the primary schools in the villages, but there is not enough. Therefore, some villagers say that the students have to buy these school materials from outside.

**Healthcare**

For some villages, the Burma/Myanmar government has built clinics for when the villagers are sick, but there are not enough female/male medics or sufficient medicine in the clinics. There is [often] only one clinic for villagers [that is close by]. The villagers go to the clinic when the doctor

loan. See: <http://khrgh.org/2014/12/14-40-s1/toungoo-situation-update-thandaunggyi-township-april-june-2014> and <http://khrgh.org/2014/11/14-50-s1/hpapun-situation-update-bu-tho-township-february-june-2014>. The funding for the project comes from the national budget. See "Union Minister U Ohn Myint Needs to answer", May 11th, 2015.

<sup>165</sup> To find out more about Asian Highway please see "[Beautiful Words, Ugly Actions: The Asian Highway in Karen State, Burma](#)", KHRG, August 2016.

stays at the clinic. Sometimes many medical groups, such as the Mother and Childcare Association and a midwife, came to the clinics; then the villagers gather together at these clinics because they [medical groups] want to raise the health awareness of the villagers. After they [medical groups] leave the clinics are locked [closed].<sup>166</sup>

Healthcare groups from the Karen National Union [KNU] give public lectures to the villagers regarding malaria protection, when needed. They [KNU] also donate mosquito nets to the villagers for free. The common diseases in the rural areas are malaria, colic, flatulence, headache, skin disease, eczema and ring-worm. However, the villagers have to cure all of these diseases with traditional medicine.

#### **Burma/Myanmar Government Military [Tatmadaw]**

We can say that the activities of the Burma/Myanmar government military have reduced in our area. If necessary, they [military troops] travel from Taung Kya Inn village to Kyainseikgyi Town. Their [army] camp, Infantry Battalion [IB]<sup>167</sup> #231, is very near to Taung Kya Inn village. Sometimes they just wear ordinary clothes [not army uniforms] and they go to buy durians from Win Ka village.

In the village, there is one village head and one clerk, who are appointed [chosen] by the Burma/Myanmar government. They regularly go to the Township administration office, once a month [to report on the village situation]. If something needs to be done with management in the village the Township administrator gets the village head to manage it.

#### **Border Guard Force [BGF]**

Battalion Commander, Saw Pa Lu [from the BGF Battalion #1021], is based at the BGF headquarters in Noh Loe village. Company Commander, Bo Kyaw Aye [from Company #1], is active in Htee Hu Thi village. However, I did not see that they [BGF] have done anything beneficial for the civilians.

#### **Democratic Karen Benevolent Army [DKBA]**

Battalion Commander, Bo Aung Yin [from the DKBA Battalion #901], is active in Kyonedoe Township, but they do not have their army camp based there. They just stay at their [own] houses. Some responsible villagers said that some soldiers [under the DKBA battalion #901] asked for taxes from the people. The villagers had to pay 1,000 kyats [US \$0.74] for one acre of rubber plantation. DKBA soldiers also demanded one big tin of rice<sup>168</sup> from each house in the village as an annual ration, but some villagers could only give them four bowls of rice. They [DKBA] do not benefit [help] the villagers.

#### **Karen Peace Council [KPC]**

Battalion Commander, Mein Khin Lin [KPC battalion #776], is active in Kyonedoe Township, but they do not have a permanent office. When necessary, they just go to KPC headquarters in

<sup>166</sup> The problems of newly built B/M government clinics with limited medics, limited medicine and locked doors have been reported several times to KHRG across Dooplaya District. See, "[Dooplaya Situation Update: Kawkaireik Township, June 2015 to August 2016](#)," KHRG, December 2016, and, "[Dooplaya Situation Update: Kyonedoe and Kawkaireik townships, July to November 2014](#)," KHRG, January 2016.

<sup>167</sup> An Infantry Battalion (Tatmadaw) comprises of 500 soldiers. However, most Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. They are primarily used for garrison duty but are sometimes used in offensive operations.

<sup>168</sup> A big tin is a unit of volume used to measure paddy, milled rice and seeds. One big tin is equivalent to 10.45 kg or 23.04 lb of paddy, and 16 kg or 35.2 lb of milled rice.

Tokawko village, Kawkareik Township. They do not have any activity regarding militarisation. They just do their work at home. They also do not demand taxes from any person.

#### Karen National Union [KNU]

In order to understand the Nationwide Ceasefire Agreement [NCA] completely, KNU authorities and Karen National Defence Organisation [KNDO]<sup>169</sup> Battalion #6 worked together and held a public meeting in Kyonedoe Township. Regarding drugs, more and more people are addicted to them.<sup>170</sup> They [KNU] try to take action to tackle drugs issues. They also raise awareness of drugs amongst the people. They carry out the law<sup>171</sup> as it was made by the District leaders.

#### Conclusion

I [KHRG researcher] went to different villages in Kyonedoe Township and saw many problems and issues regarding livelihood, education, healthcare, armed groups, road construction, destroyed lands and plantations, and drug users and drug dealers. Therefore, I [KHRG researcher] would like to conclude in the Situation Update that it is difficult for local authorities to solve all of these problems because there are many ethnic armed groups in the area.

#### Source #56<sup>172</sup>

Log #	16-67-S1
Type of report	Situation Update
Publishing Information	Previously published in March 2017: <a href="http://khr.org/2017/03/16-67-S1/toungoo-situation-update-thandaunggyi-township-june-august-2016">http://khr.org/2017/03/16-67-S1/toungoo-situation-update-thandaunggyi-township-june-august-2016</a>
Location	Thandaunggyi Township, Toungoo District/northern Kayin State
Full Text	

#### Toungoo Situation Update: Thandaunggyi Township, June to August 2016

*This Situation Update describes issues and events occurring in Thandaunggyi Township, Toungoo District during the period between June and August 2016, including education, healthcare, livelihood, development, Tatmadaw military activities and Karen National Union activities.*

<sup>169</sup> The Karen National Defence Organisation (KNDO) was formed in 1947 by the Karen National Union and is the precursor to the Karen National Liberation Army (KNLA). Today the KNDO refers to a militia force of local volunteers trained and equipped by the KNLA and incorporated into its battalion and command structure; its members wear uniforms and typically commit to two-year terms of service.

<sup>170</sup> To find more information about the drugs issue in Doooplaya District, please refer to "[Growing drug use and its consequences in Doooplaya and Hpa-an districts, between February and December 2015](#)," KHRG, May 2016.

<sup>171</sup> The KNU Drug Prevention Special Act (1/2014) was enacted in 2014. Articles 2 to 8 give a prison sentence of between 6 months and 10 years for the use and sale of yaba, depending on the quantity of drug being used and sold. Article 9 includes a prison sentence of between 1 year and 7 years for the possession of drug (yaba) making equipment or raw materials for producing yaba, and up to 15 years in prison for using a yaba manufacturing machine. Article 11 states a prison sentence of 3 years for transporting yaba, even if the person caught does not know what they were transporting. Article 22 states that if murder occurs whilst using drugs, the perpetrator can be punished according to Kaw Thoo Lei Criminal law or National Criminal Law.

<sup>172</sup> Please note, direct reference to this source document was removed from the final publication of Foundation of Fear.

- On July 25th 2016, commander-in-chief of Myanmar armed forces, Senior General Min Aung Hlaing made a trip to Bu Yin Naung camp Town in Thandaunggyi Township, Toungoo District. There, he called some leaders to discuss about military activities. The road was full of soldiers in Thandaunggyi Township for his security. After his trip, Tatmadaw army troops rotated their troops in the army camps in the east of Thandaunggyi Township.
- On August 11th 2016, Tatmadaw soldiers from Bu Yin Naung camp Town, Thandaunggyi Township set up signposts on villagers' land in A--- village, B--- village and C--- village in Thandaunggyi Township. According to the signpost, those lands are now the property of Tatmadaw and are to be used as a Tatmadaw target practice area so none of the local villagers should trespass on those lands. The villagers who lost their lands now face many concerns and many problems.
- Villagers in Thandaung Myo Thit Town reported that they have to pay many fees with regard to education. These fees include school materials, teachers' travel costs, hiring teachers and paying for student certificates. For example, each student has to pay 1,000 kyat (US \$0.74) to one teacher per month to be employed. It causes a problem for some students' parents regarding their livelihood because they do not have a good enough income to pay for their children to study.
- Villagers reported additional challenges with education which included one teacher who was abusive to a male student from A-- Standard at the high school in Thandaung Town. Regarding this case, the students commented that, "This teacher, U B---, is totally different from other teachers. The way he teaches [treats] the students is not suitable with the purpose [job role] of Burma/Myanmar government staff [teachers]".
- Lands belonging to villagers in Sa Pin Gyi village tract in Thandaunggyi Township, Toungoo District were confiscated by local Burma/Myanmar government forestry department and those lands were made into Si Phyu Daw protected area. The villagers tried to report the case to the forest administrator from the Burma/Myanmar government forestry department in order to have their lands returned. However, the forest administrator has not returned those confiscated lands to local villagers until now. Therefore, the villagers who are seeking to reclaim their lands are facing livelihood issues.

#### **Situation Update | Thandaunggyi Township, Toungoo District (June to August 2016)**

*The following Situation Update was received by KHRG in August 2016. It was written by a community member in Toungoo District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>173</sup> This report was received along with other information from Toungoo District, including one incident report, eight interviews and 192 photographs.<sup>174</sup>*

<sup>173</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

I [KHRG community member] have collected the information about human rights abuses [events] happening in Thandaunggyi Township, Toungoo District during the period between June 2016 and August 2016, including education, healthcare, livelihoods, development projects and military activities.

### Education

While the previous [before the preliminary ceasefire agreement<sup>175</sup>] Burma/Myanmar government military [Tatmadaw] was operating [controlling] in the east of Thout Yay Ket village, Thandaunggyi Township, about 30 villages were ruined [because of forced relocation]. Now the villagers are trying to rebuild their villages to live. The villagers wanted to send their children to school. Therefore, they have tried to construct self-funded schools. Among 18 villages, the villagers have been able to build three schools for the local children. The villagers also had to hire teachers to teach children at the school. One teacher received 300,000 Kyat [per year] [US \$222.41]<sup>176</sup> funded by the villagers. Karen Education Department [KED] also supported the teachers with 200,000 Kyat [US \$148.27]. Although KED contributed text books and some class materials and support materials to the school, the students did not have enough note books and pencils.

These villages are migrant villages [villages which were forcibly relocated] which are now controlled by Karen National Union [KNU]. There is a middle school at the Township level which was established by KNU government in their controlled area but there are some difficulties for children to attend this middle school. The [local] education department of Burma/Myanmar government has never donated any books or pencils to the schools in KNU controlled area. Many children in those migrant villages could not go to the school. Some children are getting old enough to go to school but they are unable to attend the school because of many different reasons. In some villages, there is still no primary school.<sup>177</sup> The local villagers in these villages wanted to build self-funded primary schools for children but they could not afford to hire school teachers to teach their children. Therefore, they have not constructed those schools.

<sup>174</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.

<sup>175</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see ["Seventh Round of Nationwide Ceasefire Negotiations," Karen National Union Headquarters](#), March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see ["KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit," Karen News](#), April 22<sup>nd</sup> 2015.

<sup>176</sup> All conversion estimates for the kyat in this report are based on the February 1<sup>st</sup> 2017 official market rate of 1349 kyat to US \$1.

<sup>177</sup> The 2008 Myanmar Constitution mandates that the Union of Myanmar implement a free and compulsory education system for all. For a detailed assessment of the barriers for children, particularly females in rural areas, to receive education see, Chapter IV: Health and Education, ["Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar,"](#) 2016.

Some parents in the village sent their children to the Burma/Myanmar government's primary school in Section (1), Thandaunggyi Town. [During the reporting period] Naw<sup>178</sup> A---, the headmistress, called students' parents to attend a meeting. Then, she requested the parents to donate one or two zinc sheets for each student in order to rebuild the roof of the school. In addition to this, if the school teachers have to travel or move [to another school], the headmistress tries to collect 500 or 1,000 kyat [\$0.32 or \$0.74] from each student to support those school teachers. Additionally, the local villagers in some villages could not send their children to the school because they do not have any schools in their villages. Some parents want their children to stay at their relatives' houses [in other villages/towns] in order to attend a school. There is also the situation that some parents had to make their children leave the school because of their livelihood challenges.

The students do not need to pay school fees at the Burma/Myanmar government schools. At middle school or high school, the students have to pay for text books. The parents have to buy note books for their children. For the primary school, the students could have text books and note books for free but they do not receive adequate note books; their parents have to buy [additional] note books for them if necessary. Moreover, the school contributes one school uniform set per student per year at the primary school. The school teachers often called students' parents for a school meeting and they told the parents about what the school needs. Then, they asked and collected money from the parents for a school fund. The teachers also collected money from the parents in order to get funds when they celebrated their prize-giving ceremony at the school. Each parent had to pay 5,000 kyat [US \$3.70] to the primary school (#2) in Thandaung Myo Thit Town in order to provide food for everyone who attend the prize-giving ceremony.

The school in the village also often collects money from the parents in the same way in order to get a school fund. If the teacher has to move from the village to another place, the school teachers collect 500 kyat or 1,000 kyat [\$0.32 to \$0.72] from each student to support that teacher. Some teachers are not willing to go and teach the children at the school which is situated in the remote area because it is too far for them to travel to the school. It causes a problem for the students [as they do not have enough teachers]. Some [Burma/Myanmar government] teachers submitted a letter to their education administrator in order [to gain permission] to leave the school in the [remote] village. That is why the school in the village does not have enough teachers. Two female high school teachers from the high school in Thanduang Myo Thit Town, Thandaunggyi Township, Toungoo District, have also moved on to another place. Therefore, the headmaster in that high school in Thanduang Myo Thit Town called students' parents for a meeting and he told the parents that they have to hire two other high school teachers. He also said that each student has to pay 1,000 kyat [\$0.72] to hire the new teachers.

There are more than 150 students who are studying in Standard 10<sup>179</sup> at the high school in Thanduang Myo Thit Town. However, the students had to employ their own teachers to teach them. Each student had to pay 1,000 kyat [\$0.74] for one teacher [per month]. For two teachers, they had to pay 2,000 kyat [\$1.48] per month. [These additional fees] caused a problem to some students' parents. There are some schools in the Burma/Myanmar government's controlled area

<sup>178</sup> Naw is a S'gaw Karen female honorific title used before a person's name.

<sup>179</sup> 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.

but the Burma/Myanmar government did not hire enough teachers for the school. It became difficult for students to study in the school. The Burma/Myanmar government said that they have given an opportunity to learn Karen language at the schools in Karen State. In reality, they have not prioritised Karen literature in the school. The teachers just have to teach Karen language in their free time but not during school time.

The [Karen language] school teachers do not get salaries so therefore there will be no teacher who teaches Karen language during this [school] time. Some teachers in some villages try to teach the children Karen language one hour per day although they do not get any salary. They teach [for free] because they want the children in the village to be able read and write Karen language. It is expected that the children at nursery school [from Standard 1 to Standard 4] should learn Karen language. The primary school must be opened officially [by the Burma/Myanmar government] in the village but the school teachers do not receive their salaries officially [by the Burma/Myanmar government because villagers must pay them]. Therefore, the local villagers have to hire school teachers. In some villages, the villagers could hire school teachers but they could not build the school. So they have to build the school according to the village head's plan. [Hiring the teachers] causes problem to the villagers regarding their [economic] livelihoods.

Regarding the situation of education and the building of the school in Thay Ywar You village which is located in the east of Thauk Yay Hkat Chaung village, Thandaunggyi Township, Toungoo District, the Burma/Myanmar government controlled-area, the school teachers are not allowed to teach students for private tuition but some teachers do teach students for private tuition and they ask 35,000 Kyat [US \$25.95] per month from each student for the [private] tuition fee. Some teachers ask 7,000 Kyat [US \$5.19] for only one subject from one student [per month]. Due to this private tuition, the school teachers seem to care about the students who are learning in their private tuition but they just ignore the rest of the students [during school time].

There is a teacher, U<sup>180</sup> B---, who teaches students at the high school in Thandaung Town. U B--- also teaches students who want to learn in his private tuition classes. He asks 300,000 Kyat [US \$222.41] per year from students who study in 8<sup>th</sup> Standard, 400,000 Kyat [US \$296.55] per year from students who study in 9<sup>th</sup> Standard, and 600,000 Kyat [US \$444.83] per year from students who study in 10<sup>th</sup> Standard. There are many students who could not learn in those private tuition classes because they could not pay the tuition fees. The teaching in the school is not very effective and it is beneficial to learn in the private tuition classes because teachers teach well in private tuition.

The subject U B--- is teaching in the school is Mathematics which is very difficult for students. Thus, students [who study in his private tuition] understand very well but the rest of the students [who do not study in his private tuition] do not understand Mathematics subject very well. Moreover, U B--- cruelly scolds the students when he is teaching in the class. In one incident, on August 11<sup>th</sup> 2016, U B--- challenged a male student from A--- Standard as his enemy. Regarding this case, the students commented that, *"This teacher is totally different from other teachers. The way he teaches [treats] the students is not suitable with the purpose [job role] of Burma/Myanmar government staff [teachers]"*.

The Burma/Myanmar government said that they are trying to support students who are poor. So they collected a list of the students [who are poor]. Although a small number of really poor students have been on the list, most of the students on the list are the children of

<sup>180</sup> U is a Burmese title used for elder men, used before their name.

Burma/Myanmar government staff. In reality, some parents who could not buy any shoes for their children are not on the list.

Also, when the students go to the school in the town, they have to cross the street in the town. So they face some danger because there are many cars and motorbikes in the street. That is why they need to have a traffic policeman to take care of those children. Motorbike accidents often happened in Pyar Sa Khen village, Thandaunggyi Township, Toungoo District. In some cases, students have died because of these motorbike accidents. Therefore, it is dangerous for students when they go to their school.

#### **Healthcare**

Regarding the healthcare situation within Thandaunggyi Township, Toungoo District, the villagers in the rural area which is controlled by the Burma/Myanmar government do not receive full and adequate medical treatment. Women and their children have to get vaccinations every month. However, the Burma/Myanmar government's health workers just come to the rural area to give vaccination in the summer. They do not come to give any medical treatment in the rainy season because they complain that they cannot go there because of the rain and transportation problems. If the villagers get sick, they just go to buy medicine from the outside [pharmacy shops] as usual. When they give vaccinations to the villagers, the Burma/Myanmar government's health workers do not give a lot of time to the villagers so that some villagers cannot get vaccinated. Also, if the villagers go to the hospital when they are sick, they do not get medical treatment for free.

Moreover, there is no adequate medicine in the hospital so the villagers have to buy medicine from outside [at a pharmacy shop]. Mostly, the villagers are suffering from illnesses such as dengue haemorrhagic fever and general illness when the seasons change. When the patients go to some hospitals for medical treatment, some doctors do not get along with each other. They [doctors] argue with each other because they want to give medical treatment to different patients whom they favour. That is why the patients [villagers] face difficulties. There are two doctors in the Thandaung Myo Thit hospital. One of them has his own clinic so the patients have to pay money if they go to that clinic for medical treatment. The other one [doctor] is trying to help the patients for free. Therefore, they do not get along with each other because of the way they treat the patients. They only want to give medical treatment to the patients whom they favour.

Some pregnant women's babies have died when they were delivered. Actually, their babies should not die. A doctor who has goodwill is willing to help the patients who want to go to him. A doctor who has a private clinic only wants to give medical treatment to the patients who he accepts and he does not treat all the patients equally who want medical treatment [because some cannot pay him so they do not receive treatment]. Thus, many patients have lost their opportunities to get medical treatment. That is why some patients go to other clinics but it costs a lot of money for medical treatment. There is a [Tatmadaw] military hospital in Bu Yin Naung camp Town in Thandaunggyi Township. This military hospital has full medical supplies. Only the people who are related to and familiar with Tatmadaw soldiers go to this military hospital for medical treatment. Most of the villagers do not go to the military hospital for medical treatment because they are still afraid of Tatmadaw soldiers, as usual. The ordinary [government] hospital does not have enough medicine so the people [patients] have to go to buy medicine at the pharmacy [outside]. Some people also buy medicine from some Burma/Myanmar government health staff.

There are four towns in Thandaunggyi Township. Each town has a hospital but the hospitals do

not have enough medicine. There are many local clinics in the rural areas but those clinics also do not have enough medicine. Therefore, the Burma/Myanmar local government health workers at those clinics have to invest their money and they buy medicine from outside in order to give medical treatment to the patients [and sell the patients the medicine]. However, they ask for more money from the patients than the cost of the medicine. There are some health workers who are hired by the Burma/Myanmar government in some local clinics but they do not fulfil their duties. That is why more and more villagers chose to buy and use traditional medicine. Some villagers like to ask help from local medics [who do not have formal training] in order to [know which] medicine to buy that can cure their illnesses.

Especially in the KNU [Karen National Union] and Burma/Myanmar government, mixed-control rural area, Burma/Myanmar government health workers do not go to give medical treatment and vaccinations to the villagers. Therefore, many mothers and babies in these villages do not get the necessary vaccinations although the babies are getting old enough to get vaccinated.

In the KNU controlled-area, KNU [KNLA]'s medical unit provides medicine to the local villagers as much as they can. Also, Back Pack Health Workers [BPHWT] sometimes come to the village and they try to give medical treatment and vaccinations to the villagers. The villagers who live near to KNU [KNLA] army camp go to get medical treatment from the [KNLA] medical unit but the villagers who live far away from the KNU [KNLA] army camp do not come. KNU [KNLA]'s medical unit just gives limited medical treatment to the villagers depending on what kind of symptoms and diseases [they have] because it does not have enough medicine; they try to help the villagers as much as they can. There are military health workers in the KNU [KNLA]'s medical team in their army. The villagers who live near to KNU [KNLA] army camp often go to see military health workers when they are sick and these military health workers give medical treatment to the villagers for free. However, they [KNU/KNLA military health workers] do not have enough medicine so the villagers have to go and buy medicine that they need from outside [pharmacy].

Religious readers from KBC [Karen Baptist Convention] selected some people from the village who can read and write in order to give them medical training [once a month]. Then, they go back and help other villagers in their village. They [religious leaders from KBC] only chose one person from each village to give medical training to. After they attend the medical training, the chosen villagers could go back to their village to help people who get sick. However, they can only give oral medicine to the villagers [not injections]. In order to be able to give medicine to the villagers, KBC contributes the medicine to the chosen people who attend the medical training once every month. Then, the chosen people have to report to KBC after one month regarding the list of medicine [that they distributed]. However, the chosen people do not get any salary. They are just volunteers to provide healthcare services.

In order to treat or cure people who have serious diseases and illnesses, they [KBC volunteers] just send the patients to KNU's hospital for medical treatment if they cannot handle the case themselves. KBC only gives medical training to the chosen people for one month so therefore the chosen people face difficulties when they are giving medical treatment. The basic education they have learned and the diseases that their patients have experienced are different so there are [medical] situations that they cannot not provide medical treatment for. In their villages, they just use their small bamboo house as a clinic. However, the medicine they keep in their houses gets spoiled because of the rain; the roofs of their houses are not very good and also their houses are not very strong.

If the people in their villages get a serious illness, they have to send the patients to the

Burma/Myanmar government hospital. When they send the patients to the hospital, they have to face a problem of carrying the patients a long way to go to the hospital. Then, when the patients arrive at the hospital they have language problems because they cannot speak Burmese to communicate with the doctor and also they do not have enough money to pay for the medical fee. That is why they prefer to go to traditional [herbal] doctors for their medical treatment. Although the villagers face money issues with supporting their livelihoods and medical fees, they just go to see traditional medical doctors in the village for medical treatment when they are sick. Finally, some of the villagers died because they could not pay to go to hospital. The pregnant women in the village have to give their birth with the help of the local [not formally trained] midwife. They just take traditional medicines. They do not take modern English medicine. They use roots as medicine. The common diseases in the rural village are flu, malaria and general illness when the seasons change.

#### Livelihood

The villagers in the rural area in Thandaunggyi Township, Toungoo District are working in their gardens and most of them are low-skilled workers but a few people are working as Burma/Myanmar government staff. The villagers mainly grow betel nut,<sup>181</sup> cardamom, dog fruit<sup>182</sup> and rubber trees. They also grow crops in their garden to support their livelihood. In 2016, the villagers could not produce durian fruits and mangosteen fruits because the weather was too hot. Also, they could not grow betel nut very well. Therefore, the villagers could not make a good income. Their cardamom plants collapsed because of very hot weather and storms. As a result, the fruit did not grow properly. They [villagers] have to sell one big tin (eight bowls) of dog fruits for only 3,500 kyat [US \$2.59] because of these problems in the village.

The price of the fruits is not good [when villagers sell them] but the price of commodities [when villagers buy them] has increased. Their fruit costs and food costs do not match. The daily wage [as a labourer] is from 3,500 kyat to 4,000 kyat [US \$2.59 to \$2.96] so they struggle to support themselves with their livelihood. The price of meat has also increased. Their incomes are not sufficient for their expenses. They also face some other difficulties regarding their education, healthcare and social activities. In some places in the jungle around Leik Tho Town, some villagers currently have to forage for bamboo shoots in order to support their livelihood. KNU forestry department also set up the rule that people cannot cut bamboo or trees in Thandaunggyi Township, Toungoo District in order to keep the forest ever-green. However, the villagers are stealing by cutting bamboo shoots. They sell it to support their livelihood.

Some people who [already] have money try to work with the local Burma/Myanmar government in order to make [more] money as pawnbrokers or money lenders. Some villagers have to show and give their land grants or land tax vouchers to business people [pawnbrokers or money lenders] when they go to borrow money [as collateral for their loan]. The villagers have concerns that they will lose their lands one day [if they cannot repay the loan]. Despite their concerns, the villagers have to borrow money from pawnbrokers because of the different [financial] problems they have. When the villagers try to borrow money, they do not get the full amount of money that they want to borrow [because middle men take part of the money]. The money they borrow has been reduced because of [corruption within] the money-borrowing process.

<sup>181</sup> 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.

<sup>182</sup> 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.

The Burma/Myanmar government started to build Pa Thit dam in 1996 in Thandaunggyi Township, Toungoo District. Due to this dam, many of their villagers' lands in Ywar Gyi Khoe Kwin village, Nat Thar Khone village and Ngwe Toung Gyi village in Ywar Gyi village tract when they were covered with water. The villagers are now confronted with livelihood problems because they have lost their lands. Therefore, they have to catch fish in the water which now covers their land in order to earn their livelihood. Some people have to leave their village and they go to look for jobs such as tree-cutting and gold-digging as daily labourers. Sometimes they face the problem when they are doing their jobs that they do not get paid their daily wage. Moreover, their chainsaws are confiscated [if they are caught cutting trees].

Some of the villagers' lands in Sa Pin Gyi village tract in Thandaunggyi Township, Toungoo District were confiscated by local Burma/Myanmar government forestry department and those lands were re-claimed as Si Phyu Daw forest protection area. The villagers tried to report the case to the forestry administrator from Burma/Myanmar government forestry department in order to get back their grandparents' lands. However, in 2014, I [KHRG community member] often researched the case in that area. Until now, the forestry administrator has not returned those confiscated lands. Therefore, the villagers who lost their lands are facing livelihood issues.

The villagers just depend on the fruits from their gardens in order to support their livelihoods. They send their children to the school with the money they earn from the garden. They also pay their medical fees if they are sick with the money they earn from the garden. However, they cannot solve all the problems they have in their family. They are just getting by [they just survive without extra food and money]. The villagers on the mountain also have to confront livelihood issues because the price of the fruits from their gardens is not very good. They cannot not produce good fruits because of the bad weather so they could not get a good price. The villagers who grow seasonal fruits are also not able to grow good seasonal fruits. The price is not good. Therefore, they have to take [borrow] rice, salt and fish paste from the traders as a debt [on credit] in order to support their livelihoods. Later on, they will have to give back money [to pay off the credit] to the traders when they have sold their cardamom, betel nut and coffee in another season. The traders demand more money unfairly [add interest to the loan] than the villagers have to pay back.

Some villagers have to work as daily labourers to earn their livelihood. They also send their children to the school with the money they earn from their daily wages but they do not let their children go to study in the private tuition because they cannot pay the tuition fee. Some villagers who have shops cannot sell their products because the people buy their products on credit [promising to pay in the future]. Therefore, their incomes are not rotating well and they cannot make enough to invest in buying products to sell again so it is difficult for them to earn a regular income. The price of commodities is increasing year by year so the money that the breadwinners make and the expenses that they have are not equal. So this causes some family issues [arguments] between wives and their husbands.

For the people who earn their livelihood from rubber plantations, they can sell one pound of rubber for 500 kyat [US \$0.32] so it is not easy to support their families [because this price is low]. For the people who make raw rubber from the rubber trees as daily labourers, they cannot get a good daily wage. The rubber plantation owner also cannot hire them anymore so they became unemployed. Because of being unemployed, some people try to drink alcohol and it causes conflict within their families. They try to look for jobs but no one hires them to get a job. In the past, there were the people who are porters/carriers and they had to carry fruits such as dog fruits, cardamom and betel nuts so they got paid but now people only use vehicles such as

motorbikes to carry this food. That is why it is not easy to get that kind of job anymore for the people who were porters/carriers.

People who are from the construction department [from Burma/Myanmar government] call the villagers to be their labourers in order to construct roads. The villagers have to do it without choice even though they get only 3,500 Kyat [US \$2.59] per day. It is not easy for them to support their livelihood with the money they get. The majority of the local residents in Thandaunggyi Township are daily labourers.

Burma/Myanmar government forestry department tried to measure and set up more than 300,000 acres of lands in Thandaunggyi Township for Si Phyu Daw forest reserve. The land that they have designated for forest reserve is land that local villagers are farming and gardening on. The villagers therefore wonder what will happen to their lands in the future. In 2000, Major General Win Myint confiscated villagers' lands in Section (1) and Section (2) in Thandaunggyi Township in order to keep those lands for [Tatmadaw] army. Those lands are the villagers' gardens. However, the villagers have to pay the seasonal fruit tax to *Ya Ka Tha* [Warrant Officer and Sergeant Training School] group which is under Bu Yin Naung camp Town [Tatmadaw].

The villagers who live in Tan Mon village tract and Kyauk Phyar village tract, Leik Tho Town, Thandaunggyi Township are mostly working on hill farming but it is not enough [food/income] to support their livelihood because they could not grow plants on their hill farms very well as a result of poor plant fertility and bad weather. Because of livelihood needs, other villagers who live in Auak Kyin Auak Ywar village come to cut down wood although the local villagers try to protect the forest. That is why it becomes deforestation. Because of that [cutting down trees], the villagers come to have a conflict with each other.

Many years ago, U Khin Maung Aye who is the chairperson of CB Bank [Co-Operative Bank LTD] from Kaung Myanmar Aung [Company]<sup>183</sup> confiscated local villagers' lands in Toh Boh village, Na Gar Mauk village and Yay Ao Sin village in Toungoo Township. Moreover, he has sued the villagers for trespassing on these confiscated lands.<sup>184</sup> This case has not finished yet. The [accused] villagers are called to go to court once every two weeks. Therefore, the villagers have to confront livelihood issues because they cannot do their jobs very well [because they have to travel frequently to court].

#### **Development**

Regarding development in Thandaunggyi Township, Chan Mya Wai Si Company, Ngwe Win Phyo Company and an [unknown] construction company have arrived in Thandaunggyi

<sup>183</sup> Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development within Myanmar. Their chairman is Mr Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Burma/Myanmar which have included threats to villagers who were customary owners of the lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014 to February 2015](#)," July 2015. Affected villagers held protests against the company in 2015 and early 2016 in order to demand the return of their lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," July 2016. For information on a similar case with KMAC in Pyin Oo Lwin Township, Mandalay Division, see "[Presidential adviser sues 13 farmers for trespassing](#)," Myanmar Times, September 2<sup>nd</sup>, 2013.

<sup>184</sup> For more information on this case, see, "[Toungoo Situation Update: Thandaunggyi Township, November 2015 to February 2016](#)," (published November 2016).

Township and they have constructed roads and bridges. Also, Shwe Pyin Daw Company has constructed a telecommunication tower. There is also Wai Yan Kyaw Company. Chan Mya Wai Si Company constructed the road in Thandaunggyi Township without negotiating with the local villagers. The local villagers did not know that they were constructing the road but only the village head knew about that. Chan Mya Wai Si Company just reported to the Burma/Myanmar government when the road was finished. However, Chan Mya Wai Si Company did not finish constructing the distance that the Burma/Myanmar government asked them to do. Besides, the villagers could travel only in hot season but they could not travel on that constructed road in rainy season because the dirt around the road collapsed due to rain. As a result, the road was destroyed. So it is difficult to travel by motorbike and car [in rainy season]. Also, the companies did not construct every bridge that they were asked to do but they signed in the agreement paper that all the bridges were successfully constructed. The distance of the road between Shwe Nyaung Pin village and Maung Nwe Gyi village is just 7 miles but they [company] only put the stone on that road for 6 miles. The rest of the road has not been finished but they [company] said all the road was finished.

Because of heavy rain this year, the road was almost destroyed. The road between Thandaunggyi Township and Late Phyar Gyi Town was constructed in the hot season but it is difficult to use this road in the rainy season. They [company] did not do their best when they constructed the road in the rural area. They did not discuss or work together with the Burma/Myanmar government engineers and road constructors so they could not construct a road of good quality.

In order to construct schools, they [company] just followed the plan which was made by former members of parliament from the Burma/Myanmar government. Regarding school construction which takes place in Thay Ywar You village, Meh K'doe village and other villages in Thandaunggyi Township, former members of parliament took responsibility for school construction so they only gave people [who are close with them] employment opportunities to manage the school construction project. However, the villagers did not know about school construction project. They [people who are responsible for school construction project] just discussed [the construction] with the village administrator [and not the rest of the community].

The football ground in Thandaunggyi Township was lost and destroyed due to road construction because it was used for the road, but they [road constructors] did not replace any land for the football ground. This football ground is owned by community. Therefore, students and local people are not able to play any sport on the football ground because it was destroyed.



These photos were taken on June 22<sup>nd</sup> 2016 in Thandaunggyi Township, Toungoo District. It shows that road constructors constructed the road very wide so that it also took part of the football ground. This ground is on the Township football ground that people in Thandaunggyi Township inherited from their great-grandfathers. Because of this road construction project, local people cannot play any sport on that ground anymore. [Photos: KHRG]

Community [infrastructure] development in local villages is needed in order to improve transportation. Thus, people who are responsible for development projects told local villagers about what they were going to do. Representatives of companies persuaded local villagers that they [villagers] would take the lead for community development. In fact, they [companies] did not discuss with every villager in [every] village about these community development projects but they just discussed with the village heads and elder people in these villages. They also did not tell everyone about the [positive/negative] impact of community development project.

The Burma/Myanmar government collaborated with a [unnamed] Japanese Company to build a telecommunication tower in A'lel Chaung A'Tet Ywar village, Thandaunggyi Township, Toungoo District. Shwe Pyin Daw Company is responsible for constructing the telecommunication tower. However, they [Shwe Pyin Daw Company] did not inform local villagers [about the construction]. Besides, they did not discuss with local KNU authorities, they just negotiated with U Win Myint, the parliament representative for the Karen People's Party.<sup>185</sup> They constructed a telecommunication tower on local villagers' land. Because of that, there was a disagreement between local villagers and Shwe Pyin Daw Company.

[In another incident,] Burma/Myanmar Communication Department wanted to construct a telecommunication tower in Baw K'lee Town, Thandaunggyi Township, Toungoo District. On June 30<sup>th</sup> 2016 KNU officials from Toungoo District went to meet with the Community Development Committee in order to negotiate about compensation for villagers who lost their land [due to the telecommunication tower]. According to the manager of Burma/Myanmar Communication Department,

*"Our department is the Burma/Myanmar government's department so the Burma/Myanmar*

<sup>185</sup> The Karen (or Kayin) People's Party is one of four ethnic Karen political parties represented in the Burmese government, currently holding single legislative seat. Traditionally the KPP represents those Karen communities living outside of Karen State: Rangoon, Irrawaddy, and Bago regions, as well as Mon State where there is a Karen population. **Saw Htun Aung Myint, the party's chairman, once served as a colonel in the Burmese Navy.**

*government will not give money [compensation for lost land]. In the past, we had constructed other telecommunication towers on the villagers' land without giving money [compensation]. For the current telecommunication tower that we constructed, we will report to the Burma/Myanmar government's leaders to arrange money [compensation] for villagers. Our Burma/Myanmar Communication Department is funded by the Japanese Company".*

Major Saw<sup>186</sup> Del Poe from KNU said,

*"If you want to construct a telecommunication tower in the area under our [KNU] control, you have to first discuss with local villagers and you have to get a permission from them. Also, you have to abide by our KNU policies".*

However, the manager of Burma/Myanmar Communication Department replied,

*"We will report your demands to the Burma/Myanmar government's leaders. We ourselves cannot not make a decision about that".*

Local villagers do not know anything about the location where the telecommunication tower would be constructed.

In 2016 and 2017, the Burma/Myanmar government will provide financial support to 50 local schools in remote areas in Thandaunggyi Township. Therefore, 35,000,000 kyat [US \$25,948.30] will be shared [allocated] between the local schools. The schools must be constructed with concrete. It is difficult to go to those villages in remote areas because of the [bad] roads. They [villagers] do not have a vehicle road. Therefore, it is difficult for them to transport school materials for construction. It concerns the villagers that their local schools will be relocated [to a place that is easier to access].

Zaykabar Company<sup>187</sup> constructed the road in Thandaung Myo Thit Town, Thandaunggyi Township, Toungoo District in order to go easily to the beautiful buildings [that are nearby] such as hotels. They [Zaykabar Company] discussed about constructing the road with the town administrator and other townspeople with responsibility. Due to their road construction, the bank of the local stream was destroyed and the dirt fell into the stream making the water in the stream dirty. This stream is called Pa'thi Chaung. Local villagers in that area use this stream water as drinking water. Therefore, it caused a problem for local villagers to get drinking water. Besides, there are beautiful buildings for visiting nearby the road construction. So a lot of people go there and they travel there by motorbikes and cars. That's why they [Zaykabar Company] made a gate [checkpoint] and they collect road fees from the people.

There are a lot of places to go for a picnic. Many young people bring alcohol and food when

<sup>186</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

<sup>187</sup> Zaykabar (Zay Kabar) Company is one of the largest construction companies in Myanmar. The chairman of Zaykabar Company, Dr Khin Shwe, is also a member of the Amyotha Hluttaw, the upper house of the Myanmar parliament. The company was listed on the Burma Sanctions list by the United States government due to its close ties to the former military government, until the list was terminated in October 2016, see "[Issuance of Executive Order Terminating Burma-related Sanctions Program; Burma-related Designations Removals](#)," October 2016, U.S. Department of the Treasury. Zaykabar Company construction and development projects have caused land confiscation and livelihood impacts, see for example "[Land confiscations in Kyaikmayaw Township, Mon State](#)," August 2013, Human Rights Foundation of Monland.

they go for a picnic but they throw their alcohol bottles and waste on the ground unwisely. Therefore, it creates a hazard for local villagers.

The road was constructed roughly in Kywe Phyu Taung village, Thandaunggyi Township. So people could not use cars and motorbikes to travel on that road. Also, the road was constructed in Taw Phya Gyi village, Thandaunggyi Township [and] it damaged local villagers' lands. However, local villagers did not get any compensation. Besides, only half of the road was finished and people could not travel by car on that road because the road is very steep.

#### **Military activity**

The Burma/Myanmar government's army camps in Thandaunggyi Township, Toungoo District are not like before. They [Tatmadaw] have rebuilt the fence of their army camps to be stronger and stronger. They also clean the area around their army camps. They rotate their army troops every two or three months. They do not only transport rations regularly, they also transport ammunition to their army camps.



This photo was taken on August 4<sup>th</sup> 2016 in Thandaunggyi Township, Toungoo District. There was a military training for Sergeants to become Battalion Commanders [being held] in Bu Yit Naung camp in Thandaunggyi Township. Every four months, they [Tatmadaw] have a military training. It shows one of the ten military trucks with Tatmadaw soldiers that came back to the camp after they attended a military training. [Photo: KHRG]

On May 5<sup>th</sup> 2016 Tatmadaw from Southern Command Headquarters transported rations by military trucks to Tatmadaw army camps in Thandaunggyi Township and the temporary camps at the frontline [in the east of Thandaunggyi Township]. When they came across Thandaunggyi Township, they accidentally [collided with and] crushed one motorbike and two villagers died straightaway. Then, they [Tatmadaw] drove away. Later on, the other villagers found out that Tatmadaw truck crushed the villagers' motorbike [and killed the two villagers]. Tatmadaw first tried to argue that they did not crush the motorbike but villagers found the evidence that there was blood and a piece of motorbike material on the wheel of the Tatmadaw truck. The truck driver, Ko Ye, ran away at night but he came back to face arrest the same night. Tatmadaw soldiers took him [Ko Ye] to the military court but villagers still do not know how he was punished and what punishment was given to him. Tatmadaw did not give any compensation to [the families of] two villagers who were killed and they also did not inform the relatives of those two villagers [about the incident].<sup>188</sup>

There was a military training in Bu Yin Naung camp Town. Every four months military training

<sup>188</sup> For more information on this case, see "[News Bulletin: Thandaunggyi Township, May 2016](#)," published September 2016.

was given to Tatmadaw soldiers. On August 8<sup>th</sup> 2016 Major General Aung Myo Thant, Military Operations Commander, from Military Operations Command<sup>189</sup> (20) travelled from Baw K'lee Town to Maung Nwe Gyi army camp in Thandaunggyi Township, Toungoo District. He secretly came to check on the Tatmadaw soldiers and [check on] the army camp at the frontline. However, local villagers heard the news that he came to check Tatmadaw soldiers. [After local villagers heard this news,] Tatmadaw informed local villagers that a Tatmadaw medical unit was coming to help villagers [when really it was Major General Aung Myo Thant traveling to conduct the check]. However, no-one from Tatmadaw's medical unit came to give medical treatment to local villagers. It was obvious that Tatmadaw lied to local villagers [about the purpose of the Tatmadaw transport] in order to be able to do their activities. It showed that Tatmadaw did not trust local villagers.

On July 25<sup>th</sup> 2016 commander-in-chief of the armed forces, Senior General Min Aung Hlaing went to Bu Yin Naung camp Town in Thandaunggyi Township. Then, he called some leaders to discuss about military activities. He also went to check on Tatmadaw's tea plantation factory in Thandaunggyi Township. He travelled by helicopter. The road was full of soldiers in Thandaunggyi Township for his security. After his trip, Tatmadaw army troops rotated their army camps at the frontline in the east of Thandaunggyi Township.

On August 10<sup>th</sup> 2016 *Ya Ka Tha* [Warrant Officer and Sergeant Training Activity] from Bu Yin Naung camp Town went to check on lands that they had confiscated in Thandaunggyi Township together along with Land Measurement Department and responsible people from Thandaunggyi Township. However, *Ya Ka Tha* has not yet returned the confiscated lands to local villagers.

On August 11<sup>th</sup> 2016, 17 military trucks which were full of Tatmadaw soldiers from Toungoo were sent to the army camps in the east of Thandaunggyi Township. They also transported military weapons to the army camps in the east of Toungoo. It concerned local villagers as [they saw the transportation of military weapons] a threat.

On August 11<sup>th</sup> 2016 Tatmadaw soldiers from Bu Yin Naung camp Town, Thandaunggyi Township set up signposts on villagers' land in A--- village, B--- village and C--- village in Thandaunggyi Township. According to the signposts those lands, which have been confiscated by Tatmadaw, are now Tatmadaw's target practice area so no local villagers should trespass on them. The villagers who lost their lands now face many concerns and many problems.

#### **KNU activity**

KNU tried to eliminate drugs in their controlled-area. On June 30<sup>th</sup> 2016 KNU arrested drug dealers and confiscated drugs. The value of the drugs that they confiscated is 400,000,000 kyat [US \$296,552.00]. Then, KNU and local villagers destroyed all of drugs that they confiscated. On July 20<sup>th</sup> 2016 KNU arrested drug dealers again in Thout Yay Ket village, Leik Tho Town, Thandaunggyi Township, Toungoo District.

Currently, KNU is trying to explain to local villagers who do not know clearly about their rules and policies in the area under their [KNU] control in order to rebuild community. KNU also try to talk with villagers in order to help them to get back villagers' lands which were confiscated.

#### **Researcher's opinion**

Regarding education in Thandaunggyi Township, Toungoo District, the Education Department

<sup>189</sup> 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.

of the Burma/Myanmar government need to make sure that Burma/Myanmar government's teachers should follow the rules and policies. Regarding villagers' livelihoods, the Burma/Myanmar government needs to control the commodity price in order to help villagers to support [the cost of] their livelihoods. Tatmadaw and local villagers are not in the same boat [in agreement]. The local villagers could not trust Tatmadaw. To be able to trust Tatmadaw, Tatmadaw should try their best for villagers. In conclusion, the Burma/Myanmar government needs to observe the situation of local villagers in order to fulfil their needs.

#### Source #57

Log #	16-77-S1
Type of report	Situation Update
Publishing Information	Previously published in December 2016: <a href="http://khrgh.org/2016/12/16-77-s1/dooplaya-situation-update-kawka-reik-township-june-2015-august-2016">http://khrgh.org/2016/12/16-77-s1/dooplaya-situation-update-kawka-reik-township-june-2015-august-2016</a>
Location	Kawka-reik Township, Dooplaya District/southern Kayah State
Full Text	

### Dooplaya Situation Update: Kawka-reik Township, June 2015 to August 2016

*This Situation Update describes events occurring in Kawka-reik Township, Dooplaya District during the period between June 2015 and August 2016, including education, health, militarisation, KNLA forced recruitment, civilians' livelihoods, and development projects.*

- In June 2016, middle school students' parents in Aung Pa Gyi village, Kaw T' Ree (Kawka-reik) Township, Dooplaya District had to give money to the local school for tables and chairs.
- Between 2015 and 2016, villagers in eastern and western parts of Taw Naw area, Kaw T' Ree Township faced many illnesses, such as flu, diarrhoea, coughing, TB, cancer, stomach ache, stroke, pneumonia, throat infections, and diabetes.
- Between July 2<sup>nd</sup> 2015 and August 4<sup>th</sup> 2016, there were six incidents of fighting between Border Guard Force (BGF) allied with Tatmadaw Battalion #230 and the Democratic Karen Buddhist Army (DKBA) in C--- village, Kaw T' Ree Township, Dooplaya District.
- The development projects in Kaw T' Ree Township, Dooplaya District between 2015 July and 2016 August included the construction of roads, schools, clinics, libraries, and establishing an electricity and water supply by the Burma/Myanmar government and foreign-aid partners.

#### Situation Update | Kawka-reik Township, Dooplaya District (June 2015 to August 2016)

*The following Situation Update was received by KHRG on August 22<sup>nd</sup> 2016. It was written by a community member in Dooplaya District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>190</sup>*

<sup>190</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

### Education

Between 2015 and 2016, the majority of the primary school teachers and middle school teachers in Kaw T'Ree [Kawkareik] Township, Dooطلا District were Burma/Myanmar government teachers and the others were village teachers [who are paid directly by the villagers]. Village teachers help to teach the students who do not understand Burmese [language by speaking to them in Karen language]. The students study five days [per week] but they only get a chance study Karen language for one period per week and they can only wear Karen clothes on Mondays and Fridays. They sing the Burma/Myanmar national anthem before and after school [on Tuesdays and Thursdays] and they sing the Karen national anthem on Mondays and Fridays. Primary schools and middle schools receive some support [school supplies] from the Karen National Union [KNU], such as notebooks, pencils, pens, cane balls and footballs. Only around 30% [of school's supplies] were provided by the KNU and the other 70% were provided by the villagers themselves. [Burma/Myanmar government] Teachers' salary was paid by the Burma/Myanmar government but they do not get paid enough. Students' parents had to pay the salary for the village teachers.

In June 2016, there were more than three hundred primary school students and middle school students in Aung Pa Gyi village, Kaw T'Ree Township, Dooطلا District. Because of the high numbers of students, there were not enough tables and chairs for them. [Therefore] Teachers and village leaders have to ask for money from the students' parents [for more tables and chairs]. The middle school students' families each had to pay seven thousand kyat [US \$5.33],<sup>191</sup> but if there were two or three [middle] school students from the same family, they had to pay ten thousand kyat [US \$7.61] [per family]. The school committees had to buy tables and chairs for the students with the money that they got from [from the students' parents].

There were some teachers [in some schools] who got a salary from the Burma/Myanmar government and sometimes they had to attend the [teacher] training in the town [Kyain Town] during the school term for two weeks so the students had to stop studying [for this time]. It took a lot of the students' study time [away] so there was some disagreement and misunderstanding between the village teachers and the Burma/Myanmar government teachers. Between 2015 and 2016, there were some improvements in education in the villages in Kaw T'Ree Township, Dooطلا District.

### Health

Between 2015 and 2016, villagers faced illnesses, such as flu, diarrhoea, cough, TB, cancer, stomach ache, stroke, pneumonia, throat infection and diabetes. These illnesses usually happened in the eastern and western parts of Taw Naw Kaw T'Ree [Township].

Civilians who get these illnesses go to the Burma/Myanmar hospitals or clinics and they do not have to pay money. However there are not [any] qualified Burma/Myanmar nurses or medics, or enough medicine. The Burma/Myanmar government supported the hospitals and clinics in the villages [in Kaw T'Ree Township], but their nurses and medics only provided elephantiasis injections and anti-malaria treatment. There was no treatment for other serious illnesses. They could not treat the serious illnesses so civilians who had money went to private clinics and hospitals in the towns. Some villages have good quality free clinics and hospitals, and most of the patients go to small private clinics [in the villages]. Villagers [patients] who do not have enough money go to Burma/Myanmar government hospitals and clinics but if they cannot be treated there, they go to the hospitals in the towns. Some villagers get medical treatment from

<sup>191</sup> All conversion estimates for the kyat in this report are based on the 18<sup>th</sup> November 2016 official market rate of 1,313.97 kyat to US \$1.

the Back Pack Health Workers and Free Burma Rangers [FBR]. Between 2015 and 2016, most of the villagers in Kaw T' Ree Township, Dooplaya District faced health problems.

Since August 6<sup>th</sup> 2016, there were more than one hundred children [between two and twelve years old] with a cough in Hpah Klaw Hkee village, eastern Taw Naw, Kaw T' Ree Township, Dooplaya District. Villagers who lived close to community-funded clinics received medicine and injections but they did not get better. [Therefore] The children still face this illness [cough] at the present time.

#### **Military activity**

Since the [2012 preliminary] ceasefire agreement,<sup>192</sup> cases of extortion and forced labour have become less common but there are still some cases [of forced labour and extortion]. After the [2012 preliminary] ceasefire agreement, between July 2<sup>nd</sup> 2015 and August 4<sup>th</sup> 2016, there were six incidents of fighting [between Border Guard Force (BGF)<sup>193</sup> and Democratic Karen Buddhist Army (DKBA)]<sup>194</sup> in C--- village, Kaw T' Ree Township, Dooplaya District. The BGF and Tatmadaw [Battalion] #230 collaborated and attacked DKBA Bo<sup>195</sup> Na Ma Kya's<sup>196</sup> area to

<sup>192</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see ["Seventh Round of Nationwide Ceasefire Negotiations," Karen National Union Headquarters](#), March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see ["KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit," Karen News](#), April 22<sup>nd</sup> 2015.

<sup>193</sup> Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw. BGF battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry battalions are assigned two digit battalion numbers and light infantry battalions are identified by two or three-digit battalion numbers. For more information, see ["DKBA officially becomes Border Guard Force" Democratic Voice of Burma](#), August 2010, and ["Exploitation and recruitment under the DKBA in Pa'an District," KHRG](#), June 2009.

<sup>194</sup> The Democratic Karen Buddhist Army (DKBA) was re-formed on January 16<sup>th</sup> 2016 as a splinter group from the Democratic Karen Benevolent Army (2010 – present), and is also referred to as Na Ma Kya ('Deaf Ear'). During fighting between the Tatmadaw and DKBA Benevolent throughout 2015, there was internal disagreement within the DKBA Benevolent which resulted in a number of commanders being dismissed in July 2015. These former commanders then issued a statement in January 2016 declaring the formation of a new splinter group. This organisation has phrased the formation of this group as the revival of the original Democratic Karen Buddhist Army which was formed in 1994 until it was broken up in 2010 into the BGF and the still-active DKBA Benevolent. The group is led by General Saw Kyaw Thet, Chief of Staff and General Saw Taing Shwe aka Bo Bi, Vice Chief of Staff. Other lower ranking commanders in the DKBA Buddhist splinter group are San Aung and late Kyaw Moh aka Na Ma Kya (reportedly killed on August 26<sup>th</sup> 2016). The group is currently based in Myaing Gyi Ngu area in Hlaing Bwe Township, Karen State. This DKBA Buddhist (2016 – present) should not be confused with the DKBA Benevolent (2010 – present) from which it broke away in January 2016, or with the original DKBA (1994 – 2010) which was broken up in 2010 into the BGF and the DKBA Benevolent. Importantly, the DKBA Buddhist has not signed the preliminary or nationwide ceasefire with the Myanmar government whereas the DKBA Benevolent has signed both agreements.

<sup>195</sup> Bo is a Burmese title meaning 'officer.'

<sup>196</sup> Na Ma Kya is a Burmese phrase which directly translates as 'Deaf Ear'. Na Ma Kya in this context refers to the name of a Democratic Karen Benevolent Army (DKBA) splinter group based in Kawkaik Township, Dooplaya District. According to local villagers, this group often acts with impunity, ignoring both the local people's input as well as the higher DKBA authorities' orders. Commander Kyaw Moh, well known as Na Ma Kya, who was leading

occupy their land. Some of the soldiers [from the different armed groups] and civilians were injured [from shrapnel] during the fighting, which happened six times.

The most recent incident of fighting between DKBA *Bo Na Ma Kya* and BGF happened in D--- village on August 4<sup>th</sup> 2016. Villagers who were injured were:

1. Naw E--- Age 20 (pregnant female)
2. Saw F--- (Saw F---) – Age 44 [male]
3. Naw G--- Age 45 [female]
4. Naw H--- Age 14 (Standard 8 student, I---, Kawkareik Town) [female]

#### **Forced recruitment of soldiers**

In June 2016, Karen Nation Liberation Army [KNLA] Battalion #18 chose [male] villagers who are eighteen years old [and above] from every village to be soldiers. [The KNLA] Forced recruitment of soldiers was in every village from J--- village to K--- village [on the] Thai-Burma Border. They chose two adult men from each village to become soldiers but they chose twelve men from L--- village to become soldiers. If the other villages did not have two men to be soldiers [because the village was too small], then it was okay if they just had one man to be a soldier. Villagers in all of the villages had to support the parents of villagers who had been recruited as soldiers with twenty thousand kyat [US \$15.22] or some of them [were given] thirty thousand kyat [US \$22.83]. These men have to be soldiers for three years and then they have to help the KNLA for six months afterwards.

The deadline for the names of the men to be recruited to be submitted to the KNLA was July 2<sup>nd</sup> 2016. Some adult men did not dare to go [to be soldiers] but they had to go. Between 2015 and 2016, the [KNLA's] military's activities were getting less frequent but there was still some activity.

#### **Livelihoods**

After the [2012 preliminary] ceasefire agreement, civilians in Karen State [Doooplaya District] could work on their land farms, hill farms, plantations and businesses, and they can now travel more freely than before the [2012 preliminary] ceasefire agreement. Civilians can travel well on the roads and bridges built by the Burma/Myanmar government in the villages. Even though these roads and bridges have already finished being built, armed actors still asked for taxes from the civilians who were travelling [on the roads and bridges].

For the villagers who were cultivating crops on land farms, many of their paddy plants were destroyed by poor weather. During paddy planting time, villagers had to pay other people between six thousand kyat [US \$4.56] and eight thousand kyat [US \$6.10] for each person to plant paddy for them. Even though some people had money [to pay people to plant paddy for them], there was no one available to plant paddy for them. For the people who planted paddy for other people and were paid between six thousand kyat [US \$4.56] and eight thousand kyat [US \$6.10] [per day], they used this money to pay for their children's studies or to celebrate

---

this splinter group, was killed by one of BGF Commander Bo Tin Win's mahouts on August 29<sup>th</sup> 2016. For more information see [DKBA Splinter Group Confirms Leader's Death](#), August 31<sup>st</sup> 2016, The Irrawaddy; [\[redacted\]](#)

[\[redacted\]](#), September 2<sup>nd</sup> 2016,

Democratic Voice Of Burma. According to unpublished KHRG information from Kawkareik Township in Doooplaya District the circumstances surrounding his death remained unconfirmed.

traditional Karen festivals, such as Karen New Year, Karen National Day, Karen Martyrs' Day, Karen Wrist Tying Day,<sup>197</sup> Karen Revolution Day and many religious events. For people who do not have a farm, they rent other people's farms and they cultivate corn, chilli, peanuts, sugarcane and many other plants too. During the poor weather, some of them have been losing [money] from their plantation because they rented other people's land or borrowed money from the rich people. Therefore, there were not many civilians who received benefits from their plantations.

#### **Development**

The development projects in Kaw T'Ree Township, Dooطلا District between 2015 and 2016 included the construction of roads, schools, clinics, libraries, and electricity and water supplies. These construction projects were supported by the Burma/Myanmar government and some foreign countries [and non-governmental organisations (NGOs)]. Regarding the road construction, Burma/Myanmar government [workers] tried to construct them [the roads] in all seasons: rainy season, summer and cold season. However many of the old roads [that they had built previously] were destroyed before they had finished building the new ones. Regarding clinics and hospitals, they constructed large buildings [clinics and hospitals] but there was not enough medicine. Regarding electricity, they distributed solar panels [to villagers] but some villagers did not get them. Even though some villagers got them, they could only use them for a short time [and then they did not work properly]. [Regarding the water supply] It was supported by a community-based organisation [CBO] which donated between forty thousand kyat [US \$30.44], thirty thousand kyat [US \$22.83] and twenty thousand kyat [US \$15.22] to every village tract but some civilians did not get water in the summer season [because it ran dry].

Villagers and civilians in Kaw T'Ree Township, Dooطلا District got support from the Burma/Myanmar development [projects] and foreign countries.

#### **Short information and situation update**

Between 2015 and 2016, we saw many companies coming to Kaw T'Ree Township, Dooطلا District through [support from] the Burma/Myanmar government and [they were] constructing roads. They were repairing roads and they destroyed some civilians' farm lands, plantations and houses [during the road construction]. Some of the civilians got some compensation [for the damage to or loss of their land] but some of them did not get anything.

The Burma/Myanmar government and some companies conducted a lot of logging, stone mining and gold mining in Kaw T'Ree Township, Dooطلا District. Because they conducted [logging, stone mining and gold mining] with industrial machines, it affected the environment and the rivers. [Therefore,] Villagers who live there used the dirty water and then it caused many illnesses to the villagers. They [loggers and miners] were also destroying civilians' plain farms, hill farms and plantations but they [villages] did not get any compensation. [The Burma/Myanmar government and an unknown company] Set up electricity poles on the farm land of the villagers who live near Kaw T'Ree Town but they did not pay compensation. Some villagers and land owners reported it to the KNU responsible leaders but they did not get any result [response from them].

---

<sup>197</sup> 'Wrist tying' refers here to a Karen cultural practice whereby the wrist is bound with white thread in order to rid the individual of spirits believed to be the cause of their illness. Annual wrist-tying ceremonies are traditionally held during the August full moon in order to encourage cultural continuity and ward off disease.

Many of the villagers in the villages in Kaw T'Ree Township were using and selling drugs [yaba].<sup>198</sup> Many children, students and married women also used drugs so I reported it in this Situation Update.

**Source #58**

Log #	16-90-A1-I1
Type of report	Interview
Publishing Information	Previously published in September 2017: <a href="http://khrgh.org/2017/09/16-90-a1-i1/dooplaya-interview-saw-october-2016">http://khrgh.org/2017/09/16-90-a1-i1/dooplaya-interview-saw-october-2016</a>
Location	Win Yay Township, Dooplaya District/southern Kayin State
Full Text	

## Dooplaya Interview: Saw A---, October 2016

*This interview with Saw A--- describes events occurring in Win Yay Township, Dooplaya District, and includes armed groups' activities, perspectives on the Nationwide Ceasefire Agreement, villagers' livelihoods, education, healthcare and development projects.*

- Saw A--- stated that the Karen National Liberation Army (KNLA) has tried to build a good relationship with the Burma/Myanmar government since 2012, in order to improve the local situation. However, the KNLA and Burma/Myanmar government still do not trust each other fully.
- Saw A--- said that it will be better if Tatmadaw remove their army camps that are nearby villages in Win Yay Township, Dooplaya District, and abide by the rules of Nationwide Ceasefire Agreement (NCA).
- Saw A--- also reported that local villagers do not fully trust the NCA because Tatmadaw broke one of their stipulations by not informing the KNLA when they make trips or conduct military activities in the KNLA controlled areas. Therefore villagers worry that the Tatmadaw is using the Nationwide Ceasefire Agreement to trick villagers into thinking there is peace.

## Interview | Saw A--- (male, 65), B--- village, Win Yay Township, Dooplaya District (October 2016)

*The following interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Dooplaya District on October 19<sup>th</sup> 2016 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>199</sup> This interview was*

<sup>198</sup> *Yaba*, which means 'crazy medicine' in Thai, is a tablet form of methamphetamine. First developed in East Asia during the Second World War to enhance soldiers' performance, methamphetamine has become increasingly popular in Thailand, Laos, Cambodia, Vietnam, and Burma/Myanmar where it is typically manufactured. See, [Yaba, the 'crazy medicine' of East Asia](#), UNODC, May 2008; "Woman raped and killed in Pa'an District, October 2012," KHRG, December 2012; and Chapter IV in [Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire](#), KHRG, June 2014.

<sup>199</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.

*received along with other information from Dooplaya District, including four other interviews, two situation updates and 164 photographs.<sup>200</sup>*

**Ethnicity:** Karen

**Religion:** N/A

**Marital Status:** Married

**Occupation:** KNLA warrant office/Battalion Sergeant Major

**Position:** KNLA warrant office/Battalion Sergeant Major

**Can you tell me your name, please?**

My name is Saw<sup>201</sup> A---.

**Can you tell me your age?**

I am 65 years old.

**Which village do you live in?**

I was born in Deh Pee village.

**Currently, where do you live?**

Currently, I live in B--- village, Kya Inn [Kyainseikgyi] Township.

**Do you have a family?**

Yes, I have a family.

**How many people are there in your family?**

There are five people in my family.

**How many children do you have and how old is your oldest child?**

My children are unmarried.

**What is the name of your oldest child?**

I do not think it is necessary to tell you.

**How old is your youngest child?**

<sup>200</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.

<sup>201</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

My youngest child is 20 years old.

**So can you tell me the name of your youngest child? If you cannot tell me [the name], please tell me which Township and District you live in now.**

Now I live in Waw Raw (Win Yay)<sup>202</sup> Township, and my duty is here.

**Which District?**

Doooplaya District.

**What rank are you holding now?**

I am serving as a Battalion Sergeant Major.

**What Battalion?**

[KNLA] Battalion #16.

**What work do you do for your livelihood?**

I do not have any special work to do for my livelihood because I am a revolutionist [in the KNLA].

**So as you are a revolutionist, can you tell me your perspectives and experiences?**

During the revolution [conflict], I experienced many different things. I chose to do this work [with the KNLA], so I faced many challenges but my opinion is that each challenge was good. Every challenge that we face is an opportunity to learn and to improve our lives.

**Can you tell me how many armed groups operate in your area, Waw Raw Township?**

There are KNLA, BGF [Border Guard Force]<sup>203</sup> and Tatmadaw troops in Waw Raw Township. There are also many other groups who work with Karen armed groups.

**How many armed groups are there in your township?**

There are many armed groups in our area, such as BGF.

**What challenges do you face with the many armed groups operating in your area?**

<sup>202</sup> During this interview both interviewee and researcher use Waw Raw and Win Yay interchangeably to refer to the same township.

<sup>203</sup> Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw. BGF battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry battalions are assigned two digit battalion numbers and light infantry battalions are identified by two or three-digit battalion numbers. For more information, see “[DKBA officially becomes Border Guard Force](#)” *Democratic Voice of Burma*, August 2010, and “[Exploitation and recruitment under the DKBA in Pa’an District](#),” KHRG, June 2009.

All of the problems in my area are caused by misunderstandings among armed groups.

**What kind of problems do you have? Please tell me about them.**

We have to work together. We are Karen, so we work for Karen people. Most of the armed groups are Karen, but we also try to build good relationships with the armed groups who are not Karen.

**[Since] they [armed groups] are all active in Waw Raw Township, is there any problem between civilians and the KNLA?**

There is no big problem between civilians and us [KNLA]. We stand up for our people. It is because of civilians' support, that we can still stand up now.

**How many villages and village tracts are there in your area [Waw Raw/Win Yay Township]?**

Regarding how many are villages [in our area], we have that information in our records, and we could find out if we check our records. If you want to know the information in detail, you can go and ask the administration officers. For us, we can only find it out [the number of villages] when we look at our [village] registration.

**What about village tracts? Can you tell me about it [how many village tracts there are in Waw Raw/Win Yay Township]?**

For me, I cannot remember the exact number, but we have the information [how many village tracts] in our record book.

**Can you tell me about Tatmadaw activity in your area after the ceasefire agreement was signed in 2012?<sup>204</sup>**

There has been no notable [military] activity [in our area] after the preliminary ceasefire agreement was signed, but sometimes they [Tatmadaw] travel from place to place without letting us know. Sometimes they inform us if they travel. Some of the administrators [from Tatmadaw] inform [KNLA] but some do not. However, they have not done anything against us.

**Regarding their [Tatmadaw's] activities, what do you think of it since you are an elder?**

Personally, I think some people think that the ceasefire agreement is [a guarantee for] peace, but other people understand it [the ceasefire agreement] more clearly. Some villagers doubt it

---

<sup>204</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see ["Seventh Round of Nationwide Ceasefire Negotiations," Karen National Union Headquarters](#), March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see ["KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit," Karen News](#), April 22<sup>nd</sup> 2015.

[the ceasefire agreement]. [Their doubt is] based on their [Tatmadaw] activities and transportation because they [Tatmadaw] do not inform [KNLA when they are active or using the roads in KNLA areas]. As a result, villagers worry that the Tatmadaw is using the Nationwide Ceasefire Agreement [NCA]<sup>205</sup> to trick villagers [into thinking there is peace].

**Can you tell me about your opinion on the NCA?**

I think the NCA is good. We try to follow our leaders' path in order to solve our political problems. It is not only the responsibility of the KNU [to build a good relationship with the Burma/Myanmar government], but the [Burma/Myanmar] government should also try to build a good relationship [with the KNU]. We should treat them [the Burma/Myanmar government] as a friend in order to move forward for our future.

**Can you tell me your opinions about the education situation in the past and now?**

If we look at it [the education situation], it [the improvement] is a sign of their [KNU and Burma/Myanmar government] collaboration. Many schools have been built in our area, because of the support received from many different [people]. There are many people who want to donate to and support our local schools. They have to improve the schools in the local villages depending on the political situation. Since local villagers were oppressed [in different ways impacting the quality of the education], they [people with financial means] have come to improve our local schools. Therefore, we must thank those who help to improve our schools. Sometimes villagers' also help and provide resources to update and improve the schools because they [people from outside the village who support the schools] cannot do anything without villagers' support.

**I heard there have been a lot of different issues in Waw Raw Township. Local villagers felt frightened because the Burma/Myanmar government's troops [Tatmadaw] who were on sentry duty interrogated local villagers. Regarding this, would you like to share your perspectives?**

At this time, we cannot only look at one side because the Burma/Myanmar government or its troops will do what they should do regarding their own security, but we need to understand them. We cannot judge them as bad based on one situation. Sometimes we have to work with them in order to move forward. If there is a problem between the Burma/Myanmar government and us, we have to call a meeting in order to solve the problem.

<sup>205</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. 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 15<sup>th</sup> 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 1<sup>st</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. 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.



This photo was taken on October 19<sup>th</sup> 2016 in C--- village, Lut Shan village tract, Win Yin Township, Dooplaya District. The photo shows Saw A--- who is a Warrant Officer [Battalion Sergeant Major] from KNLA Battalion #16 and was interviewed by KHRG regarding the local village situation. [Photo: KHRG]

**When the case happened [local villagers were interrogated by Tatmadaw sentries], did it affect local students? Or did they have any other issues?**

Local children did not have any specific issues. Teachers [from Karen Education Department<sup>206</sup> and Burma/Myanmar government teachers both try their best [to improve the education system]. There are many Burma/Myanmar government teachers and KED teachers in our area. Sometimes we [villagers] worry about the relationship between the Burma/Myanmar government and KED teachers but they both try to improve the education system in our area. Also, they [Myanmar government teachers] in some cases help our villagers by giving us [opportunities] to learn about [our] community's [Karen] culture, Karen language and Karen history. The KNU also helps villagers improve the community, so we will no longer have difficulties regarding education and healthcare. Thus, local villagers will be happier if all children [in B--- village] can go to school to study.

**How many schools does the Burma/Myanmar government recognise in Win Yay Township? Can you tell me about this?**

Now, we have to look at the situation. As I told you before, we have the number of schools in our records. If you want to know the details, you can look at our registry.

**Were there any KNU schools in Win Yay Township before the NCA was signed?**

As far as I know, in the past there were many KNU schools in many different areas, but now there are more Burma/Myanmar government teachers in our area, to improve our community. That's why we do not deny them [Myanmar government teachers from helping our community]. We, KNU, also tries to improve the community, and it is like, *"The more meat [you eat], the heavier [you get]"* [Karen phrase meaning the 'more opportunities you take to satiate your

<sup>206</sup> The Karen National Union's Education Department. The main goals of the KED are to provide education, as well as to preserve Karen language and culture. During the civil war in Burma/Myanmar the KED became the main organisation providing educational services in the KNU controlled areas in southeast Burma/Myanmar. The KED also previously oversaw the educational system in the seven refugee camps along the Thai-Burma/Myanmar border, however in 2009 these activities were restructured under the Karen Refugee Committee – Education Entity (KRCEE). See "[Conflict Erupts over Govt teachers deployed to KNU areas](#)," Karen News, August 20<sup>th</sup> 2013 and the KRCEE website: "[About](#)," accessed July 21<sup>st</sup> 2015.

hunger, the stronger you become' in this case referring to becoming stronger by working together for the sake of the community]. However, we have to work hand in hand with them [Myanmar government and Myanmar government teachers] in order to improve the education situation in our area.

**OK. Please tell me about your perspectives on business activities in your area?**

I have not seen any particular business activity during the ceasefire period, because the fighting has stopped and people's fear about fighting has lessened. However, if we look at the situation in our area, there are things that can negatively affect our community such as drugs and alcohol. It is apparent that more and more drug users are in our area.

**Can you explain what kind of drugs [affect your community]?**

There are two types of drugs, strong drugs and soft drugs. A soft drug is like alcohol. However, if anyone uses either soft drugs or strong drugs in excess, it can create difficulties for people's lives. Therefore, we try to be active in reducing drugs in our area. We educate villagers to become more aware of drugs and their negative side effects. We try to do as much as we can.

**Were there any development projects conducted in your area after 2012?**

After 2012, they [the Burma/Myanmar government] came to initiate development projects in our area and made plans to construct schools and clinics.

**Were the clinics built by the Burma/Myanmar government or the KNU government?**

I have already said that the Burma/Myanmar government led these development projects. We [KNU] have our own clinics, but we only have a few clinics. Some of the clinics were supported by other people, but some of the clinics we built ourselves.

**Regarding healthcare, does the KNU come to educate villagers about healthcare in your area?**

The KNU's Healthcare Department [KDHW] and military troops [KNLA] do their best [to educate villagers about their health] as they have to fulfil their duties.

**Are there people who are poor, such as orphans, who cannot buy medicine, and other people who face issues like this in your area?**

Problems are everywhere. We also have problems in our area, but we try to solve them as much as we can. Now there are [many groups] who enter our villages in order to help villagers regarding healthcare issues, so I have not seen any serious illnesses in our area [because there are now people trying to help improve healthcare]. Sometimes if villagers get sick or need urgent medical assistance, healthcare workers try their best to solve their [health] problems immediately.

**What common diseases are there in Win Yay Township?**

In the past, the common diseases in Win Yay Township were respiratory disease and liver disease. I do not know what else to say about this. We become sick from the hot weather. There are many different diseases, but we see that malaria is the most common disease in our area.

**Do Kaw Thoo Lei<sup>207</sup> [KNLA] army troops try to help children who are not able to study in the areas under your [KNLA] control?**

Currently, there are only a few students who cannot study. Now children's parents are more open-minded, so they try to send their children to school. It does not matter whether they live in rural or urban areas; they try to send their children to school. As for the Education Department [KED], they plan to do their best for education because that is their responsibility.

**How do people earn their income in Win Yay Township?**

Mostly, people earn their living by doing agricultural work in our area. This is their main source of income. There are only a few people who buy and sell goods [traders/small business owners], but the majority of the people earn their living by working in agriculture.

**What type of agricultural work do they do? [Do they tend to work on] long term plantations or do they grow vegetables short term? Can you explain, please?**

Regarding agriculture, they [villagers] are working on the same farms that their great-grandparents used to work on. Now they [villagers] have long term plantations such as rubber plantations, and their livelihoods are dependent upon their rubber plantations. However, recently the price of the rubber has decreased, so people who work on rubber plantations have faced issues with their livelihoods. We have also seen that in some places paddy fields have become other people's farmland. In the future, we, KNU, will try to prevent land confiscation. We set up a rule to keep the land for the next generation [the Karen youth]. However, [this rule doesn't solve the current issue where] some people who work on rubber plantations for their income face issues because the price of the rubber has decreased [therefore they earn less].

**So, some people work on rubber plantations in this area. Do rubber plantation owners have KNU land titles that are recognised by the Burma/Myanmar government? Please tell me if you know anything.**

In our area, the KNU is trying to make legal documents for villagers so they will have legal ownership rights to their land and have rights to work on the land so that they can claim their rights.

**What can the KNU do legally [regarding land rights]? Did they try to solve it [the issue regarding land titles] before 2012, or have they only started to do this recently?**

We [KNU] have tried to make it [legal documents for land ownership] in the past, but we must continue to make land titles to protect our lands, as our rights have been challenged by current political changes [where in some instances land titles issued by non-Myanmar government authorities have not been accepted]. We try to look after villagers' lands, as we, KNU, have our own rules.

**Road construction has occurred in your area. Can you tell me what company is responsible for that [road construction]?**

<sup>207</sup> The term *Kaw Thoo Lei* refers to Karen State as demarcated by the Karen National Union (KNU), but the exact meaning and etymology is disputed; see: Jonathan Falla. *True Love and Bartholomew: Rebels on the Burmese Border*, Cambridge University Press: 1991.

There are many companies in our area, but we know that most of the companies are from Burma/Myanmar [national companies]. I think they [companies] get money [support] from Nay Pyi Taw.<sup>208</sup> Myanmar companies work together with the Burma/Myanmar government to construct the road.

**Some lands beside the road have been destroyed by the road construction. So can you tell me who is accountable for that?**

As far as I know, regarding this [destruction], they [the Burma/Myanmar government] try to do their best to solve the problems. Some of the local authorities made a list of the damages and they reported it [the Burma/Myanmar government authorities], but I have not heard if villagers will get money [compensation]. Some [Myanmar companies] do not care if they expand the old road 100 feet wider than what was agreed upon. However, I have not seen them give money [compensation] to villagers and I also have not heard about it yet.

**Who permitted the Myanmar companies to expand the road by 100 feet? The KNU or the Burma/Myanmar government?**

The road was expanded after the Three Pagoda Pass road [National Highway] was constructed. However, the KNU did not agree to it. The problems surfaced because there had not been any agreement between them [Burma/Myanmar government] and us [KNU].

**As you told me before, some officials made a list of land that was damaged and they reported it. Which organisation did they report it to? Burma/Myanmar government?**

Some officials from the Road Supervisory Committee [consisting of local authorities from the KNU and the Burma/Myanmar government] reported it to [Burma/Myanmar] government administrators.

**Who is the leader of the Road Supervisory Committee? Can you tell me?**

The leader of the Road Supervisory Committee is D--- and he is in charge of transportation in Win Yay Township.

**The road was constructed between 2012 and 2016. How much did it cost to construct the road? How much did road constructors receive?**

I do not know the information of how much money they used to construct the road. You will find those answers if you ask Road Supervisory Committee.

**What advantages and disadvantages does it [road construction] bring to local villagers? Tell me your opinion, please.**

In my opinion, it will be easier for villagers to travel if the road is of good quality. However, since the road makes it easier for people to travel, I also think bad people will also use this road to travel [e.g. for illegal trafficking].

<sup>208</sup> *Naypyidaw* (also spelled *Nay Pyi Taw*) is the capital city of Burma/Myanmar. In 2005 the military regime moved the capital from Rangoon to a greenfield at its present location, 320 kilometers (200 miles) north of the city. In this interview, the interviewee is referring to the Burma/Myanmar government, who are based in Naypyidaw.

**Are there any issues for villagers?**

There are no particular issues in our area, but more and more cars and motorbikes will be used because of having better roads and some people do not fully understand traffic rules. Therefore, accidents sometimes occur.

**Regarding this road in your area, we heard that the Ministry of Construction has already recognised the 230 [rule],<sup>209</sup> so I want to know how KNLA troops have helped villagers?**

What? [Can you explain] again?

**The Ministry of Construction released road rule '230' and they [Burma/Myanmar government] confiscated local villagers' lands, so I want to know how they [KNLA] plan to protect or help local villagers [from having their land confiscated]?**

For our KNLA, if they [the Ministry of Construction] informs us [about the rule '230'], we will know. If they do not inform us, we will not know. I have not heard about this rule '230' that you're speaking about.

**Regarding this road construction, did they [people constructing the road] consult with local villagers? Or did they explain it to villagers?**

To be able to make it happen [construct the road], they cannot build it by themselves alone. They established a Road Supervisory Committee in order to monitor the road construction. They had a meeting with villagers and responsible people. Responsible people from the Road Supervisory Committee tried their best in order to make the road happen.

**What did local villagers say about the road construction?**

Currently, local villagers do not have any particular issue to report. However, some villagers are not satisfied with the road construction because the road workers built an arch-bridge over a stream which caused the water to flow in the wrong direction, and now the water does not flow as it should. Villagers have reported these sorts of things.

**Presently, what companies are active in your area? Who is the chairperson of the company? Can you tell me?**

I do not know exactly which companies [operate in our area] and who the chairpersons are. If you want to know, you can ask Road Supervisory Committee.

**As you told me before, there are construction workers [from the Burma/Myanmar government] in your area. So can you tell me who is in charge of the construction? Where does he live?**

I do not remember the name of the person who is in charge of construction. In order to construct the roads and bridges or anything, they simply form a group of construction workers to make it

<sup>209</sup> This rule, locally known as '230', is said to come from Ministry of Construction information that for road construction in this area, land will be built on up to the width of 230 feet along the length of the road. This width of land taken would cause significant disruption, damage and loss to villagers' lands. However, the details of such road construction and whether this rule is indeed accurate remain unconfirmed.

happen.

**What challenges did KNLA face in your area between 2012 and 2016?**

Sometimes we experienced challenges in our area because we tried to build trust with the Burma/Myanmar government when there was not much understanding between us. So we must plan to build a good understanding [between us] as much as we can. However, both of us [KNLA and Burma/Myanmar government] do not trust the other fully.

**I heard that a cement factory will be constructed in your area, but I do not know where it will be located. Please tell me if you have heard anything about it.**

There is only a proposal for a project to build a cement factory in our area. For us, we are trying to prioritise villagers' wants and perspectives. If it [the cement factory] will benefit villagers and if villagers want to have it, we will let them [the companies] do as they wish. Our understanding is that we have to tell [inform] local villagers about how it will affect our community. Local villagers are now open-minded [to development projects]. Concerning the cement factory project, we will have to explain to villagers how it can affect our community, but until now we have not allowed any development projects in our area.

**Do they [companies] have permission to survey the area to test [if the soil is conducive for cement production]?**

Where they can go and survey depends on what permission we give them. If we do not permit them to go, they cannot go and test. If they try to implement any development project, we must give a chance for villagers to decide. If the development project is not useful or beneficial for villagers, we must reject it immediately.

**I heard that there is a dam project underway in Win Yay Township? Is that true? Can you tell me more about it?**

I have also heard about it [the dam project], but I do not know for certain whether they have already begun construction of the dam or not.

**Can you tell me about where they will plan to construct the dam?**

I do not know exactly where they will construct the dam. For example, if they construct a dam, they have to inform us. If they do not receive permission from us [KNLA] and local villagers, then villagers will reject the dam project.

**Would you like to say anything about something that I have not asked you?**

What I want to say is that in my area there are no urgent issues. As we mentioned before, our greatest challenge is the issue of drugs. As for other issues, our leaders [in the KNU] and the Burma/Myanmar government do not have a reliable plan to solve our political problems. Both groups do not trust each other fully. Until now, we have had to live very cautiously.

**What [can you tell me] about problems within the communities in Win Yay Township from the past compared to now? Can you tell me how it is different?**

Presently, the situation is getting better. However, the people in our community have to be

aware of the situation because villagers are facing food insecurity from infrastructure development. The food is not produced naturally [anymore] and [everyone uses] chemical fertilisers instead. Therefore, in the long run, it will negatively impact villagers' health.

**Currently, Tatmadaw troops are active nearby villages and religious areas. So, how far do you want them to stay [re-locate] away from villages? Can you give me your views on it as you are a KNLA Battalion Sergeant Major?**

If we look at army troops' policy [as stipulated in the Nationwide Ceasefire Agreement], they have to stay within the areas stated in their policy. However, we also want them to abide by our wishes [and not be active near us], but we cannot do anything about it because we do not have the authority to order them to do this. We have to understand the situation as it is. For example, to keep the area peaceful, they [Tatmadaw] should stay in their camps such as Noh Su Naw army camp and Lay Naw army camp and we do not think it is appropriate for them to be active near to villages.

**So how far away would you want them to stay from villages? Can you tell me your perspective on this?**

It would be better if they move their army camps to another location, but we have to consider our NCA rules between us [which allow their army camps to be based in certain areas]. So we both have to follow the rules since the NCA has been signed. I think our leaders know about this situation better than us.

**So do you want to say anything that I have missed?**

No.

**After we finish our interview, I would like to take a picture of you. Can you tell me how we should use your picture and this audio interview?**

I do not have any suggestion to give you regarding how to use my picture and audio interview. It depends on their [KHRG] guidelines, how they should use it.

**Thank you so much.**

It is fine to use as long as it does not dishonour our area.

**Yes, thank you again.**

OK. Thank you.

**Source #59**

Log #	16-90-A2-I1
Type of report	Interview
Publishing Information	Previously published in June 2017: <a href="http://khrgh.org/2017/06/16-90-a2-i1/dooplaya-interview-saw-september-2016">http://khrgh.org/2017/06/16-90-a2-i1/dooplaya-interview-saw-september-2016</a>

Location	Win Yay (Waw Raw) Township, Doooplaya District/southern Kayin State
Full Text	<p style="text-align: center;"><b>Doooplaya Interview: Saw A---, September 2016</b></p> <hr/> <p><i>This Interview with Saw A--- describes events occurring in Win Yay (Waw Raw) Township, Doooplaya District, including development projects, healthcare, education, community livelihood and armed group activities.</i></p> <ul style="list-style-type: none"> <li>• Saw A-- explained that the Three Pagodas Pass-Thanbyuzayat car road would be widened and improved, but villagers were concerned that this would damage their land. Their concerns had arisen because of complaints that villagers had not been compensated for damage to their lands when the Three Pagodas Pass-Thanbyuzayat car was originally constructed.</li> <li>• The Burma/Myanmar government and the KNU have built clinics in Win Yay (Waw Raw) Township but there are not enough medicines available to treat the villagers. When any children get sick, most of their parents cannot send them to a clinic or hospital for medical treatment, because the cost of medical treatment is too high.</li> <li>• Saw A--- reported that the Tatmadaw are still active in Win Yay (Waw Raw) Township, as they have been continuing to maintain their army camps.</li> </ul> <hr/> <p><b>Interview   Saw A---, (male, 42), B--- village, Win Yay Township, Doooplaya District (September 2016)</b></p> <p><i>The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Doooplaya District on September 4<sup>th</sup> 2016 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>210</sup> This interview was received along with other information from Doooplaya District, including four other interviews, two situation updates and 164 photographs.<sup>211</sup></i></p> <p><b>Ethnicity:</b> Karen  <b>Religion:</b> Buddhist  <b>Marital Status:</b> Married  <b>Occupation:</b> Rubber plantation worker  <b>Position:</b> Villager</p> <p><b>Can you tell me your name, please?</b>  My name is Saw A---.</p>

<sup>210</sup> KHRG trains community members in southeast 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>211</sup> In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in southeast 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.

**Can you tell me your age?**

I am 42 years old.

**Which village do you live in?**

I used to live in C--- village but I now live in B--- village [Waw Raw Township]. I have moved from place to place so I cannot tell which village is my [original] village.

**How many people are there in your family?**

I have seven children.

**How old is your youngest child?**

My youngest child is four years old.

**What is your youngest child's name?**

His name is D---.

**What is your religion?**

My parents are Christians but my wife and parents-in-law are Buddhists.

**So are you a Buddhist?**

No. I am not a Buddhist.

**What occupation do you do?**

I work on a rubber plantation.

**What position do you take in your village?**

I am just a villager.

**OK. Now you have something to tell me. So can you first tell me what information you want to tell me?**

The road between E--- village and Three Pagodas Pass will be reconstructed better, in order to follow the international standard [for road construction].

**When will the road be constructed?**

We do not know when the road will be constructed. We just saw the sign [beside the road]. When local villagers saw the sign they worried about it [road construction].

**Where did they post the sign? Can you tell me?**

I just knew when the F-- villagers told me [about it]. They said the sign was posted in F--- village. I do not know the date [when the sign was posted]. I also do not know who gave the permission to post the sign.

**There are local authorities and a Township leader in this area. Did they know about it [the road construction]?**

Recently, the followers [employees] of the Township leader did not know about it, but local villagers gathered and had a meeting [about the road construction]. They reported it to the Township leader.

**When will this road between E--- village and Three Pagodas Pass be constructed? Can you tell me please?**

I do not know when it will be constructed. I could tell you if I knew it.

**Who is in charge of this road construction? The Burma/Myanmar government or the Karen National Union (KNU) government? Can you tell me please if you know it?**

The Minister of Construction in the Burma/Myanmar government will take responsibility for the construction of this road, but I do not know whether the KNU is involved or not.

**What is the name of the Minister of Construction?**

I do not know the name of the Minister of Construction.

**Will they [road constructors] consult with local villagers about it before they construct the road?**

They [road constructors] have never consulted with local villagers. They constructed [another] road in the past, but I have never seen them consult with the local villagers.

**Can you tell me, what are your views and opinions on this road construction?**

My views are the same as most of the other villagers. How do I say? Local Karen villagers who live beside the road, starting from G--- village to Three Pagodas Pass, have concerns that their lands, houses and plantations will be confiscated and damaged if the road is widened.

**OK. Currently, how wide are they [road constructors] constructing the road? Can you tell me please?**

How can I know? I have not measured the road during the [ongoing] construction, so I do not know exactly how wide it is.

**When the road between E--- village and Three Pagodas Pass is constructed, will its harm [negative impact] increase or decrease? Can you tell me about it?**

What kind of harm do you mean?

**For example, their [villagers] lands will be damaged [if the road is completed]. Things like that.**

If the road is constructed, the negative impact will increase. How can it [negative impact] decrease?

**How many plantations or houses in the villages have been damaged during the road construction? Can you tell me about it please?**

We do not know exactly and we also did not notice it in the past, but houses and plantations were damaged and destroyed in villages during the construction of the old road.

**Did the villagers go to meet the local authorities and the Township leader, in order to discuss about the destruction [due to the construction of the old road]?**

As far as I know, there is one old road in this area, which was constructed to make travelling easier. Therefore, the Township leader, [KNLA] Battalion [commander] and companies formed a committee to monitor the [old] road construction; in order to make sure local villagers got compensation if their lands, houses and plantations were destroyed [due to the construction of the old road]. However, local villagers did not get any compensation after the [old] road was constructed. Now the new road is being constructed, and local villagers worry that they will not get anything.

**As you told me before, a committee said that local villagers would get compensation if their lands or houses were destroyed. Did they say whether local villagers would**

**definitely get the compensation or not?**

They [a committee] said that local villagers would surely get compensation. They told local villagers from almost every village [in this area]. You will know the information if you ask Si Thu Tun.

**Who said that [the local villagers would surely get the compensation]?**

Pa Doh<sup>212</sup> Si Thu Tun.

**What responsibility does Si Thu Tun have?**

He [Si Thu Tun] is in charge of roads and communication in Waw Raw Township.

**As he [Si Thu Tun] is in charge of roads and communication in Waw Raw Township, has he gone to meet local villagers regarding the destruction [due to the construction of the new road]?**

Regarding the destruction, he [Si Thu Tun] just told local villagers to donate their lands and plantations [which were destroyed].

**Regarding what he [Si Thu Tun] said, did the Township leader and the local authorities have anything to say?**

I am not sure about that, but local villagers said that they would get compensation. In fact, they did not get any compensation. Villagers just said like that.

**How much would the local villagers have received if they lost one tree in their plantation? Did anyone recognise that?**

I do not know exactly, however, they [the committee] probably recognised that when they went to consult with the local villagers, but they said that the compensation would be given to local villagers who lost lands and plantations beside the road.

**As this [new] road is in the KNU controlled-area, what responsibility has the KNU government and local KNU [KNLA] authorities taken regarding the road construction, before it was started?**

KNU [KNLA] former Battalion Commander organised and formed a committee to monitor the road construction. Therefore, some KNLA commanders and the Township leader's people [employees] were involved in the committee. They [KNU and KNLA] formed this committee in order to solve any problems that the local villagers faced due to the road construction. I do not know why the companies will not give compensation to the local villagers. The case just disappeared after it occurred. I just understand and see like that.

**So can you tell me what people call this road?**

People call it the Three Pagodas Pass-Thanbyuzayat car road.

**How was the name of this road in the past?**

It was called 'the death road'. The Three Pagodas Pass-Thanbyuzayat death road.

**So now do they [road constructors] construct a new road or [reconstruct] the old road?**

They construct the new road, but they will also reconstruct [part of] the old road because it connects to the new road, but they will not reconstruct the old road until the end.

**Can you tell me how local villagers feel about the road construction? What are your**

<sup>212</sup> Pa Doh is a Karen title meaning Minister/Governor.

**opinions on it?**

When the [old] road was constructed wider and better in the past, the [KNU] organisation was involved in it. The [KNU] organisation understood local villagers and local villagers also understood the [KNU] organisation. Therefore, local villagers did not talk much about the road construction, even though their lands or plantation were impacted. This time the road between Three Pagodas Pass and Thanbyuzayat Town will be constructed [by road constructors], in order to follow international road [standards]. This road is 230 feet wide. However, local villagers are concerned about whether they will have to relocate or if they will have to run away. They also worry about whether they will get any compensation or not if the road is constructed on their lands and plantations. They [local villagers] want to have protection and guarantees for that. Therefore, they hope and believe that the KNU will help them to solve any problems [regarding the road construction] because the KNU is the representative of all the Karen people.

**For example, if the road is constructed, how will the local authorities and the Township leader protect it, or will they plan to do anything [for the villagers]? Can you tell me about it?**

Local villagers have already heard that the road will be constructed. Thus, some [villagers] had a meeting to discuss it. Then, they reported it to Township leader. I heard that the Township leader, Naw Rah Tan, has already informed the District leader, however, local villagers have not gotten any reply yet. Again, villagers who live beside the road called a meeting with village tract leaders, and they invited the Township leader, local authorities, Township secretary, Battalion Commander Soe Nay Win from [KNLA] Battalion #16 and myself to attend a meeting to discuss the road construction. If the road is constructed and it impacts our lands and plantations, we will not be able to make any decision to get compensation. We cannot do anything for that. What can be done is that the KNU can give land documents and land grants to local villagers who live beside the road. I do not know when the Township leader will start to pay [give] it.



This photo was taken on September 4<sup>th</sup> 2016 in Three Pagoda Pass town, Win Yin (Waw Raw) Township, Dooطلا District. This photo shows the interviewee, who is explaining about road construction and holding a pamphlet distributed about the Asia Highway. [Photo: KHRG]

**When the [old] road was first constructed on the local villagers' lands and plantations, did local villagers receive compensation or not?**

Local villagers did not receive any compensation, although they tried to claim compensation. As I already told you before, Pa Doh Si Thu Tun told villagers to donate their lands [which were destroyed]. We do not know whether companies [road constructors] gave money [compensation] to our organisation [KNU] or not. We also do not know whether our organisation [KNU] tried to ask for compensation from companies for the villagers or not.

**How many companies were there when they constructed the road?**

There were many companies. Maybe eight different companies, but I am not sure. Oh I got it. There were seven companies.

**What are the names of those companies?**

I do not know the companies' names. We have not memorised their names. I just know it [how many companies] from when I went to a meeting on August 28<sup>th</sup> 2016.

**Who is the most powerful person in charge of road construction among the seven companies? Can you tell me?**

I do not know that kind of thing. We just heard about Mya Lin Aye Company, but we do not know exactly who is in control.

**Who is a chairperson of Mya Lin Aye Company?**

We just know Uncle Ta Pel, who is a chairperson of Mya Lin Aye Company.

**Who was the manager in charge of the construction of the [old] road?**

Do you mean the previous manager who was in charge of the first road construction?

**Yes.**

As far as I know, each company took responsibility to construct one section of the [old] road. I do not know how many miles were in one section of road because I did not find the information about that.

**Did local authorities record [document] how many houses and plantations were destroyed due to the [old] road construction? And did they report it to the Burma/Myanmar government? Can you tell me about that?**

I think local villagers might have reported it [to the Burma/Myanmar government] when the [old] road was first constructed on their lands, but I do not know whether the road [construction] committee documented [what was destroyed] and reported it step by step or not.

**Can you tell me who participated in the road [construction] committee?**

I do not know the people who were from the companies, but all I know is that the people who participated in the committee were Pa Doh Si Thu Tun, Mar Pun and [KNLA] Commander Naung Poe. I do not know how many other people participated in it [committee].

**When the committee was formed, were local villagers also included?**

I do not know whether local villagers were included or not.

**Can you tell me the local villagers' livelihood and healthcare situation in your area?**

Yes. I can tell you. Regarding the livelihood situation, our Karen people - local villagers - do not have a particular business to support their livelihood; they just earn their living by working on farms, hill farms and plantations. How can I say? Local villagers do not have a big business to make a lot of money, like a company.

**What do local villagers think of the Asia Highway,<sup>213</sup> which will be constructed for development? Can you tell me about that?**

<sup>213</sup> The Asian Highway Network is a United Nations Economic and Social Council for Asia and the Pacific-supported project that aims to link 32 countries in Asia across 141,000 kilometres of roadway. In

Local villagers see [think] like this. They hope that their villages will be developed, and our mother organisation [KNU] went to meet [with the Burma/Myanmar government] to talk about the political situation [regarding the development project]. Our Karen people - local villagers - do not understand the political situation. What local villagers want is for them [companies] to implement their development projects and guarantee something for the villagers beyond politics. Now nobody can provide guarantees for the villagers if something affects them because of a development project. If our mother organisation [KNU] talked [negotiated] with the Burma/Myanmar government to get a guarantee for the local villagers, then the villagers would not complain if they came to do a development project. As far as I know now, we are not sure whether the Nationwide Ceasefire Agreement [NCA]<sup>214</sup> is stable or not. To guarantee our Karen people, they both [KNU and Burma/Myanmar government] are still in discussions. We do not know what level they have reached [in the discussions].

**Currently, is it easy or hard for the local villagers to travel and communicate with each other, in order to support their livelihood?**

If we look at the situation, it has become easier for villagers to travel because they have motorbikes and cars. For villagers who cannot buy a motorbike or a car it is not very easy for them to travel from place to place.

**In Waw Raw Township, what do villagers mostly do for their livelihood?**

Most local villagers work on farms and hill farms for their livelihood. Secondly, [other] local villagers work on rubber and betel nut plantations for their livelihood, but mostly they [the villagers] work on farms and hill farms.

**During the past conflict [fighting], was there any armed group that forced villagers living beside the road to leave their place? Did anyone say to villagers: 'do not stay beside the road'?**

Burma/Myanmar the project has involved land confiscation and forced labour. For more information about the Asian Highway Network, see "[Beautiful Words, Ugly Actions: The Asian Highway in Karen State, Burma](#)", KHRG, August 2016; "[The Asia Highway: Planned Eindu to Kawkaik Town road construction threatens villagers' livelihoods](#)", KHRG, March 2015; "[With only our voices, what can we do?: Land confiscation and local response in southeast Myanmar](#)", KHRG, June 2015; "[Tollgates upon tollgates: En route with extortion along the Asian Highway](#)", KHRG, October 2009; and "[Development by Decree: The politics of poverty and control in Karen State](#)", KHRG, April 2007. In addition, fighting continues erupting between the Tatmadaw and the DKBA along the highway, with the latest clash erupting in early July 2015, resulting in the highway between Myawaddy and Kawkaik shutting down for several days, "[DKBA, Tatmadaw fight over illegal highway tolls](#)", *Myanmar Times*, July 3<sup>rd</sup> 2015.

<sup>214</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. 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 15<sup>th</sup> 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 1<sup>st</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. 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.

*'Do not stay beside the road.'* What do you mean?

**Did any armed actor say to villagers: 'do not stay, do not grow and do not work on the land'?**

I do not know about that, all I know is that I saw the words [sign] and then [villagers] moved to stay beside the road. People said that most of the members of the organisation [KNU] came to stay beside the road. That's all I know, but the Tatmadaw forced villagers on the mountains to move to stay beside the road. Villagers just stayed in their own villages but the Tatmadaw forced them to relocate to stay beside the road. For the KNU organisation, they just followed [the villagers] to stay in the place where most of the villagers resettled, in order to make a big village.

**What about the words that I heard: 'do not grow anything on the land beside the road'? Regarding this did the local KNU authorities tell the villagers [this] or not? Can you tell me about it?**

There are two different steps [parts] for agriculture. Local villagers were asked to work on farms and hill farms, but villagers were not allowed to work in the restricted area. Like this road, the land from the mountain range to H--- village is recognised as KNU headquarters reserved forest. That is why local villagers are not allowed to work on that land.

**Can you tell me the past and present healthcare situation in your area?**

People said that the healthcare situation is getting worse and worse. Most of the children are sick because they eat sweet ice [saccharin]. Most of the children who are sick are not sent to a clinic or hospital to get medical treatment because the medicine is expensive for their parents.

**Regarding the healthcare situation, are there health workers or medics from the KNU government or Burma/Myanmar government in your area?**

Yes. There are health workers and medics in our area, but they just came to give medicines when the local villagers were sick. After that, they disappeared. We cannot find them anymore. We even have a local clinic in our area but there is not enough medicine in the clinic. There are more medicines at the local pharmacy than in the clinics that the KNU and Burma/Myanmar government run.

**What are the most common sicknesses in your area? Can you tell me about them?**

In the rainy season, local villagers mostly have coughs, colds, fevers and malaria. Most of the children have stomach-aches and diarrhoea.

**So where do they [villagers] go to get medical treatment if they have a fever and diarrhoea?**

They villagers just go to the local pharmacy to buy medicine.

**How do they [villagers] find money [to buy medicine]? Especially the widows and orphans?**

If their [the widow's] children are sick, they just go to call a local traditional doctor in the village or they just go to buy medicine at the local pharmacy. A few people go to the clinic if they get sick. [Some villagers] are trying to find money in their hard situation. If they do not have money or cannot find money, then they just borrow money.

**Have the local authorities ever looked after widows and orphans in the village?**

What do you mean?

**Have they checked what challenges they [widows and orphans] face, documented it and reported it**

Checked what?

**I mean widows and orphans.**

Who checks what?

**I mean the local authorities.**

What do you mean by local authorities? Do you mean the local authorities are an organisation?

**I mean local KNU authorities. Do they [local KNU authorities] look after the widows and orphans facing livelihood problems? I mean like that.**

I have travelled around this area but I have never seen or heard about that. Regarding the healthcare situation, I just heard about the Mother and Child Care and the Backpack Health Worker Team. They sometimes come to our area [to help villagers who are sick]. I have never heard that [any local authority or health workers] especially went to look after and support widows and orphans in this area, but I do not know about other areas.

**What about the Burma/Myanmar government? Have they ever come to support [villagers] in the village?**

I do not see that they [Burma/Myanmar government] particularly come to [give] support [to villagers] in this area. I do not know what they support.

**Regarding education, what do you think of it? Can you tell me your views?**

Education? What do you mean?

**Has the education situation in your area improved or not since the NCA? Can you tell me about it?**

Regarding the education situation, I see that many children are lazy at school because they have to read a lot. I have no idea what to say regarding the education situation because I never studied at school. I also cannot [afford to] send my children to school.

**I mean, what do you hear [about the education situation] when you travel around?**

There is the Karen Education Department [KED]<sup>215</sup> in our area but there is no particular teacher from the KED at the local school. Only the local Burma/Myanmar government teachers are teaching at the school. KED supports the local school by providing school materials and books, and they also contribute salaries for the local teachers. However, we do not have the Kaw Thoo Lei<sup>216</sup> [KED] curriculum at our local schools, and I have seen only one local school that has the Kaw Thoo Lei [KED] curriculum in Waw Raw Township. I have not seen any other school.

<sup>215</sup> The Karen National Union's Education Department. The main goals of the KED are to provide education, as well as to preserve Karen language and culture. During the civil war in Burma/Myanmar the KED became the main organisation providing educational services in the KNU controlled areas in southeast Burma/Myanmar. The KED also previously oversaw the educational system in the seven refugee camps along the Thai-Burma/Myanmar border, however in 2009 these activities were restructured under the Karen Refugee Committee – Education Entity (KRCEE). See "[Conflict Erupts over Govt teachers deployed to KNU areas](#)," Karen News, August 20<sup>th</sup> 2013 and the KRCEE website: "[About](#)," accessed July 21<sup>st</sup> 2015.

<sup>216</sup> The term Kaw Thoo Lei refers to Karen State as demarcated by the Karen National Union (KNU), but the exact meaning and etymology is disputed; see: Jonathan Falla. True Love and Bartholomew: Rebels on the Burmese Border, Cambridge University Press: 1991.

**Do the children learn Karen literature in B--- village?**

No. They do not learn Karen literature [at the school]. I, myself, never learnt it when I was young. In the summer children can go to learn Karen literature at the Buddhist temple in the village because the Karen Literature and Culture Committee teach a course on Karen literature.

**Ok. Now do you want to say anything that I did not asked you?**

What do you mean by that?

**I mean, do you want to say anything outside of my questions?**

I have no idea what you are talking about. However, regarding the education situation, there is no particular issue.

**What about the road construction?**

The road will be constructed from I--- village to Three Pagodas Pass. Local villagers in that area heard about the news [road construction] and they now worry a lot, because their houses will be demolished or destroyed if the road is widened. Therefore, they reported it to the Township leader who reported it to the District leader, but I do not know whether the District leader reported it to the KNU headquarters or not. However, local villagers hope and believe that the KNU will stand up for them, in order to solve their problems regarding the road construction.

**Do you have other things to tell me?**

I do not have any other particular things to tell you.

**If so, I want to ask you more questions. Can you tell me about the situation with the Burma/Myanmar government's military troops [Tatmadaw]? I mean their activities in your area.**

They just travel from place to place if they want to be active. I do not know where they go and what they do. I just heard about it from local [KNLA] soldiers.

**How do local villagers feel when they [Tatmadaw] are active in your area? Can you tell me if you have heard anything about it?**

I just heard it from local [KNLA] soldiers. They said that it is not normal if they travel from place to place like that. Local villagers also asked the local [KNLA] soldiers, "*did they [KNLA] not know that the Tatmadaw travelled from place to place?*" How can I say? In this situation, they both [KNLA and Tatmadaw] do not trust each other at the current time.

**Do they [Tatmadaw] force villagers to work? Have you ever seen that?**

It [forced labour] is decreasing but I do not know if local villagers do not tell me that they are still doing forced labour.

**What about the KNLA activities and the Burma/Myanmar government's military [Tatmadaw] activities in your area? Can you tell me about that?**

The Burma/Myanmar government's military troops [Tatmadaw] are still active in our area. They have small and big army camps in our area. Their small and big army camps have not changed [been removed]. For Kaw Thoo Lei [KNLA] soldiers, they are also active in our area but not a lot. I do not know what they [KNLA soldiers] are doing.

**Can you tell me how many army camps there are in Waw Raw Township?**

What army camps?

**I mean the Burma/Myanmar government's military [Tatmadaw] army camps.**

There are [Tatmadaw] army camps in Noh Khyo Nae area, Lay Naung area and Three Pagodas Pass, but I do not know how many [Tatmadaw] army camps are outside the mountainous area. There is one [Burma/Myanmar government] police station in Ta Kon Taing area, but I do not know how many police officers are stationed outside the mountainous area because I have never been there. Some [Tatmadaw] soldiers have been staying at a Buddhist temple for four or five months. It is not like their army camp.

**When they [Tatmadaw] stay at the Buddhist temple, do you know what the local villagers think of that? What are the villagers' attitudes? Do local villagers want them [Tatmadaw] to stay [at the temple] or not? What are their views? Can you tell me about it?**

Local villagers hope [think] that it is good if they [Tatmadaw] do not stay at the temple, if possible. Local KNU authorities cannot tell them [Tatmadaw] to stay away. Therefore, how can we [villagers] tell them [Tatmadaw] to move away from the temple even if local KNU authorities cannot make them stay away? For example, some local [KNU] authorities reported it to [KNU] Brigade leaders but they did not receive any answer or reply. Thus, local authorities cannot do anything.

**Do you have any other thing to tell me?**

Regarding this road construction, local villagers worry that their lands, houses and plantations will be destroyed if the road is constructed. Therefore, they hope that the KNU will help them to solve their problems if the road is surely constructed.

**Regarding land issues, there is the KNU land department. So does the KNU government make land titles or land grants for the local villagers?**

I want to say a small thing regarding land titles and land grants. The KNU already made land laws but I cannot remember in which year. They [KNU] also made land titles and land grants. If there are ten villagers, I can say [estimate] that seven villagers do not have land grants. I do not know what is wrong with it. I do not know whether it [land grants] works or not. I am not sure whether they [KNU] have [people issuing the] land grants or not.

**Regarding the [KNU] land grants, does the Burma/Myanmar government recognise them? What is their view on it? Can you tell me about that?**

I do not know whether they [Burma/Myanmar government] recognise it [KNU land grants] or not. I do not understand that kind of thing. I heard that the Burma/Myanmar government recognises KNU land grants, but I am not sure whether it is true or not.

**Are they official and legal land grants?**

I do not know about it because I have never read a book [regarding the law]. I just heard about it from Pa Doh Selar who is in charge of the Agriculture Department [KNU], because I asked him and he told me.

**Where does he [Pa Doh Selar] live?**

He lives in Dooplaya District. He is in charge of the Agriculture Department in Dooplaya District. We never had land grants in our area because the [KNU] does not make land grants in our area. We do not know how to get land grants.

**If local villagers report that they want land grants from both the Burma/Myanmar government and the KNU government, what can local authorities do for villagers?**

Local villagers in our area only want KNU land grants, but we do not know whether the KNU authorities are busy or not. It has already been more than 60 years. The situation is continuing

like that. Currently, because of the different forms of oppression, we [villagers] had a meeting about road construction and we reported it to the local authorities, Township leader and Township secretary. Most of the local villagers reported that they wanted the KNU to make land grants for our Karen people who live beside the road, but we do not know when the Township leader will make land grants for the villagers.

**Some villagers want to get a Land Form #7<sup>217</sup> from the Burma/Myanmar government. So if the Burma/Myanmar government came to measure the land [in your area], would the KNU agree [to it] or not? Can you tell me about it?**

I do not understand about the Land Form #7.

**Land Form #7 is a kind of land grant from the Burma/Myanmar government. The Burma/Myanmar government recognises that you can have compensation if you have a Land Form #7. Therefore, some villagers want to have it. So if local villagers show it to the KNU government, what is the KNU's view on it? Can you tell me about it?**

Regarding the Land Form #7 that the Burma/Myanmar government recognises, I have no idea how to talk about it because I have never lived in a city.

**If some villagers show it [Land Form #7] to the KNU government, how will the KNU respond? What does the KNU think of it?**

I have never heard that local villagers want to have a Land Form #7, which the Burma/Myanmar government recognises. Thus, I do not know what to tell you, but I am not sure if villagers who live far away from the KNU controlled-area know about Land Form #7. I have grown up in this area but I have never heard that local villagers want to have a Land Form #7.

**How much is the budget plan for road construction?**

I have no idea regarding that. We just saw the signpost [about the road construction] and we worried about that, so we had a meeting. Then we reported it to the Township leader.

**After local villagers reported it to the Township leader and the District leader, did they receive any reply?**

Local villagers just reported it to the Township leader; they did not report it to the District leader. The Township leader informed villagers that he reported it to the District leader again. However, the District leader did not inform us whether he reported it to the KNU headquarters or not.

**Did he [Township leader] inform you where he reported it?**

No. We did not get any reply.

**Did he [Township leader] inform you when he reported it?**

He just told us that he reported it in July 2016.

**What specific day did he report it on?**

I cannot remember a specific day. If you go to Pa Naw Kler Khee village tract, Kwin K'Saw Kyin village tract and Lay Naing village tract, you will see a book there. You will know what specific date that he [Township leader] reported it if you read the book.

**Do you have other things to tell me?**

I have no other things to tell you.

---

<sup>217</sup> Land Form #7 is the Burma/Myanmar government land grant required to work on a particular area of land. In Burma/Myanmar, all land is ultimately owned by the government.

If so, thank you very much.  
Thank you too.

Can I take a picture of you?  
Yes. You can take more than one.

**Source #60**

Log #	16-90-A3-I1
Type of report	Interview
Publishing Information	Previously published in May 2017: <a href="http://khrhg.org/2017/05/16-90-a3-i1/dooplaya-interview-saw-september-5th-2016">http://khrhg.org/2017/05/16-90-a3-i1/dooplaya-interview-saw-september-5th-2016</a>
Location	Waw Raw (Win Yay) Township, Doooplaya District/southern Kayin State
Full Text	

## Doooplaya Interview: Saw A---, September 5<sup>th</sup> 2016

*This Interview with Saw A--- describes issues affecting him in Waw Raw (Win Yay) Township, Doooplaya District, including road construction, bridge construction, education, health, livelihood and land titling.*

- In January 2016, an unknown company stated constructing part of the Asian Highway from B--- village to C--- village. The company manager did not hold any consultation meetings with local people before the road was constructed.*
- The Asian Highway construction destroyed some civilians' rubber plantations and betel nut plantations in the area between B--- village and C--- village. The plantation owners reported this issue to the local authority, Burma/Myanmar government and the company manager but they have not received any response.*
- Land owners in Kyainseikgyi Township are waiting to access Karen National Union (KNU) land grants after they rejected the Burma/Myanmar government's plan to measure their land and provide them with land grants. The land owners rejected the Burma/Myanmar government land titling plan because of a lack of discussion before the plan was made.*
- Civilians in A--- village requested that any non-governmental organisation or other organisation working in their village should hold a consultation meeting with the local people before doing a project.*

### Interview | Saw A---, (male, 48), B--- village, Win Yay Township, Doooplaya District (September 2016)

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Doooplaya District on September 5<sup>th</sup> 2016 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>218</sup> This interview was*

<sup>218</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.

received along with other information from Dooplaya District, including four other interviews, two situation updates and 164 photographs.<sup>219</sup>

**Ethnicity:** Karen  
**Religion:** Buddhist  
**Marital Status:** Married  
**Occupation:** Farmer  
**Position:** Village head

**What is your name?**

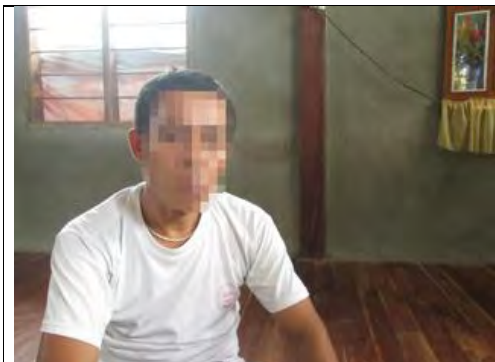
People call me Saw<sup>220</sup> A---

**How old are you?**

I am 48 years old.

**Which village do you live?**

My original village is D--- village but I live in here [B--- village] because I got married [to a B--- villager].



This photo was taken on September 5<sup>th</sup> 2016 by a KHRG community member in A--- village, Win Yay Township, Dooplaya District. The photo shows the interviewee Saw A---. He is the B--- village head. He was interviewed about the construction and impact of the Asian highway between C--- and B--- area. [Photo: KHRG]

**What is the name of this village?**

This village's name is B---.

**What is your religion?**

I am Buddhist.

**What is your occupation?**

I work on a farm and a rubber plantation.

**Could you tell me how many family members you have?**

Yes, I can tell you. In total, I have seven family members; in order, I have five children then my wife and I.

**How old is your youngest child?**

My youngest child is turning ten years old.

**How many sons and daughters do you have?**

I have only two sons and three daughters.

**What responsibility do you take in the village now?**

I take the responsibility of a village head.

<sup>219</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.

<sup>220</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

**When did you take this responsibility? Could you tell me some of your experiences please?**

Yes, I can. I started taking this [responsibility of village head] in 2011. I do not have any other special experience except general experience in the village. As we are human, we all have responsibility [for our community] so we cannot refuse it when it is the time for us to take responsibility. However, it depends on the situation [in our village] because we need agreement from everyone by voting when we will do something [to choose a village head]. The person who gets the highest number of votes has to be [the village head]. That person has to take responsibly if anything happens in the village in order to stop [the problem] and to speak to the person [responsible].

**How many armed groups are in your village and near to your village?**

There is only Battalion #16 that is based in our area.

**Does Battalion #16 come from Kaw Thoo Lei [Karen National Liberation Army (KNLA)] or from another armed group?**

Kaw Thoo Lei [KNLA].

**Has Tatmadaw confiscated any land in this area?**

No. In 2013 [Noh T'Kaw/Kyainseikgyi Township Burma/Myanmar government] administrators requested Noh T'Kaw Township office [Burma/Myanmar Government Land Record Department] to measure land and provide land grants for the land owners. Based on my opinion, we have our organisation [KNU] so they [Burma/Myanmar government] should hold a meeting [with local people/KNU] and discuss [about which government should provide land grants] before they decide. If everyone agrees with it then we can accept it [Burma/Myanmar government land grant]. Therefore, I met with the former [Noh T'Kaw] Township administrator and [Dooplaya] District administrator U<sup>221</sup> E--- [to discuss] about the above issue. They [he] replied, *"If you think we should not accept [the Burma/Myanmar government land grants] yet then you can reject them"*. Therefore we decided we would not accept them. Even though they [Noh T'Kaw Township administrators] asked the Burma/Myanmar government [Land Record Department to measure land and provide land grant] for the villagers, we did not accept them.

**Who requested [Burma/Myanmar government] to measure land and provide land titles?**

U So Win. He lives in Noh T'Kaw Township.

**He is part of the Burma/Myanmar government, right?**

Yes. U So Win is [Noh T'Kaw] Township administrator.

**Is he the current Township administrator?**

No. He has retired. Now his duty is in Mandalay region.

**Have any B--- villagers received a land grant from the Burma/Myanmar government? Or do they have a Karen National Union [KNU] land grant? Could you please tell me if you have information about it?**

Based on my knowledge, B--- village is located in Kho Ther Pler area [which is controlled by the KNU]. Therefore, there are no villagers from the area between D--- village and B--- village who have received a Burma/Myanmar government land grant.

**Did they [the Burma/Myanmar government] ask to measure villagers' land?**

<sup>221</sup> U is a Burmese title used for elder men, used before their name.

The Burma/Myanmar Government Land Records Department staff came to my village and notified us that they will measure the land. We did not accept them because some villagers agreed but some villagers did not agree with it. We will accept it [the Burma/Myanmar government land grant] when all villagers agree with it. Then we decided to measure [our lands through] the KNU government because the KNU also has a Land Records Department.

**Do you know the name of the road that has been constructed between B--- village to C--- village?**

This road is called the Asian Highway because it goes to the part [of Asian Highway that has been built].<sup>222</sup>

**When did they start constructing this road?**

They started it in 2013.

**Which month?**

You mean the month when they started constructing the road and not the month when they measured the road, right?

**Yes.**

They started constructing this road in *Ta Po Tweh* [January].

**Do you remember the day?**

No, I do not remember the day.

**Did the road construction cause any impact [to the civilians]?**

We [village leaders] noted down the villagers' rubber plantations and betel nut plantations which were destroyed by the road construction onto our record list and then we reported it to the person in charge of the road constructors. They said they would submit this list [to their upper leaders].

**How many victims are B--- villagers? More than ten?**

Yes, there are more than ten. Some victims lost around 60 rubber trees and there is one victim who lost more than 300 rubber trees. This is the highest number.

**What is the name of the victim who lost the highest number of rubber trees?**

His name is U F---.

**What is the name of the road construction manager?**

The road constructors?

<sup>222</sup> The Asian Highway Network is a United Nations Economic and Social Council for Asia and the Pacific-supported project that aims to link 32 countries in Asia across 141,000 kilometres of roadway. In Burma/Myanmar the project has involved land confiscation and forced labour. For more information about the Asian Highway Network, see "[Beautiful Words, Ugly Actions: The Asian Highway in Karen State, Burma](#)", KHRG, August 2016; "[The Asia Highway: Planned Eindu to Kawkaik Town road construction threatens villagers' livelihoods](#)," KHRG, March 2015; "[With only our voices, what can we do?: Land confiscation and local response in southeast Myanmar](#)," KHRG, June 2015; "[Tollgates upon tollgates: En route with extortion along the Asian Highway](#)," KHRG, October 2009; and "[Development by Decree: The politics of poverty and control in Karen State](#)," KHRG, April 2007. In addition, fighting continues erupting between the Tatmadaw and the DKBA along the highway, with the latest clash erupting in early July 2015, resulting in the highway between Myawaddy and Kawkaik shutting down for several days, "[DKBA, Tatmadaw fight over illegal highway tolls](#)," Myanmar Times, July 3<sup>rd</sup> 2015.

**The person who is the highest leader of this road construction?**

I do not know specifically who constructed this road because people informed us that this road is being constructed by the Mya Lin Aye company chairman. If anything [problem] happens, people [local authorities] have to talk with him but they do not discuss [the problem] with local people.

**Did they hold any road construction consultation meetings with the villagers before they constructed the vehicle road?**

No

**Then what actions did the civilians take to defend themselves when the company was constructing the road?**

Firstly, civilians wanted the local authority to discuss [about options for action and compensation] with them. They requested that the local authority arrange this [compensation] for them in a good way. Later on, civilians were depressed when nobody arranged it for them. They looked back to other villages and they found that those villagers also did not get any compensation [for their land which was affected by the road construction]. Therefore, they did not try [again] to mention anything [to the local authority as they saw that it was unsuccessful in other villages]. At the beginning, they always reported the impacts [of the road construction] to the local authority and talked to the local authority.

**Do you know the cost of this road and who is managing this road construction project? Or did the civilians request [for this road to be constructed]?**

Civilians did not request it. If any civilian in our area requested it, some civilians in our village tract would know that. If we want to request [a new road] we will discuss [with all civilians] and we will request it together. I [understand] that someone [who is not from our area] asked for it [the road] but we [civilians] do not know who did it. I do not know how much the cost of the road construction was because the people [who manage the road construction] did not tell us [civilians].

**Did the local armed group [KNLA] Battalion #16 and [Win Yay] Township administrator hold any consultation meetings with civilians about the road [construction]?**

They explained about the impact of the road construction to some relevant civilians but they did not do it with all civilians. Civilians whose lands were affected by the road construction went to them [to report this issue]. They explained about this road construction project to the landowners. They said *"This road construction project is not done with money invested by Burma/Myanmar government"*. They [villagers] wanted to question about the road construction budget to the upper leaders. They [villagers] said *"If this [road construction] project is related to the Japanese Nippon Foundation, maybe the victims will get some compensation"*. But they did not say that we will get it for sure.

**Did the [Win Yay] Township leaders tell you who invested money for this road construction project?**

No, they did not. Nobody knows who has invested money for this road construction project.

**Are any local people involved in this road construction project?**

I do not see any local people involved in the road construction. Some people from AE Kyainseikgyi [Township] are involved on this road construction.

**What does AE stand for?**

I do not know. There are many types of AE but this [AE's] name is Thet Naing Oo.

**This road is from B--- village to C--- village so can you tell me the impact regarding road construction in B--- village and C--- village?**

All villagers from these villages have suffered [faced] the same [impacts due to the road construction]. Villagers should get some compensation for their loss [of lands and rubber trees]. If they do not get the full amount [of compensation they should get some]. For example, one rubber tree costs 5,000 kyat [US \$3.66]<sup>223</sup> but they [rubber plantations owners] will be satisfied even if they get 2,500 kyat [US \$1.84] [per rubber tree]. Now, none of them have received any compensation but they just have to accept this.

**As you mentioned, more than three hundred rubber trees belonging to U F--- were destroyed [by road construction]. How old were these rubber trees?**

His rubber trees were nine years old because he had looked after those trees for seven years and [those rubber trees] have been producing latex for only two years then they were destroyed by road constructors.

**After they [road constructors] destroyed villagers' rubber trees, have there been any difficulties [impacts] for villagers' family livelihoods?**

Do you mean for U F--- and other villagers, right?

**Yes**

They work on plain farms for their livelihood. Everyone has problems.

**What are the negative consequences of this impact to the rubber tree owners? How do they feel regarding their rubber trees being destroyed [by the road construction]? How do they solve their livelihood problems?**

As I mentioned above, they will be fine if people [from the construction company and local authority] have a meeting with them and talk about compensation for them. U F--- is the nephew of [Doolaya] District administrator U E---.

**Do the victims have any kind of land grant?**

They do not have land grants but they have yearly land receipts [to show that they have paid land tax]. They do not have the specific acreage of their land because they never measured it. They still use the way that our great grandparents used to use in the past so they do not have the specific number of acres of their land. The Burma/Myanmar Government uses the acre measurement for land. The villagers measure the size of their lands by the number of the baskets of rice seed that they can plant on their farm. For example, my father could plant ten baskets of paddy seed on this farm in the past. Then this is how they measure their land. They have not measured it systematically.

**Do you know of any other expenses [caused by the road construction] in B--- village?**

No

**Are there any villagers who will get compensation for their loss?**

No. An old man got compensation for his rubber plantation and betel nut plantation which were destroyed by Burma/Myanmar government bridge construction project workers. His rubber plantation and betel nut plantation were located besides the river, and at the curve of the river. They [bridge constructors] changed the [bridge location] and constructed the bridge [on his

<sup>223</sup> All conversion estimates for the kyat in this report are based on the March 3<sup>rd</sup> 2017 official market rate of 1359 kyat to US \$1.

plantations] so this affected his land. We [village leaders] tried to ask for compensation [to the Burma/Myanmar government bridge construction staff] for him and then he got compensation for his affected land.

**How wide was his land and how many [rubber trees and betel nut trees] were destroyed?**  
In total, he planted more than three hundred rubber trees and betel nut trees [on his land].

**How did he request the compensation and how much did he get?**

At first, the Burma/Myanmar [bridge construction project] workers did not care about us when we requested [the compensation for the impact of the bridge construction]. This old man does not like to argue [with other people] and he obeys the rules [of the village]. He is old and he cannot rely on his children because his children have [to look after] their own family. Five or six years ago, one rubber tree cost around 10,000 kyat [US \$7.36]. We [village leaders and victims] did not ask for compensation based on the full value of trees [rubber trees and betel nut trees] that were destroyed because we felt satisfied if we could get half of the total compensation. We got [the land owner] compensation money of 5,000,000 kyat [US \$3678.15].



These photos were taken on September 5<sup>th</sup> 2016 by a KHRG community member in B--- village, Win Yay Township, Dooplaya District. These photos show bridge construction that damaged one villager's rubber plantation and betel nut plantation. The villager received 5,000,000 kyat [US \$3,678.15] from the Burma/Myanmar bridge construction project workers but the other [road construction] victims from other places did not get any compensation. [Photo: KHRG]

**How old were those rubber trees? Were they mature enough to produce latex yet?**

[The owner] started tapping [those rubber trees] not long before. The rubber plants were only nine years old.

**What is the name of this Dtee [uncle]?**

His name is U G---.

**How did he get this money [compensation]? Did he go to the [Township] office to get the money or did the village leaders get it?**

The [Burma/Myanmar Win Yay Township administrator] himself brought it to B--- [village].

**He [U G---] got compensation for his loss but the other people like U F--- who lost their land] did not get any compensation. Therefore how do those people feel?**

At first, they were unhappy about U G--- [getting compensation] alone. They said "If it is raining, it has to rain everywhere. Now it is raining just on U G--- so it makes us unhappy [because we

*feel that it is not fair*". We [village leaders] think about their feelings. Later, we had a meeting with [Win Yay Burma/Myanmar] Township administrator and discussed about what we had to do about these [villagers] impacted [by the road construction project]. We asked him to help us and give us some advice. He reported it to his department [in the Burma/Myanmar government] too but people [with authority] said we could not get compensation. Therefore, we cannot do anything now.

**What is U Ta Pay doing now? Does he still act in the position of the company chairman or has he retired?**

His company does not do anything but he still has his position. He has never retired.

**Will [the company] upgrade this road and widen this road in the future?**

We heard from people who know about the [road construction] contract say that they will pave the road with stone this coming summer.

**Have they made any further plans for this road construction?**

Yes, they will pave this road with stone and cement.

**Can you tell me the situation of this road construction and the situation of the civilians in this area regarding their social and cultural understanding?**

The civilians in my area are Buddhist. There are no Christians in my area. We had one Christian household in the past but we do not see [know] where they are now. We work on farms for our livelihood but everyone has problems. Sometimes we face difficulties with our work. Some civilians come to us [as village leaders] and ask for advice about what to do for their livelihoods. We cannot help them [much] because we have to work very hard for our family and we just try to help each other as much as we can.

**How many widows and orphans are there in your village? How many children are there who are not able to go to school?**

We reported the name list [of widows and orphans] to Tharamu<sup>224</sup> Pah Doh [female principal]. Most of the children in my village are going to school but there are a few children who are not able to go to school. We [village leaders] hold meetings before the school opening ceremony takes place, then, for the children who are not able to go to school, we support them [to go to school]. The Burma/Myanmar government provides one school uniform set per student and the students get free books. We go to the houses of the children who do not go to school and we talk with their parents [and inform them] that we can provide for the school expenses for the children who are not able to go to school. If there are ten children in the village who are unable to go to school then we support them to go to school. We prioritise education [for the children].

**Do the students in your village have to pay school fees?**

[Actually] They do not have to pay school fees. Standard<sup>225</sup> Ten is the most important so village leaders and students' guardians pay a tuition teacher [for private classes] so that the Standard Ten students will pass their exam with distinction. It costs money for paying teachers [for private classes].

<sup>224</sup> Tharamu is a Karen term used for any female teacher, pastor, or any person to whom one wishes to show respect

<sup>225</sup> 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.

**Which [government] school system is the school registered under? Burma/Myanmar government or Karen National Union [KNU]?**

The school is registered under the Burma/Myanmar government.

**What standard is the school up to?**

This school is up to Standard Ten. We also have a high school in [B---] village and a middle school which combines with primary school #2 at H--- [village], and another primary school at I-- - [village].

**Are the teachers of B--- high school from the village or from Burma/Myanmar government?**

They are all Burma/Myanmar government teachers.

**How much salary do the teachers earn per month?**

They earn 200,000 kyat [US \$147.12] per month.

**Are there any armed groups that disrupt the students when they study in school?**

No

**Can the students study in peace?**

Yes, they can study in peace.

**Who provides books and pencils for the students?**

UNICEF [United Nations Children's Fund] provides note books, pens, pencils and erasers for the students. They delivered the school stationary by car.

**Do the students get free [education] up to Standard Ten?**

As I mentioned above, they can study for free [up to Standard Ten] but the students have to pay for a study book that we call 'Guidelines'. The students do not get these kinds of books for free.

**Can the students study Poe Karen or S' Kaw Karen language?**

Yes [both].

**How many standards can the students study Karen language up to, and how many classes can they study Karen language in?**

The students can study Karen language for one class (hour) per day.

**Which standard do they study Karen up to?**

They can study Karen from Standard Four to Standard Ten.

**What is the main job that the civilians do in this area to work for their livelihood?**

Most civilians work on plantations.

**What kind of plantations do they work on?**

Sesame plantations and rubber plantations.

**Do you want to add more information that I have not asked you?**

Regarding the impact of the road construction, we want any groups or organisations that plan to do anything in our area to come and discuss with us [first]. Then we will consider their request to us and we will accept [only] the requests that we choose to. Another thing, I just heard people

say that the community based projects and the Mya Sein Yaung Project are supported by foreign countries so I want to know more about these projects. Therefore the Burma/Government and the project leaders should discuss with us [villagers and villager leaders] before they send their staff to work in our area. If we see [that projects] can provide any advantage to the civilians then we will accept them but we will not allow them if they do not provide any advantage for us. Some NGOs or what-O came into our village without informing us of anything [beforehand] and they do whatever they want in a careless way. We hope that this one [type of NGO] will not be here because we do not want it.

**Do you have clinic in your village?**

Yes

**Who registered [and supports] this clinic? Did the Burma/Myanmar government, KNU or civilians set up this clinic?**

Originally, the clinic in our village was self-funded by civilians and it was organised by senior monk U J---. Later, the Burma/Myanmar government registered this clinic [to be their responsibility] and provided nurses [in the clinic]

**Do you have enough medicine [at the clinic]? If not, where do the villagers have to get medicine?**

There are some medicines at the clinic but it is not enough compared to in a hospital.

**Where do villagers get medicine from when they have an illness? Do they have to buy it from the pharmacy or they get it for free from the clinic?**

It is free to get medicine from the clinic.

**How about medical injections like saline [intravenous drip]?**

They provide oral medicine for free, not injections.

**How much does one saline [intravenous drip] cost?**

I do not know because I did not ask Tharamu [nurse].

**Do you want to say [report] any more information? You can add more if you have it.**

No. That is all that I want to report.

**Can I take your picture?**

Yes, you can.

**Thank you, Dtee.**

**Source #61**

Log #	16-90-A4-I1
Type of report	Interview
Publishing Information	Previously published in August 2017: <a href="http://khrh.org/2017/08/16-90-a4-i1/dooplaya-interview-saw-september-2016">http://khrh.org/2017/08/16-90-a4-i1/dooplaya-interview-saw-september-2016</a>
Location	Win Yay Township, Dooplaya District/southern Kayin State
Full Text	

## Dooplaya Interview: Saw A---, September 2016

*This Interview with Saw A--- describes events occurring in Win Yay Township, Dooplaya District in 2016, including road construction and taxation.*

- According to Saw A---, the Karen National Union allowed road construction companies to construct a national highway up to 230 feet wide, between the Three Pagodas Pass and Thanphyu Zayet Town in Win Yay Township, Dooplaya District after the Nationwide Ceasefire Agreement was signed in 2015. This road project is funded by the Burma/Myanmar government and is based around extension of an existing road.
- Local villagers disagreed with the road construction project. Due to the road construction project, many villagers' land and properties were affected; however, there was uncertainty whether some local villagers would receive full compensation for their loss.

### Interview | Saw A---, (male, 54), B--- village, Win Yay Township, Dooplaya District (September 2016)

*The following interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Dooplaya District on September 5<sup>th</sup> 2016 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>226</sup> This interview was received along with other information from Dooplaya District, including four other interviews, two situation updates and 164 photographs.<sup>227</sup>*

**Ethnicity:** Unknown

**Religion:** Buddhist

**Marital Status:** Married

**Occupation:** Township permanent committee member

**Position:** Road and communication officer

**Can you tell me your name, please?**

My name is Saw A---.

**Can you tell me your age?**

I am 54 years old.

**Which village do you live in?**

I was born [and currently live] in B--- village.

<sup>226</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>227</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.

**Are you married?**

Yes.

**How many people are there in your family?**

There are six people in my family.

**How old is your youngest child?**

My youngest child is 11 years old.

**What is his [youngest child's] name?**

His name is Saw C---

**Can you tell me how many daughters and sons you have?**

I have three sons and one daughter.

**Where do you work now?**

I am now working for the Township standing committee.

**What is your religion?**

I am a Buddhist.

**Currently, what responsibilities are you taking?**

Currently, I am in charge of road and communication in Win Yay Township.

**Regarding road and communication, how long have you been in charge of the road and communication of Win Yay Township? Can you tell me what year did you start to work in this position?**

It's been a long time. I have been in charge of road and communication since before the 2015 election.

**When did you start taking charge of road and communication?**

I first started working as a road and communication officer in 1994.

**At that time, what were the main responsibilities you took regarding road and communication?**

In the past, I was just working as a road and communication officer.

**Which area where you were assigned to be in charge of [with regard to] road and communication?**

At that time, I was in charge of road and communication in Win Yaw area.

**Can you tell me the [past] experiences that you have had whilst working as a road and communication officer?**

In the past, before the ceasefire agreements [both preliminary ceasefire agreement and Nationwide Ceasefire Agreement] were signed, we just worked with local villagers to construct self-funded bridges and roads as a community.

**What about now?**

In this current period, [some of the roads] in some areas might be constructed and funded by the Burma/Myanmar government. We also cooperate with some local villagers [to conduct road and bridge construction]. After the ceasefire agreement [2012] was signed, we have seen that

most [road and bridge construction] are constructed by machines.

**Regarding road construction, what year did the road construction start? Could you also tell me the name of this road?**

Yes. Firstly, the current road that we know [are talking about] is called "Death road". [People] call it the "Three Pagodas Pass- Thanphyu Zayet road". It is also called "Road Project". Another name is the "Asian Highway road".<sup>228</sup>

**How wide will the road, known as the Asian Highway, be?**

Firstly, road constructors said that it [the width of the road] is not stable [will vary]. Some [road constructors] said it should be 40 feet wide. Some said it should be 60 feet wide. Some said it should be 75 feet wide. Some said it should be 100 feet wide. Some said it should be 150 feet wide.<sup>229</sup>

**Based on that information, how wide is the road that is currently being constructed?**

The road currently being constructed is 40 feet wide in Mon State and it is 60 feet wide in Karen State.

**Where does the road construction conducted in Mon State start? From where to where?**

The road in Mon State is constructed from Tha Kaw Lan Wa, the start of the road, to Zee Na Pin, the end of the road [with an estimated 80 miles distance between the two].

**Can you tell me how it is [road construction] different between Mon State and Karen State? For example, it is 40 feet wide in Mon State and it is 60 feet wide in Karen State. So can you tell me why there is a difference?**

There are a lot of big rubber plantations in Mon State. Most of the rubber plants [in Mon State] are ready to use [the rubber is ready to be tapped]. Yama Nya Company is responsible for constructing the road in Mon State. Therefore, the road construction in Mon State is different from Karen State. For our side, we just recognise that the road is 60 feet wide when we construct it in Karen state. We assume that the road in Mon state is 40 feet wide [because there are mature rubber plantations which would be damaged if the road would be wider].

**How many miles are there from Zee Na Pin [in Mon State] to Three Pagodas Pass [Doooplaya District]?**

There are 64 miles and 3 furlongs<sup>230</sup> from Tha Kaw Lan Wa to Three Pagodas Pass.

**Who supports and funds this road construction project?**

I do not know. I heard that a Japan [company] gives funding for this road construction project.

**How many [local] companies construct the road in this area? Tell me who are the managers or chairpersons of these companies?**

I do not know who the chairpersons of the companies are but I know the name of the companies. Yama Nya Company, founded by New Mon State Party (NMSP), is in charge of road construction from Tha Kaw Lan Wa to Zee Na Pin [in Mon State]. UMG was called [asked]

<sup>228</sup> While this is often referred to by villagers as part of the Asian Highway project, it is in fact just a National Highway.

<sup>229</sup> The width of the road is due to vary in different villages and areas. It will be wider in some and shorter in others ranging from 40 to 230ft.

<sup>230</sup> A furlong is a unit of distance equivalent to 0.2 km or 0.125 miles.

by Ministry of Construction to conduct the road construction from Zee Na Pin to Lute Shan.

**What does UMG stand for?**

UMG stands for Myanmar Shwe Tharaphu [Myanmar Golden Crown].<sup>231</sup>

**What was it [UMG] asked to do [by Ministry of Construction]?**

They [UMG] were asked to repair and construct the road. In this area, Special Road Group (9) constructed the road.

**Where are the Special Road Group (9) based?**

They are based in Hpa-an.

**Where do they [Special Road Group (9)] live in Hpa-an?**

I do not know exactly where they live in Hpa-an.

**As you told me before, there are two companies who are constructing the road. Is it only Yama Nya Company and Myanmar Shwe Tharaphu Company? How many other companies are there?**

There are Myanmar Shwe Tharaphu Company, Dagon Power Company, Ma Pyin Dagon Company, Full Start Company, Kin Janawa Company, Mya Lin Aye Company,<sup>232</sup> 3K Star Company<sup>233</sup> and Shwe Chaung Sone Company.

**When did they [companies] start to work [conduct road construction]?**

The construction of the main road started in November 2013.

**Before this road was constructed, did you go to meet and discuss with local villagers regarding the road construction project [as you are a road and communication officer]?**

No. I did not.

**What challenges did you face when the road was constructed?**

When the road was constructed, there were some challenges between local villagers and us such as arguments and disagreements because the road construction affected local villagers' lands, houses and plantations. Therefore, they [villagers] reported it [to us]. We had to address those issues.

**Can you tell me how you addressed it? Did you give money to villagers [as compensation]? Or did you just negotiate with villagers?**

Yes. The Karen National Union [KNU] gave permission for the road construction. That is why companies are able to construct the road. Based on [KNU] leaders' permission, we make [document] a list of what [lands and plantations] has been affected due to the road construction. In order to be able to address this issue, we reported it [a list of damaged areas] to the

<sup>231</sup> Myanmar Shwe Tharaphu or Myanmar Golden Crown have been accused of human rights abuses in the past. See [“Chinese Oil Company Linked to Human Rights Abuses in Burma \(Myanmar\)”](#), Earth Rights International, December 2011 and [“ရှက်အနည်းငယ် ရပ်နားထားခဲ့တဲ့ ကျောက်ဖြူ သမိုင်းဝင် ကျောက်တစ်လုံး ဘုရားတောင် ပြန်လည်ပိုင်းခွဲ”](#), Narinjara.com, February 2013.

<sup>232</sup> For more information on Mya Lin Aye see previous KHRG reports at [“Doooplaya Interview: Saw A---, September 2016”](#), May 2017 and [“Doooplaya Interview: Saw A---, September 2016”](#), June 2017.

<sup>233</sup> For more information on 3K Star Company see the previous KHRG report [“Doooplaya Situation Update: Kyonedoe Township, September 2015 to December 2015”](#), January 2017.

Burma/Myanmar Ministry of Construction.

**Can you tell me how you report it [a list of damaged areas]? Who do you work with? Which organisations do you cooperate with?**

In order to report it [a list of damaged areas], there are no organisations which we have to work with. We report it to the Myanmar Ministry of Construction but I cannot say anything [not sure] about what they [Ministry of Construction] will do.

**Can you tell me who is responsible and accountable for this road construction?**

If I say clearly, KNU's current chairperson said, *"If we do not construct this road, we might become the audience [and not be involved in road construction in the KNU-controlled area]. According to the transition period, we have to work with the Burma/Myanmar government to construct this road. At this time, our [KNLA] Battalion Commander Bo Tin Hlaing will be leading these companies. Then, U<sup>234</sup> Maung Maung from Mya Lin Aye Company will be responsible to call the other companies to conduct the road construction"*.

**What do you mean by KNU's chairperson? Can you tell me the name of KNU's chairperson?**

I mean KNU's chairperson is our A'poe [grandfather] Mu Tu Say Poe.



This photo was taken on September 5<sup>th</sup> 2016 in Win Yay Township, Dooplaya District. This photo shows a man whose name is Saw A---. He is a road and communication officer from the Karen National Union. The interview with him was conducted by a KHRG researcher. [Photo: KHRG]

**As you told me that KNU's chairperson gave permission to conduct the road construction, did they [KNU] come to give it [permission] by themselves? Or did they [KNU] just send permission by telegraph?**

I heard that they [KNU] gave permission to construct the Three Pagodas Pass-Thanthpyu Zayet road from [KNU] congress [at the District level] which was held in Htee Hpa Htaw village, Waw Raw [Win Yay] Township, Dooplaya District.

**You mentioned U Maung Muang, who is he? What responsibility is he now taking regarding road construction?**

He is a managing director of Mya Lin Aye Company. He is also an advisor to the chairperson of the District Economic [Department of KNU].

<sup>234</sup> U is a Burmese title used for elder men, used before their name.

**Can you tell me what he [U Maung Maung] suggested regarding the damage caused by the road construction?**

In some cases, he is able to solve the issues [arising] from the road construction but he cannot solve all of the land issues. As for us, all we can do is report a list [of damaged areas].

**How did he [U Maung Maung] solve some issues related to road construction in order to make local villagers satisfied? Can you tell me about that?**

He did not solve the land and plantation issues. If villagers' houses were affected by the road construction, he just gave money to villagers as compensation.

**What do you mean by villagers' houses? There are many different types of houses. Bamboo houses? Wooden houses? Concrete houses?**

I mean wooden houses.

**OK. What is the price [compensation] for one wooden house?**

The maximum price [compensation] of houses beside that road will be 200,000 kyat [US\$147]<sup>235</sup> for one house because the roof of a house is made with leaves from trees. The houses' pillars are also just six square inches [wide]. How can I explain this? That is just some money for the villagers [to construct a new house] but not all [not sufficient to rebuild a house]. This is the compensation [they receive] for having their house removed.

**Now this road is called the "Asian Highway road" but when this road was called the "Death road", how wide was it at that time?**

At that time, this road was just nine feet wide.

**I heard that they [road constructors] repaired the old road [so] I want to know if they also constructed the new road. Can you explain that to me?**

They repaired and widened the old road and they also constructed the new road in some areas. For example, they constructed the new road in Meh Za Li area [Mon State].

**As the new road is constructed, I heard that the construction also affected some of the local villagers' lands or plantations. So how did you deal with that?**

To deal with it, we just reported it [a list of damaged areas]. For the other parts [problems], we did not address them.

**Where did you report it to? When you reported it, did you explain to local villagers about your report?**

Yes. We explained to local villagers that we had already reported it to our upper leaders regarding what [land and buildings] have been affected due to the road construction.

**Can you explain to me what the situation of local villagers regarding the road construction is and also the problems which they are currently facing?**

Some local villagers heard that they [other villagers] did not receive compensation although they [leaders] gave compensation. Actually, this is just a rumour because we have never heard that the money [compensation] will be distributed to villagers. We have never known if [leaders] will give money to local villagers as compensation.

**Before this road was constructed, did anyone [leaders] decide how much the villagers**

<sup>235</sup> All conversion estimates for the kyat in this report are based on the July 31 2017 official market rate of 1366 kyat to US \$1.

**will lose [receive in compensation] if they lost one tree from their lands?**

Nobody has decided to pay villagers like that but U Maung Maung reported one thing to the Ministry of Construction. He reported that 6,000,000 kyat [US \$4,400] will be [paid in compensation] for one acre of land and 20,000 kyat [US \$14.5] will be compensated for one rubber tree. That is what I heard.

**When did he report it? What did this committee decide and discuss about? Did he already report it or not? Could you explain to me about that?**

He did not report it as a committee [member]. How can I explain this? He lives in a city and he just reported it. That is just what I heard.

**Did he explain where he reported it to?**

He reported it to the Ministry of Construction.

**Who is in charge of the Ministry of Construction?**

U Saw<sup>236</sup> Myint was in charge of the Ministry of Construction in the past.

**Who is in charge of the Ministry of Construction, at the moment?**

Currently, we only know that U San Lwin is in charge of the Ministry of Construction.

**So how does he [U San Lwin] address the current issues related to road construction? Can you tell me about that?**

Regarding road construction issues, he said that he will report it to the upper leaders of the Burma/Myanmar government.

**When did he report it? When did he know about these issues regarding road construction? Can you tell me about that?**

I cannot tell you about that. I do not know about it.

**Do you not know the day that he reported [the issues]?**

I do not even know the day that he reported [the issues]. I also do not know whether he reported it or not.

**Regarding this road construction, the Ministry of Construction posted a sign beside the road. What do you think about the '230 case' [the proposed rule that the new road will eventually span 230 feet wide]?**

For the '230 case', I do not know whether they [Ministry of Construction] will conduct the road construction as a long-term project or whether they will conduct it as a short-term project. If they conduct it for as a short-term project we cannot agree with it as local villagers do not agree.

**What about if they [Ministry of Construction] will conduct it as a long-term project? How will you plan to prepare?**

If they conduct it as a long-term project and construct the road more than 100 feet wide, they will have to pay an amount of money which is equal to the current price of the land [that the road expansion covers] according to the rules. In our opinion, what we can do for local villagers depends on the needs of local villagers.

**So can you tell me your opinion on the advantages and the disadvantages of this road**

<sup>236</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

**construction?**

I cannot say about the advantages and the disadvantages of this road construction.

**Regarding road construction, what good things did road construction bring for the villagers? Or what bad things did it bring for villagers? Can you tell me your opinion on this?**

We can say it for both sides [road constructors and villagers]. On the villagers' side, they will say that it brings disadvantages to them. On the road constructors' side, they will say it is all [beneficial] for villagers.

**If so, did the KNU take responsibility or accountability for this local road construction? What responsibility and accountability did the KNU take?**

As our KNU is responsible [gave permission] for this road construction, we formed a road committee in order to be able to solve the problems [which arise] when the road is constructed. The committee was formed to monitor the road construction in order to ensure it runs smoothly. Also, this committee has the responsibility to make sure that road construction is safe.

**You talked about the road committee, how was it formed? Can you tell me about that?**

This road committee was formed with the Road Communication Department, Farm Department, Forestry Department, civilians and the Tatmadaw.

**Who are the civilians [road committee members]?**

They are U Saw D--- and U E--- who live in F--- village.

**U Saw D--- and U E---?**

Yes.

**Currently, what responsibilities are they [U Saw D--- and U E---] taking?**

U E--- is already retired but U Saw D--- is now working for Mya Lin Aye Company.

**Which village does U Saw D--- live?**

He lives in F--- village.

**Since the road construction project was conducted in 2013, what has improved regarding villagers' livelihood in Win Yay Township? Can you tell me about that as are you responsible [for road and communication]?**

Mya Lin Aye Company was able to donate [for the construction of] Nan Kom Yet clinic in Win Yay Township. I do not know what other companies helped the local community but within these three years (during road construction), some schools and clinics were constructed in this area.

**When you talked about schools and clinics, I want to know who supported [funded] these schools and clinics. Did villagers construct it themselves with community funds? Did companies [road constructors] support these schools and clinics? Or did the Foundation from Japan<sup>237</sup> fund these schools and clinics? Can you tell me about that?**

<sup>237</sup> This is likely to relate to the Nippon Foundation. [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.

These schools are funded and supported by international communities.

**When the road was constructed, bridges were also constructed. Can you tell me how many bridges have been constructed?**

There are more than 100 bridges including small and big bridges. If we want to know exactly, we have to look at the list of constructions.

**There are more than 100 bridges. So have all of these bridges already been constructed?**

All of the bridges have been constructed, apart from concrete bridges.

**When they [road constructors] constructed the road, did they construct the road to a level of quality recognised by the local community? Or did they construct the road to a level of quality recognised by the road engineer?**

They did not construct the road to a good quality.

**Regarding the 230 [ft road] case, they [companies] posted a sign. Can you tell me about local villagers' opinion on it?**

After the sign post, which said a road 230 feet wide [will be constructed], was put up, local villagers did not agree with it. They [villagers] have already had a meeting twice because they did not agree with the 230 feet [wide] road project. We also cannot agree with it as local villagers do not agree. Local villagers are strongly against this road project.

**Regarding their [villagers] disagreement, did KNU and Township authorities go to conduct research in the community and did they explain or educate local villagers? Did they give any advice to villagers?**

No. Villagers just held a meeting with each other. They [villagers] submitted a letter in August 2016. However, nobody came to explain to villagers about this road project.

**When this sign post was set up, did local authorities and road constructors inform villagers about that?**

No.

**Did they [local authorities and road constructors] consult with local villagers?**

No.

**Did local companies [road constructors] set up the sign post? Or did the Ministry of Construction set up the sign post? Can you tell me about that?**

The Ministry of Construction set up these sign posts. Our civilians and our organisation would not set up these sign posts.

**Regarding this road construction, can you share what else you know?**

Regarding this road, we did not know what was planned in the beginning. When we knew about it, companies had already come to construct the road. In previous years, the time that KNU did not allow anyone to construct the road, nobody came to construct the road. After the preliminary ceasefire agreement<sup>238</sup> was signed [in January 2012] between the KNU and Burma/Myanmar

---

<sup>238</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and](#)

government, the road construction started. Therefore, this road construction depended on our KNU's agreement.

**So if the road is constructed, the road construction will cost a lot of money, right? Regarding this road construction's budget, where does the budget come from? How much does it cost to construct this road? Regarding this, did anyone call a meeting and make a discussion with local villagers?**

No. Nobody did.

**When permission was given to construct this road, they [companies] entered into the local areas to construct the road. Therefore, who is coming to document the damage to villagers' lands and properties due to the road construction?**

Our road committee is documenting [the damage of villages' lands and properties]. When we document land destruction, sometimes the road is not constructed at the same time [as the land destruction occurs] so it is hard to document land destruction because sometimes the road committee record land damage twice. Therefore, we have to confirm the list of land damage conducted by [road] constructors to ensure we record the number accurately.

**After the [2012 preliminary] ceasefire agreement was signed how active were the Tatmadaw?**

We can say that Tatmadaw is always active [in Win Yay Township] because they have their Operations Command [army camp] in A'nan Kwin. They also have their army camps in Toung Soe and Three Pagodas Pass. Thus, there is a military road for the elder leaders, which is not accessible for villagers. Sometimes they rotate their army troops.

**After the preliminary ceasefire agreement was signed in 2012, before this road was constructed, did the Tatmadaw's troop's rotation and elder leaders' trip [in Win Yay Township] happen all the time or just sometimes? Did it mainly happen after the road was constructed?**

They [Tatmadaw] rotated their troops and elder leaders came to visit [Tatmadaw army camps in Win Yay Township] after the road was constructed.

**Did it [Tatmadaw activities] increase or decrease after the road was constructed?**

After the road was constructed, it increased.

**They became more active [after the road was constructed]. Correct?**

Yes.

**As you are the road and communication officer, can you tell me how do you feel about these issues [that have arisen] due to road construction? How do you confront with**

---

[local response since the 2012 ceasefire](#), KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see "[Seventh Round of Nationwide Ceasefire Negotiations](#)," *Karen National Union Headquarters*, March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see "[KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit](#)," *Karen News*, April 22<sup>nd</sup> 2015.

**these issues?**

If I say openly, we should follow the NCA [Nationwide Ceasefire Agreement]<sup>239</sup> because according to the NCA<sup>240</sup> they [Tatmadaw] must inform [KNU] if they travel [in KNU controlled-area]. They [both KNU and Myanmar government] always have to collaborate with each other. In reality, the situation seems like that they go wherever they want to go and they live wherever they want to live.

**Did the Tatmadaw call local villagers for forced labour, *Loh Ah Pay*<sup>241</sup> and assistance regarding this road construction? If they did, can you tell me about that?**

They [Tatmadaw] did but not a lot. However, I do not know the specific dates that they did.

**In the coming year, 2017, when will they [road constructors] cover the road with tarmac? How wide will they cover it with tarmac? Or will they extend the road? How will they make the road stronger? Can you tell me about that?**

I heard that they will cover the road with tarmac but it seems like they will not do what they say. I do not know exactly when they will cover the road with tarmac but I heard that they will do it.

**After the road was constructed, can you tell me about villagers' healthcare and their livelihood situation? How did it [road construction] affect villagers' livelihoods? How did it benefit villagers?**

After the road was constructed, it is easier for organisations to travel [to this area] in order to come to help villagers. It is also quicker and easier for villagers when they travel. Especially in the summer, it is more comfortable for villagers if they travel.

**Do villagers have to pay taxes when they travel on the road? Who collects taxes?**

Regarding taxation, the NMSP [New Mon State Party] collects taxes in Si Na Pin area. Regularly, our KNU collects taxes in Thit K'Taing area and Lute Shan area but it is not happening like before because [KNU] reduced the amount of tax.

**How much does the NMSP ask when they collect taxes in Si Na Pin area? How much do they charge in taxation? Can you tell me about that?**

<sup>239</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. 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 15<sup>th</sup> 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 1<sup>st</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. 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.

<sup>240</sup> 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.

<sup>241</sup> *Loh ah pay* is a Burmese term now commonly used in reference to forced labour, although traditionally referring to voluntary service for temples or the local community, not military or state projects.

They have not fixed how much passengers have to pay but the amount of taxation just depends on the things [goods for trading] that passengers carry.

**The minimum amount of tax?**

The minimum amount of tax is 1,000 kyat [US \$0.75].

**What about the maximum tax?**

3,000 kyat [US \$2.2].

**What about the KNU side?**

Our KNU also collects taxes like that but now it is not like before. Previously the KNU charged vehicles a fixed amount, now following the road construction vehicles may still have to pay a small unfixed amount of taxation.

**I think it is enough here. So do you want to say or add anything else outside of my questions?**

No. I think it is enough too.

**OK. So I want to take a picture of you after our interview. Can you tell me how should we use your picture and this audio record interview?**

Photo and audio record?

**Yes. I am now recording our interview. After our interview, I will take a photo of you. So tell me which way we should use your picture and this audio interview. I want to know your attitude.**

You do not need to censor my picture [if it is published]. You can use it openly.

**So I will take a photo now. OK?**

Yes.

**Thank you.**

Yes.

**Source #62**

Log #	16-90-S1
Type of report	Situation Update
Publishing Information	Previously published in February 2018: <a href="http://khrhg.org/2018/02/16-90-s1/dooplaya-situation-update-win-yay-township-january-october-2016">http://khrhg.org/2018/02/16-90-s1/dooplaya-situation-update-win-yay-township-january-october-2016</a>
Location	Win Yay Township, Doooplaya District/southern Kayin State
Full Text	

## **Doooplaya Situation Update: Win Yay Township, January to October 2016**

*This Situation Update describes events occurring in Win Yay Township, Doooplaya District during the period between January and October 2016, including development projects, military and Karen National Liberation Army (KNLA) movement, education, healthcare and the region's*

social and economic situation.

- There were no significant military activities by either the KNLA or the Tatmadaw between January and October, and local villagers responded positively to seeing soldiers from Tatmadaw Light Infantry Battalion (LIB) #351 wearing civilian clothing and sightseeing with soldiers from the KNLA. However, minor clashes in September 2016 caused some local people to worry about an increase in instability.
- Although the educational situation in Doooplaya District has generally improved, villagers in deep rural areas reported receiving insufficient educational support, especially regarding the availability and quality of teachers.
- The development of the International Asian Highway has caused many villagers to have their land confiscated and their homes lost. Villagers propose and request that a Community Based Organisation (CBO) helps negotiate between the Myanmar government and the KNU in order to ensure that villagers will be compensated for their losses.

## Situation Update | Win Yay Township, Doooplaya District (January 2016 to October 2016)

The following Situation Update was received by KHRG in October 2016. It was written by a community member in Doooplaya District who has been trained by KHRG to monitor local human rights conditions. It is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>242</sup> This situation update was received along with other information from Doooplaya District, including five interviews, one other situation update and 164 photographs.<sup>243</sup>

### Introduction

This situation update describes events occurring in Win Yin [Win Yay] Township, Doooplaya District, during the period between January 1<sup>st</sup> 2016 and October 20<sup>th</sup> 2016 and discusses development, military and KNLA movement, education, healthcare and the region's social and economic situation.

### KNLA and Tatmadaw military movements

Since January 1<sup>st</sup> 2016, there were no significant military activities by either the KNLA or the Tatmadaw, with the exception of minor movement caused by Tatmadaw troop rotations. The [frontline] military unit was rotated every six months. On April 28<sup>th</sup> 2016, the Tatmadaw army in Lay Naung military base camp was led by military camp commander Ye Win Thein. 30 fully armed Tatmadaw soldiers patrolled [around] the Met K' Wa, Kwun Thay Ta, and Kyauk Ta Dar areas. Military activities did not take place only in this township, however. Similar activities also took place in Kawkareik Township and Kyainseikgyi Township.

<sup>242</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>243</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.

On July 22<sup>nd</sup> 2016, Light Infantry Battalion<sup>244</sup> [LIB] #591, led by Major Kyaw Myo Aung and consisting of 17 fully armed soldiers, came to monitor the school and newly built low-cost houses in the old village of Met K' Tha, Kyainseikgyi Township. They then went back to Three Pagoda Pass Town after changing from military uniforms into citizen shirts. From the KNLA side, the vice officer Saw<sup>245</sup> Ba Thein and his group came to greet them (LIB #591) and guided them towards the places they would like to go [for sightseeing]. The [local] villagers were very happy to see this.

However, [local] people panicked again in September 2016 after minor clashes took place in some areas that created instability. The local people became worried and wondered if the clashes would happen again. It was a situation in which armed groups were sometimes friends but also sometimes fighting each other. In addition, while the citizens were trying to let go of their fear, the Tatmadaw restarted its activity [inside the region]. Although both the KNLA and the Tatmadaw were planning to fight one another, the real victims of the conflict were the citizens. Military movements from both sides have not stopped.

#### Education

Compared to 2010, the education situation in Karen State within KNU controlled areas has mostly improved in 2016. Due to newly built schools and roads, the involvement of government teachers, increased support for Karen literacy classes in school, and general educational support, many children were able to attend school. However, less educational support was received [by villages] in deep rural areas [hill areas], where there are around 50-60 houses in one village. Some villages still have not received any [Myanmar] government recruited teachers. This issue was raised on September 10<sup>th</sup> 2016 when KHRG field researchers went to a meeting between A--- village head, a locally-recruited teacher and several [Non-Government] Organisations. These Non-Governmental Organisations (NGOs) agreed to support [the school]; however, since they returned, no help has been provided and no action was taken. There were in total three teachers in that primary school; one was recruited by the government and two were originally there.

Daw<sup>246</sup> D--- has been serving as a teacher since 1993 and she has worked in [many] different places. She is the wife of an Immigration Authority [Officer] and has not been been transparent about contracts for teachers. The village heads disregarded her actions because they had no idea what she was doing. She hired a villager named Daw Hser Hayblu Moo and paid her 1,500 Baht [US \$44.99]<sup>247</sup> per month. Though the government teachers have not disclosed this information, the government should be aware that the Karen children would not gain sufficient knowledge, or learn the Burmese language [because she is not the proper teacher and lacks Burmese language skills]. This case was reported to KNU controlled area of Dooplaya District office. This truly happened according to [position censored for security] Saw B---. Currently, the KNU and the Myanmar government are supporting primary education as much as they can. As a result, there are changes within the [local education] situation.

<sup>244</sup> 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.

<sup>245</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

<sup>246</sup> Daw is a Burmese female honorific title used before a person's name.

<sup>247</sup> All conversion estimates for the kyat in this report are based on the October 4, 2017 official market rate of 33.35 baht to US \$1.

### Healthcare

Concerning healthcare in Win Yay Township, Dooplaya District, since 2010 there has been a reduction of malaria infections due to the campaigns led and medicines provided by organisations working against malaria [in rural villages]; thus, there were improvements [in healthcare].

However, there were not enough nurses, doctors or medicines in the government-provided clinics in rural villages; this has caused local people to encounter healthcare difficulties. In response, several young people who attended the training regarding healthcare [basic skills] opened by KNU have volunteered or taken on informal medical jobs to provide healthcare services [to the village]. Moreover, an organisation against malaria assigned one staff member to each village and tested the blood of all villagers who have suffered from fever.

### Social

According to what has been documented between January 1<sup>st</sup> 2016 and Oct 20<sup>th</sup> 2016, in Win Yay Township, Dooplaya District, there have been major changes between 2010 and 2016 regarding the social situation. These changes are due to increased practices of religious literacy training, village safety, and more voluntary work in villages. Youth have been prioritised and there are more opportunities for them to take on leadership roles than before. Disciplinary action has also been taken which has stopped authorised personnel and the KNLA from using drugs with impunity. However, women are not currently being selected to village leadership positions because of the stereotype that they are unqualified. Meanwhile, the KWO [Karen Women Organisation] and KYO [Karen Youth Organisation] are raising the awareness of the people; the social situation seems to have improved due to their inspirational campaign calling for the prioritisation of education in the Karen community.

### Economic

There are significant changes and improvements to the economic situation in Dooplaya District, Win Yay Township, between January 1<sup>st</sup> 2016 and October 20<sup>th</sup> 2016 because increased freedom of movement has opened up more opportunities to trade domestic livestock. Many people have rehabilitated their houses between 2015 and 2016. However, there are still some homeless people due to the confiscation of lands caused by the development of the International Asian Highway<sup>248</sup> [AH1]. This [AH1] has only benefitted companies, armed groups, and investors. [Local] people are too honest, naïve, or unwilling to speak up, which has made it difficult to fight back against the AH1. NGOs have come to collect money [from the villagers], saying that they would help them but since they went back to town, they have not returned. The names of the NGOs are unknown and they frequently enter and exit [the villages]. Furthermore, fighting also broke out, causing people to worry. Meanwhile, some wealthy individuals from the big cities have seized opportunities by cooperating with KNU authorities and ignoring the local

<sup>248</sup> The Asian Highway Network is a United Nations Economic and Social Council for Asia and the Pacific-supported project that aims to link 32 countries in Asia across 141,000 kilometres of roadway. In Burma/Myanmar the project has involved land confiscation and forced labour. For more information about the Asian Highway Network, see "[Beautiful Words, Ugly Actions: The Asian Highway in Karen State, Burma](#)", KHRG, August 2016; "[The Asia Highway: Planned Eindu to Kawkaireik Town road construction threatens villagers' livelihoods](#)", KHRG, March 2015; "[With only our voices, what can we do?: Land confiscation and local response in southeast Myanmar](#)", KHRG, June 2015; "[Tollgates upon tollgates: En route with extortion along the Asian Highway](#)", KHRG, October 2009; and "[Development by Decree: The politics of poverty and control in Karen State](#)", KHRG, April 2007. In addition, fighting continues erupting between the Tatmadaw and the DKBA along the highway, with the latest clash erupting in early July 2015, resulting in the highway between Myawaddy and Kawkaireik shutting down for several days, "[DKBA, Tatmadaw fight over illegal highway tolls](#)", *Myanmar Times*, July 3<sup>rd</sup> 2015.

people. Instead of raising their voices, the villagers did what they were asked to do: if they were asked to go, they went; if they were asked to pay, they paid; if they were asked to answer, they answered. They continued this until the companies/wealthy individuals and armed groups were satisfied.

A cement company came and tested the stone twice. When they first came, they said that the villagers didn't accept them so they went back. When they returned, they had received permission from Doooplaya's District governor [Pa doh<sup>249</sup>] Shwe Maung to conduct assessments of the stone for fifteen days so the villagers had no idea who to report [their complaints] to. Although the villagers have protected the township and village's natural beauty, [they feel that] wealthy individuals who are rich and powerful have used many different tactics to seize what they want. As a result, only wealthy individuals and armed groups have profited whereas local people have been left behind, their lands and gardens lost, and their lives full of intimidation.

Regarding local people's business, they just sell the fruits that are annually produced from their domestic garden in order to support their livelihood. One local villager said, *"We don't face difficulties like before; we can purchase and consume meat such as fish, pork, and chicken easily. We don't have big businesses."*

Local residents in Doooplaya District, Win Yay Township, mainly make their living by working on rubber plantations, betel plantations and by farming. [Local] people have questioned, *"Why has our mother organisation, the KNU, ignored us on the issue of the International Asian Highway construction? If our own government cannot help us, how can the Burma/Myanmar government help us? After all, the Burma/Myanmar government is not made up of Karen people!"* The International Asian Highway is believed to be connected with the KNU but it is unclear how they are connected. Villagers have also reported, *"We propose that [a CBO] helps negotiate between the Myanmar government and the KNU. So far, only affected government buildings or lands were compensated, but no other information or compensation has been given by stakeholders, organisations and armed groups since 2013. Moreover, if they [authorities] want to meet amongst themselves, they call on us [villagers] to support them."* Thus, business in the local regions can be considered to have improved only slightly. The local villages have not benefited; all the improvements have gone towards the companies and KNU members' relatives who have taken advantage of local people in Win Yay Township. Thus, there has not been any 'real' change in the economic situation; change will only be 'real' when it is easier for local people to earn their livelihoods [than before].

#### **Development**

The economic situation regarding development has improved in Win Yin [Win Yay] Township, Doooplaya District, between January 1<sup>st</sup> 2016 and Oct 20<sup>th</sup> 2016. After the NCA<sup>250</sup> (Nationwide

<sup>249</sup> *Pa Doh* is a title meaning 'governor' or 'minister' within the government or military.

<sup>250</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. 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 15<sup>th</sup> 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 1<sup>st</sup> 2015. The signing of the NCA followed the January 12<sup>th</sup> 2012 preliminary ceasefire agreement between the KNU and

Ceasefire Agreement) was signed [on October 2015], there has been development of education, social, economic, healthcare, transportation and communication. However, there are also significant negative consequences to development. For example, there was a fraud in which villagers were asked to submit 500 kyat [US \$0.35]<sup>251</sup> per household in order to help them gain access in solar energy. However, after there was a signed agreement to build [solar panels], the fraudsters disappeared and were never heard from again. The affected village is C- -- and this fraud took place on March 2016; however, we don't know whether this also affected other villages because we [KHRG field researchers] didn't contact them.

There are also improvements in education. Despite increasing [financial] support for schools and higher enrolment rates in every village, challenges still remain due to the shortage of teachers as well as other needs. There are still some villages that do not teach Karen language during school hours. Some schools still exist which are able to stand on their own feet [without outside support] such as Buddhist schools and Burma/Myanmar government schools in some villages. Moreover, greater access to libraries is needed. Regarding transportation, the International Asian Highway is beneficial for the public as well as for organisations and local citizens. However, it has hugely impacted [local people who live along or near the road construction]. The road is crossing through local people's lands/gardens and farmlands; but, the road has not met the [qualified] standard until now. The actors didn't care about providing any compensation for the damage they inflicted upon gardens and farmlands. Those who had lots of land could endure [this damage], but some people lost everything they had and no one was able to care for them. Some villagers said that they requested compensation in order to fund village development: *"They have not even paid for 60 feet of lands but they say that they have already paid for 230 feet of lands, so we should just watch and keep quiet. Thay Min Ta Man Lan [literally 'Asian Death Railway', the nickname given for IAH] is even scarier than the Death Railway [that existed many years ago]."* As it ruined farmlands and long term plantations many people suffered. Moreover, another concern is the cement factory, which has already assessed the rock on the mountain [in order to produce cement]: *"Our homes have been built along the road, beside [or near] the mountain where road construction operated. If the mountain is able to successfully produce cement according to their assessments, we would like to ask our mother organisation KNU where we should run to?"*<sup>252</sup> The villagers are really concerned about how the KNU will protect the villagers from the negative consequences of development. As a proverb said, *"When tree-stumps are composting, Karen people are fleeing"* [when there are no trees or fertile lands, the Karen people have to displace to other places]. In conclusion, the International Asian Highway has disappointed villagers and if cement production is successful, it would have huge effects and destroy the long term plantations, houses, and farmland of villagers. [This issue] was disclosed to KHRG by village chairpersons and villagers. Regarding this concern, the villagers want KNU leaders, if possible, to consider the long-term needs of villagers.

### Conclusion

The main incident in Win Yin Township, Dooplaya District, during this period is the International Asian Highway. We [villagers] don't know whether the highway is completely constructed or not

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.

<sup>251</sup> All conversion estimates for the kyat in this report are based on the October 4<sup>th</sup> 2017 official market rate of 1363 kyat to US \$1.

<sup>252</sup> Villagers here are expressing their concern that mining of the nearby mountain will ultimately result in their displacement. For similar concerns see, ["Villagers raise concerns regarding proposed stone mining and cement production in Win Yay Township, Dooplaya District,"](#) January 2018.

but they are still asking for taxes to be paid. We feel like no one cares about local citizens' plantations/garden and farmlands, especially the International Asian Highway construction special unit (22) U San Lon [led group]. [Therefore,] the local citizens encounter many difficulties. U<sup>253</sup> E--- from F--- [village], who has seven children, has nothing left though even though he previously owned [land] before. He is over 60 years old, is a widower, and earns money by working daily irregular work. He is tightly managing his family's health, education, and livelihood. Although others are facing [difficulties] like him, he is one of the worst victims that this KHRG community member has witnessed. According to Sayama<sup>254</sup> Naw<sup>255</sup> G---, this [highway construction] is connected with central KNU.

Another issue which appeared in this period was cement production. This reflects the country's desire to develop, which has created stress and caused some citizens to feel intimidated. In addition, around six dams are also believed to be in operation in other areas in Dooplaya District. Local people are unsure whether they should be pleased because the future is still unknown and [the citizens] are "*blown by the wind*."

Education and health care have improved in the township. Regarding healthcare, the majority of malaria infections have been reduced. Despite this, the medication in Burma/Myanmar government provided clinics is under-stocked. The government provides only nurses or healthcare staff but we [villagers] have to pay for other medical expenses. The social situation has improved a lot; there is nothing special to say about social issues. Drugs still exist in Win Yin [Win Yay] Township, Dooplaya District, and in the Three Pagoda Pass region because you can witness drug users, including kids, who are on drugs there. Finally, the KNLA Battalion (16), Company (2) is trying to arrest and issue punishments to those who use *yaba*<sup>256</sup> [methamphetamine] in the villages.

There has also been recent activity regarding economic and taxation issues. Land owners with a land grant have to pay 60,000 kyat [US \$44.01] per year for tax. A five-year land grant costs 1,500,000 kyat [US \$1,363.45], 300,000 kyat [US \$220.03] of which goes towards paying tax, so no money is left over. Three years ago, land from one of the land owners was confiscated and used by constructors without compensation. [The land owner] took back the land and signed a contract which charged the constructor for staying on the land. [The land owner] still has to pay taxes for this land but she said this payment was not a burden because it was going to support the Karen ethnicity: "*It's for our people*," she said.

#### Source #63

Log #	16-92-S1
Type of report	Situation Update
Publishing Information	Previously published in July 2017: <a href="http://khrgh.org/2017/07/16-92-s1/dooplaya-situation-update-kawkareik-township-january-october-">http://khrgh.org/2017/07/16-92-s1/dooplaya-situation-update-kawkareik-township-january-october-</a>

<sup>253</sup> U is a Burmese title used for elder men, used before their name.

<sup>254</sup> Saya (male) or Sayama (female) is a Burmese term used for any teacher, pastor, or any person to whom one wishes to show respect.

<sup>255</sup> Naw is a S'gaw Karen female honorific title used before a person's name.

<sup>256</sup> *Yaba*, which means 'crazy medicine' in Thai, is a tablet form of methamphetamine. First developed in East Asia during the Second World War to enhance soldiers' performance, methamphetamine has become increasingly popular in Thailand, Laos, Cambodia, Vietnam, and Burma/Myanmar where it is typically manufactured. See, *Yaba, the 'crazy medicine' of East Asia*, UNODC, May 2008; "[Woman raped and killed in Pa'an District, October 2012](#)," KHRG, December 2012; and Chapter IV in *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire*, KHRG, June 2014.

	2016
Location	Kawkareik Township, Dooplaya District/southern Kayin State
Full Text	
<p><b>Dooplaya Situation Update: Kawkareik Township, January to October 2016</b></p> <hr/> <p><i>This Situation Update describes events occurring in Kawkareik Township, Dooplaya District during the period between January and October 2016, and includes issues regarding army base locations, rape, drugs, villagers' livelihood, military activities, refugee concerns, development, education, healthcare, land and taxation.</i></p> <ul style="list-style-type: none"> <li><i>In the last two months, a Burmese man from A--- village raped and killed a 17-year-old girl. The man was arrested and was sent to Tatmadaw military police. The man who committed the rape was also under the influence of drugs.</i></li> <li><i>Drug abuse has been recognised as an ongoing issue in Dooplaya District. Leaders and officials have tried to eliminate drugs, but the drug issue remains.</i></li> <li><i>Refugees from Noh Poe refugee camp in Thailand are concerned that they will face difficulties if they return to Burma/Myanmar because Bo San Aung's group (DKBA splinter group) started fighting with BGF and Tatmadaw when the refugees were preparing for their return to Burma/Myanmar. The ongoing fighting will cause problems for refugees if they return. Local people residing in Burma/Myanmar are also worried for refugees if they return because fighting could break out at any time.</i></li> <li><i>There are many different armed groups in Dooplaya District who collect taxes. A local farmer reported that he had to pay a rice tax to many different armed groups, which left him with little money after.</i></li> </ul> <hr/> <p><b>Situation Update   Kawkareik Township, Dooplaya District (January to October 2016)</b></p> <p><i>The following Situation Update was received by KHRG in November 2016. It was written by a community member in Dooplaya District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>257</sup> This report was received along with other information from Dooplaya District, including 169 photographs and 22 video clips.<sup>258</sup></i></p> <p><b>Introduction</b></p> <p>This Situation Update describes the events which have occurred in three different Townships in Dooplaya District during the period between January and October 2016. The Situation Update</p>	

<sup>257</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>258</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.

includes issues regarding a rape and killing, army base locations, drugs, villagers' livelihoods, military activities, refugees, development, education, healthcare, land issues and taxation.

#### **Rape and Killing**

In the last two months [between September and October 2016], a Burmese man from A--- village raped a 17 year old girl and then killed her. The man [who committed the rape] was arrested and he was sent to Tatmadaw military police. The man had also taken drugs before committing the rape.

#### **Army bases location in Doooplaya District**

1. Thit Kha Law Taw or Than Ken Nyi Naung
2. Myawaddy
3. Dih Klow or Par Chaung
4. Palu
5. Moto Talay
6. Ghaw Lay 362
7. Ka Nel Lay 2006
8. Ba Yin Naung Kone 3997
9. Maw Khee 2036
10. Htee Tapan
11. Tha Waw Thaw or Sa Khen Thit
12. Suu K'lee
13. Meh K'tee
14. Taw Wa Law
15. Pen Klen
16. Kwin Ler Ter
17. Htee Hta Baw
18. Kyaik Doe
19. Kalee Khee K'ter Koh
20. Buyar Ngue Toe
21. Htee Ghuh Thaw [BGF]
22. Taray or Kalay
23. Kyaw Hta [BGF]
24. Taw Tee
25. Anar Kwe
26. Lay Per Htaw or Taw Soe
27. Ghoh Than Plat- Bu Yin Naung Kone
28. Ghoh Than Plat- Pyan Mam Kone

These are the locations in Doooplaya District where Tatmadaw and two BGF camps are based. There were no army bases in these places until 1995 or 1996. After 1997, they [Tatmadaw] began to base their camps in these places.



This photo was taken nearby B--- village, Kawkaik Township, Taw Naw Mu Hta area and shows villagers using a road. However, starting from May to October 2016, some villagers reported it was difficult for them to travel by car, motorbike and tractor in this place because Tatmadaw army bases were located nearby. If Tatmadaw wanted to call villagers for help, villagers had to transport Tatmadaw supplies and Tatmadaw soldiers, which created problems for villagers to travel. [Photo: KHRG]

### Drugs

There are drug issues [regarding Yaba] in Dooplaya District. Village authorities have tried to solve the drug problems, but they have not been successful because they cannot eliminate all the drugs [yaba]. Some people rely on drugs [yaba] for their work [to sell and earn an income]. Some people use drugs [yaba] chronically until they experience psychosis and engage in dangerous activities. Some parents have had family problems because their children use drugs [yaba]. It [yaba] also causes problems in the village, and it creates more problems for women and girls. The leaders and village authorities have been trying to eliminate drugs [yaba], but the drug issues remain.

### Villagers' livelihoods

This year villagers in Dooplaya District had difficulties earning their living because villagers' paddy fields in Kawkaik Township were infested and eaten by insects, which turned their paddy fields yellow. Farmers applied a chemical fertiliser to the paddy plants in order to make them grow well, but they [farmers] still worry that their paddy fields will not yield enough rice in the upcoming year. They had never seen [an insect infestation like] this happen in the past, but this year it has turned their farmlands and paddy fields yellow. Therefore, villagers are concerned.

In regards to farming and selling betel nut, the price is good, but some of the betel nut plantations in Dooplaya District have died due to the high temperatures this summer. Some of the betel nut plants that survived [the heat] were not able to produce enough fruits. The price of betel nut is very good, but the price of limes and large sour limes is unpredictable. If the size of the lime is big, it costs 2,000 kyats [US\$1.46]<sup>259</sup> for 100 limes. If the size of limes is small, the price is 1,200 kyats for 100 small limes. For large sour limes, it costs 12,000 kyats [US\$8.78] for 100 fruits. However, the price of limes and large sour limes is not stable. Sometimes their price increases and sometimes it decreases. However, the price of elephant wild yam is very good. It costs 500 kyats for one viss<sup>260</sup> of elephant wild yams. If people come to buy elephant wild yams from those who sell them, it costs 400 kyats [US\$0.29] for one viss. I do not know the price of rubber and rice, because it is not the season for [selling] rubber and rice.

<sup>259</sup> All conversion estimates for the kyat in this report are based on the July 18 2017 official market rate of 1366 kyat to US \$1.

<sup>260</sup> A viss is a unit of weight equivalent to 1.6 kg or 3.52 lb.

### **Military activities**

Starting from September to October 20<sup>th</sup> [2016], military activities in Doooplaya District have increased. Since the military activities have increased, Bo San Aung [DKBA splinter group commander] and his soldiers, who were more than 40 soldiers, came to hide at a place beside C--- village at 2:00 PM on September 10<sup>th</sup>. They planned to ambush another armed group [BGF], but no one knew that they [Bo San Aung's groups] came to hide in that place. Then, Bo San Aung's groups fired and hit a car from KNLA battalion #17 when they [KNLA] were travelling. Three soldiers in the KNLA car were injured. One of them injured his arm, another injured his back and the third injured his legs. None of the soldiers [KNLA] were killed. During the same time period, military activities increased. Because of the military activities, the Burma/Myanmar government military [Tatmadaw] did not allow anyone except local authorities to travel. They [Tatmadaw] closed the route that people used for travelling from September 11<sup>th</sup> to September 19<sup>th</sup>. Thus, BGF, Karen Peace Force (KPF), Tatmadaw, KNU and DKBA (splinter) called a meeting in Lay Law Saw area, which is controlled by KPF. In the meeting, they discussed their activities and plans [to reopen the road]. After that, the route was opened for everyone to travel freely starting from September 20<sup>th</sup> 2016.

### **Refugee Concerns**

After the NCA [Nationwide Ceasefire Agreement] was signed [in October 2015], the local villagers and refugees started to feel confused in 2016 because the situation was just getting a bit [better] and there is no land for refugees to resettle. Some refugees have their relatives who live in Myanmar so it will be a bit easier for them to go back and stay with their relatives. Some of the refugees do not have any relatives or land in Myanmar; therefore, they will follow what is planned for them. Some of the refugees thought that nothing [about their situation] would be different for them [than it was during the conflict] so they reported it to UN [the United Nation]. It would be easier for their return if the UN made a plan for them.

53 households from Noh Poe refugee camp [in Thailand] submitted a list of their names to the UN for their return. Then the UN came to meet and interview them [refugees] several times in order to make sure everything would be prepared for them if they go back to Burma/Myanmar. We have known about their [refugees'] opportunity to go back to Burma/Myanmar since October 25<sup>th</sup> 2016. They [refugees] left Noh Poe camp and went to stay at Kyout Bu's place in Myawaddy temporarily and then they returned to their own places or villages in accordance with the UN's plan. By the time the refugees were ready to go back to Myanmar, Bo San Aung's group [DKBA] started fighting with BGF and Tatmadaw, which creates problems for refugees if they return. Local people in Myanmar are also worried for refugees if they come back to Myanmar because the fighting could break out at any time. They [villagers] also worried that refugees will face difficulties and problems if the UN does not plan anything to support their livelihoods. There is not much land available for refugees to work on, therefore, they will confront many different difficulties if they come back immediately. These are the villagers' concerns and challenges.

### **Development**

As people from other countries have come and given support to Burma/Myanmar, we have seen [more] development activities such as road construction in Karen State [southeast Burma/Myanmar]. Previously in Doooplaya District, there was not a large road. Now a large road has been constructed and the local villagers are happy because they can travel more easily and smoothly. However, some people are not pleased with the road because their long-term plantations were destroyed during the road's construction. For the people who lost many of their

long-term plantations, the companies have paid compensation to them. However, the people who lost only a small number of long-term plantations did not receive any compensation from the companies. If we look at this situation, companies should also give compensation to those people who lost a small number of long-term plantations. According to a local elder, *"[if] we have many children, we still want our children even if some of them die. [If] we have only a few children, can you imagine how much we want them if they die? So consider this for people who lost a small number of their long-term plantations and how badly they feel [because of their increased dependency on a small amount of plantations]."*

#### **Education**

We have seen that education in rural areas has improved, so local teachers, leaders and parents are happy. Presently, if we look at the situation, there are a lot of our students who graduate from [migrant and refugee] schools on the border [in Thailand] as well as from Myanmar government schools. However, people [who graduate from schools on the border] do not get the same opportunities as people who graduate from the Burma/Myanmar government's schools, especially if they want to be a teacher in the local Burman/Myanmar government's school. According to a local elder, *"people who graduated from different schools want to work for the government, but they do not get the same opportunities [as those who graduated from government schools]. So why do we not have a discussion or meeting to talk about equal opportunities?"*

If we look at the education situation in Dooplaya District, it is getting better each year and the students' parents are supporting their children to study at the schools. Some people cannot afford school fees for their children, so they send their children to schools in the refugee camps. Their children can study at the schools in refugee camps until they graduate. KWO [Karen Women Organisation] has also tried to find a way for children who do not have parents in the refugee camps to study at the schools. KWO collaborated with TBC [The Border Consortium] to establish one dormitory for those children who do not have parents living there [in the refugee camp], so those children can study at the school. This has improved the education situation. Also, more schools are being established in almost all villages in Dooplaya District.

#### **Healthcare**

We have not seen any issues regarding healthcare in Dooplaya District during these five months. Karen Department of Health and Welfare [KDHW] have been doing their best to educate local villagers about hygiene. [They told villagers] that they should wash their hands before they eat food, should drink boiling water, and everyone should build their toilet in their house compound. In addition, KDHW distributed mosquito nets and malaria testing tools. KDHW told and informed the local villagers how to take care of their health. However, while some local villagers followed [their instruction], others did not. The number of local villagers who followed KDHW's advice are greater than the number of villagers who did not follow it, which has improved the healthcare situation.

#### **Land issues**

There are now many land issues in Dooplaya District since the [political] situation has gotten a bit better. In the past, many people left their lands and they fled to the [Thai] border. Since then, people from other villages have come to live and work on the land that refugees and IDPs left behind. When the [original] owners of the land came back, they told the people from the other villages [who had taken their land] that these lands are their lands. Then, the people from other villages responded that they had cleaned and cut the bushes in these lands and they worked on the land because it had turned into a jungle since nobody stayed on [and looked after] these lands from 1997 to 2016. Therefore, many villagers are experiencing land issues because in the

past villagers did not have any legal land ownership documents or land titles and villagers did not know how to apply for land titles. I am not certain, but most of the lands on the border do not have land titles and legal documentation. Land titling is also a problem with land far away from the border. We heard that villagers who do not have land went to work on the land in Noh T'kaw [Kyainseikgyi] Township. Then, one leader [unknown] said that they [the IDPs] could work on those lands, but they could not own those lands because they were owned by the local authorities. The returning villagers, who had fled [and were previously displaced] questioned the authority's age when the other villagers began cultivating the land [since the authority might have been too young to remember that the returning villagers had owned the land originally].

#### Taxation

There are several types of taxes people have to pay because there are many different armed groups in Dooplaya District. All of the armed groups are Karen ethnicity. Many different armed groups have different roles in each area, so the villagers have to pay a lot of taxes. According to a farmer, he reported that he had to pay a rice tax to many different armed groups. He had to pay 10 kyats per one big tin of rice, so he had to pay 10,000 kyats [US\$7.31] for 1,000 big tins of rice. As a result, he had little money left after he paid the rice tax. He said that he did not officially report this case [to local authorities], but spoke truthfully about the situation [taxation issue]. He also said he would have more money if taxes are reduced and thought that other rice traders probably confront the same tax issues. Regarding taxation, there have been no changes. This taxation issue is normal [has been happening for many years] as usual. However, we have to survive and do our best based on the situation.

#### Source #64

Log #	17-106-S1
Type of report	Situation Update
Publishing Information	Previously published in February 2018 : <a href="http://khrgh.org/2018/02/17-106-s1/mergui-tavoy-situation-update-k%E2%80%99ser-doh-and-tanintharyi-townships-august-october">http://khrgh.org/2018/02/17-106-s1/mergui-tavoy-situation-update-k%E2%80%99ser-doh-and-tanintharyi-townships-august-october</a>
Location	K'Ser Doh and Tanintharyi Townships, Mergui-Tavoy District/Tanintharyi Region
Full Text	

### Mergui-Tavoy Situation Update: K'Ser Doh and Tanintharyi Townships, August to October 2017

*This Situation Update describes events occurring in K'Ser Doh and Tanintharyi Townships, Mergui-Tavoy District during the period between August and October 2017, including land confiscation, healthcare, education, livelihoods, transportation and drug abuses.*

- *Students in K'ser Doh Township, Mergui-Tavoy District face challenges due to inadequate teachers in schools and the students in Wa Yeh area, Tanintharyi Township were not allowed to learn the Karen language in school. In addition, principals and teachers spend school funds for personal use without informing local school committees.*
- *Irregular attendance and disrespectful relationships between healthcare workers and patients are barriers for local people to access healthcare services. Usually, poor people are not prioritised by health workers when offering medical treatment because of discrimination.*
- *Poor transportation affects rural villagers' access to healthcare services, schools, and places of work, but the government has not constructed roads, even though villagers reported their transportation issues to the Burma/Myanmar government in 2015.*

- Drug abuse is increasingly causing social conflict, especially in Tavoy Town, Tanintharyi Township area, including theft. Despite these issues, the people behind the drug trade are not caught, only the users on the ground.
- The Pyi Phyto Htun Company that operates a rubber plantation and the Ah Na Wa So Mo Company that owns a palm oil plantation previously confiscated villagers' lands in K'Ser Doh Township, Mergui-Tavoy District. Villagers are still waiting for adequate compensation or their land back.

## **Situation Update | K'Ser Doh and Tanintharyi Townships, Mergui-Tavoy District (August to October 2017)**

*The following Situation Update was received by KHRG in November 2017. It was written by a community member in Mergui-Tavoy District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>261</sup> This report was received along with other information from Mergui-Tavoy District, including one other situation update and 55 photographs.<sup>262</sup>*

### **Introduction**

This situation update describes events in K'Ser Doh and Tanintharyi townships, Mergui-Tavoy District including education, healthcare, livelihoods, transportation, drug abuses and land confiscation.

### **Education**

Inadequate teachers in both KNU (Karen National Union) and Burma/Myanmar government schools create a barrier to local people's access to education. Some teachers, including principals [from Burma/Myanmar government schools] do not inform the school committee about how the school budget that is provided by the Burma/Myanmar government is used. In addition, in some areas in Tanintharyi Township, students do not have the opportunity to learn the Karen language.

Students in Kleh Muh Htee village, K'ser Doh Township, Mergui-Tavoy District particularly face difficulties in school due to inadequate teachers. Some students said that high school students who fail three subjects in the monthly exam do not have opportunity to take the final exam. Therefore, students run out of motivation.

School principals and teachers received financial support for their schools once a year, but they did not inform villagers or the school committees. Instead, they [principal and teachers] used the money for personal use without informing local school committee members. Therefore, villagers had to take responsibility in fulfilling the financial needs of the school. A villager from La Baw

<sup>261</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>262</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.

village said that, the teachers should inform the school committees and the villagers regarding the budget.

The local people from Wa Yeh area, Tanintharyi Township, Mergui-Tavoy District reported that fourth grade students from every area in Wa Yeh were not allowed to learn the Karen language at all. The students wanted to learn, but they were forbidden to by Burma/Myanmar government. The parents also reported that children should learn their own language. There are many local people that reported about this problem in education.

#### **Health concerns**

Regarding health concerns, local people reported that the Burma/Myanmar government built healthcare clinics in township areas, but health workers are not always present. Another issue is that health workers do not have a good attitude and a good relationship with local people who try to access healthcare services. Local people reported that some health workers shouted at them and treated them with disrespect. In addition, some places do not have health workers, but only health care facilities. The distance [of healthcare services] and poorly constructed roads also creates barriers for the rural villagers to access healthcare services in the town in cases of severe illnesses. Furthermore, the villagers reported that accessing healthcare service is costly, even in public hospitals. Villagers found it difficult to pay for healthcare services due to financial challenges.

Discrimination is a common issue for poor people in accessing healthcare services. Health workers in the hospitals treat people who encounter them differently based on whether they are rich or poor. Poor people are treated disrespectfully by health workers when seeking medical treatment. Often, health workers do not take full responsibility in caring for [poor] sick people. For instance, nurses ignore severely sick people, especially at night, by saying that “it is too late for services”.

A villager expressed his experience in accessing healthcare service,

*“One day, I went to the hospital, as I had an urgent sickness, and I arrived at the hospital at 12:30 am [after midnight]. A nurse told me that it was too late and they could not give any medical treatment to outsiders, only to the patient who were already in the hospital. Then, I suffered the whole night without getting any treatment. In the morning, I went again with my medical treatment card, but I did not get any treatment. Regarding this situation, I want leaders to speak with the government and other responsible healthcare leaders to solve this [type of] problem.”*

To sum up, villagers reported that there were significant challenges in accessing healthcare services and medical treatment.

#### **Transportation**

There are many problems concerning transportation in rural villages. Local people claimed that they have reported on their problems regarding transportation to the Burma/Myanmar government for two years, but there has been no response [from the government]. The poor transportation affects villagers’ access to health care services, school and work. Some areas faced difficulties in the rainy season since roads were not constructed. Particularly, sick and ill people were not taken to the hospital on time, as they [villagers] could not travel by vehicle and had to travel by foot. Similarly, students faced difficulties in going to the school during the heavy rain when the streets were filled with mud. Therefore, transportation is another important issue for villagers.



The first five photos were taken on September 4<sup>th</sup> 2017 in between Wa Daw Hkoh village and Noh Hpa Doh village. They are of a section of the road in Kleh Muh Htee area, K'Ser Doh Township, Mergui-Tavoy District. Regarding this road, local people reported to the township [K'Ser Doh] government authorities [that it needed to be repaired] in early 2016, but there has been no response yet. Travelling on this road during raining season is troublesome for villagers who are finding food [in the forest or in town], [students] to access schools and [sick people] to access healthcare facilities.

The sixth photo on the bottom right was taken on September 4<sup>th</sup> 2017 in Noh Hpa Doh village, Kleh Muh Htee area, K'Ser Doh Township, Mergui-Tavoy District. This photo shows the old bridge constructed by the previous [Burma/Myanmar] government. However, the bridge construction was sub-standard. Timber that was used was left in this way without checking the quality and stability of it. After a while, the bridge became damaged and thus, it is no longer safe for local people to travel on it with motorbikes. Now, the wood is damaged and some

parts of the bridge have collapsed. *[Photos: KHRG]*

### **Drug use**

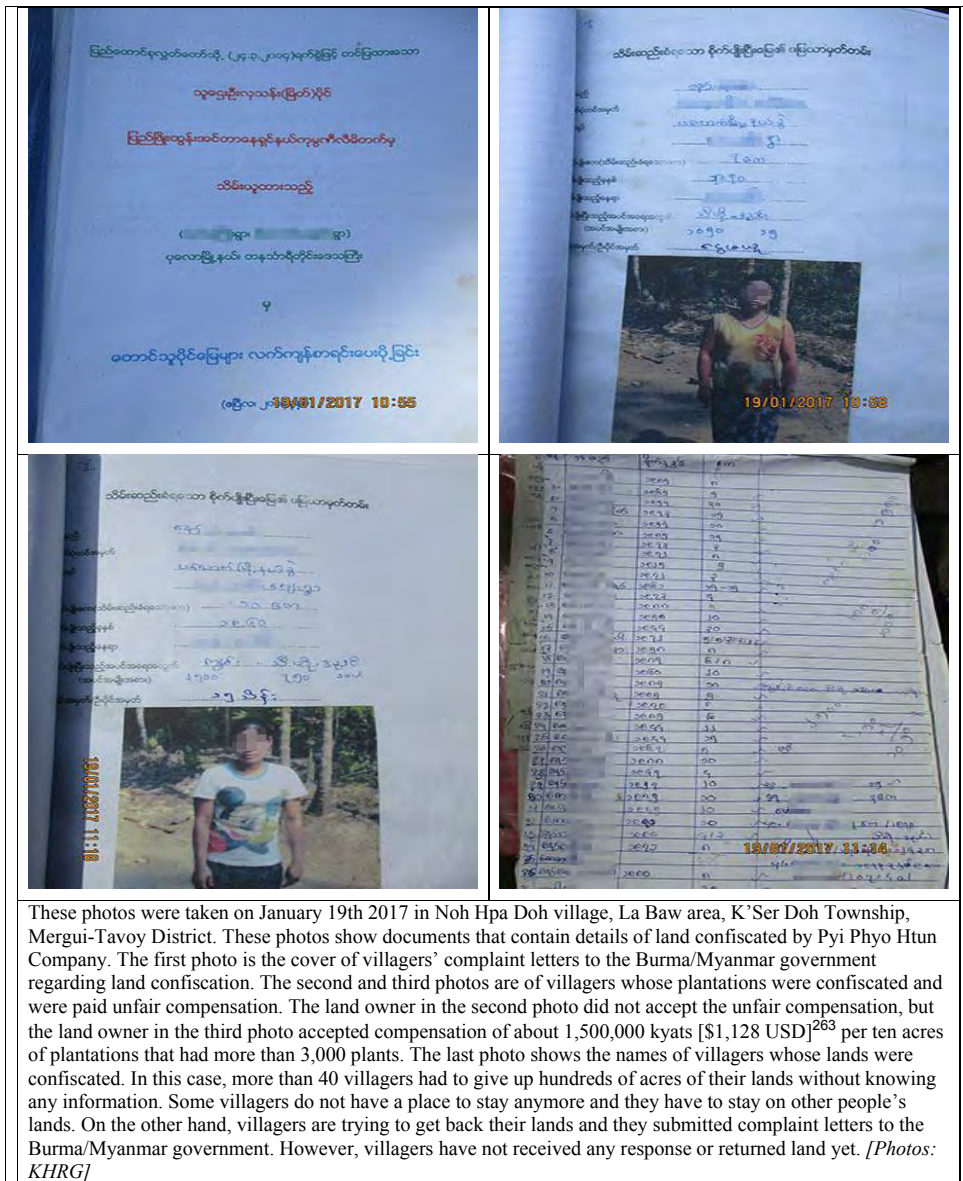
The rate of drug use has increased in many villages [in Mergui-Tavoy District] and is impacting relationships between families and friends. It often causes quarrelling, beating and stealing in the community. For instance, some drug users in Tavoy Town steal and form groups of robbers that take other people's property forcefully. In this case, local villagers want for responsible leaders to take serious action on drug trafficking by investigating drug abusers and dealers to find out who the drug providers are and to give them a worthy penalty. Currently, drug users are arrested often, but dealers are not identified or inspected. The authorities penalize drug abusers without exposing drug providers.

Moreover, the common drug users in many areas are young people. The main cause of the rapid spread of drug usage today is perceived to be due to responsible leaders not investigating the main drug dealers. The authorities are responsible to discuss and solve drug issues with civil government. Otherwise, many young people and local people in the community will ruin their lives by abusing drugs. In fact, drug abuse and drug trafficking is increasingly growing in these communities today.

### **Land confiscation**

There are two companies located in Kleh Muh Htee Doh [big] area, K'ser Doh Township, Mergui-Tavoy District. They are Pyi Phyo Htun Company and Ah Na Wa So Mo Company. The Pyi Phyo Htun Company is operating along the route in La Baw Koh small area, Kleh Muh Htee big area, Noh Pa Doh village and Khoo Po Loo village. This company confiscated villagers' land and planted rubber trees. Therefore, the villagers confronted the company by reporting to Burma/Myanmar government and Karen National Union (KNU) government to get their land back or to receive fair compensation for the land cost and damaged plants. However, they have not received [or heard] anything yet. The villagers are still raising the issue to the company [and other authorities] for their lands.

Similarly, A Na Wa So Mo Company is located between P'Taw Pa Doh and Th'Nyaw Hsee village, Th'Nyaw Hsee area, Kleh Muh Htee big area, K'ser Doh Township, Mergui-Tavoy District. This company also confiscated villagers' land and planted palm trees. The company provided some compensation for the villagers' land but the compensation was not adequate. Some villagers accepted all the compensation paid by the company, some accepted half and some did not accept any. The villagers are hoping for fair compensation of their damaged lands and plants. Most of the villagers did not accept compensation because they want their lands back more than money, as it is the main foundation for their livelihoods.



These photos were taken on January 19th 2017 in Noh Hpa Doh village, La Baw area, K'Ser Doh Township, Mergui-Tavoy District. These photos show documents that contain details of land confiscated by Pyi Phyo Htun Company. The first photo is the cover of villagers' complaint letters to the Burma/Myanmar government regarding land confiscation. The second and third photos are of villagers whose plantations were confiscated and were paid unfair compensation. The land owner in the second photo did not accept the unfair compensation, but the land owner in the third photo accepted compensation of about 1,500,000 kyats [\$1,128 USD]<sup>263</sup> per ten acres of plantations that had more than 3,000 plants. The last photo shows the names of villagers whose lands were confiscated. In this case, more than 40 villagers had to give up hundreds of acres of their lands without knowing any information. Some villagers do not have a place to stay anymore and they have to stay on other people's lands. On the other hand, villagers are trying to get back their lands and they submitted complaint letters to the Burma/Myanmar government. However, villagers have not received any response or returned land yet. [Photos: KHRG]

<sup>263</sup> All conversion estimates for the kyat in this report are based on the February 9, 2018 official market rate of 1,329 kyats to US \$1.

#### Villagers' livelihoods

The villagers' livelihoods are farming and raising livestock. Some villagers faced difficulty in farming because their lands were confiscated by agricultural companies. They also likely have difficulty in raising livestock. Therefore, villagers are facing a difficult situation in regards to their livelihoods.

#### Conclusion

The information above describes the experiences of local people in Mergui-Tavoy District regarding their challenges in livelihoods, land confiscation, healthcare, education, drug abuse and transportation.

#### Source #65

Log #	17-122-S1
Type of report	Situation Update
Publishing Information	Previously published in May 2018: <a href="http://khrh.org/2018/05/17-122-s1/toungoo-situation-update-thandaunggyi-township-august-november-2017">http://khrh.org/2018/05/17-122-s1/toungoo-situation-update-thandaunggyi-township-august-november-2017</a>
Location	Thandaunggyi Township, Toungoo District/northern Kayin State
Full Text	

### Toungoo Situation Update: Thandaunggyi Township, August to November 2017

*This Situation Update describes events occurring in Thandaunggyi Township, Toungoo District during the period between August and November 2017, including information about education, healthcare, livelihood, military activity and land confiscation.*

- *Of the Burma/Myanmar government teachers that were assigned to teach in remote areas, some teachers bribed government officials and paid money to the township education administration to be exempted from teaching in rural areas. Although the Burma/Myanmar government Ministry of Education has stated that it is unlawful for teachers to teach extra classes for profit, some teachers pressured students to come to their houses to attend extra classes.*
- *The Burma/Myanmar government recruited health workers and built new clinics in rural areas but there are still not enough health workers and medicines for the needs of the population. Therefore, health workers in rural/remote areas buy medicines with their own money and treat the patients, and the patients have to pay for the cost of the treatment.*
- *Due to abnormal weather conditions and the destruction of plantations by rodents, seasonal crops such as durian, cardamom and dog fruits gave less fruits compared to the previous year, so villagers face difficulties in security their livelihoods.*
- *Bu Yin Naung Military training school held a Tatmadaw Company Commander training from October 19<sup>th</sup> to 21<sup>st</sup> 2017 and shot heavy weapons, which hit the villagers' plantations; Villagers were not informed prior to the training.*
- *Bu Yin Naung Military arbitrarily confiscated 1851 acres of villagers' plantation land in Shouk Pin Chaung village tract, Htantabin Township, Toungoo District. Villagers have responded to this case by submitting a complaint letter to respective government departments, including Ministry of Defence.*

### Situation Update | Thandaunggyi Township, Toungoo District (August to November 2017)

*The following Situation Update was received by KHRG in November 2017. It was written by a community*

*member in Toungoo District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>264</sup> This report was received along with other information from Toungoo District, including seven interviews, 125 photographs and 7 video clips.<sup>265</sup>*

### Introduction

This Situation Update describes events occurring in Thandaunggyi Township, Toungoo District between August and November 2017. It includes information about education, healthcare, livelihood, military activity and land confiscation.

### Education

New schools were built in Thandaunggyi Township, Toungoo District. Some of these schools were built by the contracted companies that were authorised by the Burma/Myanmar government without the participation of local community members. These schools were constructed in the areas where the [Burma/Myanmar] government can provide services to villagers. In some villages, there should be post-primary schools and sub-middle schools but they were not built. In some KNU and the Myanmar government mixed controlled areas, particularly in remote areas, there are some schools being built and teachers are recruited [by both governments]. However, even if they have recruited teachers, there are not enough teachers in some villages. Moreover, there are no replacements for teachers when the issue of teachers' turnover arises. This severely affects children's education. Government teachers are regularly assigned to teach the children in remote areas. A teacher from Maung Nweh Gyi village, Thandaunggyi Township said that some teachers go to teach in rural/remote areas according to their assigned duty, but some teachers make an agreement to pay money to the township education administration to be exempted from teaching there.

A new education system was introduced in the 2017-2018 academic year. Students from KG [Kindergarten] to Standard One do not have to read or write in their class [previously they did]. They are taught by singing songs, dancing and drawing pictures but they are not taught with textbooks. But, they are distributed notebooks just to draw the pictures on it. Villagers have no idea how long this system will last. Although the government Ministry of Education legitimated teaching tuition [extra classes in the purpose of making money] is unlawful, some teachers gave pressure on students to come to their houses to attend extra class. Some students were afraid to be scolded and ignored by their class teachers if they did not attend extra class at their class teachers' houses even if they did not want to and wanted to attend other outside extra class. Due to this, some students did not attend extra class anywhere, while others did.

Some teachers are making extra income by organising tuition classes in their houses. Thandaung Myo Thit High School principal [Daw San San Myint] wanted the students to gain knowledge in the class but some teachers who graduated from Sagai Development School [who are recruited to teach at Thandaung Myo Thit High School] found it difficult to teach Standard

<sup>264</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>265</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.

Ten students. There are only a few teachers who graduated from college/university and so high school students faced difficulty with their learning because of there are not enough high school teachers. The Thandaung Myo Thit High School principal met with students' parents twice a month and discussed about the quality of the students. However, as some teachers had to teach the subjects that they did not have the capacity to teach, this caused many problems for students' learning.

A high school student expressed his difficulty that, *"Teachers in this school are just reading out from the texts [rather than clearly explaining] when they are teaching so it makes students difficult to understand in Mathematics and other subjects as well. Therefore, most students pay to attend extra outside class which is not taught by their class teachers because their outside class teachers' explanation makes them more understandable."*

Ministry of Education provides education support for students [in Toungoo District]. Middle school students have received 8,000 kyat per month (\$6 US)<sup>266</sup> and high school students have received 10,000 kyat (\$7.4 US) per month. Students who have received this support must have at least three siblings enrolled to the same school. If the sponsored students do not perform well academically, their parents were asked to meet with the teachers. Those students and their parents were told in front of other students and parents: "You come to take the sponsored money regularly even we don't notify you but you do not try hard and want to learn." Some parents felt uncomfortable with it [when they were told this in front many people].

The school materials such as text books, pens, pencils and so on that are distributed by the Ministry of Education were not enough [for the needs of the students] so the parents had to buy it from outside stationary shop. Some parents did not attend the appointments because they knew that they will be scolded by teachers if they attended.

Villagers in remote area, especially in KNU controlled areas, want their children to be educated persons so they gathered and built schools with bamboos by themselves and hired teachers self-reliantly. Some villagers had financial problems so they could only provide teachers' salary by the season of cardamom plantation. Since the schools in remote areas are not recognised by the Burma/Myanmar government, students face difficulty with their further education after they finished Standard Four from their schools. Therefore, students who finished primary education continue their study to middle schools and Htoe Lwee Wah High School in Htantabin Township and Thandaunggyi Township, Toungoo District. As a result of long distance and families' livelihood difficulty, some villagers stopped their further education.

Self-reliant schools and KNU schools that are located in KNU controlled areas are supported by the KED (Karen Education Department). However, the support of school materials such as text books, pens, pencils and etc. are not enough so students' parents had to buy it by themselves. In the KNU schools, some curriculums are similar [with Burma/Myanmar school curriculum] but some are not. Self-reliant schools that built by villagers are learning both of the KNU and the government Ministry of Education curriculums.

There are nursery schools opened in both of the KNU and the government controlled areas and all of the schools are self-reliant.

Even though Karen language is taught in both KNU and the government controlled areas,

<sup>266</sup> All conversion estimates for the kyat in this report are based on the 18 March 2018\_official market rate of 1,335 kyats to US \$1.

students are only allowed to learn the Karen language at unofficial school time which is either at 8-9 in the morning or 3-4 in the afternoon. As there are many subjects in government schools, Karen language is only allowed to be taught from Kindergarten to Standard Two. Karen language teachers receive 60,000 kyat per month (\$45 US) from the Burma/Myanmar government and 6,000 baht per year (\$186 US) from KED.

### **Healthcare**

The sicknesses that are commonly found in Toungoo District include influenza, cough and runny nose caused from abnormal weather and other forms of common sickness. There are three hospitals in Thandaunggyi Township, which are Thandaunggyi Civil Hospital, Leik Tho Civil Hospital and Baw G'Lee Civil Hospital. Government clinics are mostly located in the villages that are on the side road. Even though they recruit health workers, there are still not enough health workers. The government has started to build clinics in rural and remote areas but they do not provide enough medicines. Therefore, health workers in rural/remote areas buy medicines with their own money and treat the patients, and the patients have to pay for the treatment cost. As villagers have to pay for healthcare services in hospital, villagers usually get treatment from local private clinics [which charge them less than hospital]. People who have enough money mostly go to private clinics and hospitals [which are expensive with more special care]. There are private hospitals in Toungoo Town, which are Thaw Thi Hkoh Hospital, Taw Win [Royal] Hospital and Kaytumadi Hospital. Doctors who are working in these hospitals are also working in Toungoo Civil Hospital. The issue is that these doctors are not motivated during their shift in civil hospital but they work harder in private hospitals. Even though they are government full-time staff, they are not on their duty fully. In fact, they are working in private hospital for the rest of the time.

Pregnant women and women in need of abortions are now mostly going to Thandaung Myo Thit Hospital in Thandaunggyi Township. The Ultrasound/x-ray machines in Thandaung Myo Thit Hospital do not work well. When patients need to have an Ultrasound/x-ray, they [Thandaung Myo Thit Hospital staff] transfer the patients to Kaytumati Private Hospital or Taw Win [Royal] Hospital instead of sending the patients to Toungoo Town Civil Hospital. It is free to check with Ultrasound/x-ray in the civil hospital but not in the private hospital. Some villagers that have financial problems, and need to be checked with an Ultrasound/x-ray, decide to not continue to check themselves at all but instead, they leave the hospital and get treatment from traditionally herbal medicines.

Health workers in some remote areas are not provided with accommodation by the government. Health workers also do not have clinics to live in so they have to stay in villagers' house and give treatment by travelling around the village. Villagers do not get free treatment except for vaccinations. On October 26<sup>th</sup> 2017, a Maung Nweh Gyi female student was bit by a dog with rabies but the health worker in the village did not have rabies vaccination. Thus, she was sent by motorbike to Thandaung Myo Thit. However, Thandaung Myo Thit Hospital also did not have the rabies vaccination medicine so the hospital ordered the medicine from Toungoo Town. The two medicines were bought with 25,000 kyat for each (\$18.7 US). Rabies protection medicine had to be bought in outside pharmacy as the hospitals did not have the medicine.

A teacher from Maung Nweh Gyi village, Thandaunggyi Township, Toungoo District had a problem with her pregnancy in the village, and then she was carried by villagers to the road where villagers can get access to transportation. Then, she was sent to Toungoo Hospital. Villagers in remote areas do not have knowledge and skills how to use medicine; moreover, they also do not have access to any health awareness training. In some villages, the villagers who did not pass high school matriculation are trained by the Christian religion group related to

medical training. Villagers who completed this training work treat the patients in their villages. At times, some patients died from misuse of medicine injection. On September 17<sup>th</sup> 2017, a health worker who finished a six-month medical training gave saline injection to her sick father and her father died. Villagers in Maung Nweh Gyi village tract, Maung Nweh K'Lay village, Khon Taing village tract and Leik Pya Gyi village tract rarely receive healthcare services from both the Burma/Myanmar government and the KNU. As the villagers have insufficient access to healthcare services, they face problems with their health. However, villages in Maung Nweh Gyi village and Nan Chain Kwin village of Maung Nweh Gyi village tract have received better healthcare services from the Tatmadaw since the Tatmadaw established their army camp in 2006 in these villages.

However, they [Tatmadaw healthcare service] can only treat common sicknesses. Villagers have to go to hospitals in Toungoo Town and Thandaunggyi Town [for serious sicknesses and diseases that cannot be cured by the Tatmadaw healthcare service]. A villager from Nan Chain Kwin village could not afford to pay for the medical expenses to receive treatment in the towns so he just got treatment from Tatmadaw military health service. However, he has not recovered from his sickness yet. Now, he is getting treatment from the KNU healthcare service at a KNU check point, which is located between Nan Chain Hkwin village, Maung Nweh Gyi village tract and Shwe Nyaung Pin village, Taw Pyar Gyi village tract. As this patient feels uncomfortable to walk [to travel to the KNU medical service location], the KNU health worker have to come to him and give the treatment.



This photo was taken on October 23<sup>rd</sup> 2017 in Nan Chain Hkwin village, Maung Nweh Gyi village tract, Thandaunggyi Township, Toungoo District. The photo shows a Backpack Health Workers' Team (BHWT), which operates under KNU administration, giving treatment to patients who have financial problems which prevents them from going to hospital. [Photo: KHRG]

There are 18 displaced villagers in KNU controlled area of eastern Thout Yay Khant village, Thandaunggyi Township, Toungoo District because of Tatmadaw's activity [attack] in 2006. These villagers came back to their home villages after the 2012 preliminary ceasefire was signed between the KNU and the Tatmadaw. In the rehabilitation of these 18 villages, which are located in the KNU controlled area, the KNU has not provided any clinic or hospitals for them from 2014 until 2017. Thus, the villagers encounter difficulty whenever they feel sick. Even though the KNU has health workers, they do not have enough health workers. Moreover, there are also not enough medicines.

The KNU has KNLA health workers and the Backpack Health Workers' Team (BHWT) who are giving treatment to villagers but there are still not enough health workers. Due to this reason, the KNU health workers are not able to address all villagers [in the KNU controlled area]. Moreover, as there are also not enough medicines, the KNU health workers find it difficult to treat the patients. Some villagers face difficulty with accessing the KNU healthcare services because the places where they live are very far from the KNU clinic. Thus, in 2016-2017, the BHWT came to offer treatment to the villagers with the medicines that they have.

However, the BHWT has not been able to provide treatment to every village. On September 10<sup>th</sup> 2017, the KNU headquarter healthcare service for special eye treatment came to Yay Tho Gyi village, Htantabin Township, Toungoo District and Htoe Lwee Wah High School which is located between Zee Phyu Kone and Taung Kone. They came to these villages and provided free eye assessment as well as treatment for cloudy cornea. The treatment took 10 days in each of these places. Operation Commander Kyaw Kyaw Lin from Southern Commands Headquarter [of Tatmadaw] came to inspect the group of the KNU health service of eye treatment which was led by eye specialist Dr. Saw Nay Hser.

### **Livelihood**

Villagers in Thandaunggyi, Toungoo District secure their livelihood by farming and plantation which they mainly work on in seasonal plantations such as cardamom, coffee, durian and rubber. Due to abnormal weather conditions, seasonal crops such as durian, cardamom and dog fruits gave less fruits compared to last year, so villagers are face difficulty. The price of cardamom is also not stable [sometimes going up and sometimes going down]. Moreover, one of the factors that makes the situation even worse is that wild animals have also destroyed the cardamom plantation. So, villagers did not earn enough to cover their expenses. The animals that destroyed the plantation are rodents, wild boar, deer and rusa. Villagers had never experienced the destruction of the cardamom plantation by animals prior to 2014. They started to experience this in 2016-2017. The cardamom plantation owners have to loan money from the customers in order to buy foods such as rice, oil, fish paste and house chore ingredients for hired workers. But after they finished harvesting the cardamom, the customers that they borrowed money from refused to buy cardamom at market value, they do not want to give a fair price. For example, if the price of cardamom is 12,000 kyat (\$9 US) per viss (1.633 kgs), the customers/traders only give 7,000 kyat (\$5.2 US) per viss so this really push the villagers into hardship.

Some villagers in Leik Tho area had already picked all their cardamom fruits in August [when it is not yet time to harvest them] because animals destroyed their cardamom plantation. However, the cardamom fruits that had been harvested [in August] were still young so the customers only bought the cardamom with half of its original price. Alternatively, the villagers secured their families' livelihoods with the income that they had received from their plantation

work. They have to cover all of the expenses of education, healthcare and other needs. Due to these reasons, villagers did not earn enough to cover their expenses.

All of the villagers in Thandaunggyi Township do not have plantations. Therefore, villagers that do not have any plantation land go to work for villagers that have plantations to do odd jobs. They have enough food to eat on the day that they have work. Since there was a problem with the cardamom plantation, daily workers who work on cardamom plantations were only paid for 4,000-5,000 kyat (\$3- \$3.7 US). This caused a problem with their livelihood because the stock price is also high [in Burma/Myanmar]. A decrease in the income of the villagers also negatively impacted on store keepers. According to a store keeper in Maung Nweh Gyi village, Thandaunggyi Township, there are still some villagers who have not paid for the money that they borrowed prior to the harvest of their seasonal plantation.

The retail sellers [villagers] were also concerned about what is going to happen with the price of the essential goods and products in the next year. They assumed that the price can rise up sharply.

The villagers of Nan Thar Kone village, Kyun Kone village, Ywar Gyi village and villages in other village tracts in Htantabin Township, Toungoo District who secure their livelihood on rubber plantations also faced difficulty with the price of rubber because one pound of rubber was only around 1,000 kyat (\$0.7 US). Some rubber plantation owners had to close down the rubber work due to the problem with the price of the stock.

Therefore, Nan Thar Kone and Kyun Kone villagers from Htantabin Township who do not have any plantations have mostly left their villages to go work in rural and remote areas in Sagaing Region. They do logging work such as selling bamboo and wood as well as other odd jobs. Some female villagers have left their homes and migrated to other countries and cities in Burma/Myanmar such as Toungoo, Yangon and so on. They commonly work in tea shops or wealthy people's houses as house maid in order to support their families. They decided to choose [to migrate and find job opportunities elsewhere] because they do not have any land in their area.

Villages in Maung Nweh Gyi village tract and remote areas mostly rely on plantations to secure their livelihoods. However, they have no guarantee from the Burma/Myanmar government and the KNU [it can be confiscated anytime]. On September 28<sup>th</sup> 2017, the government authorities of the Forestry Department officer, Land Measurement Department officer, Agriculture Department officer, including the clerk called Saw Hla Bwe Htoo and administrator of Muang Nweh Gyi village negotiated to financially support the villagers with planting cardamom. On September 29<sup>th</sup> 2017, the village administrator and the ten-household leader sent the list of the villagers' names and the estimated acres of the plantation land to the respective government departments such as Forestry Department, Land Measurement Department and Agriculture Department without any consultation with villagers. Due to this reason, a Maung Nweh Gyi villager raised his concern that their land will be later confiscated [by the authorities].

#### **Military activity**

With regards to military activity in Thandaung Myo Thit, Maung Nweh Gyi village tract, Taw Pyar Gyi village, Si Pin K'Lay village tract in Thandaunggyi Township, Toungoo District, there is the Bu Yin Naung Military training school located in Bu Yin Naung Military Town in Thandaunggyi Township. IB #26 is active around the areas from Thandaung Myo Thit to Taw Pya Gyi army camp, and MOC #13 and LIB #599 are respectively active among Maung Nweh Gyi village, Nan Chein Kwin village and Taw Pya K'Lay village.

MOC (Military Operation Command) #13 also patrolled among the villages around Baw G'Lee area. MOC [#13] Commander based their troops in Baw G'Lee and the (Operation Commander (OC) Commander was based in P'Leh Wa area. The battalions from LIB #591 to LIB #599, under the wing of MOC #13, rotate their troops in every four months. Moreover, they sent rations to their bases in every month. The rations were sent from Toungoo to Thandaung Town to Bu Yin Naung Military training school and SB (Support Battalion) #930 army camp and the rations were sent by military trucks. When they were transporting rations, the Tatmadaw provided security guards along both of the left and right sides of the road.

The battalions, MOC #13 and LIB #599, that were based in C--- village, D--- village and E--- village, Thandaunggyi Township were still active in the period between September and November [2017]. The army camps that they were based in are situated near villages. When the LIB #599, which is led by Commander Nay Myo Min, was fencing their army camp, they cut the woods and bamboos from villagers' plantations so villagers' cardamom and coffee plants were damaged by the woods and bamboos that fell down on the plantation. Moreover, when they cut the woods, they also cut villagers' durian and dog fruit plantations. Villagers already reported the case to the village administrator but the villagers had no idea whether the administrator reported the case [to authorities] or not. Villagers were neither consulted nor compensated for the damage. They also cut the wood into pieces with chainsaw. But, villagers were not sure whether they will build the army camp. The Tatmadaw soldiers neither asked permission from the land owners nor paid for the wood that they cut.

The wood and bamboo that were cut down by the Tatmadaw caused a problem to the villagers who needed to pick the crops. According to the C--- villager, LIB #599, under the wing of MOC #13, came to check the KNU's activity while they were giving the treatment in the village.

The Bu Yin Naung Military training school held a Tatmadaw Company Commander training from October 19<sup>th</sup> to 21<sup>st</sup> 2017. During the military training, they actually shot heavy weapons and it fell down to the villagers' plantations such as cardamom or other plants. Even though the weapons did not fall on the villagers, it caused villagers to feel intimidated to work in their plantation. Regarding shooting heavy weapons, the Tatmadaw battalions which are under the wing of MOC #13 and village administrator did not notify the villagers so it was dangerous for the villagers.

Cantonment Area Commander General Soe Tint Naing, G 1 Thein Htike Oo, Thandaunggyi Township general administrator Thura Htun Lin, IB #26 Battalion Deputy Commander Nyi Nyi Thwin and other Tatmadaw soldiers came to the KNU taxation gate which was led by Bo Saw Ar Leh from the KNLA (Karen National Liberation Army) Battalion #5, Brigade #2 on September 15<sup>th</sup> and October 26<sup>th</sup> 2017. They [Tatmadaw] came to pressure and threaten the KNU to withdraw their gate and not to tax. The Cantonment Area Commander General Soe Tint Naing of Bu Yin Naung Military Camp came with lots of Tatmadaw soldiers to Bo Saw Ar Leh's house, who was in charge of the KNU taxation checkpoint. They threatened him that they would take action against him, or imprison him if the KNU continued to tax.

KNU has a drug checkpoint on the road from Nan Chin Kwin to Shwe Nyaung Pin, Thandaunggyi Township, Toungoo District. October 21<sup>st</sup> 2017, LIB #599, under the wing of MOC #13, Deputy Commander Nyi Nyi Lwin and Captain Nay Lin Aung and Captain Sit Naing Oo and other 15 soldiers came to the KNU's drug checkpoint, which was led by the Battalion Commander Bo Saw Thidar Mya of Brigade #2, without prior notification They [Tatmadaw] gave pressure and threatened the Commander Bo Saw Thidar Mya to remove the KNU drug

checkpoint immediately. The Code of Conduct that is stated in the preliminary ceasefire agreement which was signed in 2012 includes the mutual respect between Tatmadaw and KNLA in order to avoid conflict. However, the LIB #599 Deputy Commander Nyi Nyi Lwin's group broke the rule and, on October 21<sup>st</sup> 2017, they arrived to the KNU's drug checkpoint with the trucks that were owned by the villagers without notifying the KNU.

As Tatmadaw did not inform the KNU/KNLA that they would be coming to the KNLA's area, villagers were concerned and worried that the fighting will break out again because they [villagers] witnessed the above incidents.

Similarly, on October 26<sup>th</sup> 2017, the IB #26 Deputy Commander Nyi Nyi Thwin, Thandaunggyi Township police head Christopher and Thandaunggyi Township general administrator Thura Htun Lin came to the KNU taxation gate, situated on the road from Thandaunggyi to Toungoo, in Shwe Nyaung Pin village, Taw Pyar Gyi village tract, Thandaunggyi Township, Toungoo District. They came to the KNU gate and told KNU/KNLA Bo Saw Ar Leh to remove or share half of the taxed profit with them. However, Bo Saw Ar Leh refused to do this because he could not do as the Tatmadaw's requested unless he was authorised by the above KNU. Therefore, the Tatmadaw established a checkpoint which is 100 yards far from the KNU checkpoint. Since the Tatmadaw placed their troops in the checkpoint that is near to KNU checkpoint, it caused the KNLA soldiers a problem and it brought a big concern to villagers that fighting will break out between the KNLA and the Tatmadaw.



These photos were taken on October 26<sup>th</sup> 2017 in Shway Nyaung Pin village, Thandaunggyi Township, Toungoo District. The photos show a Tatmadaw checkpoint that has just set up near KNU drug checkpoint, which leads to many concerns over KNLA soldiers and villagers regarding peace building between KNU and Tatmadaw.  
[Photos: KHRG]

On October 9<sup>th</sup> 2017, the Tatmadaw troops that are under the wing of MOC #13 came to the KNU taxation checkpoint in N'Sat N'Maing (22 miles) area, T'Pin Gyi village tract, Thandaunggyi Township Toungoo District. The Tatmadaw came to the checkpoint and the Company stayed with the KNLA in checkpoint. They came with lots of [military] equipment and told the KNLA soldiers not to keep any weapons or equipment with them in the checkpoint. According to one of the F--- villagers, Tatmadaw's pressure on the KNLA could affect their long term relationship.

#### **Land Confiscation**

Land confiscation took place in both Thandaunggyi Township and Htantabin Township in Toungoo District. Land was confiscated by private companies, the Burma/Myanmar government

and Tatmadaw.

LIB #603, which is based in Leik Tho Town, Thandaunggyi Township confiscated villagers' land in 2006 to extend the battalion's area and build a place for Tatmadaw and government staff. However, the land has neither been returned nor compensated to the villagers.

On August 10<sup>th</sup> 2016, Thandaunggyi Bu Yin Naung Military training school arbitrarily confiscated 1851 acres of villagers' plantation land in Shouk Pin Chaung village tract, Htantabin Township. In order to get their land back, villagers reported the case to respective government's departments, including Ministry of Defence.

Furthermore, a team of villagers cooperated with a group that is working on land issues to submit a complaint letter to Tatmadaw generals and Ministry of Defence in order to get back the land that was confiscated by the Tatmadaw. G--- villagers were informed by one of the Majors from the Bu Yin Naung Military training school after a consultation meeting that took place in July 2017 in G--- village, Shouk Pin Chaung village tract, Htantabin Township that the land that were confiscated will be returned to the villagers. However, there has neither been any response from them nor any action to remove the signboard that indicates "the confiscated land". According to one of the G--- villagers, the situation is still unclear.

In addition, villagers' land in Shouk Pin Chaung village tract that has been confiscated since 1993 by Ministry of Agriculture, Livestock and Irrigation, was later on transferred to other respective departments in the Agriculture Department and Ministry of Industry #1 for long-term plantation and stone production projects. After 2012 [year of the preliminary ceasefire], villagers whose land had been arbitrarily confiscated have started writing complaint letters to Burma/Myanmar government authorities and fencing their land as they believe that after the ceasefire, the situation will be more transparent.

On October 24<sup>th</sup> 2017, villages gathered to plant seasonal plantations and to fence their land in order to get back their land.



This photo was taken on October 24<sup>th</sup> 2017 in G--- village, Shauk Pin Chaung village tract, Toungoo Township, Toungoo District. The photo shows a building of Ministry of Industry #1 who has confiscated villagers' land. [Photo: KHRG]



This photo was taken on October 24<sup>th</sup> 2017 in G--- village, Shauk Pin Chaung village tract, Htantabin Township, Toungoo District. The photo shows villagers are fencing their indigenous land and erecting the red flag along as a sign of taking back their lands. [Photo: KHRG]

### Conclusion and Analysis

The government should upgrade the quality of the education system as well as the quality of teachers for the 2017-2018 academic year. Teachers should teach the students effectively and understand the educational situation of the students.

The government should provide adequate healthcare in rural and remote areas such as building clinics, recruiting health workers and distributing enough medicine.

The government should be able to control the price of the essential products in consideration of the villagers' livelihoods [to make sure that they can access basic goods]. Moreover, the government should provide job opportunities for unemployed citizens.

The Burma/Myanmar government and the KNU should implement peace, with full access to justice, righteousness and equality, but not a fake peace process.

The Burma/Myanmar government and the KNU should address the land issue to guarantee the land of villagers and to prevent villagers [from land confiscation].

Even though human right violations have decreased in 2017 compared to 2016, there are still some places where human right violations have happened. To resolve this problem, every respective civil organisation should get involved to address the issue together.

### Source #66

Log #	17-26-S1
Type of report	Situation Update
Publishing Information	Previously published in September 2017: <a href="http://khrgh.org/2017/08/17-26-s1/toungoo-situation-update-thandaunggyi-township-november-2016-january-2017">http://khrgh.org/2017/08/17-26-s1/toungoo-situation-update-thandaunggyi-township-november-2016-january-2017</a>
Location	Thandaunggyi Township, Toungoo District/northern Kayin State
Full Text	

## Toungoo Situation Update: Thandaunggyi Township, November 2016 to January 2017

*This Situation Update describes events occurring in Thandaunggyi Township, Toungoo District between November 2016 and January 2017, including updates on education, healthcare, military activity and development transactions.*

- *High school students' mock-examination pass rate was low in Thandaung Myo Thit High School, Thandaunggyi Township, Toungoo District, and teachers were called to a meeting and urged to teach extra classes in order for the students to pass their final exams.*
- *On November 7, 2016, an A--- villager named Saw B---, 39 years old, was injured in a blast caused by accidentally hitting old artillery in his cardamom plantation in Maung Nwe Gyi village tract, Thandaunggyi Township, Toungoo District.*
- *Between November and December, 2016, Tatmadaw sent out rations and ammunition to their frontline military camps in Thandaunggyi Township, Toungoo District by military trucks with numerous horses inside. The convoy started from Toungoo Town and went to Baw G' Lee. This panicked local villagers since the action represented particular military movement that they perceived to jeopardise the Nationwide Ceasefire Agreement.*
- *Road construction and the construction of a telecommunication tower have been conducted in Thandaunggyi Township, Toungoo District without villagers' consultation or agreement. Villagers*

*were unsatisfied about the development actors' response regarding compensation for the loss and damages of their lands and plantations.*

## **Situation Update | Thandaunggyi Township, Toungoo District (November 2016 to January 2017)**

*The following Situation Update was received by KHRG on February 2<sup>nd</sup> 2017. It was written by a community member in Toungoo District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>267</sup>*

### **Situation Update**

This Situation Update describes events happening in Thandaunggyi Township, Toungoo District during the time between November 2016 and January 2017. It includes education, healthcare, military activity and business/development projects.

### **Education**

The school pass rate for mock exams, especially at 8<sup>th</sup> Standard and 10<sup>th</sup> Standard<sup>268</sup> (high school students) was low and students underestimated [the difficulty of] their lessons in the high school of Thandaung Myo Thit Town, Thandaunggyi Township, Toungoo District. Therefore, the high school headmistress Daw San San Myint organised a meeting with students' parents and teachers in order [to discuss how] to ensure that the students can pass the government examination. In the discussion, they established that the teachers approached teaching with a lack of effort [motivation]. Therefore, teachers were urged to put more effort into teaching during class time, rather than outside class [where they teach extra classes for extra pay]. Though the students' parents agreed for their children to attend extra classes, there were additional problems including the lack of motivation from teachers, the students' lack of understanding about the lessons, and the general low-quality of teaching. As students did not progress well with their lessons, the headmistress Daw San San Myint planned to arrange more frequent parents' and teachers' association meetings, once every two weeks [in order to further discuss how to improve the education]. However, the teachers refused [to attend these extra meetings] and said that they could not give their time because they have family issues [other commitments].

Some teachers complained about the differences between some students who learn well and some students who do not, [by saying] that it depends on the student's parents as well. Only 10 out of 141 students in 10<sup>th</sup> Standard and 46 out of 154 students in 8<sup>th</sup> Standard passed the mock exam [test] in Thandaung Myo Thit High School [in the period between November 2016 and January 2017]. According to headmistress Daw San San Myint, teachers needed to place more emphasis on their teaching in order for students to adequately pass the government

<sup>267</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>268</sup> 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.

examination. The reasons given about the students who did not pass or do well with their mock exams were that their basic knowledge was weak, and that there was a problem with the motto saying 'everyone must pass' [because students who fail the exam have to re-take it until they pass]. According to students' parents, another problem was that failed students were given another chance to take the exam again in order to pass their academic year even after they had failed the first time.

Some students' parents said that majority of teachers who were teaching the 10<sup>th</sup> Standard class are from the Sagai Development School but that did they even did not pass their high school [exams]. Only a few [teachers] had graduated from college. This meant that students found the teaching difficult to understand [as they teachers were not well skilled] and some teachers could not even teach.

Students' parents also said that there were students attended school whilst there were no teachers to teach them as the existing teachers had resigned [and not been replaced].

There is a branch of a middle school which has been a self-funded school for about 30 years in Mate Thalin Taung village, Late Tho town, Thandaunggyi Township. It is difficult [for the teachers] to teach in because [of the building]; the school's walls were bamboo-made [not of good quality]. Moreover, there are currently 191 students and only eight teachers. Most of the students are from different places which are far away from the school. They came to stay in the church dormitory and attended the school. Although the need for a school renovation has been reported to the Township education office, there has been no response.

In addition, there is a primary school in Mate Thalin Taung Out, Mate Thalin Taung village tract, Thandaunggyi Township, Toungoo District. This school has been a self-funded school for 20 years. The teachers were hired through the arrangement of the village. However, the school was recognised as a [Myanmar] government school and the [Myanmar] government teachers were sent to teach there after KNU [Karen National Union] and Myanmar military government<sup>269</sup> signed the preliminary ceasefire.<sup>270</sup> They started sending [Myanmar] government teachers in 2014.

### Healthcare

With regard to healthcare, local villagers mostly suffered from sicknesses such as coughs and colds, and general illnesses caused by changes in the weather, as the weather has been unpredictable. Local villages that are located in isolated areas and are difficult to reach for communication with KNU and Myanmar government face severe hardships with regard to accessing healthcare services. There was only one midwife assigned to take care of two village

<sup>269</sup> The Union Solidarity and Development Party (*Pyi Khaing Pyo* in Burmese, *Pa Ka Hpa* in Karen) is the successor of the Union Solidarity and Development Association. It was officially registered as a political party on June 2<sup>nd</sup> 2010 and was headed by Myanmar President Thein Sein. In November 2015, the National League for Democracy (NLD) ousted the USDP in a landslide election, winning a majority of seats in parliament.

<sup>270</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see ["Seventh Round of Nationwide Ceasefire Negotiations," Karen National Union Headquarters](#), March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see ["KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit," Karen News](#), April 22<sup>nd</sup> 2015.

tracts in Thandaunggyi Township, Toungoo District, which are Maung Nwe Gyi and Hkone Taing village tracts where there are seven villages. This assigned midwife came only once a month [to each village], checking the lists of babies born and the mortality numbers along with giving vaccinations a few times. Though there were sick people in the village, she only provided medicine when she encountered the patients [there was no system for the sick people to access her other than on her village visit]. Therefore, the villagers usually sought help from the KNU/KNLA [Karen National Union/Karen National Liberation Army] health service [military medics] to get treatment.

#### **Landmine explosion**

On November 7<sup>th</sup>, 2016, an A--- villager named Saw B---, male, 39 years old, got injured by the blast when he was cleaning the bushes in his plantation. He hacked and hit an unexploded heavy weapon [unidentified piece of artillery] with his machete when he was cutting and clearing cardamom plants. He sustained injuries on his chest, head, and face. He was still able to walk as soon as explosion occurred, and he headed quickly to a nearby shop which is outside of the village. Villagers assisted him by asking for a favour [medical help] from the nearby government military health service of Light Infantry Battalion (LIB) #588 under the Military Operation Command (MOC) #20. However, even though the military health service came to see him, they did not give him a proper treatment. It meant that they only put Betadine [antiseptic] liquid [on his wounds] and sent him to hospital. Villagers sent Saw B--- to Thandaunggyi civilian hospital but health workers there did not give him any treatment, saying that they did not accept patients suffering from weapons injuries. Therefore, he, himself, immediately hired a taxi and went to Toungoo Hospital the same night [November 7<sup>th</sup>]. When he arrived at Toungoo Hospital, the hospital staff did not pay that much attention to his injuries until an NLD [National League for Democracy] member came to talk [to the doctors] about it.<sup>271</sup>

#### **Military activity**

The Myanmar Tatmadaw activity in Thandaunggyi Township, Toungoo District, remains the same as the past, before the NCA [Nationwide Ceasefire Agreement]<sup>272</sup> was signed. On November 13<sup>th</sup>, 2016, Tatmadaw sent out rations using seven military trucks. On November 16<sup>th</sup> 2016, [Tatmadaw] sent troops and weapons using 13 military trucks from Toungoo Town to Thandaunggyi. On November 17<sup>th</sup> 2016, they sent again [troops and weapons] using five military trucks. Then, on December 7<sup>th</sup> 2016, they sent rations again, using 10 military trucks. On December 9<sup>th</sup> 2016, they sent horses, for carrying rations, weapons, and military equipment, to the camps where the military trucks cannot go, using 20 military trucks. There were six horses in each truck and the total number of horses was 120. The rations and weapons were

<sup>271</sup> The reason that an NLD member came to discuss Saw B---'s condition with doctors is unclear.

<sup>272</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. 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 15<sup>th</sup> 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 1<sup>st</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. 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.

sent to the frontline [near] to the local villages in the east part of Thandaunggyi Town, using these horses. This action intimidated local residents because the KNU and Myanmar military government had signed NCA [so the residents did not expect to see any more military activity in their community]. Nevertheless, as Tatmadaw regularly were sending rations and expanding their ground troops [as perceived by local residents], villagers felt concerned that the conflict would reoccur like Kachin State<sup>273</sup> and Shan State

On December 21<sup>st</sup> 2016, there were a convoy of 30 military trucks which were known as [coming from] the Bu Yin Naung military base in Thandaunggyi Township. On the way, one of the truck's brakes stopped working. The truck lost control and crashed into a tree in front of people's houses and a government building. Though the tree, which was 2 foot in circumference, did not fall down onto the houses, the house owners were staying there were panicked. The truck that hit the tree was transporting six horses. There was no action taken following this accident.

On December 21<sup>st</sup> 2016, horses were sent by [Tatmadaw] military trucks from Toungoo Town to Baw G' Lee area, for the purpose of [using the horses to] transport rations and ammunitions [to the frontline where trucks cannot go]. After [witnessing] the action of sending more weapons and rations [with the horses], local residents felt at risk, reported one villager.

Whilst trucks were transporting these rations, [Tatmadaw] security troops were guarding the road [and they remained] active [patrolling] constantly. Witnessing this, villagers were worried about their security.

#### **Land confiscation**

Tatmadaw has not solved the problem of land conflict. [Specifically] they have not solved the issue of 1521 acres of villagers' land that was confiscated by Bu Yin Naung [army base] and a military tank [regiment] in Kwun Pin village tract, Htantabin [Toungoo] Township, as well as 587 acres [that was confiscated] in Doe Thaung village tract, Htantabin Township. Moreover, they [Bu Yin Naung army base] were conducting military training practice, such as shooting with actual guns. On December 14<sup>th</sup> 2016, during military training at Bu Yin Naung camp, [Tatmadaw] fired artillery within the local village tract- Maung Nwe Gyi village tract, Thandaunggyi Township. [Residents] assumed that this action might have been to assist in the security of the trucks that were transporting military rations. There was no notification letter [sent to the relevant authorities/KNU regarding the artillery practice in the village tract].

#### **Development**

The development projects that are [currently] being conducted in Thandaunggyi Township are road construction, telecommunication towers, and an underground communication pipeline. However, all of these were developed without consultation with local villagers. The negotiation surrounding the development of these projects was between only the Myanmar government administrators and the local authorised KNU government, and without villagers' willingness [support].

The underground [communication] pipeline would be implemented from Toungoo to Loikaw [capital city of Kayah State]. By digging holes on villagers' land for placing an underground pipeline [for a communications cable], damage was caused to villagers' gardens and plantations

<sup>273</sup> Fighting between Myanmar army and KIA (Kachin Independence Army) was restarted in 2011 after the 17-year-long ceasefire broke down. See "[Scores Displaced Following Fighting in Kachin State's Mansi Township](#)," The Irrawaddy, September 21<sup>st</sup> 2015.

along the pipeline's route. Villagers were unsatisfied regarding the damage caused to their seasonal plantations such as cardamom, coffee, dog fruit, and other valuable plantations that support their livelihood, therefore the village administrator reported the case to the level of the township administrator in order to address the issue. [However], the township administrator [unofficially] took the side of the company and said that it [the pipeline] had already been authorised by the [Burma/Myanmar] government [therefore they could not stop it]. This explanation did not satisfy the local villagers so they reported [their concerns] again to the KNU. The KNU relevant personnel in Toungoo District responded that, as the state government already approved this [project], it might not seem pleasant of them to ban the project [they do not want to damage relationships with the state government]. KNU said that they only given the permission to do the project and urged the villagers to negotiate individually [for compensation] regarding land damage. According to the KNU responsible personnel, the affected villagers requested for appropriate compensation [from the company/authorities involved] after the [telecommunications] company manager Han Win Aung said, during the meeting with villagers, that he would not pay for any compensation [for land or damages] because the project had already been authorised by the KNU. According to one KNU authorised person, KNU had only given the permission to conduct the project [and therefore the KNU were not responsible for the land problems]; the company was supposed to negotiate and consult with the villagers in order to solve the land problems [and requests for compensation].

One militia officer of *A Htoo Day Tha Nyein Chan Yay* [local armed group for village security] named Bo<sup>274</sup> Kyaw Win, is the owner of the Way Hpone Kyaw Company. [This is the company] which dug up the land to construct the road from Leik Tho Town to Shan Lel Pyain. The group led by Bo Kyaw Win is the militia and monitored by [under the control of] the Tatmadaw. They did not consult with local villagers about this road construction. Moreover, they did not disclose about the width of the [affected] area, the expenses relating to the road construction, and about any compensation for [land] damage. Local residents [who were affected by the construction] did not dare to confront Bo Kyaw Win for they were afraid of him. During the road construction, they [Way Hpone Kyaw Company] also grabbed and sold the trees belonging to villagers in the local area. However, the villagers did not dare to report the issue though they knew the militia group sold the wood, because the villagers had already experienced oppressive actions from Bo Kyaw Win [therefore they were fearful of retaliation if they reported this new issue]. In addition, the construction workers operating the truck exchanged their militia uniforms to civilians' clothes, and the security were holding guns [this concerned the local residents as they could no longer identify who was working for the militia]. This road construction was based on company interest, without involving the agreement of villagers. The soil [from the road construction] also covered the clean water [stream] that the villagers used to consume. Worse than having polluted water, there was a water shortage in summer [which was worsened by this road construction], one villager said.

### Conclusion

Development projects should firstly go through the negotiation and consultation stages with local villagers and therefore [the leaders of the development projects would] understand their concerns. Both Burma/Myanmar government and KNU government should acknowledge the villagers [as stakeholders in these development projects] and consider the difficulties and losses for villagers [which are caused by land destruction from development]. Every development project actor needs to comply with general rules and regulations [about protection, compensation, conservation, etc.].

<sup>274</sup> Burmese prefix meaning 'officer'

The military [Tatmadaw] should not do any action that intimidates the civilians in any form but they should try to preserve the civilians' trust and support [in the Tatmadaw and in the ceasefires].

With regard to health and education, I think that the [Myanmar/KNU] government should give sufficient support to health and education staff members by providing them with relevant equipment/materials.

#### Source #67

Log #	17-2-NB1
Type of report	News Bulletin
Publishing Information	Previously published in June 2017: <a href="http://khrgh.org/2017/06/17-2-nb1/proposed-hydropower-dam-project-tanintharyi-region-mergui-tavoy-district-2017">http://khrgh.org/2017/06/17-2-nb1/proposed-hydropower-dam-project-tanintharyi-region-mergui-tavoy-district-2017</a>
Location	Ler Muh Lah Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	

#### Proposed Hydropower Dam Project in Tanintharyi Region, Mergui-Tavoy District, 2017

*This News Bulletin describes the details of a proposed hydropower dam project in Ler Muh Lah Township, Tanintharyi Region, Mergui-Tavoy District. The dam will be constructed on the Tanintharyi River at A--- pool which lies 2.7 kilometres away from Moh Roh village. Villagers from surrounding villages do not agree with project and protested during a consultation meeting in February 2017.<sup>275</sup> The assessment for the hydropower dam project was conducted by Nippon Koei Company and the Italian-Thai Development Company.*

#### Introduction and history of the proposed hydropower dam project

A KHRG staff interviewed one local villager, Saw C---, from B--- village, Ler Muh Lah Township, Mergui-Tavoy District on March 2<sup>nd</sup> 2017 regarding a proposed hydropower project in Tanintharyi Region.

The hydropower project is proposed to be constructed around Moh Roh village on the Tanintharyi River. A local villager from one of the affected villages, Saw C---, participated in a dam consultation meeting conducted by the Thai company Greater Mekong Sub-region Power Public Company Limited (known as GMS Power or GMS) who have taken on leadership of the potential dam project. Other villagers who will likely be impacted by the construction of the proposed dam also attended the consultation meeting.

This area of the Tanintharyi River has been marked for a hydropower dam since 1997. An initial

<sup>275</sup> This News Bulletin was written by KHRG office staff and is based on information from community members from Mergui-Tavoy District who has been trained by KHRG to monitor local human rights conditions. It summarises information from two interviews and one other document received by KHRG on March 2<sup>nd</sup> 2017. In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in southeast 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.

assessment for the project had been conducted by Nippon Koei Company in 1997. The Italian-Thai Development Public Company Limited (ITD)<sup>276</sup> re-started the potential hydropower dam project in 2012. On February 9<sup>th</sup> 2017, GMS Power Company arranged a consultation meeting with local community members and representatives regarding the hydropower dam project, showing that they have now taken on the proposed project.

Since 1997, the project has involved several different companies. The Nippon Koei Company started to assess the possibility for the potential dam project in 1997.<sup>277</sup> Five years later, in April 2012, ITD Company began another assessment on how the potential project will impact local residents. ITD Company did not consult with any local villagers before they did assessment, including surveying the land for dam construction. This assessment was conducted by ITD Company in 2012 but local residents do not know when the ITD Company stopped their involvement in the project. A KHRG community member from Ler Doh Soh Township reported that after the 2012 preliminary ceasefire was signed,<sup>278</sup> the Burma/Myanmar government retracted their permission for the ITD Company to conduct development projects such as the construction of roads and other projects in Tanintharyi Region. Therefore, the dam project has been temporarily on hold since 2012. Due to the recent consultation meeting held by GMS Power regarding the hydropower project in February 2017, local community members believe that GMS Power and ITD Companies have been involved and collaborated together with regard to parts of proposed project, although this cannot be confirmed.

#### **Consultation meeting/impact**

After restarting the project, a consultation meeting was held on February 9<sup>th</sup> 2017 in Tanintharyi Town Hall. The company invited local authorities and community based organisations (CBOs). The CBOs further invited representatives from the 18 villages nearby the proposed dam site who might be affected to attend. Unfortunately, not many affected villagers had chance to join this meeting so only some representatives from the 18 potentially affected villages were able to attend the meeting. Other villagers were unable to attend because of the financial problems they faced to cover the cost of travelling to attend the meeting, and the distance to travel to the meeting place which was very far from some of the villages. In the meeting, the Minister of Electricity from Burma/Myanmar government who had previously accompanied ITD Company

<sup>276</sup> Italian Thai Development Public Company Limited (ITD) is a Thailand-based company with investments in the construction of highways, railway, dam and industry in Myanmar and other parts of Asia. ITD construction projects have resulted in relocation of villagers, the destruction of plantations and a lack of compensation for affected villagers in southeast Myanmar, see “[Mergui-Tavoy Interview: Saw E---, July 2012](#),” KHRG, March 2013. ITD also have investments in the Dawei Special Economic Zone (SEZ) which began as a joint venture with Max Myanmar Company; Max Myanmar have since withdrawn their economic involvement in this SEZ. The Dawei SEZ has resulted in threats and forced evictions of villagers, imprisonment of villagers who refused to relocate, destruction of livelihoods through environmental damage, villagers being forced to accept inadequate compensation, and much more. See “[Dawei SEZ Fact Sheet](#),” Mekong Watch, December 2016.

<sup>277</sup> KHRG is currently following up on why Nippon Koei Company stopped the project after this assessment.

<sup>278</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see “[Seventh Round of Nationwide Ceasefire Negotiations](#),” *Karen National Union Headquarters*, March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see “[KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit](#),” *Karen News*, April 22<sup>nd</sup> 2015.

during their assessment in 2012 was also present.

The research and assessment conducted by ITD Company in 2012 was presented by GMS Power Company in the consultation meeting. The company elaborated that the proposed hydropower dam project has the capacity to produce 1040 megawatts (MW) of electric power from the Tanintharyi River. The level of water will flood an area around 585 square kilometers, including 250 square kilometers of plantation land.

The dam will be constructed 2.7 kilometers away from the upper part of Moh Roh village. According to the ITD Company assessment from 2012, the project will likely cause the destruction of 14 villages, most of which are located upstream. There will be smaller holding dams built further upstream away from the main proposed dam site near Moh Roh village. There are around 879 households and the number of villagers is around 4500 within these 14 villages. The GMS Power Company has not confirmed how big the affect will be on both the environment and the community. According to local community member from B--- village, the project could potentially destroy around 18 villages which are Moh Roh, Ta Moo, Da Baw Kloh, Pa Htoo Kloh, Ler Hpa Doh, Deh Plaw, Teh Hta, Bu Thaw Plaw, Per Kuh, Naw Tel Hta, Toe Tel Hta, Ta Pee Lay Koh, Maw Hta, Kah Del, Ka Chey Hta, Ka Sel villages and other two unknown villages.

The GMS Power Company plans to start carry out the project in 2017, in collaboration with private and public partnerships, labeling the project as aPublic-Private Partnership collaboration.

According to Saw C---, the GMS Power Company had not done a new assessment instead they used the research which was done by ITD Company in 2012. The assessment done by ITD stated that only 14 villages will be affected but in the five years since ITD Company conducted research, 4 more villages have been established in the area, taking the number of potentially affected villages up to 18. The GMS Power Company plans to implement the project according to their procedure that they officially announced in they consultation meeting. They said that they will manage bio species in the area sustainably, and will build the dam mindfully and wisely. For the assessment for the company to build the dam, GMS Power said that they had three types of research: firstly, the previous potential impact assessment, secondly a possibility assessment<sup>279</sup> and thirdly, community and environmental (impact) assessments. They stated that this assessment will also identify direct and indirect victims who will be affected by the dam who live around the proposed project site. The company promised during the consultation that they will prioritise support for the affected victims, although they did not clarify what type of support. They promised to collect data to document the information of any victims of flooding caused by the dam, but they did not say how they will take action after they have the documentation. In the consultation meeting, they also stated that the project will benefit local civilians in terms of opening up a gateway for more business and provide job opportunities.<sup>280</sup> The GMS Power Company during the consultation presented that the project will decrease the poverty rate of local people in project area and solve the problem of electricity in Myanmar.<sup>281</sup>

<sup>279</sup> KHRG is currently following up on the details of this 'possibility assessment'.

<sup>280</sup> The promise that development such as hydropower will bring economic benefit and employment to the local community was also made by *Asia World Company* during the building of Toh Boh dam, which resulted in large scale displacement and economic loss to villagers. The company did not implement the promise for employment or economic benefit they had made with affected villagers. For more information see "[Toungoo Interview: Saw H---, April 2011](#)," KHRG, September 2012.

<sup>281</sup> The benefit of electricity generated by hydropower projects in Myanmar has not been shared equally for affected communities, as the electricity generated is often intended for urban supply or overseas sale. See, "[HYDROPOWER IN MYANMAR: FOR WHOSE BENEFIT?](#)" Progressive Voice, December 16<sup>th</sup> 2016

The company also testified that the project will benefit not only private companies who are involved, but all citizens of Myanmar.

#### **Villagers' concern**

The villagers who are likely to be most affected by the project are those working on plantation, hill and plain farms in the local area. Saw C--- stated that villagers had already been affected in the initial construction of roads in the project area by the ITD Company. In order to get into targeted areas in Tanintharyi River during its assessment in 2012, ITD Company constructed roads for equipment transportation. This damaged villagers' land which had been passed down to them for generations, and their plantations such as betel nuts, durians, and coconut trees were destroyed.

Local residents have concerns that if dam construction goes ahead, villages which are located around the project site will be flooded. Moreover, not only their homes but also their land and working sites will be flooded. According to Saw C---, *"They told us that there will not be much serious destruction even if they construct the dam. They also promised us support for the dam project's victims. They only say this with their words, in practice we do not trust them easily. They haven't done as they have promised [so far]."* Villagers express their concerns also about the lack of information they have, as GMS Power Company has said they plan to construct a dam but, according to Saw C---, they did not tell villagers when they will implement the project.

The villagers around the project site do not agree with the project and therefore they protested against the project during the consultation meeting on February 9<sup>th</sup> 2017. The villagers' reason for protesting is if the project is implemented they predict that it will negatively impact them. If or when they are impacted, villagers also do not know how GMS Power Company will compensate them if they have to relocate from their homes. They worry that they will have no land to do farming on and for raising their livestock to earn their living when the dam has been completed. In the meeting, most of the participants from local villages therefore stated that they did not agree with project. Saw C--- reported that, *"We attempted to protest against them but if they are serious about implementing the project, we have no idea how to stop them"*. Adding to villagers concerns that they cannot halt this development, a community member from Ler Doh Soh Township noted that the KNU chairman Saw Mutu Say Poe had signed a Memorandum of Understanding with companies to proceed with development and industrial projects including dam construction on the Tanintharyi River in Mergui-Tavoy District on December 13<sup>th</sup> 2016.<sup>282</sup>

Villagers have informed local CBOs about their concerns regarding the potential dam construction. Saw C--- explained that, *"We [villagers] do not know how to convince authorities [to stop the dam] therefore if you [CBOs] meet with any authority leaders please ask them to take a stand for the villagers about the dam project"*. Saw C--- and another local resident Saw D--- further summarised their concerns by saying, *"We strongly disagree with the project but we also do not know how to stand up for our rights. We are in a state of worry about [potentially] losing our land and villages and we seriously do not know how to survive in the future [if that happens]. [We do not know what we will do] if they do not consider for our concern."*

In the interview Saw C--- stated that, *"The dam project makes us very worried. It will become the biggest challenge for our future. We would like organisations [CBOs] to suggest to us how to*

---

and "[Lemro Dam Project Not to Benefit Chin Locals in Paletwa Township](#)," Chinland Guardian, April 7<sup>th</sup> 2012.

<sup>282</sup> Civil society groups strongly disagreed with this Memorandum, see, "[Tanintharyi Development Projects Must not Proceed without Transparency and Accountability](#)" December 2016.

*protect [our villages from] the dam and give awareness [on how to] stop the implementation of the project. Regarding the proposed dam project, KNU leaders have not taken any action for us. We have been able to submit the issue to the KNU leaders but we are not sure whether they will take action or not. We need support from local organisations to suggest how to deal with the project.”*

#### **Conclusion**

The development of a hydropower dam project is a serious concern for residents who live around the project site in Ler Muh Lah Township. It is likely that villagers will be forced to relocate from their villages if the hydropower dam project is completed. The livelihood impact of losing of land and their villages is the major concern for them. Even if the GMS Power Company promises to compensate the project's victims, villagers do not trust that there will be fair compensation, and do not believe that the disruption and destruction of their villages, family land and livelihoods can be compensated.





The above pictures were taken on February 9<sup>th</sup> 2017, in Tanintharyi Town Hall, Tanintharyi Town, Ler Muh Lah Township, Mergui-Tavoy District. The pictures show the consultation meeting that was held by GMS Power Company regarding the proposed hydropower dam on the Tanintharyi River. During the consultation meeting villagers expressed that they do not agree with project, and they protested against the project, holding signs that say 'Do not destroy Tanintharyi River' and 'No Dam'. [Photos: Villager]



The above photos were taken on February 25<sup>th</sup> 2017 at A--- pool near Moh Roh village, Ler Muh Lah Township Mergui-Tavoy District. The photo on the left shows the stretch of the Tanintharyi River, known locally as A--- pool, where GMS Power Company proposes to construct a dam. If the company completes the project, it is predicted that 18 villages will be flooded around the project side. The photo on the right shows a protest sign pinned to a tree over the Tanintharyi River that says, 'Let Tanintharyi River flow freely' in Burmese and 'No Dam' in English. [Photos: KHRG]



**Source #68**

Log #	17-32-A1-I1
Type of report	Interview
Publishing Information	Previously published in September 2017: <a href="http://khrgh.org/2017/09/17-32-a1-i1/mergui-tavoy-interview-saw-february-2017">http://khrgh.org/2017/09/17-32-a1-i1/mergui-tavoy-interview-saw-february-2017</a>
Location	Ta Naw Th'Ree Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	

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

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

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

**Interview | Saw A--- (male, 50), B--- village, Ta Naw Th'Ree Township,**

## Mergui-Tavoy District (February 2017)

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Mergui-Tavoy District on February 17<sup>th</sup> 2017 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>283</sup> This interview was received along with other information from Mergui-Tavoy District, including seven other interviews, one incident report, one situation update and 100 photographs.<sup>284</sup>*

**Ethnicity:** Karen  
**Religion:** Christian  
**Marital Status:** Married  
**Occupation:** Farmer  
**Position:** Villager

**Pa Dtee,<sup>285</sup> could you please tell me your name, address and job?**

My name is Saw<sup>286</sup> A---. My village is B--- village and my wife's village is C--- village. I [own and] work on [my] rubber plantation, cashew plantation, jackfruit plantation and other kinds of tree plantations.

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

Yes, it is true. They [road construction workers] damaged my land and a lot of my plantations. When I went and talked to them [the road construction workers about my damaged land and plantations], they replied to me, "[The Burma/Myanmar] government ordered us to do it [construct the road on your land]. Therefore, you should not complain to us." When they constructed the road, they cut down a lot of my trees and they also dumped the soil from the



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

<sup>283</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>284</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.

<sup>285</sup> *Pa Dtee* or *Dtee* is a familiar term of respect in S'gaw Karen attributed to an older man that translates to "uncle," but it does not necessarily signify any actual familial relationship.

<sup>286</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

road construction on top of my trees. Furthermore, they [road constructors] dumped rocks from the road construction into my plantations so the rocks damaged a lot of [the trees on] my plantations [because when] the rocks hit the bark they damaged the bark. Therefore, I cannot extract latex from the rubber trees anymore. When I talked to them [about my damaged land and plantations], they did not explain to me [how to solve this case], but they just said, “*You should not complain to us because we are just workers [we don’t have the power to change the construction project plans].*”

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

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



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



This photo was taken on February 16<sup>th</sup> 2017 in B--- village, Ta Naw Th'Ree Township, Mergui-Tavoy

**How many years have they been constructing the road?**

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

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

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

Their plantations are also probably damaged by the road construction but I do not know how much it damaged their plantations. I annually earn around 1,000,000 kyat [US \$736.38]<sup>287</sup> from my plantations which have been damaged [by the road construction]. I do not know what the name of the company that constructed the road is; it is a kind of *Kyay Leh* [Local Development Project] or something, but I think the company's name is written on the signboard [beside the road].<sup>288</sup>

**How old are your trees?**

My grandfather worked on this plantation. [When he died], my uncle inherited the plantations and [when he died], I inherited [the plantations]. Therefore, my family has owned this land since a long time ago. I have a land title<sup>289</sup> and a map that I showed to them [the road construction workers] but they just said, *"It is impossible [to get compensation with your document]"*. Therefore, I could not do anything else [for my damaged plantations]. I showed them my land title but they just told me, *"It is impossible."*

<sup>287</sup> All conversion estimates for the kyat in this report are based on the September 7<sup>th</sup> 2017 official market rate of 1358 kyat to US \$1.

<sup>288</sup> According to the signboard referred to by Saw A--- the Burma/Myanmar Government Department of Road Construction is responsible for leading the road construction project, not a particular company. It is not known if a company was hired to construct the road.

<sup>289</sup> After further follow up after this interview, KHRG researchers learned that Saw A--- does not have a land title for his land but only a land tax receipt. In this interview, he incorrectly referred to his land tax receipt as a 'land title.'



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

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

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

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

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

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

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

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

P'Neh Ta K'Paw [Candle Light Group, a local Karen Christian CBO who works on land issues] came [to my village once], but I was not at home when they came. My son submitted a

complaint letter to them [Candle Light Group], but we have not gotten any answer [response] from them. I also reported it to [Mergui-Tavoy] Ethnic Administrator Hoby, but I have not gotten any answer [response] from him either. Furthermore, they [the road constructors] recently repaired and widened the road so it damaged [my land and my plantations] more [than before]. They dumped the large rocks [from the road construction] into my plantation, so those rocks damaged my rubber trees' bark and some rubber trees were broken down by those large rocks. Therefore, I cannot extract latex [from the damaged rubber trees]. The road construction project damaged [my plantation and land] more than the first time [the road constructors visited].<sup>290</sup>

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

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

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

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

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

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

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

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

**Why would they retaliate against you?**

They [Burma/Myanmar government] said, *"The road that they are constructing is for the civilians [to be able to travel easier] so it is also for [the benefit of] the plantations' owners [like you]. You had to carry loads on your back in the past, but you can go [carry the loads] by car now. We do it [construct the road] for [the benefit of] you and for [the benefit of] civilians."*

<sup>290</sup> This was the road construction company's third visit to the land as part of the road construction project. When they initially came, the company constructed but did not pave the road. When the company came in 2017, they paved and widened the road.

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

I replied, *"Since our forefather's time, we have not travelled by car and we have been carrying [loads] on our backs [from our plantations]. We carried [our crop or materials from our plantation] on our back several times; we carried some [crops or materials] each time and brought around 200 viss<sup>291</sup> [320 kg] home. This technique did not damage the trees and plantations that we planted. Most of the trees that I planted and that I rely on for my livelihood were damaged by the road construction project [workers]. If I were going to start planting new [rubber, cashew...] plantations, when would I be able to harvest it?"*<sup>292</sup>

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

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

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

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

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

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

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

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

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

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

**How many households are there in your village?**

There are around 400 Karen households in my village. It [this number] does not include [the number of] Bamar<sup>293</sup> households. All villagers drink water from the river. Some [areas] cannot

<sup>291</sup> A viss is a unit of weight equivalent to 1.6 kg or 3.52 lb.

<sup>292</sup> Rubber tree produce latex when they are 7 years old and above.

<sup>293</sup> The majority ethnic group in Myanmar, also known as ethnic Burmese or Burman.

dig water well [cannot produce water]; some [areas] can get water from water wells, but that water is not good [not good quality]. Therefore, most villagers drink water from the river.

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

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

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

I annually extract around four viss [6.4 kg] of latex per [rubber tree]. Sometimes, the price of the latex is high and sometimes it is low. I can sell around 4,500 kyat [US \$3.31] per viss of latex because the latex price increased this year. I annually collect around five viss [8 kg] of cashew from each cashew tree. Last year, I was able to sell [my cashews for] around 1,500 kyat [US \$1.11] per viss, but some people have been saying that the cashew price increased this year. I own more than 500 rubber trees and 400 cashew trees. Therefore, I would have earned a lot of annual income from my plantations, but my rubber and cashew trees were damaged so I was unable to earn anything from them [my plantations]. I don't have the necessary land to plant [new rubber and cashew trees] again. I cannot sell fruit or latex because most of my trees are gone [damaged]. If we consider that it takes a long time [to grow the tree] it will be a very hard workload for poor people [villagers whose plantations were damaged].

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

The road construction project [workers] damaged a lot of my land, but nobody [no government authority] did a full and comprehensive investigation of this case for me. There are many groups of Karen [authorities], but none of them came to me and asked me if I had anything to report to them or if I have been facing any problems or not. Only [KNLA] General Htee Wah came to me [to ask me about the incident], but he is also unresponsive [did not take any follow-up action]. The Burmese leaders are also the same [act the same way]. They came to me and asked me about the incident, but they are also unresponsive. No authority has taken action on this case

yet. I think it would be best if the upper authority leaders [Burma/Myanmar or KNU government officials] come [and investigate this case]. They can travel [to my area] by boat or by car in an hour and examine the condition of my tree plantations that were damaged by the road construction. They will then clearly know how much damage the road construction caused to my plantations and I would not have to explain my problems to them. Currently, I am reporting on the problems that I am facing to them but they have not come to me [responded]. Therefore, I am not sure if they received my information or not. Even if they receive this information, I am not sure if they will believe me or not. Therefore, I request that they [Burma/Myanmar or KNU government officials] come and see [investigate] what is really happening to me. If the upper authority leaders [Burma/Myanmar or KNU government officials] investigated this case then I will learn [how to solve this case] from them.

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

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



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

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

They [government workers] cooperated with Bamar village leaders and village heads in order to get a higher number of members [leaders who support land confiscation]. The land that they confiscated from the

Karen villagers [and designated as reserve forest] is beside the vehicle road and the owners [of the land] could not work on their hill farms anymore. They [government] wrote the amount of land acres [on the sign board beside the land],<sup>294</sup> but I haven't checked it so I don't know how many acres of that land [were confiscated].

**What did they plant on the land that they confiscated [from the villagers for the purpose**

<sup>294</sup> The sign board referred to by the interviewee states that 110 acres are included in the project but does not state how much of the land was confiscated from villagers.

**of reserve forest]?**

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

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

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

**Are the villagers [trying] to stop them?**

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

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

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

Thank you.

**Source #69**

Log #	17-33-A1-I1
Type of report	Interview
Publishing Information	Previously published in September 2017: <a href="http://khrhg.org/2017/09/17-33-a1-i1/mergui-tavoy-interview-saw-march-2017">http://khrhg.org/2017/09/17-33-a1-i1/mergui-tavoy-interview-saw-march-2017</a>
Location	Ler Muh Lah Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	

**Mergui-Tavoy Interview: Saw A---, March 2017**

*This interview with Saw A--- describes events occurring in Ler Muh Lah Township, Mergui-Tavoy District, during the period between 2012 and 2017, regarding a proposed hydropower dam project.*

- The Italian-Thai Development PLC and the Burma/Myanmar Government Ministry of Electricity conducted a survey for a hydropower dam project in 2012 at Tanintharyi River which is 2.7 kilometres distance away from B--- village, Ler Mu Lah Township, Mergui-Tavoy District. The survey was conducted without local people being informed.
- Villagers' farms and plantations which they work on for their livelihoods are situated near the

project area of the dam. The proposed hydropower project will flood around 18 villages, as well as farm land and plantations. The road that they constructed also damaged the civilians' land and plantations.

- GMS Power Public Company held a consultation meeting with some village leaders and community based organisations (CBO) staff in Tanintharyi Town Hall, Tanintharyi Township; which is very far from the dam project area, on February 9<sup>th</sup> 2017. Some representatives of villagers from the dam project area could not attend the meeting because they did not have money for transport.
- The Burma/Myanmar Government Minister of Electricity held a presentation about the benefits and negative consequences of the hydropower construction project. He said villagers do not have to worry about the damage of the dam project.
- Villagers do not want the project to go ahead and they worry for their future and security, but they do not know how to stop the project or where they have to report this case to. Therefore, they want any organisations who work on behalf of civilians to give them knowledge and awareness about village agency (strategies) and where they should report the case to.

### **Interview | Saw A--- (male, 28), B--- village, Ler Muh Lah Township, Mergui-Tavoy District (March 2017)**

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Mergui-Tavoy District on March 2<sup>nd</sup> 2017 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>295</sup> This interview was received along with other information from Mergui-Tavoy District, including 12 photographs.<sup>296</sup>*

**Ethnicity:** Karen

**Religion:** Christian

**Marital Status:** Single

**Occupation:** Farmer

**Position:** Villager

**Firstly, could you please tell me your name?**

Mostly, people call me Saw A---.

**Where do you live? Which village, Township and District do you live in?**

I live in B--- village, Ler Muh Lah Township, Mergui-Tavoy District.

**What is your marital status?**

<sup>295</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>296</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.

I am single.

**We heard that the [hydropower] dam will be constructed in your community, could you please tell me the name of this dam?**

I do not know the name of the dam because people [dam project workers] have not informed villagers [about the project].

**Who is in charge of the dam construction project? Is it led by a company, government or any organisation?**

The company that came [to my community] the first time was Italian-Thai Development [ITD]<sup>297</sup>, in April 2012. The company that came the second time was GMS Power Public<sup>298</sup> Company [GMS] on February 9<sup>th</sup> 2017.

**So there are two companies working [on this project], correct?**

Yes <sup>299</sup>

**What did the ITD Company and GMS Power Public Company do when they came to your community?**

The ITD Company [workers] came to my community without informing us [local civilians] about their project. For the dam construction project they conducted a survey by measuring the area, then they dug a hole in the ground and tested [the water and area] using their own technical knowledge. When the GMS workers came to my community, they held a consultation meeting with village leaders about whether they will come [to conduct the dam project] or not.

**How many members [ITD workers] came the first time?**

I do not accurately know the number of them, but I know there were many people who came on that day. They included Burma/Myanmar government staff who cooperated in the dam project and the Thai company representatives.

**Before they [ITD workers] came to your community, did they let the village**

<sup>297</sup> Italian Thai Development Public Company Limited (ITD) is Thai company with investment in construction of highways, railway, dam, industry in Myanmar and other parts of Asia. ITD construction project have resulted in relocation, destruction of plantation and lack of compensation for villagers, see “[Mergui-Tavoy Interview: Saw E---, July 2012](#),” March 2013. ITD also have investment in Dawei Special Economic Zone (SEZ) which began as a joint venture with Max Myanmar Company. The Dawei SEZ has resulted in environment destruction, threat and forced eviction of villagers, imprisonment of villagers who refused to relocate, destruction of livelihood through plantation, farming and paddy damaged, forced to accept inadequate compensation. Improper facility at relocation site, see “[Dawei SEZ Fact Sheet](#),” Mekong Watch, December 2016. Also see “[Proposed Hydropower Dam Project in Tanintharyi Region, Mergui-Tavoy District, 2017](#),” June 2017

<sup>298</sup> GMS Power Public Limited is a Thai private power company and has projects in China, the Lao PDR, Thailand, Vietnam and Cambodia. For more information see KHRG report “[Proposed Hydropower Dam Project in Tanintharyi Region, Mergui-Tavoy District, 2017](#),” June, 2017

<sup>299</sup> It is not currently confirmed whether both ITD and GMS are working on this project bilaterally although many villagers believe that to be the case. KHRG is currently awaiting follow up information from researchers.

**head/administrator know about the dam project?**

They came to my community in 2012 without informing us about their project and conducted their survey.

**How about the company that came in 2017?**

They [GMS] invited the [Burma/Myanmar government] community administration leaders [to attend the consultation meeting] on February 9<sup>th</sup> 2017. They said some organisations such as CBOs and CSOs [community based organisations and civil society organisations], which were based in that community, could attend the meeting and villagers wanted us to go on their behalf. Therefore, we [KHRG community member and CBO/CSO workers] attended that meeting. The meeting was held by GMS and a representative of the [Burma/Myanmar government's] Ministry of Electricity.<sup>300</sup>

**Did they [dam project workers] invite your [Karen National Union] community administration leaders to meet with them?**

They only informed the [Burma/Myanmar government] Township Administration leaders.

**What did they talk during that meeting?**

They talked about how they will construct the dam project, the benefits of the dam project and the voltage of electricity that the dam will produce. They said we [villagers] do not have to be worried about anything [the damage of the dam project]. I don't understand all of the processes that they presented about. Their presentation was on the voltage of electricity that the dam will produce, who in Tanintharyi Division will get electricity, how they will share the electricity to the foreign countries and finally how they will generate a lot of money quickly, which will be beneficial for the whole [Burma/Myanmar] country.

**Who said this, GMS [Power Public Company] workers or the Minister of Electricity?**

The [Burma/Myanmar government] representative of Ministry of Electricity said it. One Kaw La Wah<sup>301</sup> from Canada came with GMS but he did not say anything.

**Did they talk about the previous company ITD?**

Yes, they did. They presented about the result of the survey that was conducted by the previous company [ITD] and the number of the villages will be destroyed [flooded] by this dam project. One member from the Burma/Myanmar government participated with ITD on the survey [2012] and he also presented at this meeting [February 9<sup>th</sup> 2017].

**So he attended on behalf of the [Burma/Myanmar government] Ministry of Electricity, right?**

Yes

<sup>300</sup> For more information on this meeting, see "[Proposed Hydropower Dam Project in Tanintharyi Region, Merqui-Tavoy District, 2017](#)," July 2017.

<sup>301</sup> This is a colloquial Karen term referring to white person.



These photos were taken on February 9<sup>th</sup> 2017 by community member in Mergui-Tavoy District. These photos show GMS Power Public Company signs during a consultation meeting in Tanintharyi City Hall, Tanintharyi Township with villagers. The Burma/Myanmar government representative of the Ministry of Electricity presented about the benefits, objectives and negative consequences of the hydropower dam project. [Photos: KHRG]

**Do you know his name?**

No, I don't.

**You know the name of the companies that will construct the dam, but you do not know the name of the leaders who organised the dam project, correct?**

Yes [that is correct].

**Which stage of the dam project has been completed? For example [did] they measure the area and clean [the vegetation on that] area?**

They [ITD] finished measuring the area [for the dam project] in 2012, but I do not know when they [GMS] will measure it again in 2017.

**Did they clean the vegetation and fence at the area where they will build the dam?**

No, they have not done it yet.

**So you just know that the dam will be constructed in this area, right?**

Yes, because that area was measured by the ITD Company in 2012. The GMS Power Company also talked about that area.

**So they [GMS] have not started the project yet. They held a consultation meeting about the dam project with you [villagers] correct?**

Yes

**How large will the site of the dam be, in acres?**

I don't know exactly the acreage of the area. They will construct the dam across the Ta Naw Th' Ree River.

**Could you please tell me the location of the dam project?**

The area of the dam project is at P'Yo Kwee deep pool, across the Ta Naw Th' Ree River. It is 2.7 kilometres away from B--- village, Ler Mu Lah Township, Mergui-Tavoy District, Brigade #4. This area name is used by KNU administration.

**What is the name of the area according to the Burma/Myanmar government administration?**

They call it Na Ga Aaing deep pool, [it is located 2.7 kilometres away from] B--- village, Kaw Ma Pwin area, Tanintharyi Township, Tanintharyi Division.

**Are there any villages near the project area?**

There are villagers' farms and plantations, upon which they work for their livelihoods, which are near the dam project area. Villagers live 2.7 kilometres away from that area.

**What do the villagers plant on their land?**

They plant betel nut, durian and many other [fruit trees] on their plantations.

**What ethnicity are the B--- villagers, Karen or Bamar?**

They are all ethnic Karen villagers who live in B--- village and 17 other villages around the dam project area. There are no Bamar<sup>302</sup> ethnic people in that area.

**What is their religion?**

They are all Christians.

**What do they do for their livelihoods?**

They work on animal husbandry, farming on hills, plains and plantations and hunt [wild animals] for their livelihoods.

**What do you do for your livelihood?**



This photo was taken on February 8<sup>th</sup> 2017 by community member in Mergui-Tavoy District. This photo shows the villagers' betel nut plantation and Tanintharyi River where the proposed hydropower will be constructed. There are 18 villages, farm lands and plantations that will be destroyed by the dam project. [Photo: KHRG]

<sup>302</sup> The majority ethnic group in Myanmar, also known as ethnic Burmese or Burman.

I work on a paddy farm and plantations and I also hunt [wild animals] for my livelihood.

**Are you Christian?**

Yes, I am.

**Now, we will return to issues related to the dam project. Are there negative impacts for civilians from the dam project?**

They [project workers] came to the dam project area with their cars and trucks and they measured the road [that they will travel] on [which is on] the villagers' land and plantations.

**What did they [dam project workers] damage?**

When they made their road, it damaged civilians' betel nut trees, durian trees, coconut trees and some other young fruit trees that villagers planted on their plantation.

**Is the area that they will construct the dam on villagers' land?**

Yes, that area is the villagers' land.

**These are all damages that are caused by the dam project, correct?**

Yes

**What are the negative consequences and dangers of the dam project?**

If the dam is constructed, there will be flooding over all the villages, including villagers' land, farms and plantations around that area.

**When they [dam project workers] presented about the benefits of the dam, did they also present about the damage [negative consequences] of the dam and the flooding to the civilians?**

Yes, they did. They said there will not be much damage. [Yet] villagers know the dam project will destroy [flood their land].

**If there is flooding of the civilians' villages what responsibility will they take for the civilians' livelihood and places to live?**

They said they will take responsibility for building churches/monasteries [in replacement for those that] will be destroyed by the dam project, but [so far] they have not done any preparation for us yet. They just said that and have not taken any action, so we do not believe them and we don't want it [the dam project].

**Do the villagers' want the dam project?**

No, they do not want it because the dam construction project will cause flooding. The flooding will drown all of their land and farms. Because of this, we will not have land to farm for our livelihoods.

**Did the villagers protest the dam project? If yes, how did they protect it?**

We do not accept or agree with the dam project, but we haven't protested it.

**Did you report to them that you did not accept the dam project in the [consultation] meeting to them?**

I did not report it, but some other villagers reported it and some of them wrote a letter [about how they do not want the dam]. The percentage of the people who do not want the dam project is higher [than the people who want it].

**Were the people who attended the meeting villagers or village leaders?**

There were some villagers and some village leaders who attended the meeting.

**Where did they hold the meeting?**

It was in Tanintharyi city hall, Tanintharyi Township. They held the meeting in the [Tanintharyi] town and some villagers were not able to attend the meeting because it was very far from them. They [would] have [had] to go by boat and by car to arrive at the meeting venue.



These photos were taken on February 9<sup>th</sup> 2017 by a community member in Mergui-Tavoy District. These photos shows GMS Power Public Company holding a consultation meeting in Tanintharyi City Hall, Tanintharyi Township with villagers, however some representatives could not attend the meeting due to the distance from their village to the meeting site and the fact that some villagers did not know where to go for the meeting .

[Photos: KHRG]

**Even though the villagers have concerns about the dam project, will they just wait and see [what will happen]?**

Yes, they do not want the dam project. If the dam project happens, they cannot do anything because they do not know what they have to do [to stop the project]. We are afraid [of the authorities].

**Did the villagers report this case to any organisations?**

They reported it to the CBOs and CSOs and said *"If you meet with the upper authority people, please inform them that we do not want the dam project for us"*. We do not know where we have to go and report this case [to stop the project].

**How many villages will be flooded by the dam project?**

They said there are 14 villages that will be flooded, but [I think] there are 18 villages that will be flooded.

**Is the place where the dam will be constructed close to your village?**

Yes, it is.

**Did the villagers who attended the meeting include the representatives of all the 18 villages?**

No, some village [representatives] could not reach the meeting because the meeting was held in a town which is very far from their villages. Some villagers [from certain villages] have never been to the town so they didn't know where to go for the meeting and some of them do not have money [to pay the taxi fee to get to the meeting]. Some villagers had money for the taxi fee and could attend the meeting.

**In the meeting did they tell you the date when they will start constructing the dam?**

No, they did not.

**Do the ITD Company and the GMS Power Company cooperate on the dam project?**

I understand that they are working together because the ITD Company collected surveys and measured the area for the GMS Power Company.

**Did they [GMS workers] explain their connection with ITD to you [villagers]?**

No, they did not. We just think that they [ITD and GMS] have connections because the Burmese [Ministry of Electricity representative] came with both ITD and GMS.

**What are your perspectives on the [potential] benefits and damage from the dam project to your community?**

I know that the dam project is a very dangerous thing and it will cause difficulties for us. Therefore, we don't want the dam project.

**Do you want to report anything else?**

I want to report that, even though we don't want the dam project, we do not know how to act on this [in order stop the project]. Therefore, what should we [villagers] do if the dam project occurs in our community? If it occurs, we will not be able to do anything and we just have to face it. Therefore, we need knowledge and awareness of how to go and tell them to [stop] the dam project, where we have to report this case to and how to appeal against them in order for the

project to be ceased.

**Which organisation do you want to give you awareness?**

Any organisations can give us awareness.

**What is the perspective of KNU leaders and what do they do [for the village on the dam project]?**

As I am a villager, I do not know their perspectives, but I know that they never came to our community and told us about this [dam project].

**So the KNU leaders do not take any responsibility on this project and do not report anything about it, right?**

Yes, because they don't know anything about the project yet.<sup>303</sup>

**Do you think villagers can report this case to the KNU [government]?**

I think we can report it to them and inform them about this case.

**Do you believe that the KNU will take action and solve this case for you?**

I cannot predict that they will do it or not, but we can report it to them.

**Do you have any information about the dam that I did not mention? If you have, you can report it now.**

I don't have other information, but I would like to report that we [villagers] do not want the dam project. We don't know how to take action on this [stop the project], we are worried for our future livelihoods and we are in fear.

**Can KHRG use the information that you provided for us in the media, to share with other organisations who work for the local civilians so that the government will know about the case?**

You can use the information that I provided for you, but I worry that if the people [authority] know this information, then they will look for me and they will do something to me [which is a security concern].

**When we publish information or report we [KHRG] are always aware [of the security for] the people who provide information for us and their security concerns. We do not show people's names and addresses, or information relating to the people who provide information to us.**

I allow for the information that I provide to be used.

<sup>303</sup> In December 2016, KNU signed a Memorandum of Understanding allowing large scale development by certain companies in Tanintharyi Region. Civil society groups strongly disagreed with this Memorandum, see, "Tanintharyi Development Projects Must not Proceed without Transparency and Accountability" December 2016.

Thank you

Thank you

#### Source #70

Log #	17-46-A1-I1
Type of report	Interview
Publishing Information	Previously published in November 2017: <a href="http://khrgh.org/2017/11/17-46-a1-i1/nay-pyi-taw-interview-daw-february-2017">http://khrgh.org/2017/11/17-46-a1-i1/nay-pyi-taw-interview-daw-february-2017</a>
Location	Pyay Ma Nar Township, Toungoo District/northern Kayin State
Full Text	

### Nay Pyi Taw Interview: Daw A---, February 2017

*This Interview with Daw A--- describes events occurring in Pyay Ma Nar Township, Nay Pyi Taw union territory in February 2017, including land confiscation, dam construction, forced labour, Tatmadaw activities and livelihood issues.*

- *The Burma/Myanmar government built a school in B--- village, Meh Pauk village tract, Pyi Ma Nar Township. Nevertheless, they did not provide food and accommodation for school teachers. Therefore, villagers were forced to do Loh Ah Pay [unpaid labour] in order to construct the building for teachers. In addition, one family were asked to pay 10,000 kyat [US \$7.32] to buy logs, zinc sheeting and other materials for the building construction.*
- *Daw A--- stated that many villages in Pyi Ma Nar Township will be affected if the middle Paunglaung dam project is implemented. In addition, villagers are concerned that their lands and plantations will be destroyed when the dam is constructed.*
- *When the Burma/Myanmar government built the new capital city in Nay Pyi Taw, the Tatmadaw confiscated all the lands from Sin Thaw Kyauk Than Pen village tract and they constructed their military headquarters buildings on the confiscated land. Therefore, all the villagers from that village tract had to relocate to a lower area. However, the Tatmadaw did not pay any compensation to villagers.*

### Interview | Daw A---, (female, 43 years old), B--- village, Pyay Ma Nar Township, Nay Pyi Taw union territory (February 2017)

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Nay Pyi Taw union territory on February 13<sup>th</sup> 2017 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>304</sup> This interview was received along with other information from Nay Pyi Taw union territory, including two other interviews, 69 photographs and one video clip.<sup>305</sup>*

<sup>304</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>305</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.

**Ethnicity:** K'nyaw Wah [White Karen]<sup>306</sup>

**Religion:** Buddhist

**Marital Status:** Married

**Occupation:** Hill farmer

**Position:** Villager

**What is your name?**

My name is Daw<sup>307</sup> A---.

**How old are you?**

I am 43 years old.

**What is your ethnicity?**

I am White Karen.

**What is your religion?**

I am a Buddhist.

**Do you have a family?**

Yes. I have a family.

**How many children do you have?**

I have three children.

**How old is your eldest child?**

My eldest child is 23 years old.

**How old is your youngest child?**

My youngest child is 16 years old.

**Where do you work?**

I work on a hill plantation and I also work on a plantation on the plains.

**Can you tell me where you live?**

Yes. I live in B--- village.

**What Village Tract and Township?**

Meh Pauk village tract and Pyay Ma Nar Township.

**I would like to ask you about the situation in your village. Can I ask you about it?**

Yes. You can ask.

**How many households are there in your village?**

There are [number censored for security] households in my village.

---

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

<sup>306</sup> This is a sub-ethnicity of Karen.

<sup>307</sup> Daw is a Burmese female honorific title used before a person's name.

**Are there any schools in your village?**

There is a school in my village.

**What kind of school is it?**

It is a sub-middle school<sup>308</sup>.

**Who built this school? The Burma/Myanmar government or the village community?**

The Burma/Myanmar government built this school. They [Burma/Myanmar government] only constructed the school building but they did not provide food or accommodation for school teachers. The number of school teachers has increased as the school became a middle school. However, villagers had to construct a building for teachers to live in. A building for teachers was constructed and funded by villagers. There are [censored] houses in the village so people from each house were asked to do *Loh Ar Pay*<sup>309</sup> in order to construct the building for teachers. In addition, people from each house were asked to pay 10,000 kyat[US \$7.38]<sup>310</sup> to buy logs, zinc and other materials for the building's construction.

**Who asked villagers to construct the building? The Burma/Myanmar government?**

We do not know about that. We do not have the right to know about it. Nobody confirmed whether the Burma/Myanmar government had ordered villagers or not<sup>311</sup>. Villagers were called to attend a meeting [by the village head] because the lack of accommodation for teachers was a problem. I am not sure whether he [village head] forced villagers or not. One person from each house was called to do *Loh Ar Pay* for one day [in order to construct the building] but the building construction had not finished after this day. Therefore, one person from each house was called again to do *Loh Ar Pay* but not each of the [censored] houses had to do *Loh Ar Pay* that day. We have a ten household leader<sup>312</sup> in our village so each ten household leader has to manage villagers for *Loh Ar Pay*. For example, if there are three ten household leaders then it is their responsibility to ask villagers to do *Loh Ar Pay* and there will be 30 villagers who have to do *Loh Ar Pay*. So if tomorrow it is the responsibility of four ten household leaders to ask villagers to do *Loh Ar Pay*, there will be 40 villagers who have to do *Loh Ar Pay*. If villagers from [censored] houses were asked to do *Loh Ar Pay* for one time, they have to do it. After we finished *Lor Ar Pay* one time, we were asked to do *Loh Ar Pay* for a second time and third time.

**Can you remember when you were first asked to do *Loh Ar Pay*?**

As far as I remember, we were asked to do *Loh Ar Pay* in 2016. I cannot remember which day but I remember we had to do it [*Loh Ar Pay*] in June or July.

**You just had to do *Loh Ar Pay*? What else did you have to do? As you told me before, you had to support [the construction of the building] by giving money?**

Yes. We had to pay the cost of the construction of the building. We were asked to give money to buy logs, zinc sheets and iron in order to construct the building. That is why each house [family]

<sup>308</sup> Sub-middle schools operate as smaller satellite units of a central middle school, usually located in a township's administrative centre.

<sup>309</sup> *Loh ah/ar pay* is a Burmese term now commonly used in reference to forced labour, although traditionally referring to voluntary service for temples or the local community, not military or state projects

<sup>310</sup> All conversion estimates for the kyat in this report are based on the 08/11/2017 official market rate of 1,354 kyat to US \$1.

<sup>311</sup> It is believed to have been ordered by the Burma/Myanmar government but that has not been confirmed.

<sup>312</sup> In villages, one leader is elected per ten households to take responsibility for local issues.

had to give 10,000 kyat [US \$7.38]. We did not need to hire carpenters to construct the building but villagers, themselves, had to construct it.

**As you told me before you [villagers] were forced to do *Loh Ar Pay*. I want to know who led or directed villagers to do *Loh Ar Pay*?**

[It was the] hundred household leader<sup>313</sup> and the village head.

**Were there any villagers who could not pay [10,000 kyat] [US \$7.38] due to livelihood issues?**

There were some villagers who could not pay [10,000 kyat] [US \$7.38] but [the village head] set up a rule for villagers who could not pay immediately. The rule was that they [villagers] had to pay later. If they [villagers] cannot pay before the deadline, they were fined and had to pay 5,000 kyat [US \$3.68] more. That is why some villagers had to pay 10,000 kyat [US \$7.38] and then another payment of 5,000 kyat [US \$3.68].

**Were there any villagers who had to pay 15,000 kyat [US \$11.06]?**

I do not know about it exactly but I, myself, had to pay 5,000 kyat [US \$3.68] more because I was absent the day we had to do *Loh Ar Pay*.

**So you had to pay 5,000 kyat [US \$3.68] more because of your absence on *Loh Ar Pay* day?**

Yes. On that day, the ten household leader came to check our house in order to ask someone to do *Loh Ar Pay*, but nobody was there except my housekeeper. He [ten household leader] just told my housekeeper to inform me that tomorrow was *Loh Ar Pay* day but my housekeeper did not inform me when I came back home, maybe he forgot. That is why I did not know that the next day was *Loh Ar Pay* day. Then, [after *Loh Ar Pay*] the hundred household leader called me to come to him in the evening. He told me, "*Nobody from your house came to do Loh Ar Pay. That is why you get a fine, you have to pay 5,000 kyat [US \$3.68]*". After he told me that, I did not want to say [argue] anything with to him because he only asked for 5,000 kyat [US \$3.68]. Another reason is, I am a woman so I did not want to cause any argument. Then, I just gave him 5,000 kyat [US \$3.68]. I also had to sign a letter saying that I was absent at *Loh Ar Pay* day and was fined 5,000 kyat [US \$3.68].

**He [hundred household leader] fined you because you were absent on the *Loh Ar Pay* day so you had to pay money as a fine. So what did he [hundred household leader] use that money for?**

I did not have the right to know [ask him] about it.

**Did he [hundred houses leader] explain anything to you? For example, will he use that money for the school budget and for other things that villagers need?**

No. He did not provide any information to me.

**Were there any other villagers who had to pay a fine due to their absence at *Loh Ar Pay* day, like you?**

Yes. There were some villagers who were fined like me. On that day, ten household leaders also came to check their [other villagers'] houses but nobody knew that they had to do *Loh Ar Pay* because they said that they were not at home. I saw that they too were fined.

<sup>313</sup> In larger villages, one leader is elected per one hundred households to take responsibility for local issues.

**The person who fined villagers is the village head?**

We had to give money to the hundred household leader when we were fined.

**Can you tell me the name of the hundred household leader?**

Everyone in the village knows that his name is U Maung Aye.

**Each house had to pay 10,000 kyat [US \$7.38] for the cost of building construction. Was that enough?**

I think it is enough because there are [censored] houses so the money from villagers is over 1,500,000 kyat [US \$1,109.15]. However, we did not need to rent carpenters. The wood is from the local area and therefore not very expensive. It just costs a lot of money to buy the zinc sheets and iron nails because we had to buy those things from another town. However, I think it [the money raised] is enough.

**How big is the building [for the teachers]?**

There are four rooms in the building. The width of one room is 10 feet. The walls for the rooms are made from bamboo. Some villagers in the village know how to weave the bamboo to make a wall. In the case of the villagers who cannot weave the bamboo like myself, we had to cut bamboo and we also we had to pay 1,000 kyat [US \$0.73] to rent bamboo weavers.

**So the construction of the building is finished now?**

Yes. It is finished now.

**Can [teachers] live in the building now?**

Yes. They can live in it now.

**Are there any other issues in your area?**

There is the upper Paunglaung dam which is 14 miles far from our village [situated on the Paunglaung river]. It [dam] does not affect our village a lot because our village is situated far below the upper Paunglaung dam but there are some problems for villagers who live in the area near the upper Paunglaung dam. [Because of the upper dam project, some land was destroyed] so villagers from the upper area might receive compensation but I do not know how much they will get. They [those whose land was destroyed], know it [how much they will get]<sup>314</sup>. In addition, I heard that the middle Paunglaung dam project will be constructed soon. It [the proposed dam] might cause damage or harm to villagers but I am not sure about it because [dam constructors] are still looking for the right place to construct the [middle] dam. If [dam constructors] construct the dam above villagers' plantations and farms, it might only cause a few problems for villagers but if they construct the dam below villagers' plantations and farms, villagers' plantations and farms will be flooded. Therefore, villagers may lose a lot of their lands and plantations. However, we are not sure about what will happen but this is what we think the likely possible negative impacts of dam project are.

**Regarding the [proposed] dam project, did [dam constructors] hold a consultation**

<sup>314</sup> For further information please see the report by Physicians for Human rights. This that "found that the Guiding Principles and the Basic Principles and Guidelines were not followed in the planning and construction of the Paunglaung dam, and that the flawed displacement process led to the loss of jobs and income, as well as increased food insecurity, poverty, and limits on access to water." See "[Forced Displacements and Destroyed Lives around Upper Paunglaung Dam in Shan State, Myanmar](#)," Physicians for Human Rights, October 2015. See also, "[Drowning the Green Ghosts of Kayanland](#)," Kayan Women's Union, 2008.

**meeting with villagers? Did they explain anything to villagers regarding the dam project?**

[Dam constructors] have never held a consultation meeting with villagers regarding the dam project. We do not know whether [dam constructors] work with the Burma/Myanmar government or not.

**What about the previous Paunglaung dam? How did they [Ministry of Electricity and Energy] build a dam? Did they consult with villagers?**

I was not in this village when the previous dam was constructed. I have just been living in this village for four years. The upper Paunglaung dam construction project was finished a long time ago. Therefore, I do not know anything about the upper Paunglaung dam project.

**Regarding the [upper] Paunglaung dam project, did [dam constructors also] construct the road when they built a dam?**

Yes. You have to construct the road if you build a dam. Right?

**When [the dam constructors] constructed the road, some of villagers' lands and plantations were impacted [damaged]. So did villagers receive compensation?**

I have never heard that villagers received compensation.

**What kinds of crops do villagers grow on their lands?**

Most of the villagers in this area earn a living by working on plantations. They grow betel nut, cardamom, bananas and dog fruit in this area.

**When was the [upper] Paunglaung dam constructed?**

I was not here when the [upper] Paunglaung dam was constructed. I just told you about the consequences of the dam project after it was constructed.

**Can you tell me about the current consequences that villagers have to face due to the [upper] dam construction project? For example, after 2012, did it flood the land? Did the land fall due to the dam? Or were lands destroyed due to natural disasters? Have you ever heard like that?**

No. Currently I do not feel that it [dam project] can affect villagers a lot as the dam was reconstructed recently [after villagers had already left the flooded area].

**What about the Nancho dam project<sup>315</sup>?**

Yes. It affected the villagers in the lower Paunglaung river area. Previously, I was talking about upper Paunglaung dam project. So there is also the lower Paunglaung dam and the Nancho dam. Before I was only talking about the upper Paunglaung dam project. The lower Paunglaung dam project heavily affected the villagers.

**So can you tell me about the consequences of the lower Paunglaung dam project? How did it affect villagers?**

Yes. I can tell you. I have some relatives there who were affected by the lower Paunglaung dam project. Many villagers from C—and D— had land destroyed due to the dam project.

**How and why?**

Both of those villages were destroyed because this [lower] dam is constructed upstream from the villages so when the dam was constructed, the water flooded the villages and they sank into

<sup>315</sup> For more information on the Nancho dam project see [Burma Rivers Network](#).

the river. Villagers were not informed about it in advance. When villagers slept at night, the water went into the village. Within that night, villagers quickly fled their villages like a dog and pig in order to survive [a Burmese saying which means they fled without forethought]. The water [from the river] went up slowly and villagers' houses sank into the river. The next day, the water went down and villagers came to pull their houses apart and they relocated their houses to another place. However, villagers can only move their houses and their property but they cannot move their land or plantations. Villagers had to leave a lot of their land and plantations. There is one uncle [older man], a local villager, in the village. He is from Thaton area. People from Thaton mainly work on agriculture. This uncle is really interested in working on agriculture. He bought many plots of land in the village and he used those lands for agriculture. D--- village is not very far from E--- village. This village is nearby the plain area. The road and communication infrastructure is very good, compared to the upper Paunglaung river area. That is why this uncle chose to buy lands in the lower area because it is easy to transport fruits and vegetables. He grew many different plantations. His own lands were very wide. I am just telling you about one person who owned many lands. The uncle's lands were destroyed. Therefore, you can imagine how many lands and plantations were destroyed. However, nobody from these two villages received any compensation.

**There are four different dams. Right?**

Yes. The construction of three dams is already finished but the construction of one dam [middle Paunglaung dam] is not finished yet. [The dam constructors] are still looking for a place to construct the last dam [middle Paunglaung dam] and they are constructing the road now. They are constructing buildings for dam construction workers to live in. The middle Paunglaung dam project has been confirmed. However, they are still looking for the best place to construct the middle Paunglaung dam.

**Have they [dam constructors] finished building the accommodation for the dam construction workers?**

No. They are still constructing buildings for workers and they are now constructing the road.

**Currently?**

Yes. Currently.

**So did they inform villagers about it [dam project and road construction]? Did they consult with villagers?**

As I told you before, they never consulted with villagers. They just negotiated with the Burma/Myanmar government. Villagers did not know anything.

**If this middle Paunglaung dam project is implemented, how many villages will be affected? Can you give me your opinion?**

If the middle Paunglaung dam project is constructed above villages, it may not cause a lot of destruction immediately but it can cause damage to the villages [as it will stop the water supply]. However, I do not understand how and where they [dam constructors] will construct the dam and I do not know exactly how many villages will be destroyed. For example if they [dam constructors] construct the dam at Paunglaung river nearby F--- village, it would cause great destruction to the village because many people from G--- village have their farmlands and betel nut plantations in F--- village.

**Will this proposed dam be constructed on the Paunglaung upper river?**

No. This proposed dam will be constructed between the upper Paunglaung dam and the lower Paunglaung dam.

**So they [dam constructors] are still looking for a place to construct the dam and they have not implemented it yet. Right?**

This proposed dam will be implemented for certain. The dam project is already drawn but they are just looking for a suitable location in order that the dam should be built or not.

**Why did they [dam constructors] construct the dam? What did they use it for?**

As far as I know, they would produce the electricity by using a dam<sup>316</sup> However, villagers who live in an area between the upper Paunglaung dam and the lower Paunglaung dam do not get the electricity. Villagers cannot live in D--- village and villagers had to leave that village. Then, villagers found a new village which is called H--- village. There are H--- village, I--- village, J--- village, K--- village, A--- village and L--- village in an area between the upper Paunglaung dam and the lower Paunglaung dam.

**Why did villagers leave their village?**

They had to leave their villages because of the flood which came as a result of the [lower Paunglaung] dam. Two villages, D--- village and C--- village, were flooded. C--- village was completely destroyed and villagers cannot live there anymore [D---village was damaged but not destroyed]. Therefore, villagers from C--- village had to come to live together with villagers from D--- village in a new village.

**Now they [dam constructors] are producing the electricity by using the [upper and lower] dams?**

Yes. They produce the electricity but none of the local villagers get electricity.

**Do they [dam constructors] transfer the electricity to Nay Pyi Taw<sup>317</sup> as these dams are near Nay Pyi Taw?**

We do not know whether they transfer the electricity to Nay Pyi Taw or not because nobody told us about the truth.

**Before they [dam constructors] constructed the dams, were there any forests nearby the dams?**

Yes. There were many forests but the forests were destroyed due to the dams. The forests sank into the reservoir. When I was young, there was no motorable road to go from village to village so we had to walk if we wanted to go from one village to another village. Also, we had to climb hills to arrive at another village. Now those hills that I climbed when I was younger had disappeared as those hills sank into the water due to the dam construction.

**Were there any valuable trees in the forest?**

Yes.

**So were those valuable trees cut by business men, wealthy individuals or local authorities? I mean before the dams were constructed or before Nay Pyi Taw became the capital of Myanmar.**

At first the Burma/Myanmar government conducted logging but later on business companies

<sup>316</sup>The upper and lower Paunglaung Dams send their electricity to Nay Pyi Taw, for more information see [Burma Rivers Network](#).

<sup>317</sup> *Naypyidaw* (also spelled *Nay Pyi Taw*) is the capital city of Burma/Myanmar. This is commonly by villages to refer to the Burma/Myanmar government. In 2005 the military regime moved the capital from Rangoon to a greenfield at its present location, 320 kilometres (200 miles) north of the city. See "[Nay Pyi Taw now less of a ghost town](#)," *Bangkok Post*, December 11<sup>th</sup> 2013.

came to do the logging. I heard some news like that. If I tell you honestly, we, local villagers, normally only cared about our own properties. We were not a type of people who cared what happens to our environment. Nowadays villagers are open-minded and knowledgeable but we did not know what other people were doing to the environment in the past.

**OK. Can I ask you more questions?**

Yes. You can.

**When the Burma/Myanmar government built Nay Pyi Taw, did they confiscate local villagers' lands? If they confiscated villagers' lands, did they also pay compensation to villagers?**

Yes. They [Tatmadaw] confiscated villagers' lands. When they constructed military offices in Sin Thaw Kyauk Than Pen village tract, they confiscated all the land from that village tract. Then, villagers from that village tract had to relocate to a lower area. They [Tatmadaw] constructed small houses for villagers to live in but the houses had bamboo walls and there were no roofs. Think about it. How can villagers stay in the houses without roofs? In addition, they did not pay any compensation [in cash] to villagers. They just compensated with one small house for each family. Also, they relocated villagers' houses from the mountain to an area lower down. They also rented vehicles to relocate villagers' houses. However, villagers had to leave their lands and plantations but villagers did not get any compensation for losing their lands and plantations. We are White Karen people but we are in the minority in this area. All White Karen people from Sin Thaw Kyauk Than Pen village tract were forced to displace their villages.

**How many villages were there in Sin Thaw Kyauk Than Pen village tract?**

There was Sin Thaw village, Kyauk Than Pen village, Pone Htoe Pin village, Pyay Pin Aite village, Kyauk T'lone village and Yay Pyaung Pyan village, six in that village tract. The other villages which are Gyoune village and Nyaung Pin Aite village were also included [in the land confiscation].

**So there were around ten villages [figure of speech meaning roughly ten villages]?**

Yes.

**So you do not know the exact number of villages?**

No. I do not know exactly. I just know villages from Sin Thaw Kyauk Than Pen village tract. I do not know villages from another village tract. Other people from other villages such as Gyoune village and Nyaung Pin Aite village were also displaced from their villages due to the construction of [Tatmadaw] military offices.

**So you are sure six villages from Sin Thaw Kyauk Than Pen village tract were displaced?**

Yes. I am sure there were six villages.

**Can villagers go back to work on their plantations after they were forced to leave?**

No they cannot. At first villagers were allowed to go back to pick fruit from their plantations but they had to register their names and ID cards if they went back. However, later on villagers were not allowed to go back or cross those confiscated lands due to construction by the military.

**Did they [Tatmadaw] construct military offices or military buildings?**

They constructed their military headquarters<sup>318</sup>.

<sup>318</sup> For more information about LIB #66's expansion to their military bases and of their military activities see, ["Bullets and Bulldozers: The SPDC offensive continues in Toungoo District,"](#) KHRG, February 1997.

**Are there any motorable roads from Meh Pauk village tract to other villages? If yes, are the Tatmadaw based along these roads?**

Yes. Tatmadaw are active along the vehicle road.

**How are they active?**

Tatmadaw Battalion #66 is based at Tan Tar Chaung army camp but they come to stay in A--- village and act as a frontline army camp there. There is a village community's firewood plantation in K'mone Taung. I do not know the Tatmadaw officer's name but he owns [seized] that firewood plantation [from the villager]. We did not know how he [Tatmadaw officer] got [ownership of] the firewood plantation. We just know that he applied for land form #7<sup>319</sup> and he can now own it. In our remote mountainous area, none of the farmers can apply and own land with a form #7. However, he can get land form #7.

**What about villagers? Can they apply and own it [land]?**

We tried to apply for land form #7 but we did not receive any document [to confirm land ownership].

**Before the Tatmadaw officer from Battalion #66 got land form #7, did he try to get land form #1?<sup>320</sup>**

I do not know about land form #7 or land form #1. I have just heard about land form #1. I am telling you why I started to know about land form #7. Some buffalos from the village escaped and ran into his [Tatmadaw officer's] land. He saw that buffalos were running in his land and he reported it to the village head. He told the village head, *"Some buffalos from your village entered my land. I have land form #7. Now you have to build a fence for my land. If buffalos from your village enter my land next time, do not tell me that I am bad [he will take action against their owner]."* Regarding his report, all the people from the village were called to attend a meeting organised by the village head. Therefore, I just knew about it [land form #7] from the meeting.

**The person who reported it to the village head is from Tatmadaw?**

Yes. He is one of the captains from the frontline in K'mone Taung army camp but we do not know his name.

**How many acres are there in the village community's firewood plantation?**

I guess there are three acres or five acres. I do not know it exactly because I do not understand how it is measured.

**The person who owns [land registered via] land form #7 is a captain or a major general of Tatmadaw?**

We do not know how to identify him. He is like the deputy headquarters commander. However, he is serving at Battalion #66. He is one member of the Tatmadaw who has a high position at Battalion #66.

**As you said, some of the buffalos entered his [Tatmadaw officer's] lands. After his report to the village head, did villagers have to make fence around his lands?**

The owner of the buffalos built fences around his lands.

<sup>319</sup> Land form #7 is the land grant required to work on a particular area of land. In Burma/Myanmar, all land is ultimately owned by the government.

<sup>320</sup> Land form #1 is a legal document relating to land ownership.

**How many buffalo owners were there?**

Only one.

**For how many days did he [buffalo owner] have to build fences?**

I do not know about that.

**Did he [buffalo owner] construct the fences?**

As I saw, he constructed it until it [the fence] was finished.

**I heard that one village was forced to relocate because the Tatmadaw confiscated that village? Which village is that? Which battalion?**

That village is G--- village.

**Did this land confiscation relate to the dam project?**

We are not sure whether this land confiscation is related to the dam project or not. Maybe it happened because of Nay Pyi Taw's security<sup>321</sup> [concerns].

**So can you tell me why they [Tatmadaw] confiscated that village?**

There are many Christians and churches in G--- village. However, Tatmadaw Battalion #122 wanted to build their army camp in that village and then they [Tatmadaw] forced all of the people from the village to leave. Every villager had to leave but they did not receive any compensation. When they [Tatmadaw] confiscated lands in that village, my land was also included there.

**Every plantation and garden plots of land in the village were confiscated?**

Yes.

**So where did villagers go to stay? How did Tatmadaw arrange accommodation for villagers?**

Tatmadaw did not arrange anything for villagers. Villagers just had to find their own solutions. Some villagers just went to stay with their relatives who live in other villages.

**When did they [Tatmadaw] confiscate the land of that village?**

I think in 2000.

**So it happened a long time ago?**

Yes.

**What other human rights abuses did you come across? Can you tell me as much as you know?**

Human rights abuses?

**Yes. Human rights abuses like land confiscation. You have told me about forced displacement as a result of the Paunglaung dam projects. You can tell me now about human rights abuses that you have missed. Another thing is the proposed middle Paunglaung project dam. Do you think much land will be confiscated or destroyed if the middle Paunglaung dam project is implemented? Regarding the proposed middle Paunglaung dam project, what concerns do you have?**

M--- village is the village which could possibly be destroyed if the dam is implemented. Further, I

<sup>321</sup> As the capital city and the location of the headquarters of the Tatmadaw, Nay Pyi Taw has a high presence of the military and security forces.

worry that many villagers' plantations and farms will be destroyed. However, I cannot say exactly which village will be destroyed because we do not know where they [dam constructors] will construct the dam. Now they are constructing the road on the mountain. There is no plain area on the mountain [for farming]. It can affect the betel nut plantation because betel nut trees can only be planted in the cold area. They thought it [the road construction] could not affect it. Think about it. If the road is constructed on the mountain, the soil will fall from the mountain [onto plantations]. So this can impact the betel nut plantation. Even though I live in A--- village, my mother lives in G--- village. Now they [constructors] have to dig holes for electricity poles. That is why they cut down every tree that is where they want to dig holes. They cut trees on the mountain side nearby my betel nut plantation. They said they did not cut any betel nut tree. However, a type of plant like betel nut cannot survive in the sun [it can only grow in the shadow]. Why do we grow betel nut plants under the shadow of big trees and bamboos on the mountain side? Because we want to use the shade from these trees so the sunlight cannot shine directly to our plantations. Now they cut these trees but they said it would not impact on our betel nut plantations. After they cut these trees, there is no shade left and the sun shines directly onto our plantations. As a result, many of our betel nut plants died. That is why we made a list of how many betel nut plants died and we submitted it to them [constructors] in order to get compensation. However, we did not know whether they received our list or not.

**Did they build electricity poles?**

Yes.

**So where do they transfer electricity to?**

I think they send it to Pin Laung [unknown location]. I do not know. How can we know about their plan?

**In order to produce the electricity, many of villagers' lands here were destroyed. They may transfer the electricity from Nay Pyi Taw to Pin Laung. There are many villages between Pin Laung and Nay Pyi Taw. So do you think many villagers who live between Nay Pyi Taw and Pin Laung are upset about their plan?**

Yes. Many villagers are upset about it.

**So do you think many villagers' lands can be destroyed between Nay Pyi Taw and Pin Laung?**

Yes. I think so. In reality, we also suffered from land confiscation and I think other people did as well. Maybe, I do not know for sure because there are many villages along the route.

**When the Burma/Myanmar government built Nay Pyi Taw, I heard that almost all of the trees [around Nay Pyi Taw city] were gone [cut down]. Is that right?**

Yes. The mountains became almost bald mountains. In D--- village, villagers were very unlucky. Their lands were flooded due to dam project. Also, trees on their lands were confiscated and cut by the Burma/Myanmar government. Villagers did not have any land left to work on. They [Burma/Myanmar government] confiscated almost all their [villagers'] lands. Where will these villagers in C--- village work in the future? Currently, villagers can deal with their livelihood issues because they are able to still work on those plots of lands but they [villagers] do not know if they have to serve [give money to] the Burma/Myanmar government. Villagers said that they get 40,000 kyat [US \$29.57] from the Burma/Myanmar government if they work on the confiscated land per acre. The Burma/Myanmar government also asked villagers to sign an agreement letter confirming that villagers receive 40,000 kyat [US \$29.57] for working on their lands per acre. This one acre of land will be owned by villagers if they work on it. In this case, villagers are not aware that they were tricked by the Burma/Myanmar government. Actually, the

amount of money that the Burma/Myanmar government gave is just an incentive. Villagers did not know about it. In fact, it will cost a lot of money if the Burma/Myanmar government rent daily workers to clear the thick bushes on the confiscated lands. So they just used villagers by paying them a little money to work on the lands including clearing the thick bushes. However, villagers thought they were happy that they can work on their lands. What can I say? Villagers in the remote areas have a lack of knowledge.

**How many villages are there where villagers were asked to work on the confiscated lands?**

Mainly, villagers in D--- village were asked to work on the confiscated lands. They [government] also bought lands from other villages for little money. As you know, villagers here think that 1,000,000 kyat [US \$739.43] is a lot of money for them but they do not know that it is not worthwhile to sell their lands for that amount of money. They do not understand how valuable their land is. They only want the amount of money that the Burma/Myanmar government gave. If things continue like this, villagers will be facing problems.

**When did business people or a company hire villagers to clear bushes on the plots of land?**

In 2010.

**Are there any security guards in this area to defend wealthy people or companies?**

I do not know about security guards but there are police checkpoints and Tatmadaw checkpoints here. The villagers in this area usually go to sell betel leaves on their motorbikes. If they pick up betel leaves today, they have to go to sell betel leaves the same day as the buyers [whole seller] prefer fresh betel leaves. Otherwise, if they keep betel leaves for one night, the buyers will not like it a lot because it is no longer fresh. Sometimes they come back late to their villages. When they come back, they have to cross the Tatmadaw soldier's checkpoint on their way home. They said that they can get in trouble if they cross the checkpoints because soldiers are very rude and disrespectful to villagers. They [soldiers] disturb the villagers if they [Tatmadaw] get drunk. One of the villagers besides my house told me that he did not want to cross the soldiers' checkpoint. He complained that he did not know what to do. It was very cold in the winter on the mountain but local villagers did not have time to worry about the cold weather. They had to transport their betel leaves by motorbike in order to sell it regardless of the weather. However, villagers said that if they bring alcohol or gifts for Tatmadaw soldiers when they cross the checkpoint, Tatmadaw soldiers will not disturb them. How can villagers buy gifts or alcohol for Tatmadaw soldiers? They just get 5,000 kyat [US \$3.68] as transportation fee if they go to sell betel leaves. Sometimes it is very dangerous to transport betel leaves in the cold season. In addition, their motorbikes might get damaged while transporting.

**Did they [villagers] face any other problem such as [the Tatmadaw] demanding taxes from them when they transported betel leaves?**

I do not remember whether they [villagers] told me whether they were asked to pay taxes or not. Yet, they told me that they were disturbed [by Tatmadaw soldiers].

**How did they [Tatmadaw soldiers] disturb villagers?**

They [villagers] told me that Tatmadaw soldiers disturbed them in many different ways. I, myself, used to experience that too. One afternoon, I went to cross their [Tatmadaw] bamboo checkpoint and they blocked the path with one [piece of] bamboo. At that time, I had put a bunch of bananas in my basket and I carried and kept it in front of me when I was driving. Therefore, it was not comfortable to get off the motorbike and push my motorbike. There is a narrow path nearby the checkpoint and I drove my motorbike on that narrow path. They saw me

and shouted me *"Hey get off the motorbike and push your motorbike. What are you doing? We block the way so that motorbike drivers have to push their motorbikes when they cross"*. I just replied them *"Yes. I am sorry,"* because I did not want to argue with them. Then, I got off the motorbike and pushed my motorbike in front of the checkpoint. Actually, they should not block the way with the bamboo when motorbike drivers are coming.

**Which battalion take responsibility to look after the checkpoint?**

This checkpoint is a police checkpoint. People call it 'One checkpoint'. The policemen are from Yay Hsee area but I am not sure [who has responsibility] Also, there is a police checkpoint in Nancho. Yet, there are police men and Tatmadaw soldiers who stay at the 'One checkpoint'.

**Mostly what did they [One checkpoint authorities] check? I mean what do they inquire about?**

Sometimes they check our ID cards when we travel by car. Once there was a bomb explosion in Nay Pyi Taw and they thoroughly checked people who crossed their checkpoint.

**Regarding the land confiscation case that we talked about before. What do you think villagers should do to prevent their land from being confiscated?**

We do not want our land to be confiscated. However, we do not know ways how to prevent it because I think we do not have land form #7. Land form #7 is something that we can never get whenever we try to apply for it, but I do not know how they [holders of land form #7] apply and how they get the land form #7. In our area, we have no idea of what to do.

**Were there any awareness workshops or discussions about how villagers can get land form #7?**

No.

**What local development projects are in your area?**

During the 2015 election campaign, there were development projects in our area such as developing access to a water source and access to the electricity which is produced by hydropower. They [USDP<sup>322</sup>] just provided the funds for those development projects but villagers had to do their own projects in order to get access to water and electricity. They just conducted the local development projects during the 2015 election campaign. After the 2015 election, there were no more local development projects in our area.

**Which political party mostly did election campaign in your area?**

The Union Solidarity and Development Party [USDP].

**So the USDP conducted these development projects in your area. Right?**

Yes.

**What about other development projects?**

No. There are no other development projects in our area.

---

<sup>322</sup> The Union Solidarity and Development Party (*Pyi Khaing Pyo* in Burmese, *Pa Ka Hpa* in Karen) is the successor of the Union Solidarity and Development Association. It was officially registered as a political party on June 2<sup>nd</sup> 2010 and is headed by Burmese politician Than Htay who is the current chairman and retired Brigadier General in the Tatmadaw. Previously the party was run by former Burmese President and Prime Minister, Thein Sein who was in charge until 2015. In November 2015, the National League for Democracy (NLD) ousted the USDP in a landslide election, winning a majority of seats in parliament.

**OK. I might ask you something that I forgot. As you told me about Tatmadaw soldiers [at the checkpoint] before, they disturbed the local villagers. So did you report it to their leader?**

We tried to report it to their leader but their leader did not want to communicate with us. I will tell you about one incident that I experienced. I also told you before, I went to forage for bamboo shoots in the forest in the rainy season. The village head told us that we cannot cut the bamboo shoots. However, some villagers earn a living by cutting and selling bamboo shoots. Therefore, I wanted to apply for the license [to harvest bamboo shoots] in order to pay tax to the Burma/Myanmar government. I went to the forestry office. The person who is in charge of the forestry office told me, *"You are the first person who has applied for a bamboo shoots license in Myanmar"*. However, he tried to make the bamboo shoot license for me. As you know about the office structure, you cannot get something you want immediately even if you apply it immediately [when you require it]. When I was applying for the bamboo shoot license, that season was bamboo shoot season. Therefore, at that time, I went to ask the forestry office head to make a recommendation letter for me to be able to forage for bamboo shoots [that season]. He [forestry office head] told me that he could make a travel document for me but he cannot make a recommendation letter. He asked me to take a picture for the travel document. I took a picture with my phone and I printed it [the travel document] out. After a while, the village head said that anyone is allowed to go to forage for bamboo shoots if they donate 100,000 kyat [US \$ 73.94] for village fundraising. As for me, I had already applied for the official license from the office but I did not receive the license yet [so I could not forage for bamboo shoots].

In the meanwhile, another [separate] issue emerged. If one car crossed the [Tatmadaw] checkpoint, the car driver had to pay 5,000 kyat [US \$3.68] to the Tatmadaw. If I tell you honestly, I was not satisfied with this.

Although I had already applied for the [bamboo shoot] license in order to pay tax to the Burma/Myanmar government and I had already given the license fee, I can only show the evidence that I took a picture with my phone [to prove I have applied for the license]. I want to say that they should not compare me with other people who do not have licenses. I think it is not good if they demand the tax from both the people who have a license and those who do not have license. Then, [at the checkpoint] I showed my evidence letter, which is signed by the district administrator, to their [Tatmadaw] leader. He said,

*"We do not want your evidence letter. You have to give 5,000 kyat [US \$3.68] for one car".*

I was a little bit unhappy about that. Then, he asked me again,

*"Why? Do you think 5,000 kyat [US \$3.68] for one car is too much for you?"*

I replied to him,

*"Bo Gyi<sup>323</sup>, we have to earn 5,000 kyat [US \$3.68] from working. If this amount of money is for social purpose, I can pay you but I am not happy that people who work legally have to give you 5,000 kyat [US \$3.68] and also people who do not work legally have to give you 5,000 kyat [US \$3.68]".*

<sup>323</sup> Burmese prefix meaning 'officer'

However, finally I had to pay 5,000 kyat [US \$3.68].

**Did it happen in this rainy season?**

Yes.

**In 2016?**

Yes.

**So which battalion demanded the tax like that?**

At that time, they were from Tatmadaw Light Infantry Battalion [LIB] #606 during their rotation. Another battalion [who were replaced by LIB #606] are from Bel Kone battalion. The number of the Bel Kone Battalion is #413 or #412. I am not sure about the battalion number of the Bel Kone Battalion. However, I am sure they are from Bel Kone Battalion.

**Bel Kone Battalion?**

Yes. Pyi Ma Nar, Bel Kone Battalion.

**OK. Do you have anything else to say?**

We are just local villagers. We do not want our land to be confiscated. To be able to protect our land, every suggestion and piece of advice is welcome. Our ancestral fathers lived in this land a long time ago but we are afraid that other people outside the village will come to confiscate our land and expand their confiscated land. Also, they [land confiscators] constructed the road. This [environmental situation] looks very bad. Due to road construction, the area was deforested so the weather has changed. Recently, it was a time for harvesting but it suddenly rained heavily. Because of heavy rain, the paddy fields were destroyed. How do I explain? This is the consequence [of their actions]. If the forest is maintained or protected, it is good for local villagers.

**What else do you want to say? What other suggestions do you want to tell the Burma/Myanmar government? For example, regarding the Tatmadaw leader that you told me about before, and their activities such as demanding unfair taxation. So what do you want to say to the Burma/Myanmar government about how the lower Tatmadaw officials should behave?**

They [Tatmadaw] should not act like that [demanding tax]. Every villager is struggling with their lives and livelihood, especially those who live on the mountain. The way they [Tatmadaw] ask for money from villagers looks like they exploit the villagers. We can say that it is similar to extortion. They demanded money from villagers due to the bamboo shoot business. As for me, I have legal permission letter to do bamboo shoot business. It is just a small business for villagers. What about logging? The logging is conducted very often. Do they close their eyes? If you do not believe me, you can come and look at the situation. Many trucks that carry logs cross their checkpoint. Do they [Tatmadaw] accept the logging business? I do not know how they [loggers] can do logging or how they deal with Tatmadaw. However, my house is near to that road [which is close to the checkpoint]. When I am about to go to bed at night, I hear the trucks which carry logs traveling on that road. One truck can carry ten tons of trees. It wakes me up.

**Do you have anything else to say?**

No.

**OK. Thank you so much for your answers.**

Yes.

**Do you allow KHRG to use the information that you shared?**

Yes. I allow. KHRG can use the information that I shared. What I explained to you before is the truth.

**Another thing I want to know. What do we call the place where we are now?**

J--- village. This village is [censored for security] miles far from the village that I live. I am very happy to answer your questions. Thank you so much too.

**Source #71**

Log #	17-58-A3-I1
Type of report	Interview
Publishing Information	Previously published in November 2017: <a href="http://khrgh.org/2017/11/17-58-a3-i1/toungoo-interview-u-2017">http://khrgh.org/2017/11/17-58-a3-i1/toungoo-interview-u-2017</a>
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

**Toungoo Interview: U A---, 2017**

*This Interview with U A--- describes events occurring in Htantabin Township, Toungoo District in 2017, including interactions with the Kaung Myanmar Aung Company.*

- U A--- reported that his employer, Kaung Myanmar Aung Company, ordered him to destroy a villager's banana plantation in B--- village, Na Ga Mout village tract, Htantabin Township, Toungoo District on 26th October 2016. He had to carry out these orders despite not wanting to because the company threatened him that if he did not he would have to stop working for the company.
- U A--- stated that the owner of the banana plantation tried to stop Kaung Myanmar Aung Company workers from clearing her banana plantation, citing a lack of consultation prior to the clearing of the plantation. This created a conflict between Kaung Myanmar Aung workers and the local villagers.
- According to U A---, after Kaung Myanmar Aung Company confiscated the villager's banana plantation they planted a teak plantation on the confiscated land. However, the banana plantation owner did not receive any compensation.

**Interview | U A--- (male, 30), B--- village, Na Ga Mout village tract, Htantabin Township, Toungoo District (2017)**

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Toungoo District in 2017 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>324</sup> This interview was received along with*

<sup>324</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.

*other information from Toungoo District, including 13 other interviews, one situation update, 97 photographs and 11 video clips.*<sup>325</sup>

**Ethnicity:** Bamar<sup>326</sup>

**Religion:** Buddhist

**Marital Status:** Single

**Occupation:** Plantation worker

**Position:** Villager

**What is your name?**

My name is U A---.

**How old are you?**

I am 30 years old.

**Are you married?**

No. I am single.

**What is your religion?**

I am Buddhist.

**What is your ethnicity?**

I am Burmese [Bamar].

**Where do you live?**

I live in B--- village. I was born in B--- village.

**Which village tract?**

Na Ga Mout village tract.

**Which Township?**

Toungoo [Htantabin] Township.

**Which company are you working at?**

I am working at the Kaung Myanmar Aung Company (KMAC).<sup>327</sup>

<sup>325</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.

<sup>326</sup> The majority ethnic group in Myanmar, also known as ethnic Burmese or Burman.

<sup>327</sup> Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development across Myanmar. Their chairman is Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Myanmar which have included threats to villagers who were customary owners of the lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014 to February 2015](#)," July 2015. Affected villagers held protests against the company in 2015 and early 2016 in order to demand the return of their lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," July 2016. For information on a similar case with KMAC in Pyin Oo Lwin Township, Mandalay

**Who asked you to cut the banana trees? Kaung Myanmar Aung Company staff?**

Yes. They asked us to cut the banana trees.

**Who are they?**

They are the managers of Kaung Myanmar Aung Company. There are two managers. Ten workers are led by one manager. They are Thein Zaw Oo and Ko Win Naing. They ordered us cut the banana trees<sup>328</sup>.

**Are they Kaung Myanmar Aung Company's staff?**

Yes. They were ordered by the company to manage the workers.

**Can you tell me what happened [when you had to cut the banana tree plantations]?**

That day we went to cut banana trees, because we had been ordered to [by the senior staff of Kaung Myanmar Aung Company]. I heard that there are more than 600 banana trees in the plantation. There were 21 people [KMAC workers], including myself, who went to cut the banana trees.

**21 people?**

Yes. There were 21 people in our group.

**Whose banana plantation was it?**

This banana plantation is owned by a local villager.

**What is the name of the banana plantation owner?**

The name of banana plantation owner is Daw C---. We went to cut down her banana trees. The banana trees were just banana shoots [young plants] so with a knife it was easy to cut them down. We had to cut the banana trees, we did not want to cut the banana trees but we were ordered to cut them down. There was 0.50 acres of banana plantation that we had to cut which was divided into two. There was 0.30 acres of banana plantation on one side and there was 0.20 acres of banana plantation on the other side. Our group was told to cut the banana trees on the 0.20 acre plantation. The other group had to cut the banana trees which were on the other side. However they had to leave the plantation before finishing cutting the trees as when they went to cut the trees a conflict broke out between them and the villagers. While we were cutting the banana trees, the villagers took our photo. My face was clearly visible in the pictures but none of my crew's faces were visible. I looked at them [the villagers and their camera] while they were taking pictures. Thein Zaw Oo and Ko Win Naing had asked us to cut the banana trees but we do not know who ordered them to tell us to cut the banana trees. We are just ordinary workers so we have to do whatever they ask us to do.

**Were there trees that could produce banana fruits?**

No. All of the banana trees were just small, they were young banana trees. However, we were asked to cut all of these banana trees down.

---

Division, see ["Presidential adviser sues 13 farmers for trespassing,"](#) Myanmar Times, September 2<sup>nd</sup>, 2013.

<sup>328</sup> For more information on a similar case with KMAC in Toungoo District, see ["Toungoo Interview: Naw A--", November 2015,"](#)

**Did you have any problems or conflicts with local villagers when you went to cut the banana trees?**

Yeah. We had a conflict with local villagers.



This photo was taken on January 22<sup>nd</sup> 2017 in B--- village, Na Ga Mauk village tract, Htantabin Township, Toungoo District after the interviewee was interviewed by a KHRG researcher. His name is U A---. He is 30 years old, a labourer for Kaung Myanmar Aung Company. He told a KHRG researcher about his experiences and how Kaung Myanmar Aung Company's workers were asked to cut villagers' banana plantations. [Photo- KHRG]

**What conflict?**

We were ordered by Thein Zaw Oo and Ko Win Naing to cut the banana trees so we went to cut the trees. While we were cutting the banana trees, the banana plantation owner fired her sling shot at us. We stopped cutting [the plants] and ran away. The other villagers were waiting for us at the other side [of the plantation] and they were holding knives. We are just ordinary workers. We do not want to make any conflict with local villagers because we are also the children of the local villagers. However, Thein Zaw Oo and Ko Win Naing ordered us to continue to cut the banana trees. We told them that we do not want to do it anymore. Then they [managers] told us to wait until their leader came. Their leader is U<sup>329</sup> Soe Paing, who is in charge of security. He [U Soe Paing] phoned the senior leader of the company [to ask for instructions]. Then our group had to leave [because of the conflict] but the other staff continued to cut the banana trees [on the other half of the plantation].

**Who was ordered to continue to cut the banana trees? The staff from KMAC?**

Yes.

**So how many people [ordered to cut banana trees] were there?**

There were 21 people but three other company staff came to cut the banana trees too. So the total was 24 people.

**How long did it take to cut the banana trees in the plantation?**

It did not take a long time because the banana trees are very small so it was easy for us to cut each banana tree [by ourselves]

**Did the company give compensation to the villager [plantation owner]?**

No. They did not give compensation to the villager [plantation owner]. That is why the banana plantation owner tried to stop us [from cutting down the plantation].

**Can you tell me, to the best of your knowledge, what does the company plan to do after**

<sup>329</sup>U is a Burmese title used for elder men, used before their name.

**the banana trees have been cut?**

The company plans to make a teak plantation on the old banana plantation. I heard that the company already returned some of the banana plantation to Daw C---. However, the banana plantation owner said, *"if the company continues to confiscate my land I will protect my plantation with my life. This plantation will be the legacy of my children"*. She provided a lot of detailed information about this case. At that time we decided not to cut the banana trees and we wanted to go back [to our village]. Yet, they [KMAC employees] told us to wait until their leader came. When their leader came, he [their leader] phoned the senior leader of the company to make a decision. Then we moved back to our village. We have admitted that we have cut the banana trees.

**How did the leaders [of the company] solve the problem?**

The leader just talked to the senior leader of the company over the phone. The senior leader of the company ordered him to move away from the plantation. That is why we moved back. However, we were asked to go to cut the banana trees again but we did not have a chance to do so as when we went there villagers were waiting there to stop us so again we returned. Yet another time, we were ordered to go to and cut banana trees. There were 34 villagers at that time.

**When the company went to confiscate her land, did the conflict occur between the company and her?**

I do not know much about how many times the conflict happened between the company and her. Yet, twice when we went to go to cut banana trees, conflict occurred. We went there two times but we had to back away every time. First time we were ordered to cut the banana trees and we were shot at by sling shots. Then we moved back. The second time we were asked to go to cut the banana trees and we were shot at by sling shots and again and we moved back. After that, we did not go there anymore.



On 26<sup>th</sup> October 2016, Kaung Myanmar Aung Company staff cut down the local villagers' banana trees in Na Ga Mauk village tract, Htantabin Township, Toungoo District. Villagers are facing livelihood difficulties regarding the loss of this plantation. [Photo- KHRG]

**Who ordered the 34 villagers to go and cut the banana trees?**

I am not sure. I think the senior leader of the company. There were eight people in our group who went to cut banana trees. There are many different groups [who work for Kaung Myanmar Aung Company]. We all live in the Phylene Pyaw camp [KMAC staff camp] near B--- village. There are just 13 people in our group in total. The number of workers from D--- village is more than in our group. Eight people from our group went to cut banana trees. There are many other groups [working from KMAC] so I do not know all of their names. They are from many different villages. I just know two people from E--- village. When we went there, villagers were waiting to stop us. Then we came back.

**What did the company tell you to do if local villagers resisted?**

The company said that we should not use a slingshot. If we were to use it against villagers, it will be a mistake. According to the conversation we had over the phone, we were not supposed to hurt villagers. That was what I heard. When one of the villagers came to take our picture, I was cutting the banana trees. Then she took a picture and she ran away. Again she came back to take pictures and I accidentally looked at the camera. My face was captured. As a result there are many pictures of my face in the camera.

**Did the company sue villagers?**

I do not know about that because we are just ordinary workers and we were asked to cut the banana trees. I just knew that villagers reported it to the local court but I did not know that the company (KMAC) sued the villagers. Nobody informed us about what happened. The place where we live is far away from the company's headquarters.

**So the villagers sued the company,<sup>330</sup> right?**

Yes. The villagers sued the company but we do not know much about the situation because they are the senior leaders of the company and we are just ordinary workers. We just have to do whatever they ask us to do. We just have to go wherever they ask us to go. They do whatever they want to do, so we do not know much about their plans.

**You were asked to go to cut the villager's [Daw C---'s] banana plantation. Where does the banana plantation owner now live?**

I think Daw C--- lives in Doh Saung village tract. However, currently she just lives in her banana plantation area.

**How many years have you been working at the company?**

I started to work at the company on May 6<sup>th</sup> last year. So I have been working at the company for more than one year.

**As you have been working at the company, can you share your experiences about what you have done? For example, you were asked to go to cut villager's banana plantation, what about other plantations? Have you ever been asked to go to cut other trees in other villagers' plantations?**

Yes. We have been asked to go to cut the trees in A'wal area [in Htantabin Township].

**What kinds of plantations have been planted in A'wal area?**

The company confiscated land in the A'wal area and planted a teak plantation on the confiscated land. We used to clear bushes [remove weeds and unwanted plants] from that plantation. There were many workers at that site. The company did not usually call our group. If conflict happens, they would call our group to come. Our group is based in three different areas such as field number #12,<sup>331</sup> field number #13 and field number #14. If they need more people when the conflict happens, they come to call our group to solve the problem. They sometimes order us to use knives if necessary.

**What does your work mainly entail?**

We usually remove bushes from the plantation. In the rainy season, they ask us to plant teak

<sup>330</sup> While the researcher stated that they sued the company it is believed they in fact submitted a complaint to the village head.

<sup>331</sup> These field notes are used by villagers to demarcate different plots of land.

plants for a plantation. That is all we have to do. There is a person called U F--- in our village. His coffee plantation was confiscated by the company. He does not have any more plots of land to work on. Then he destroyed the [company's] bean plantation [in retaliation] and planted eggplant on the land. Then Saw Lut Say or [also known as] Ko Nga, who is in charge of the company worker group, asked us to arrest U F---. However we did not want to arrest him because U F--- is our villager. I told Saw Lut Say, *"I cannot arrest him. If you want me to stop working, it is fine."* He [Saw Lut Say] said these bean plants have been growing for three years. So U F--- had to pay 10,000,000<sup>332</sup> kyat [US \$7324.20] as compensation. However, U F--- could not afford to pay what he [Saw Lut Say] demanded. U F--- said, *"Fine. Come to arrest me if you dare"*. Actually he just wanted to discuss the problem face to face with the person who is in charge of the company worker group.

**Did anyone go to arrest U F---?**

It was not appropriate to arrest him at that time because that was the time of harvest for bean plantations [and he would lose his crop]. That was the time to get money [from the harvest]. Another reason is that he is one of our villagers.

**Did you go to arrest him?**

I did not go to arrest him. I could not do it. [I told the company leaders] do not ask me to do it. Just ask other workers to arrest him.

**Was the bean plantation completely destroyed?**

Not at all. The company went to negotiate with U F--- so that the bean plantation would not be destroyed next time. U F--- was angry. Think about it. He does not have any plot of land to work on because the company confiscated all of his lands. That is why he cut the companies teak plantation and he planted an eggplant plantation on the teak plantation. At that time about 300 teak trees were cut. Again the company asked their workers to go to cut down the eggplant plantation. U F--- told the company workers, *"Cut them all if you want to"*. U Than Tun and U Ba Thar had to replant teak plantation after the eggplant plantation was cut. The company asked U F--- to replant the teak plantation but he cannot do it because he owns this land [he refused to do it]. He has worked on this land for a long time since he was young.

**So this land is his inheritance, right?**

Yes. This land is his inheritance. He worked on this land when I was a little boy.

**Then the company confiscated his land?**

Yes. The company confiscated his land and they made a teak plantation on his land so he does not have any land to cultivate. That is why he cut down the teak plantation. The company wanted to arrest him. He said, *"Come to arrest me if you dare"*. Actually he just wants to fight the person who is in charge of the company worker group. He does not care much about other workers. Needless to say, U F--- is a person who does not easily give up. He is tough.

**So how was the problem solved?**

Ko Nga asked U Than Tun, U Ba Thauung and Ko Ye Min to go and destroy the eggplant plantation in front of me. He asked those three people to tell U F--- on behalf of him, *"He can fight me if he sees me on the street. He can also cut me with a knife. Anytime and anywhere"*. Ko Nga challenged U F--- to fight him. However, I did not tell U F--- about Ko Nga's words.

<sup>332</sup> All conversion estimates for the kyat in this report are based on the August 18 2017 official market rate of 1,361 kyat to US \$1.

**Who challenged U F---?**

The officer in charge of the company challenged U F--- to fight him.

**What is the name of the officer in charge of the company?**

His name is Saw Lut Say or Ko Nga. He is of mixed Chin-Karen ethnicity. He is a Christian. He is just a small guy and he wanted to challenge U F---. However, U Than Tun did not go to cut the eggplant plantation although he was asked to. For U F---, it seemed that he was waiting for the challenge and he said it is better if that guy [Saw Lut Say] comes to see me.

**If you do not do what the company ask you to do will the company cut your salary?**

I will tell you about that. If you do not do what they ask you to do you will be fired. As for me, I am not a permanent worker. I am just a daily worker. They [company] can hire me or fire me [at will]. It depends on them.

**Are there any workers who were fired because they did not follow what the company asks them to do?**

Yes. There are a lot of workers who were fired. I cannot count how many people.

**Where does U F--- live?**

He lives in our village. Our village is B--- village, Na Ga Maut village tract.

**Can you tell me about what you experienced as a worker?**

Yes. I can tell you. They [the company] asked us to read the four principals of royalty in the morning [principles of the company]. Before we read them out, we have to salute to the Myanmar national flag. Some of the principles of royalty are: *"We have to follow the orders and do our duty"*. The second one is *"We have to be loyal to the Kaung Myanmar Aung Company"*. The company makes us act like a soldier and do drills.

**What are the other two principals of the royalty?**

I have forgotten it because I have not read it for months. I will try to tell you everything I remember because I am going to leave this job soon.

**When did you have to go to work in the morning?**

We have to go to work at 7 am.

**When did you stop working in the evening?**

We do not have a fixed schedule for that. Sometimes we stop working at 2 pm. We were once asked to cut the trees in the forest. One person was asked to cut trees in a wide plot of land. The forest is very wide and it is not easy to finish cutting trees in this plot of land. It [the working situation] is comfortable for staff who work closely [and have relations with] with the company. It is very hard for workers who work far from the company like us. We have to replace our machetes two or three times per month. People who are used to cutting trees in the jungle know about this. It is not easy for even me to finish cutting trees in such a wide plot of land.

**Who gives you your machete?**

We have to buy our own machete knives. The company provided us machete knives just one time after [we had worked for] four or five months. I have worked for the company for 17 months but the company has only given me machete knives twice.

**How much money do the company give you per month?**

I got 120,000 kyat [US \$88] from the company per month but since last month I have started to get 140,000 [US \$103] kyat. However, new workers only get 90,000 kyat [US \$66] per month.

**What about food cost? Do the company provide you food cost?**

No. We do not receive money for food. We have to bring our own food when we go to work. We have to pack rice that we cook at our house and we have to bring it when we come to work. Every Sunday is a day off. If we are absent from our work for one day, we do not get a daily wage that day.

**When the conflict happened between the company and villagers, did they solve the problem in court?**

I heard that other people went to court but I have never gone to the court.

**I mean when the company sued villagers, did they have to go and settle the case in court? If so, how did they settle the case? What did you hear from senior leaders of the company? Can you tell me?**

The conflict happened between villagers and senior leaders of the company but I am not sure whether they went to settle the case in court or not.

**When the conflict happened, how did they settle the case? Did they settle the case in an informal meeting? Did they negotiate with each other?**

I have never heard that they settled the case in the informal meeting.

**So did they go to settle the case in court?**

Yes. I used to hear that the company sued villagers and they had to go to the court. I just heard about it but I have never been in a court. However, I heard that Saw Lut Say did not want anyone [workers] to tell the truth. If someone tells the truth, they will be fired.

**What did Saw Lut Say want the workers to say? For example, what do the company staff have to say if they are in court?**

Saw Lut Say has not told the workers that. I just heard it from other workers. However [if I was in court] I would tell the truth. Even if they fire me, it is fine because I am not a person who cannot survive if I do not work for this company. I can survive if I do other work. I want to tell the truth no matter what.

**So have senior leaders of the company asked you to speak in court?**

No. They have not asked us to yet. However, we already know what they will ask us to say.

**So what will they ask you to say?**

I think they will ask us to say what he [Saw Lut Say] wants us to say.

**Did he already tell you what to say?**

No. He has not told us what to say but we heard it from one of his junior staff. According to one of the junior staff, he will tell lies in court. He will say that he did not order the workers to cut the trees and say that they just did it themselves [without instruction]. We heard like that. However, we do not agree with it [his statement].

**So he means [would say in court] the company did not go to ask you to cut the trees. You just went to cut villagers' trees by yourself. Is it right?**

Yes. It is like that. He wants to tell lies. This is not [the truth]. We went to cut the trees because we were ordered by the company to do it. If the company did not order us to cut the trees, how

would we dare to cut the trees? We only did it because of their order.

**Who said that [that Saw Lut Say would lie in court]?**

I do not know their names. There are many workers in D--- village. I think it was one of the company's staff. There are more than 50 workers in D--- village. There are 23 workers in our village. Some of our workers also have to look after the company's cows. There is a sign in the plantation. It says "Do not sell the company's cows and do not look after your cows in this area". Yet there are more than 60 cows in their plantation. Three workers have to look after their cows.

**OK. Do you have other things to say?**

No.

**Do you allow KHRG to use and share your information?**

Yes. I give permission to KHRG. I just told the truth. I did not lie about anything.

**Can I take a picture of you?**

Yes.

**Thank you so much for your answer.**

Yes.

**Source #72**

Log #	17-62-A1-I1
Type of report	Interview
Publishing Information	Previously published in September 2017: <a href="http://khr.org/2017/09/17-62-a1-i1/mergui-tavoy-interview-saw-february-2017">http://khr.org/2017/09/17-62-a1-i1/mergui-tavoy-interview-saw-february-2017</a>
Location	Ta Naw Th'Ree Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	

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

*This interview with Saw A--- describes events occurring in Ta Naw Th'Ree Township, Mergui-Tavoy District related to an ongoing issue of large-scale land confiscation.*

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

*cooperate on the investigation of this case so they will get their land returned to them. Villagers want their land back, because most of them are poor and some of them do not have land to build their house upon.*

**Interview | Saw A--- (male, 35), C--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District (February 2017)**

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Mergui-Tavoy District on February 6<sup>th</sup> 2017 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>333</sup> This interview was received along with other information from Mergui-Tavoy District, including, one situation update and 45 photographs.<sup>334</sup>*

**Ethnicity:** Karen  
**Religion:** Christian  
**Marital Status:** Married  
**Occupation:** Farmer  
**Position:** Villager

**Good morning Kyaw<sup>335</sup>?**

Good morning.

**How are you?**

I am good.

**Which village do you live in?**

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

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

There are around 100 households.

**Are the households Karen or Bamar<sup>336</sup> households?**

<sup>333</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>334</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.

<sup>335</sup> Kyaw is a Karen term which roughly translates as older brother although it does not indicate a direct familial relationship.

There are some Karen and some Bamar households.

**What is the religion of the villagers?**

The villagers are Buddhist, Christian Baptist and Anglican.

**I heard the [CKB] company<sup>337</sup> confiscated villagers' land in C--- village and then they established a palm oil plantation. Is it true?**

Yes, it is.

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

They started this project [confiscating villagers' land and planting palm oil] in 2003. [Since 2003], we have not had land to farm for our livelihood. I reported the case to [local authorities] in order to get my land back from them, but they did not return the land to us [villagers]. There were my cashew trees on the land [that they confiscated from me]. They said my cashew plantation was full of vegetation [had completely overgrown] so they confiscated it. Yet my cashew plantation was full of vegetation because I had spent around 3 years forcefully relocated at Hter Mo Kaung [area] and then we had to move to Ta Kay [therefore could not look after the plantation]. They confiscated my land when they saw that my plantation was full of vegetation and said this land is not owned by anyone.<sup>338</sup>

<sup>336</sup> The majority ethnic group in Myanmar, also known as ethnic Burmese or Burman.

<sup>337</sup> It is unclear exactly what CKB stands for, and the company is known locally only by these initials. CKB Company states on its website that it has 20,000 acres of palm oil plantation and an additional 3,500 acres for further planting in Mergui-Tavoy District. According to additional research, it is under [Green Dragon Myanmar Company](#). For more information on CKB company see previous KHRG report, see "[Mergui-Tavoy Situation Update: Ta Naw Th'Ree Township, 2017](#)", July 2017.

<sup>338</sup> According to The Vacant, Fallow and Virgin Lands Management Law 2012, the Central Committee, formed by the President, has management authority over lands classified as "vacant, fallow, and virgin" for the purpose of economic development of the State. Art. 2(e) Vacant Land, Fallow Land, means the land on which agriculture or livestock breeding business can be carried out and which was tenanted in the past and abandoned for various reasons and without any tenant cultivating on it and the lands which are specifically reserved by the State. As development has increased in southeast Burma/Myanmar since the signing of the government-KNU ceasefire in January 2012, KHRG has received an increasing number of complaints in which villagers' lands were classified as "uncultivated land" and were confiscated. For KHRG documentation, see "[With only our voices, what can we do?': Land confiscation and local response in southeast Myanmar](#)," KHRG, June 2015, as well as, "[Losing Ground: Land conflicts and collective action in eastern Myanmar](#)," KHRG, March 2013. For summary and analysis of the legal and policy framework relating to land management in Burma/Myanmar, see: [Legal Review of Recently Enacted Farmland Law and Vacant Fallow and Virgin Lands Management Law](#), Food Security Group - Land Core Group, November 2012. According to Displacement Solutions, "[The Vacant, Fallow and Virgin Act \(2012\) adopted at the same time as the Farmland Law, allows leases of State land vaguely classified as 'vacant, fallow or virgin' for 30 year periods. It sets an allocation limit of 5000 acres at any one time, with a total maximum amount of 50,000 acres for any single person or entity. Both nationals of Myanmar and foreign entities can lease land under this law subject to a two-step process involving approvals from the Myanmar Investment Commission and then the Land Allotment Commission. Some have claimed that 50% of the land in the country could be classified as technically 'fallow', which, if correct, provides an indication that large-scale displacement and land disputes may occur as the new law is implemented.](#)" "Land Acquisition Law and Practice in Myanmar," Displacement Solutions, May 2015.



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

**What [fruit] trees are on your confiscated land?**

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

**How many acres of land did they confiscate?**

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

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

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



<p><b>How many people in total?</b></p> <p>There are 27 people and the land is 325 acres.</p>	<p>This photo was taken on April 6<sup>th</sup> 2017 by community member in Ta Naw Th'Ree Township, Mergui-Tavoy District. It shows villagers whose land was confiscated by CKB Company waiting for leaders [Burma/Myanmar government officials] to come to measure the confiscated land. <i>[Photo: KHRG]</i></p>
<p><b>What trees had been planted on the land before it was confiscated? What had they planted on their lands?</b></p> <p>Mostly, they planted cashew trees, but some people, like Pa Dtee<sup>339</sup> G---, planted betel nut trees on his land.</p>	
<p><b>Did they [company staff] hold a consultation meeting and make an agreement with the villagers or the village head?</b></p> <p>I don't know if they met with the village head or not, but I know that they did not inform any of the villagers about the project.</p>	
<p><b>How did they start their project?</b></p> <p>They just brought their [palm oil] plants with them and started planting them on the villagers' land.</p>	
<p><b>Do the villagers' whose land was confiscated [by the company] have their land title?<sup>340</sup></b></p> <p>Some villagers have their Burma/Myanmar government land title, but some people lost theirs when they fled [during conflict] and some of their land titles were burned in a fire. Some people would like to get the Burmese [Burma/Myanmar government] land title, but they have not received them yet. I have also tried to get the land title, but I haven't got it yet.</p>	
<p><b>After they [company] confiscated land, what has the situation been like?</b></p> <p>The [company's] palm oil trees have not grown yet so we [all land owners] reported this [confiscation] case [to the local authority] in order to get our land back.</p>	
<p><b>I heard both the KNU and the Burma/Myanmar government will come to measure the land for the villagers. Have you been able to access any information about this?</b></p> <p>Previously I did not know how many acres of land I had in the past, later on we [villagers] requested our [KNU] leaders to measure our land for us and then we knew how many acres of our land we had. We reported the land confiscation case to the Burmese [Burma/Myanmar government] and they said they will come to investigate the case for us, but they haven't investigated it yet. They came here [once] and then they went back. They said they would come again on April 6<sup>th</sup> [2017] and measure the confiscated land.</p>	
<p><b>If you do not get your land back, how do want this case to be investigated [by either the</b></p>	

<sup>339</sup> *Pa Dtee* or *Dtee* is a familiar term of respect in S'gaw Karen attributed to an older man that translates to "uncle," but it does not necessarily signify any actual familial relationship.

<sup>340</sup> This refers to a legal document demonstrating the right of ownership over a piece of land.

**GNU or the Burma/Myanmar government]? Or do you want the company to give you compensation money?**

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

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

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

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

The first time they came here, the leader of the company who confiscated the land is U<sup>341</sup> Sa Win, we also called him Kala Gyi, and he asked for our land title. I [and some other villagers] do not have a land title yet because although we applied for it [from the Burma/Myanmar government] we haven't got it yet. Therefore, they decided that the land is no longer villagers' land.

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

[At that time] the person who managed the company manager was U Sa Win [also known as] Kala Gyi, as I mentioned above. The current company manager is Daw<sup>342</sup> Khin Aye Myint. The company assistant is Ko Myo. He is a person who works for the [CKB] Company and he is responsible for managing the employees of the [CKB] Company. The company owner is U Bo Sein, but I never have seen him coming to our area. I heard] that he lives in Way T'Koo [Yangon], but I don't know which part of Way T'Koo he lives in.

**What is the company name?**

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

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

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

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

I want to get my land back, and then I will be able to work on my plantations for my livelihood. I

<sup>341</sup> U is a Burmese title used for elder men, used before their name.

<sup>342</sup> Daw is a Burmese female honorific title used before a person's name.

want the leaders [authority people] to investigate this case and solve the problem so I will get my land back. This is what I want.

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

Most of the people in this area are poor. If I do not get my land back, I do not have [other] land to work on and I cannot work on other people's farms as a daily labourer because they are all located very far from us [villagers]. I would like to request the KNU and the Burma/Myanmar government to work together and investigate this case so we will get our land back. I just want my land back and to be able to work for my family's livelihood.

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

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

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

Even if they give us money as there is no land [for sale] we won't [be able to] get other land. The current land price per acre is 50,000 kyat [US \$36.7].<sup>343</sup> Therefore, we just want our land back.

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

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

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

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

**Do the cashew trees produce fruit yet?**

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

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

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

<sup>343</sup> All conversion estimates for the kyat in this report are based on the September 19th 2017 official market rate of 1,360 kyat to US \$1.

**Can I go to take the picture?**

Yes, you can.

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

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

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

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

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

Yes, you can.

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

Good morning.

#### Source #73

Log #	17-62-S1
Type of report	Situation Update
Publishing Information	Previously published in July 2017: <a href="http://khrhg.org/2017/07/17-62-s1/mergui-tavoy-situation-update-ta-naw-three-township-2017">http://khrhg.org/2017/07/17-62-s1/mergui-tavoy-situation-update-ta-naw-three-township-2017</a>
Location	Ta Naw Th'Ree Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	

### Mergui-Tavoy Situation Update: Ta Naw Th'Ree Township, 2017

*This Situation Update describes events occurring in Ta Naw Th'Ree Township, Mergui-Tavoy District in the early months of 2017, including land confiscation, villager situation, villager livelihood, education, healthcare, road construction, communication and travel.*

- 325 acres of A--- villagers' lands have been confiscated by the CKB Company in Ta Kel area, Ta Naw Th'Ree Township since 2002. The villagers were not consulted regarding these cases of land confiscation. Therefore, affected land owners reported it to the Myanmar forestry department in order receive help. However, they have not received any reply.
- A road construction project was conducted by an organisation/group in B--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District. Villagers' plantation and garden were damaged due to the road construction. Therefore it impacted upon the villagers' livelihood.

### Situation Update | Ta Naw Th'Ree Township, Mergui-Tavoy District (2017)

*The following Situation Update was received by KHRG in June 2017. It was written by a community member in Mergui-Tavoy District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security<sup>344</sup>. This report was received along with other information from Mergui-Tavoy District, including one interview and 45 photographs<sup>345</sup>.*

#### **Villagers' situation**

The majority of the people from villages in Ta Naw Th'Ree Township are Karen people. Nevertheless, there are a few villages where Burmese people and Karen people live together. There are not only Karen villages, Burmese villages and Muslim villages in [Ta Naw Th'Ree] Township but also villages containing Salon people,<sup>346</sup> who live on islands and alongside the sea. There are many religions present such as Baptist, Roman Catholic, Buddhism, Muslim and Hindu [in Ta Naw Th'Ree Township].

#### **Villagers' livelihood**

Most of the people in Ta Naw Th'Ree Township earn a living by farming [both on the plains and hills]. Some villagers transport their animals to Thailand in order to sell them. There are some villagers who work in the morning and eat in the evening [live and work hand to mouth]. There are some people who earn a living by hunting and logging in the jungle, especially Burmese and Muslim villagers. The Karen people who live on the bay find their food in the sea, specifically, they go fishing on a boat.

#### **Education**

Regarding the situation of education in the rural area of Ta Naw Th'Ree Township, there is one middle school in Ta Kel area, one school in Plaw Thaw village, one primary school in Paw Mu Ghar village, one middle school in Kit village, one middle school in Meh Wah village and one middle school in Thoo Lay Plaw village. These schools are situated in the Karen National Union (KNU) controlled area. Karen language is taught in these schools but it is not taught for the whole day. It is only taught for one period [one hour] per day. There are Burmese teachers and also Karen teachers. The person who is in charge of the [local] Karen Education and Culture Department is P'doh<sup>347</sup> Saw<sup>348</sup> Sel Khae who runs Thoo Lay Plaw school. If local students finish their schooling [in rural areas], they have to continue their study in towns. Some students can continue their studies in towns but some students cannot continue their studies because their

<sup>344</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>345</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.

<sup>346</sup> The Moken people, also known as Salon are an Austronesian ethnic group living a semi-nomadic existence on the waters of southern Burma and Thailand. As a group they face growing poverty, marginalisation and discrimination, and many are stateless. There are issues relating to access to medical care, education and employment and recent immigration restrictions have also infringed upon their traditional livelihood.

<sup>347</sup> P'doh is a title meaning 'governor' or 'minister' within the government or military.

<sup>348</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

parents are poor.

#### Healthcare

There are clinics in some Karen villages but there is not enough medicine nor are there enough healthcare workers. If villagers are seriously sick, they have to go to a hospital in town [in order to get medical treatment]. However, the problem is that villagers do not have enough money to pay for the medical fees. Mostly, there are diseases such as anaemia and malaria. Most of the people who suffer from these diseases are mothers who have young babies and elderly people. [The Burma/Myanmar government] provides access to vaccinations in villages one time per month, however, only children can get vaccinated. There is no [free] healthcare service for old people.

Due to health issues, some villagers have to pay a healthcare service fee and medical fee [which they cannot afford] so they have to take out a loan. Therefore, they are in debt. Then, they have to pay back the loan.

#### Land confiscation

A--- villagers in Ta Kel area reported that the CKB Company<sup>349</sup> came to the village together with Tatmadaw soldiers and *Pyithu sit*<sup>350</sup> and they have confiscated 325 acres of villagers' land since 2002. Regarding [these cases of] land confiscation, villagers and the village head report that they have not consulted and that [the CKB Company] forced villagers to leave their houses. They [CKB Company] cut all of the villagers' trees [after they confiscated the land] and they planted a palm oil plantation instead. They are still planting palm oil trees. Villagers reported it [land confiscation case] to the forestry department of the Burma/Myanmar government but they have not received any reply. On April 4<sup>th</sup> 2017 staff from the Land Measurement Department [Myanmar government] came to measure the confiscated land. In 2014 the KNU had also measured the confiscated land.

The owner of the CKB Company is U<sup>351</sup> Bo Sein and he lives in Yangon. However, he did not come to confiscate the land in person but he asked his manager, U Kalar Gyi or U San Win, and the leader of *Pyithu sit*, U Htay Oo [to confiscate the villagers' lands]. Villagers really want their ancestral land back to use for their livelihood and the new generation. Villagers will be satisfied if they get 50,000 kyat<sup>352</sup> [US\$36.64] per acre as compensation. However, villagers really want their legacy [ancestral land].

<sup>349</sup> CKB Company states on its website that it has 20,000 acres of palm oil plantation and an additional 3,500 acres for further planting in Mergui-Tavoy District. According to additional research, it is under Green Dragon Myanmar Company. See <https://www.greenmyanmardragon.com/about1-c221j>

<sup>350</sup> *Pyithu sit* translates to 'people's militia,' which is a militia structure into which local civilians are conscripted to serve in village or town militia groups. For further reading on the *pyithu sit*, see "[Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labor in Toungoo District](#)," KHRG, September 2004.

<sup>351</sup> U is a Burmese title used for elder men, used before their name.

<sup>352</sup> All conversion estimates for the kyat in this report are based on the July 18 2017 official market rate of 1366 kyat to US \$1.



The photo was taken on April 16<sup>th</sup> 2017 in A-- village, in Ta Kel area, Ta Naw Th'Ree Township. It shows some of the villagers whose lands were confiscated by the CKB Company. The CKB Company planted palm oil plantations on the confiscated lands. Therefore, villagers gathered and went to check and ask about the situation from the CKB Company. Also, the Myanmar government's authority that is in charge of forestry of department came to check the situation and measure the land. [Photo-KHRG]

### Road construction

A community development [group/company]<sup>353</sup> came to conduct road construction in B--- village. The road construction destroyed Saw C---'s garden including rubber trees, cashew nut trees, betel nut trees and other trees. The community development [group/company] did not consult with local villagers when they came to conduct the road construction. They said that they got permission from the Burma/Myanmar government to conduct road construction [although] this place is reserved forest.

The issue that villagers now face is that their lands have been covered in gravel [due to the road construction]. During the road construction, stones were thrown into the villagers' rubber plantations which damaged the plantations. Therefore, villagers cannot tap rubber trees to make the rubber [as the rubber trees have been damaged]. In addition, mud from the road flows into the river near the village during the rainy season. Thus, villagers cannot drink the water from the river anymore and they are only able to use rain water [for drinking]. There are about [censored] houses in B--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District. The village head of B--- village is Saw D---.

### Communication and travel

The communication system has improved in rural areas and now villagers can contact each other via phones. The travel system has also improved because villagers can use motorbikes and cars in order to travel [in rural areas]. However, the [condition of the] roads are not good in every village. The roads in towns are constructed to a better [quality] than before.

### Ta Naw Th'Ree Township situation

Ta Naw Th'Ree Township is located in the southern part of Mergui-Tavoy District. The [Ta Naw Th'Ree] Township's office [KNU] is built in E--- village and established in 2012 after the preliminary ceasefire was signed. The Township leader is P'doh Saw Nya Wah. The secretary of the Township is P'doh Saw Htee Wah. The vice secretary of the Township is P'doh Saw Baw Nay who also works for the forestry department.

### Conclusion

This report is about the overall situation in Ta Naw Th'Ree Township and the information was collected in 2017.

<sup>353</sup> More information is currently unavailable. KHRG is currently is undergoing a process of clarification however it is highly likely in this context the term community development term to a company.

**Source #74**

Log #	17-63-S1
Type of report	Situation Update
Publishing Information	Previously published in November 2017: <a href="http://khrh.org/2017/11/17-63-s1/thaton-situation-update-bilin-township-march-may-2017">http://khrh.org/2017/11/17-63-s1/thaton-situation-update-bilin-township-march-may-2017</a>
Location	Bilin Township, Thaton District/northern Mon State
Full Text	

## Thaton Situation Update: Bilin Township, March to May 2017

*This Situation Update describes events occurring in Bilin Township, Thaton District during the period between March and May 2017, including healthcare, education, development projects and armed group activities.*

- Non-governmental organisations, the Burma/Myanmar government and the Karen National Union (KNU) provided healthcare services such as clinics in Kwee Lay village, Ta Au Ni village and Hpaw Gee Hkee village for the prevention of malaria, vaccination, TB testing and prenatal care.
- Educational challenges in Bilin Township include inappropriate and extended absences by Burma/Myanmar government teachers and the Burma/Myanmar government school's refusal to recognise the legitimacy of KNU schools, religious schools, and self-funded schools.
- A low-cost housing project for refugee returnees was planned in A--- village and B--- village, Bilin Township, Thaton District; consequently, additional illegal logging happened in Toe Teh Hkee and Ta Au Hkee forests when the KNU government allowed for some logging in order for building these houses.

### Situation Update | Bilin Township, Thaton District (March to May 2017)

*The following Situation Update was received by KHRG in June 2017. It was written by a community member in Thaton District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>354</sup>*

#### Situation Update

This Situation Update describes events occurring in Bilin Township, Thaton District during the period between March and May 2017, including healthcare, education, development projects and armed group activities.

#### Healthcare

[Between March and May], local people in Bilin Township, Doo Tha Htoo [Thaton] District suffered from headache, neck pain, dizziness, fever, diarrhoea, runny nose, and mild malaria. Karen National Union [KNU] health workers tried to deliver healthcare services to as many civilians as they could. Healthcare services provided by non-governmental organisations [NGOs], the Burma/Myanmar government and the KNU health department include vaccination programmes, anti-malaria programmes, Tuberculosis (TB) testing and prenatal care. The KNU has built clinics in several different areas such as Kwee Lay village, Noh Ber Baw village tract,

<sup>354</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

Ta Au Ni village, Ta Au Hkee village tract, Bilin Township and Hpaw Gee Hkee village, Meh Naw Ther village tract, Bilin Township. A KNU hospital was established in Toe Teh Hkee village, Htee Maw Hkee village tract, Bilin Township. Although construction for Burma/Myanmar government hospitals has been completed, no health workers have started working there yet.

### Education

There are various types of schools in Bilin Township: Burma/Myanmar government schools, KNU government schools, religious schools, and local [self-funded] schools. There is one high school named Kwee Lay High School located in Kwee Lay village, Noh Ber Baw village tract and one post-ten school<sup>355</sup> located in Htee Lay Hkaw village, Lay Kay village tract. The majority of schools [in Bilin Township] are Burma/Myanmar government schools; however, there are also several religious schools and self-funded schools. Several organisations are building and improving school infrastructures including the Nippon Foundation, the Swiss Agency for Development and Cooperation (SDC) and several Community Based Organisations (CBOs). Schools [in Bilin Township] mostly follow the Burma/Myanmar government curriculum and teach the Karen language during school hours. However, Burma/Myanmar government teachers were often inappropriately absent from class. For example, when some teachers said that they had to leave and attend trainings, they did not return for several months. Karen students also faced discrimination in education as well. Students who attended KNU schools, religious schools, and local [self-funded] schools [in the past] had difficulty applying for Burma/Myanmar government schools because those schools [KNU schools, religious schools, and self-funded schools] were not recognised [considered illegitimate] by the Burma/Myanmar government education institutions.

### Development

Although there was no noteworthy road construction between P'Nweh Kla and Lay Kay, the bridges along that route were repaired [between March and May]. In addition, the road from Nat Gyi to P'Yah Raw was widened [between March and May] and there are plans to pave the road with stones next summer. Travelling has become easier [than before] because a few roads have been rebuilt and the quality of those roads has improved. However, safe driving behaviour is not always practiced so car and motorcycle accidents still frequently occur.

Two places were identified as suitable areas to host repatriated refugees: A--- village, Lay Kay village tract and B--- village, Khaw Hpoe Pleh village tract. However, construction of these houses for refugees has not yet finished. To support this low-cost housing project, the KNU provided wood and timber [by allowing logging to be conducted] from the Toe Teh Hkee and Ta Au Hkee forests. During this period in which logging was permitted in these forests, wealthy individuals seized the opportunity to also conduct logging in these areas [Toe The Hkee and Ta Au Hkee forests]. Although the KNU only permitted the logging of up to a maximum of 1,500 tonnes of wood, over 3,000 tonnes of wood were actually logged [by the KNU and by wealthy individuals]. Local villagers did not get an opportunity to log any wood and moreover, did not benefit from the logging that took place. Local villagers were also concerned about their accommodations for the upcoming raining season. District authorities and district leader P'Doh Ko Lay Sein initially banned everyone from selling wood to nearby towns and cities. However, some loggers wanted and attempted to sell the wood that was logged outside the village. Therefore, on April 28<sup>th</sup> 2017, the ban was revoked and wood was allowed to be brought outside [to be sold]. However, on May 15<sup>th</sup> 2017, it started raining heavily and the vehicle road was damaged so the transportation of the wood was stopped.

<sup>355</sup> A post-ten school is an unofficial school for Karen students who have passed the Standard 10 exam. Most post-ten students will transition to universities or work with the KNU/KNLA.

### **Armed Groups Activities**

Karen National Liberation Army [KNLA] Battalion #3, commanded by Saw Dah Nay Htoo, patrolled around Bilin Township. In accordance with the decision of the [Bilin] Township Standing Committee Meeting on April 27<sup>th</sup> 2017, Battalion #3 relocated to Kyaikto Township. Then, the Karen National Defence Organisation<sup>356</sup> [KNDO] Battalion #2, commanded by Saw Sa Thay, relocated to Bilin Township. In Bilin Township, Border Guard Force<sup>357</sup> [BGF] Battalion #1013 and #1014<sup>358</sup> and Tatmadaw Light Infantry Division<sup>359</sup> [LID] #44 were also active. In addition, on May 1<sup>st</sup> 2017, LID #22 rotated with LID #44.

### **C--- Monastery Situation**

After LID #44 burnt down a monastery, reconstruction of the monastery has begun but has not yet been completed. However, LID #44 has already rotated [with LID #22] and relocated to another place. LID #22 has stated that they will not provide any financial aid or material support [to the monastery] but that they would help by providing additional manpower [to rebuild the burnt monastery].

### **Conclusion**

According to the opinion of this KHRG community member, a significant concern for the local civilians is food because the rainy season is imminent and the price of rice is increasing. Positively, villagers are not worried about potential conflict because the relationship between the KNU and the Burma/Myanmar government remains stable. One new problem for local civilians is that there have been more car and motorcycle accidents occurring recently because the quality of the roads has improved [and this has caused an increase in the risk of accidents because the speed of the vehicles on the roads has increased]. Therefore, KNU authorities need to establish and enforce laws for safely driving vehicles. Drug use is another problem

<sup>356</sup> The Karen National Defence Organisation (KNDO) was formed in 1947 by the Karen National Union and is the precursor to the Karen National Liberation Army (KNLA). Today the KNDO refers to a militia force of local volunteers trained and equipped by the KNLA and incorporated into its battalion and command structure; its members wear uniforms and typically commit to two-year terms of service.

<sup>357</sup> Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw. BGF battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry battalions are assigned two digit battalion numbers and light infantry battalions are identified by two or three-digit battalion numbers. For more information, see "DKBA officially becomes Border Guard Force" Democratic Voice of Burma, August 2010, and "Exploitation and recruitment under the DKBA in Pa'an District," KHRG, June 2009.

<sup>358</sup> KHRG continues to receive reports discussing abuses involving BGF Battalion #1013 and #1014, including:

"BGF Battalion #1014 demands forced labour, asserts heavily militarised presence in villages in Hpapun District, June 2015," KHRG, December 2015; Hpapun Incident Report: Villager killed by Border Guard Force (BGF) Battalion #1013 in Bu Tho Township, March 2015," KHRG, September 2015; "Human rights violations by Border Guard Force (BGF) Battalion #1014 in Bu Tho Township, Hpapun District, May 2012 to March 2014," KHRG, July 2015. Further reports detailing abuses involving these battalions are also available on the KHRG website.

<sup>359</sup> Light Infantry Division (LID) of the Tatmadaw is commanded by a brigadier general, and consists of ten light infantry battalions specially trained in counter-insurgency, jungle warfare, search and destroy operations against ethnic insurgents. They were first incorporated into the Tatmadaw in 1966. LIDs are organised under three Tactical Operations Commands, commanded by a colonel, three battalions each and one reserve, one field artillery battalion, one armoured squadron and other support units. Each division is directly under the command of the Chief of Staff (Army).

because neither the KNU, nor the Burma/Myanmar government nor other armed groups have taken any [substantial] action to resolve this [drug] issue.

#### Source #75

Log #	17-70-S1
Type of report	Situation Update
Publishing Information	Previously published in January 2018: <a href="http://khrgh.org/2018/01/17-70-s1/toungoo-situation-update-thandaunggyi-township-htantabin-township-january-march?page=1">http://khrgh.org/2018/01/17-70-s1/toungoo-situation-update-thandaunggyi-township-htantabin-township-january-march?page=1</a>
Location	Thandaunggyi Township, Toungoo District/northern Kayin State
Full Text	

### **Toungoo Situation Update: Thandaunggyi Township & Htantabin Township, January to March 2017**

*This Situation Update describes events occurring in Thandaunggyi Township, Toungoo District during the period between January and March 2017, including livelihoods, healthcare, education, and development.*

- *Due to unstable weather and a shortage of water in recent years, villagers in Toungoo District have faced significant livelihood challenges.*
- *In KNU controlled areas in Toungoo District, villagers have difficulty accessing healthcare services due to poor transportation conditions. Meanwhile, in Thandaunggyi Town Hospital in the Burma/Myanmar government controlled area, villagers expressed concerns about being prescribed potentially expired medication.*
- *Although the education situation in Toungoo District has improved since the preliminary ceasefire was signed in 2012, many students' access to education is limited by a shortage of teachers and a lack of sufficient middle and high schools.*
- *In 2016, Way Hpone Kyaw Company constructed a road from Leik Tho to Shan Lin Pyin, Thandaunggyi Township, Toungoo District without consulting villagers and causing significant damage to villagers' lands and plantations. No compensation was given for this damage.*

#### **Situation Update | Thandaunggyi Township and Htantabin Township, Toungoo District (January to March 2017)**

*The following Situation Update was received by KHRG in June 2017. It was written by a community member in Toungoo District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>360</sup> This report was received along with other information from Toungoo District, including two interviews, 62 photographs and 1 video clip.<sup>361</sup>*

<sup>360</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>361</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.

This Taw Oo [Toungoo] District situation update describes the period between January and March 2017, including livelihoods, healthcare, education, and development projects.

#### **Livelihoods**

Villagers in Taw Oo [Toungoo] District mostly secure their livelihoods by farming or by working on plantations. People in highland areas mainly work as hill farmers and work on other plantations such as betel nut, durian, mangosteen, cardamom, coffee, and dog fruit<sup>362</sup> plantations. Local people in lowland areas mainly work as plains farmers and work on bean plantations.

Over the last two to three years, the weather has been abnormal and has caused significant damage to villagers' plantations and led to a decrease in the amount of fruits villagers are able to grow from the plantations. As the weather was hot, the water level of the river was low. As a consequence, plantations had a water supply shortage so fewer plants could be grown [and the quality of the plants decreased]. As a result, villagers who secure their livelihoods with agriculture faced many livelihood challenges.

#### **Healthcare**

There are two [different kinds of] areas in Taw Oo District. One of these two areas is under the control of the Burma/Myanmar government and the other area is controlled by the Karen National Union [KNU]. Accordingly, the villagers face different healthcare situations depending on which area they are based in.

Hospitals and clinics are located in big villages or towns such as Kler Lar village, Thandaunggyi Town, and Leik Tho Town in the government controlled area. [In these big villages or towns], there are a lot of health workers, medicine, and [sufficient healthcare] materials. However, some villagers said that they received medicine from Thandaunggyi Hospital which was either out of date or expired. When the villagers asked health workers about when the expiration date of the medicine would be, the health workers responded that the medicine could even be used up to six months [after the patients were given the medicine]. After hearing this answer, many villages suspected the origin of these medications and whether it would actually be safe to use the medication when they became sick. Villagers are very concerned about whether their health will be able to improve if they become sick.

In the area controlled by the KNU, healthcare services are led and supported by the KNU. However, there were some places [hospitals and clinics] that were hard to reach [by transportation] and difficult for villagers to travel to a hospital or clinic because the vehicle roads did not reach the places where they live. However, villagers have started constructing a new road for motorbikes; hence, it has become easier for villagers to travel [to the hospital and clinics]. The most prevalent illness that villagers suffer from, especially children in Taw Oo District, is diarrhoea.

#### **Education**

There are still many weaknesses with the education system in Taw Oo District. There are mainly primary schools [and not many middle or high schools] in the KNU controlled area. Moreover, many students have had their studies interrupted due to a shortage of teachers. However, the education situation has improved since the [preliminary] ceasefire was signed [in 2012]. In 2015, one high school was established in Taw Koo [area], Per Hti area, Htaw Ta Htoo [Htantabin] Township. The school's name is Htoe Lwee Wah High School and teaches from Standard 5 to Standard 10.

In the Myanmar government controlled area, there are many primary, middle, and high schools. There is a high school in Kler Lar village called Kler Lar High School. Students in Standard 10 must take their exams in Sat Thone Maing (13 miles) [area], a high school in P'Leh Wa Town. Since the [preliminary] ceasefire was signed in 2012, the Karen subject has been allowed to be taught. The Karen subject teachers were selected by village heads and school principals.

---

<sup>362</sup> 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.

#### Development

In A *Htoo Day Tha* [special region] area, Daw Hpa Hkoh [Htantabin] Township, Taw Oo District, a road and bridge was constructed as a development project between Leik Tho [Town] and Shan Lin Pyin [village]. The project was conducted by the Way Hpone Kyaw Company<sup>363</sup> and started in 2016 and ended in 2017. Local villagers were not consulted during this project; rather, it was implemented after an agreement between the company manager (Managing Director) and the village heads and administrators. Many of the villagers' plantations and lands were damaged but no compensation was offered to them. Many villagers were unhappy about this project because their losses [in terms of money, land and property] have not been acknowledged.

#### Source #76

Log #	17-71-A5-I1
Type of report	Interview
Publishing Information	Previously published in December 2017: <a href="http://khrgh.org/2017/12/17-71-a5-i1/nyaunglebin-interview-saw-may-2017">http://khrgh.org/2017/12/17-71-a5-i1/nyaunglebin-interview-saw-may-2017</a> Previously unpublished:
Location	Phyu Township [Bago Division], Nyaunglebin District/eastern Bago Region
Full Text	

### Nyaunglebin Interview: Saw A---, May 2017

*This interview with Saw A--- describes events occurring in Phyu Township [Bago Division], Nyaunglebin District in 2017, including land confiscation and violent abuse.*

- Saw A--- stated that pasture land owned by villagers from six villages in K'nyin Tai Gyi village tract, Phyu Township, Nyaunglebin District has been confiscated on an ongoing basis by other villagers since 2011 in order to construct houses and sell the confiscated land for profit. The land confiscators have sold around 70 to 80 acres of the approximately 891 acres total of pasture land confiscated.
- Local villagers have formed a farmer rights protection group and have reported the details of this land confiscation with photographic evidence to several different levels of the Burma/Myanmar government but have not received any responses.
- Saw A--- reports that land confiscators attacked and intimidated villagers who entered the confiscated land to look after their cattle. No response was taken after villagers reported this incident to several different levels of the Burma/Myanmar government.
- Villagers suspect that the authorities such as the Burma/Myanmar government and the Township general administrator collaborated with the land confiscators to confiscate the 891 acres of pasture land.

**Interview | Saw A--- (male, 57), B--- village, Phyu (Bago division) Township, Nyaunglebin District (May 2017)**

<sup>363</sup> KHRG has previously reported on the negative impact of road construction by the Way Hpone Kyaw Company in Thandaunggyi Township, including the construction of a road without prior consultation that damaged villagers' lands and trees and the destruction of a school. Way Hpone Kyaw Company is owned by Bo Kyaw Win and under the control of the Tatmadaw. For more information, please see: "[Toungoo Situation Update: Thandaunggyi Township, November 2016 to January 2017](#)," September 2017, KHRG and "[Toungoo Situation Update: Thandaunggyi Township, March to May 2017](#)," December 2017, KHRG.

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Nyaunglebin District in May 2017 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>364</sup> This interview was received along with other information from Nyaunglebin District, including four other interviews and 17 photographs.<sup>365</sup>*

**Ethnicity:** Karen  
**Religion:** Buddhist  
**Marital Status:** Married  
**Occupation:** N/A  
**Position:** Villager

**What is your name?**  
My name is Saw<sup>366</sup> A---

**How old are you?**  
I am 57 years old.

**Do you have a family?**  
Yes.

**How many children do you have?**  
I have eight children.

**How many daughters and sons do you have?**  
I have four daughters [and four sons].

**What is your religion?**  
I am a Buddhist.

**What is your position in your village?**  
I am just a villager.

**Can you tell me in which township, district and region you live?**  
I live in K'nyin Tai Gyi village tract, Phyu Township, [Nyaunglebin District], Bago Region.

**K'nyin Tai Gyi village tract? What is your village's name?**  
My village's name is B--- village. B--- [village] used to be known as C--- [village]. Local residents

<sup>364</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>365</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.

<sup>366</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

have recently changed the name of the village to D--- [village], which is otherwise known as B--- village.

**Oh, so local residents have changed the name of the village from C--- [village] to B--- [village]?**

The original name of the village is C--- but the local residents have renamed it to B---. Regarding the change of the village's name, people mutually agreed to change the village's name. Actually, the official name of the village is C--- according to the district office. [Similarly,] the name of the Tha Pyay Lar village tract in the district office is now officially listed as Tha Pya Lar village tract. C--- village became B--- village. This is what I want to clarify first. Land disputes have also increased in our area since 2011.

**What is the land dispute about? Which land is being disputed?**

The land owned by the village community [is being disputed].

**Is that pasture land?<sup>367</sup>**

Yes.

**So what is the problem?**

The problem is that some people [land confiscators] are constructing their houses in that [pasture] land area.

**When did the land dispute occur [in your area]?**

It happened since the military government period but most of the land disputes occurred during the Thein Sein government period.<sup>368</sup> Since the Thein Sein government came to power [in 2011], the situation [the pasture land dispute] has become harder and harder to resolve.

**Who owns the pasture land?**

The pasture land is owned by the villages in the area.

**How many villages own this pasture land?**

The [pasture] land is owned by six villages.

**Can you tell me those villages' names?**

There are B--- village, E--- village, F--- village, G--- village, H--- village and I--- village (I--- village is also known as J--- village).

**How many acres are there in the pasture land?**

There are 291 acres [891 acres]<sup>369</sup> in the pasture land according to the land department office but we do not know the actual number of acres. However, I am sure that there are more than 291 acres [in total 891 acres] in this pasture land.

<sup>367</sup> Pasture land is land collectively shared between multiple villages and used primarily for grazing domesticated livestock.

<sup>368</sup> Thein Sein, a former general, served as the President of Myanmar from March 2011 until November 2015. His presidency was the first election in Myanmar in over 20 years. While he led many meaningful reforms, such as freeing political prisoners, relaxing media laws, and starting peace deals with ethnic minority groups, many analysts suggest his appointment was orchestrated by the former military junta, the SPDC.

<sup>369</sup> KHRG has received updated information that the official number of acres included in the pasture land is 891 acres, and not 291, as stated in this interview.

**Are you now involved with this land dispute? I mean, are you trying to get this land back?**

Yes. We [villagers] are trying to get back our land together.

**How many people are trying to get back the land?**

There are many people from every village [six villages] who are trying to get back the [pasture] land. Most of the village heads are acquiescent in this pasture land confiscation case [not taking action to resolve the land dispute], so local villagers are unwilling to take action without the village heads' involvement. Otherwise, villagers would more strongly oppose this land confiscation case. No one wants to allow this land confiscation to succeed. Moreover, there are many streams in our village tract [in the pasture land]. Our local streams have been damaged due to the land grab [due to construction by land confiscators on the pasture land].

**Who is taking a leading role to reclaim this land?**

There are many people who are now taking leading roles to get back the land. We are working together to get back the land.

**What about U<sup>370</sup> K---?<sup>371</sup>**

Yes. He is involved.

**What is U K---'s position?**

He is a member of the farmer rights protection group.

**Was all of the pasture land confiscated?**

Yes. Almost all of the pasture land was confiscated.

**Who confiscated the [pasture] land?**

Some villagers from this village and other people from other villages confiscated the [pasture] land.

**Can you tell me their names?**

Yes. I can tell you their names. Some people sold the [pasture] land. Some people confiscated the [pasture] land and constructed their houses on the confiscated land. Some people confiscated the pasture land as they wanted to work on this land. U Htee Moo, U Thein Sein and U Win Aung [other villagers who confiscated the pasture land] are among the people who confiscated the [pasture] land. There are many people who confiscated the [pasture] land. It is impossible to call out all of their names.

**How did they confiscate this pasture land? What support did they have when they took the land?**

We do not know what support they have but we can better understand the situation if we consider the role of our village heads. This pasture land is owned by the village community so our village heads should be responsible for protecting this community land [pasture land]. However, our village heads are not currently taking any responsibility to protect the community land [pasture land]. Therefore, we villagers must take a stand to protect our community land [pasture land]. We have evidence [of land confiscation]. We took photographic evidence to show others. We also reported it many times.

<sup>370</sup> U is a Burmese title used for elder men, used before their name.

<sup>371</sup> A KHRG community member interviewed U K--- in a separate, currently unpublished interview.

**Did you submit it [land confiscation case] to the [government] office?**

Yes.

**When did you report it [land confiscation case]?**

We started to report it since 2011.

**Who did you report it to?**

We reported it to the Phyu [Township] general administration office, the Township administration department and the land record department.

**Did they help you?**

No. They did not take any action to resolve this land confiscation issue. That is why the land confiscation issue is still ongoing.

**Did you report it to the administration office at the division level?**

Yes. We reported it to the general administration office at the division level and at the district level. Indeed, we reported it to the district administrator and division administrator twice but we did not receive an appropriate reply from them. They just told us that they had already come to investigate what we reported and that they would report it to the upper administration office.

**Regarding the community land [pasture land] confiscation, has it become a big problem for villagers?**

Yes. It has become a big problem for villagers.

**Can you tell me what problems they faced?**

Villagers cannot look after their cows and buffalos in that community [pasture] land. Also, the villagers cannot enter this [pasture] land. Since 2011, some people came to this pasture land and they took some land and built a fence around the pasture land that they confiscated. Some villagers know that we [farmer rights protection group] are working on this land confiscation case so they asked us to help them but we cannot help them because we are not village heads. They should communicate [their concerns] to their village heads. If they do not discuss [their concerns] with their village heads, the [land] dispute will not be resolved.



This photo was taken on May 18<sup>th</sup> 2017 in the eastern part of B--- village, K'nyut Kwin Town, Phyu Township, Nyaunglebin District, Bago Division. It shows Saw A---, who was interviewed by a KHRG researcher regarding the confiscation of pasture land in B--- village. [Photo: KHRG]

**Yes. This is a problem that villagers face.**

Yes. Villagers face many problems.

**Can you tell me how you feel about the land confiscation?**

I want this land to remain community land [pasture land] which is collectively shared. I do not want this land to be only owned by one person. Most of the people are no longer able to benefit from this pasture land. Those who confiscated this land do not think about the future and about whether the next generation will benefit or not [from the pasture land].

**What about those who confiscated the pasture land? What benefits did they get?**

I am not sure whether or not they [land confiscators] can benefit by working on this [pasture] land but I know that it is not easy to cultivate this [pasture] land. In the beginning [before land confiscation], this land was full of wild trees and nobody planted any trees. However, they [land confiscators] came to work on this land. They will probably personally benefit but most of the other villagers will face many problems [as a result of the land confiscators' actions]. Some people also sold some of the pasture land for their business.

**How many acres of land have they sold? Can you estimate how many?**

They have currently sold at least 70 or 80 acres of community land [pasture land]. This is just my guess.

**Will they also continue to sell the rest of the pasture land?**

Yes. They will surely continue to sell the rest of the pasture land. Some people will continue to take the land if they want to. Some people will protect their confiscated land to maintain their trees and bamboos.

**Have you ever gone to meet and talk to the local authorities in order to [officially] designate the land as community land [pasture land]?**

Yes. We went to the Township land department. We reported information about the land issue to the department. The Township land record administrator said that he did not give land titles for the community land [to the land confiscators]. Those land confiscators [claimed to] have land titles but their land titles are fake land titles. So he confiscated all of the fake land titles. Nevertheless, the land confiscation issue is still ongoing.

**Has this pasture land existed for a long time?**

Yes. This pasture [land] has existed since before I was born. I am now 57 years old. Actually, my great grandparents told my grandparents that this land is community land [pasture land]. My great grandparents' great grandparents told my great grandparent that this has been community land [pasture land] since a long time ago. This is what I know.

**Can you tell me about this pasture land? What will happen to it in the future? What do you want to see happen?**

If the authorities do not take any action to resolve this land confiscation issue, there will most likely no longer be any pasture land left. I do not see any possibility that this land will remain pasture land [if no actions by the authorities are taken]. If the authorities recognise or measure this pasture land which is owned by the community according to the law, this land will continue to be community land. If the authorities do not take any action to resolve this issue, this pasture land will slowly disappear.

**Given that you want this land to remain community land [pasture land], what do you think should be done regarding the already existing houses in this pasture land?**

Only the authorities have the responsibility to resolve the issue regarding the existing houses which are located in the pasture land. The houses have been constructed in this pasture land because the authorities ignored [did not take any action] the issue when the houses were constructed. That is why those people who came to build their houses in the pasture land and the authorities have to solve this issue together. As for me, I think villagers cannot resolve this issue [by themselves].

**Will you continue to nevertheless try and reclaim the land as community land [pasture land]?**

Yes. I will continue to try.

**Is it dangerous for you when you try to get back the pasture land?**

Yes. We have experienced many dangerous things and have even had to risk our lives but we have overcome those challenges and dangerous things. We think we will also have to face many challenges and dangerous things in the future.

**Were you threatened when you tried to get the pasture land back?**

Yes. We were threatened.

**How were you threatened?**

Tin Tin Htut [land confiscator] acted against us. He attacked us with a knife when we entered his [confiscated] land. Moreover, these land confiscators intimidated other villagers to not graze their cattle or enter this community land area [pasture land]. If villagers entered this area to look after their cattle, they [land confiscators] threw knives at the cattle [to scare the cattle] and also attacked the villagers. We reported it [this incident] to many different levels of government officials including the regional parliament representatives. We reported it to them by providing photographic evidence. Some of the land confiscators cultivated the pasture land with Myanmar/Burma government tractors. We have photographic evidence that this is happening. We reported it to different Myanmar government department level but no one has taken effective action to solve this problem.

**Are they [land confiscators] supported by authorities?**

Yes. I think so. That is why they [land confiscators] are willing to confiscate the community land [pasture land].

**Have you ever inquired about whose tractors they are using?**

My honest perspective is that the Burma/Myanmar government authorities and Township general administrator have to take on the responsibility to take action and solve this land issue. If they [the Burma/Myanmar government authorities and Township general administrator] fulfil their responsibilities and hold the land confiscators accountable for the land confiscation case, nobody would be willing to confiscate our pasture land.

**Are you saying that the land confiscators should not be held responsible for this land confiscation case and that the Burma/Myanmar government authorities should be held responsible instead? Is this right?**

Yes. This is what we understand.

**So what do you think about it [what are the implications of this situation]? Do you think that these land confiscators would not be willing to confiscate the community land [pasture land] if the Burma/Myanmar government authorities did not allow them?**

Yes. I also think that the Burma/Myanmar government authorities informed them [land

confiscators] that they can grab the community land [pasture land] and that they [the Burma/Myanmar government authorities] would not take any action in response. There is a mutual understanding between them [land confiscators and the Burma/Myanmar government authorities]. That is why they [land confiscators] were willing to threaten the villagers. They [land confiscators] also intimidated and attacked the people who are trying to get the community land [pasture land] back. I think it [intimidation and attacks] will continue to happen in the future.

**Do you want to say anything more regarding the pasture land confiscation case?**

Regarding the pasture land confiscation case, I want to say that this pasture land is owned by the community, including multiple villages. Therefore, I think that selling the community land [pasture land] for their business is illegal. They [land confiscators] act like this community land [pasture land] is their own land. However, the Burma/Myanmar government authorities just ignore the land confiscation case and they [authorities] have not taken any action in response. Therefore, I have significant doubts about these authorities. These authorities are local authorities and Township authorities. They have not prohibited any land confiscators from confiscating the community land [pasture land]. Therefore, I assume that they gave permission to those land confiscators to confiscate the community land [pasture land]. Just think about it! If they did not allow the people to confiscate the community land [pasture land], no one would be willing to confiscate this community land [pasture land]! This is the underlying reason causing the land confiscation.

**When you try to work for the villagers to get back the community land [pasture land], do local villagers support you?**

Yes. They vocally support us. They say that this is the right thing to do and they agree with us. They vocally support us but they are not working closely together with us and supporting us materially. They cannot support us with transportation and travel [costs] because they are obviously afraid of the local authorities. However, we will act bravely. If we are wrong, we will face the consequences. That is why we will act without any fear. Even if the land confiscators attack us, we have to protect this community land [pasture land]; nevertheless, we will not [violently] resist them.

**Regarding this land issue, what do you want to suggest for our human rights group?**

I want to suggest that you and your human rights group publicise this land confiscation case to the relevant Burma/Myanmar government departments as you are collecting the information. In reality the information [they have] is very inaccurate. This is what I want to suggest. Otherwise, there will surely be serious negative consequences and impacts for the villagers. That is all I want to say.

**Thank you so much for sharing this information with me.**

You are welcome.

**Source #77**

Log #	17-80-A3-I1
Type of report	Interview
Publishing Information	Previously published in December 2017: <a href="http://khrhg.org/2017/12/17-80-a3-i1/mergui-tavoy-interview-naw-august-2017">http://khrhg.org/2017/12/17-80-a3-i1/mergui-tavoy-interview-naw-august-2017</a>
Location	Ler Muh Lah Township, Mergui-Tavoy District/Tanintharyi Region
Full Text	

**Mergui-Tavoy Interview: Naw A---, August 2017**

*This Interview with Naw A--- describes events occurring in Ler Muh Lah Township, Mergui-Tavoy District, during the period between 2010 and August 2017, including a proposed dam project and negative consequences of gold and lead mining.*

- *The Italian-Thai Development PLC (ITD) and a Burma/Myanmar Government Ministry of Electricity administrator conducted assessments for a proposed hydropower dam project several times in 2011 at Tanintharyi River, B--- village, Ler Mu Lah Township, Mergui-Tavoy District without providing any information about the project to local villagers.*
- *Villagers continue to oppose the ITD dam project because of the livelihood difficulties it would create by submerging many villagers' lands. Therefore, they urge NGOs, CBOs/CSOs, the Karen National Union (KNU) and the Burma/Myanmar government to support their effort to halt the dam project.*
- *Naw A--- argues that 100,000 kyat (US \$73.38) for each betel nut tree damaged and around 5,000,000 kyat (US \$3,669.04) for each acre of land submerged by the potential dam project should be paid by the ITD Company as compensation. In addition, Naw A--- proposes that a further 10,000,000 kyat (US \$7,338.08) should be paid as remedy for every dam victim if the dam goes ahead.*
- *Shwey Htun Company and GMS Public Power Company has been conducting a lead and gold mining project in Ta Naw Th'Ree River for more than one year after being granted permission from the Karen National Union (KNU) and the Burma/Myanmar government. However, villagers are concerned about the negative health consequences of the companies allowing poisonous mercury to flow into the water that villagers drink.*
- *Villagers and some CBOs/CSOs workers met with the owner of Shwey Htun Company, Ko Cho, in Dawei Town and compelled Ko Cho to drink the mercury contaminated river water next to the gold mining raft after he claimed that the water was drinkable.*

## **Interview | Naw A--- (female, 41), B--- village, Ler Muh Lah Township, Mergui-Tavoy District (August 2017)**

*The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Mergui-Tavoy District on August 7<sup>th</sup> 2017 and is presented below translated exactly as it was received, save for minor edits for clarity and security.<sup>372</sup> This interview was received along with other information from Mergui-Tavoy District, including four other interviews, two incident reports, one situation update and 46 photographs.<sup>373</sup>*

**Ethnicity:** Karen  
**Religion:** Christian  
**Marital Status:** Married  
**Occupation:** N/A

<sup>372</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>373</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

**Position:** Sunday school teacher

**I work for the Karen Human Rights Group [KHRG]. Can I record your voice and use the information that you will provide for me?**

Yes, you can.

**Can you please tell me your name and your address?**

My name is Naw<sup>374</sup> A---. I live in B--- village, Western Htee Mo Pwa area, Ler Muh Lah Township, Mergui-Tavoy District.

**I received information about a proposed dam project which will be conducted in B--- village.<sup>375</sup> Is this true? Can you please describe what you know about this issue?**

Yes, it is true. Many villagers talk [have concerns] about the [proposed] dam project and say that the company will construct the dam [in their area]. In 2011, the Italian-Thai Development PLC<sup>376</sup> [ITD] company came to [the dam project area] and conducted multiple assessments over several months. I saw that they tested the soil, stone and other materials [such as water], but local villagers do not know the current status of the dam project.



This photo was taken on August 7<sup>th</sup> 2017 in B--- village, T'Hpo area, Ler Muh Lah Township, Mergui-Tavoy District. The photo shows interviewee Naw A--- discussing the potential impact of the proposed Italian-Thai Development PLC [ITD] dam project as well as the gold mining project in Ta Naw Th'Ree River conducted by GMS Power Public Company and Shwey Htun Company. She described the negative consequences that would be caused by the gold mining project and dam project in her area.

[Photo: KHRG]

**If the dam is constructed in your area, what do you think would be the benefits and negative consequences of the dam project for villagers?**

I do not think the dam project will benefit villagers, but rather, it will cause multiple negative

<sup>374</sup> Naw is a S'gaw Karen female honorific title used before a person's name.

<sup>375</sup> KHRG published a News Bulletin in June 2017 detailing villagers' concerns and contestation of this hydropower dam project: "[Proposed Hydropower Dam Project in Tanintharyi Region, Mergui-Tavoy District, 2017](#)" June 2017. For additional information, please also see: "[Mergui-Tavoy Interview: Saw A---, March 2017](#)," September 2017.

<sup>376</sup> Italian Thai Development Public Company Limited (ITD) is Thai company with investment in construction of highways, railway, dam, industry in Myanmar and other parts of Asia. ITD construction projects have resulted in relocation, destruction of plantation and lack of compensation for villagers, see "[Mergui-Tavoy Interview: Saw E---, July 2012](#)," March 2013. ITD also have investment in Dawei Special Economic Zone (SEZ) which began as a joint venture with Max Myanmar Company. The Dawei SEZ has resulted in environment destruction, threat and forced eviction of villagers, imprisonment of villagers who refused to relocate, destruction of livelihood through plantation, farming and paddy damaged, forced to accept inadequate compensation. Improper facility at relocation site, see "[Dawei SEZ Fact Sheet](#)," Mekong Watch, December 2016. Also see "[Proposed Hydropower Dam Project in Tanintharyi Region, Mergui-Tavoy District, 2017](#)," KHRG, June 2017 and "[Mergui-Tavoy Interview: Saw A---, March 2017](#)," September 2017.

consequences such as submerging the lands [farms, plantations, villages] we rely on. As we are native people from this area, we seasonally collect vegetables such as bamboo shoots and fruits from the forest for free. We would have to buy food after the dam is constructed. Even if we receive compensation money for our flooded land and plantations, we will face [livelihood] difficulties after we use up the money. We are ordinary villagers from rural areas and so we do not have the necessary knowledge to do business with the amount of [compensation] money we would receive. We would be somewhat supported while we still have [compensation] money, but we would then face major livelihood challenges when our money is spent.

**If the company [ITD Company] were to pay compensation money for your damaged land and plantations, such as your betel nut plantations next to the proposed dam, how much compensation do you think they should pay?**

I think they should pay 100,000 kyat [US \$73.38]<sup>377</sup> per betel nut tree to us because betel nut trees give fruits annually and we also strongly desire to get fruits [earn income] from the trees that we planted. The price of land in the [Tanintharyi] Town is expensive; for example, a small area in which we can only build one house costs between 5,000,000 kyat [US \$3,669.04] and 10,000,000 kyat [US \$7,338.08]. Thus, even though we are in a rural area, they should pay us [land owners] at least 5,000,000 or 4,000,000 kyat [US \$3,669.04 or US \$2,935.23] per acre of land in addition to the remedy [additional financial support to redress villagers' suffering].

**How much money do you think [ITD Company] should give you as remedy?**

They should give us 10,000,000 kyat [US \$7,338.08] [as remedy for each dam victim].

**Do the Karen National Union [KNU] government and the Burma/Myanmar government meet with villagers and investigate the dam project on behalf of villagers?**

No, they do not do that [this year]. In the past, the ITD Company came to the proposed dam project area with a Burma/Myanmar government [electricity administrator] and the Tatmadaw in 2011 to conduct a dam project assessment.



These photos were taken on August 9<sup>th</sup> 2017 by a KHRG community member in Mergui-Tavoy District. These photos show a notice board and sign left by the Italian-Thai Development PLC from when they conducted a survey in 2010 for a proposed dam project in B--- village, T'Hpo area, Ler Muh Lah Township, Mergui-Tavoy District. The proposed dam project area is close to the villagers' houses and plantations. [Photos: KHRG]

<sup>377</sup> All conversion estimates for the kyat in this report are based on the December 13<sup>th</sup> 2017 official market rate of 1,363 kyat to US \$1.

**What did they [Tatmadaw and Burma/Myanmar government] do?**

They [Burma/Myanmar government and Tatmadaw] did not say anything [about the dam project], but the Tatmadaw acted as security guards for the ITD Company staff and Burma/Myanmar government representatives.

**Did the Karen National Union [KNU] government say [do] anything [related to the dam project]?**

No, they did not.

**What about Non-Government Organisations [NGOs and CSOs] like Candle Light Group<sup>378</sup>? Did they investigate the dam project?**

We are local villagers and we do not have knowledge about the strategy we should use in order to respond to the company. Thus, they met with us [villagers] and gave us awareness training.

**Which organisations were responsible [for the awareness training]?**

They are Candle Light Group, Ta K'Paw Group<sup>379</sup> and Htee Moe Pwa Ta Oh Su Oh Kler [KESAN].<sup>380</sup>

**What awareness [training] did they conduct?**

They gave us awareness training and provided suggestions about how villagers can respond and use their agency to accept or reject dam projects conducted by companies or wealthy individual people.

**What is your perspective and concerns regarding the dam project?**

I believe that all villagers from the villages located near the Ta Naw Th'Ree River do not want the dam project [to be constructed across the Ta Naw Th'Ree River] because we know about the negative consequences of the dam project and the difficulties of being displaced. If we have to displace to other places, we will face difficulties in supporting our children's education and [collecting sufficient] food. When the dam is constructed, all villagers have to displace because our land will be flooded so I know that we would then face numerous difficulties. Therefore, I know that all villagers who live near the Ta Naw Th'Ree River, including myself, do not agree with the dam project.

**How many villages will be submerged by the dam project?**

They [company] said 12 villages will be submerged: Mo Ro, Ta Moo, Ta Baw Klow, Kyaw Peh

<sup>378</sup> Candle Light Group is a local Karen Christian CBO that works on land issues

<sup>379</sup> Ta K'Paw Group is also a local Karen Christian CBO that works on land issues.

<sup>380</sup> The Karen Environmental and Social Network (KESAN) is a community-based, non-profit organisation that works to improve livelihood security and gain respect for indigenous people's knowledge and rights in Karen State. KESAN's mission is centered around development of sustainable rural livelihoods based on the principles of democratisation from below and "Free, Prior and Informed Consent." For more information, please see: <http://www.kesan.asia/>

Khee, Ler Hpa Doh, Day Plaw, Pral Ku, P'Htoo Klo, Th'Ra Hta, Bu Tha Plaw, Dah Thway Kya and Naw Tay villages.

**Will the dam project only submerge villages? What about plantations?**

Plantations will also be destroyed by the dam project.

**I also received information about companies [GMS Power Public Company and Shwey Htun Company] and wealthy individuals who conducted gold and lead mining polluting the water. Is this correct?**

Yes, it is correct. When local people conduct gold mining and use the mercury chemical as part of the gold mining process, they do not allow the mercury to flow into the river [Ta Naw Th'Ree River], but they [GMS Power Public Company and Shwey Htun Company] allow lots of the mercury chemical to flow into the river. As mercury is a poisonous chemical used in the gold mining process, it can cause diseases such as kidney failure if we drink water polluted by mercury. Nevertheless, many villagers drink water from the river and local villagers face many illnesses. Moreover, most villagers do not have money to access medical treatment at the hospital. People who have money went to the hospital for medical treatment, but some people died because they did not have money [to access treatment].

Additionally, the ships [of the Shwey Htun and GMS Power Public Company] that conduct gold and lead mining in the river have damaged the river; sand and stone banks created by the project have blocked the route taken by the villagers who travel in the river [by boat]. Thus, we have to pull our boats that are stuck in the sand and stone banks so our travelling time has increased from three hours to the entire day.

**Do you see any people becoming sick because of the polluted water by the gold mining project?**

I am not sure whether people [from my area] get illnesses by drinking polluted water [from the river] or not, but some patients were diagnosed with illnesses because of drinking polluted water when they went to see the doctor at the hospital in Myat Town.

**So they fell sick by drinking the polluted water from the gold mining, is this correct?**

Yes, this is correct because there was no mercury chemical in the past.

**Does the gold mining project provide any benefits for villagers?**

There are no benefits for villagers.



This photo was taken on April 2<sup>nd</sup> 2017 in Maw Hpo place, K'Hpo area, Ler Muh Lah Township, Mergui-Tavoy District. This photo shows Shwey Htun Company's ships for gold and lead mining owned by Ko Cho. Shwey Htun Company has been cooperating with GMS Power Company to conduct a lead and gold mining project at Ta Naw Th'Ree River for more than one year. Villagers have reported concerns about poisonous mercury flowing into the river as chemical waste from this lead mining project and have said that the companies conducted gold mining without reporting information to the authorities. [Photo: Local Villager]

**Which authorities did they get permission from [to conduct the gold mining project]?**

They got it [permission] from the Karen National Union [KNU] leaders because the KNU Mergui-Tavoy District Vice Secretary P'Doh Thwoo Yeh talked about the gold mining project in the [consultation] meeting that I attended in April 2017. He said that he granted permission to [the company to] conduct gold mining so the project should not be disrupted by anyone. Nevertheless, civilians are aware of the negative consequences of gold mining so they submitted complaint letters [to both the KNU and the Burma/Myanmar government].

**Did the Non-Government Organisation [NGOs] and CBOs/CSOs cooperate with villagers to stop the [gold mining] project?**

Yes, they did. They [NGOs, CBO/CSO and villagers] met with the company head once in Dawei Town. They asked the company head, *"Where do you get drinking water while you are conducting gold mining?"* He replied, *"I just drink the water beside the gold mining raft. I drank the dirty water from the [Ta Naw Th'Ree] River."* As he is in a high-level position at the company, he probably does not drink the water from the river in his daily life, but he said that he drinks the same water from the river as the villagers. Thus, they brought a bottle of water from the river and gave it to him to drink; they compelled him to drink it against his will.

**What is the company and leader's name?**

I don't know the company's name, but the owner's name is Ko Cho.

**Where does he live?**

I don't know. He is Chinese [from China].

**What is the company situation now? Are they [company workers] still conducting gold mining?**

I think that they have postponed the project temporarily.<sup>381</sup>

**Have you received any information about whether they will cease the project?**

I don't know. I do not travel there [gold mining area].

**Do you have any more information to add? If you have, you can report it now.**

Villagers from the Htee Mo Pwa [Ta Naw Th'Ree] River side do not want the gold mining project to continue. We want NGOs, CBOs/CSOs, the KNU and the Burma/Myanmar government to collaborate with villagers and stop both the dam project and the mining project. Villagers rely on their land, farms and plantations so if we lose them, we will face serious difficulties and will possibly become the servants of the people [who have money and land]. Therefore, we wish for the NGOs, CBOs/CSOs, KNU and Burma/Myanmar government to be with us [on our side].

**Do you have anything else to say?**

<sup>381</sup> According to the most recent update received by KHRG in November 2017, the gold mining project restarted in November 2017.

No.

Good morning. Thank you.

Good morning.

**Source #78**

Log #	17-93-S1
Type of report	Situation Update
Publishing Information	Previously published in January 2018: <a href="http://khrgh.org/2018/01/17-93-s1/toungoo-situation-update-thandaunggyi-township-june-august-2017?qt-related_readings=3&amp;page=3">http://khrgh.org/2018/01/17-93-s1/toungoo-situation-update-thandaunggyi-township-june-august-2017?qt-related_readings=3&amp;page=3</a>
Location	Thandaunggyi Township, Toungoo District/northern Kayin State
Full Text	

## **Toungoo Situation Update: Thandaunggyi Township, June to August 2017**

*This Situation Update describes events occurring in Thandaunggyi Township, Toungoo District during the period between June and August 2017, including education, healthcare, villagers' livelihood, land issues, development and military activity.*

- In Thandaunggyi Township, Toungoo District, the main educational challenges faced by rural villagers are difficulties in accessing education, low quality of education due to insufficient school materials and a changing examination system, as well as a lack of recognition of KNU schools and limited opportunity to teach Karen language.*
- Villagers in rural areas of Thandaunggyi Township, Toungoo District faced health challenges due to a lack of health services and medical supplies, insufficient clinics and health workers as well as expensive medical fees.*
- The main livelihood challenges that rural villagers in Thandaunggyi Township faced are insufficient harvest crops due to climate change and land confiscation by the Bu Yin Naung military school, Thandaung Peace Group, Ministry of Industry No (1), and several business companies including Asia World Company and Kaung Myanmar Aung Company.*
- Villagers were not consulted when development projects were implemented on or near their lands, such as the construction of electrical poles near villagers' lands by the Ye Thu Ya Company.*
- The Tatmadaw conducted several military trainings in June and July 2017, that negatively impacted villagers' plantations and animals, which were damaged or hit by bullets during military training. Civilian trust in the Tatmadaw also decreased due to ongoing land confiscations as well as Tatmadaw soldiers not being held accountable for their actions.*

## **Situation Update | Thandaunggyi Township, Toungoo District (June to August 2017)**

*The following Situation Update was received by KHRG in August 2017. It was written by a community*

*member in Toungoo District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>382</sup> This report was received along with other information from Toungoo District, including two incident reports, nine interviews, 186 photographs and four video clips.<sup>383</sup>*

This situation update describes events occurring in Thandaunggyi Township, Toungoo District during the period between June and August 2017, including, education, healthcare, villagers' livelihood, land issues, development and military activity.

### **Education**

Of the 158 high school students from the high school in Thandaung Myo Thit Town, Thandaunggyi Township, Toungoo District who took the matriculation exam for the 2016-2017 academic year [issued by the Department of Myanmar Board of Examination under the Education Ministry] only 12 students passed. Meanwhile, of the 170 high school students from the Leik Tho high school in Leik Tho Town who took the 2016-2017 matriculation exam, only 13 high school students passed. According to a female high school teacher in Thandaunggyi Township, the number of the high school students who passed this exam has decreased compared to the previous year.

One reason why so many high school students failed the matriculation exam is the recent change to the Myanmar national education system. Previously, it was compulsory for every student to pass the [annual end of year] exam and therefore advance to the next grade [even if they were unqualified]. As a result, even some students in Standard 10 lack basic writing and reading skills. Other difficulties for students taking the exam include the large differences between the examination questions which were formed by Department of Myanmar Examinations and the school curriculums used by many students. A local female teacher [in Toungoo District] said that both the education system and the school curriculums have always changed whenever a new government came to power. Thus, students' qualifications are now being more carefully tested. Previously, kindergarten students were taught how to read and how to write. However, kindergarten students were not taught how to write after 2016 [due to the curriculum change]. Therefore, incoming first grade students do not have basic writing skills because they did not learn those skills in their kindergarten class.

Construction began for a [new Burma/Myanmar government] primary school in Leik Pyar Gyi village, Thandaunggyi Township, Toungoo District in 2015 but has not yet been completed. Local students have instead had to study at the old school in Leik Pyar Gyi village, which was built by the village community. The old school is heavily damaged and is insecure and unsafe for local students because it is vulnerable to heavy rain and strong wind.

Local schools in some rural villages [in Thandaunggyi Township] are safely constructed but in some of those schools, there are many school teachers but only a few local students. Therefore,

<sup>382</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>383</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.

the local school teachers divide into groups and alternate taking responsibility to teach students; only two teachers teach the students every month while the other school teachers stay in their houses [to rest].

There are 36 households and approximately 30 students in Lay Eain Su village, Than Moe Taung village tract, Thandaunggyi Township, Toungoo District. However, there is no school in this village so local students travel and study at a school in Hto Bo Gyi village which is around two miles away from Lay Eain Su village. Those students who attend the school in Hto Bo Gyi village are primary students and have to cross both a stream and a vehicle road when they walk to the school. Therefore, [villagers] are worried for these students [safety]. This year [2017], due to heavy rain, the stream between Lay Eain Su village and Hto Bo Gyi village was flooded, preventing students from going to school. In addition, [villagers are] concerned about car accidents as they cannot transport their children to school every day.

Most primary students attending school are provided with one school uniform, six pencils and six notebooks. Middle school students and high school students, however, do not receive any support. Non-government organisations [NGOs] also provided one dozen notebooks to students in some villages but students in other villages do not receive any NGO support. This year, the number of students increased but many students' parents could not support their children fully due to financial hardship. In addition, there are insufficient textbooks for local students. As a result, students who fail their class exams and do not advance to the next level do not receive textbooks whereas students who pass their class exams are prioritised to receive these textbooks. Many of the students who have to use the old textbooks cannot use them any longer because either the old textbooks have been lost or they have been heavily damaged. Another challenge for students is that in 2015, [the Burma/Myanmar government] hired temporary unqualified teachers in order to teach students in rural areas in Thandaunggyi Township. Some of those teachers have only completed Standard 9; these teachers do not receive a salary but instead are given a stipend of 3,000 kyat<sup>384</sup> [US \$2.22] per day.

There are many subjects taught at school but the Karen language is not allowed to be taught during the school period. The Karen language is allowed to be taught before the school day starts at 8:00 am or after school between 3:00 pm and 4:00 pm. It [Karen language] is allowed to be taught for only one hour per day. Although the Burma/Myanmar government allows the Karen language to be taught, it is not allowed to be taught during the school day. Local villagers are responsible for finding Karen teachers who can teach the Karen language. Some of the Karen teachers who teach the Karen language receive a salary of 60,000 kyat [US \$44.40] per month. Some of the Karen teachers do not receive a salary but villagers collect money from the village community in order to support those teachers. Karen teachers who teach the Karen language in Karen National Union [KNU] controlled areas receive 6,000 baht<sup>385</sup> [US \$183.36] per year which is provided by the Karen Education Department [KED]. In August 2017, many school teachers in many different places have been replaced. Changes in teaching assignments have caused some school teachers from towns to move to rural areas and some school teachers from rural areas to move to towns.

If the number of the students is between 50 and 100, a post primary school [after Standard 5] should be constructed for them. Most of the primary schools in the mountainous areas are

<sup>384</sup> All conversion estimates for the kyat in this report are based on the December 21<sup>st</sup> official market rate of 1,351 kyat to US \$1.

<sup>385</sup> All conversion estimates for the Thai Baht in this report are based on the December 21<sup>st</sup> official market rate of 32.72 baht to US \$1.

constructed by the NGOs, the Norwegian Refugee Council [NRC] and the Karen Women Empowerment Group [KWEG]. However, there are no schools in some areas. Local schools in the KNU controlled areas are not officially recognised by the Burma/Myanmar government. The Burma/Myanmar government has not constructed any school in the KNU controlled areas. Therefore, some villages in the KNU controlled areas build bamboo schools and hire local village teachers because they really want their children to be educated. Then, they hire local teachers in their villages in order to teach their children at those schools. In addition, they also have to buy pens, pencils and schoolbooks in order for the children to study. These bamboo schools are primary schools. If the local students complete their primary school education, they can go on to study at the KNU established Hto Lwee Wah high school in Toungoo District.

There is a local middle school established by the KED in Thandaunggyi Township, Toungoo District. More than 200 students study at this school. Some of the students cannot attend the Burma/Myanmar government [high] school due to financial and livelihood issues and some students are the children of displaced villagers and they had to flee their villages before the ceasefire agreement [2012]. However, the local students have to attend the Hto Lwee Wah high school after they finish the middle school. The middle school in Thandaunggyi Township and the Hto Lwee Wah School were established by the KNU-KED but these two schools are not recognised by the Burma/Myanmar government. That is why it is difficult for the students who graduate from Hto Lwee Wah high school to continue their further studies.

#### Healthcare

Regarding the healthcare situation in Thandaunggyi Township, Toungoo District, most of the local villagers face health issues due to an outbreak of seasonal flu [or disease] and have cough and running nose. Most of the villagers who suffer from this seasonal flu are young children and adults. Most of the young children are taken to Thandaung Myo Thit hospital to receive medical treatment. Some of the villagers who suffer from seasonal flu went to hospitals to get medical treatment whereas other villagers went to local clinics run by local medics.

When sick villagers go to the hospital, they only receive pills and other basic medicine and they were compelled to buy medicine from the pharmacy which was not provided by the hospital. There are clinics in some villages but there is no medicine in other clinics. Consequently, it is difficult for health workers to provide medical treatment to sick villagers when they are on duty.



This photo was taken on August 10<sup>th</sup> 2017, Za Le village, Leik Tho sub-township, Thandaunggyi Township, Toungoo District by a KHRG researcher. A villager said, *"The Myanmar government has finished building the clinic in 2016 but the clinic is closed [was never opened] because there were no medical supplies."* [Photo- KHRG]

There are only four hospitals in Thandaunggyi Township, Toungoo District. There is one

hospital in Baw K'lee Town, one hospital in Thandaung Myo Thit Town, one Thandaunggyi Township hospital and one hospital in Leik Tho Town. A few clinics were recently constructed in some villages in Thandaunggyi Township but medicine was not provided to those clinics. Health workers from Mother and Child Care [a Burma/Myanmar government healthcare association] regularly went to rural areas either once a week or bi-monthly in order to give vaccinations [to children and mothers] but they did not look after sick villagers because they went back to their places [in town] immediately after giving vaccinations. Many local pregnant women did not receive either medicine or health awareness information.

There are no doctors who deliver babies [obstetricians] in rural areas. Instead, local pregnant women rely on local midwives to help them deliver babies. Villagers have to go to hospitals to get medical treatment when they are sick as there are no hospitals or clinics in their villages. However, it is difficult for villagers to go to hospitals because the distance between villages and hospitals is very far. Therefore, villagers cope by getting medical treatment from local health workers who lack skills. Sick villagers whose condition would normally improve after one or two days [if they were to receive medical treatment from hospitals] actually only improve their condition at least one week after receiving medical treatment from local health workers. There is no pharmacy in rural areas so villagers must buy medicine from Thandaunggyi Town and Toungoo Town.

Although villagers wanted to go to the hospital, the medical fees are too expensive for them to pay and it costs more than they expect. Therefore, they seek medical treatment from local health workers in their villages instead of going to hospitals in towns. The Karen Baptist Convention provided basic healthcare training to villagers who live in mountainous areas so those villagers have gained some knowledge and skills. Afterwards, those villagers went to help sick villagers by providing pills and basic medical treatment. Although they [villagers who attended basic health training] tried to help villagers, many villagers still requested medicine from their houses because there is no clinic in their villages. Some sick villagers reported that it was very difficult for them to travel to the hospital in town from mountainous areas. Moreover, they have to bring two members of their family in order to get medical treatment from hospital. They [sick villagers] also reported that they have to buy medicine from the hospital.



This photo was taken on August 13<sup>th</sup> 2017, Thandaung Myo Thit Hospital, Thandaunggyi Township, Toungoo District by a KHRG researcher. A villager went to the hospital to get medical treatment. Most of the patients are children who suffered from seasonal flu. [Photo- KHRG]

The KNU medical unit, the Karen Department of Health and Welfare [KDHW] and Backpack Health Worker Team [BPHWT]<sup>386</sup> all operate [mobile health units] in the KNU controlled areas. Therefore, villagers can receive medical aid from them whenever they are available at different villages. At other times, villagers must carry sick villagers to clinics in order to receive medical treatment because there are clinics and health workers in the KNU-KNLA army camps and its' militarised areas. If villagers are not seriously sick, health workers just give them pills and they [sick villagers] return home. Although the KNU has a [mobile] medical unit and a clinic, it is insufficient for local villagers because there are only a few health workers in the [mobile] medical unit and clinics. Thus, they are not able to go to every village and provide [sufficient] medical aid. Moreover, they [mobile medical unit] have to provide medicine to villagers so it causes problems when the KNLA soldiers are sick [due to insufficient medicine].

The KNU [mobile] medical unit travelled to several villages and provided medical treatment to elder villagers and women as well other villagers and students who are sick. The KNU medical unit also gave medicine and vaccinations to local students. They [KNU medical unit] went to provide healthcare services in Maung Nwe Gyi village and planned to go to Nan Chan Kwin village but Light Infantry Battalion [LIB]<sup>387</sup> #599 increased the number of active Tatmadaw security guards along the road from Maung Nwe Gyi village to Nan Chan Kwin village. Therefore, the KNU [mobile] medical unit was unable to treat villagers in Nan Chan Kwin village. As a result, those villagers were not able to access healthcare services. The KNU [mobile] medical unit also sometimes does not have sufficient medicine for villagers. Therefore, villagers have to find their own means to buy the medicine that they need.



This photo was taken on June 23<sup>rd</sup> 2017 at the sub-middle school of Maung Nwet Gyi village, Thandaunggyi Township, Toungoo District. KNU health workers were traveling around KNU controlled area and providing healthcare services and medicine. They also offered vaccines for the sub-middle school students. [Photo: KHRG]

### Livelihood

Most of the local villagers in Thandaunggyi Township, Toungoo District work on plantations to secure their livelihoods. Some villagers work on rubber plantations and some of the villagers

<sup>386</sup> 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).”

<sup>387</sup> 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.

work on seasonal plantations, including cardamom plantations, betel nut plantations, betel leaf plantations, coffee plantations, durian plantations and dog fruit<sup>388</sup> plantations. Villagers reported that they are dependent on good weather in order to regularly get fruits from these plantations.

Villagers reported that the crop harvest rate was three times lower this year compared to last year due to climate change. In 2017, the price of durian and dog fruit is higher [compared to previous years] so villagers tried to grow and sell durian and dog fruits and in order to secure their livelihood. However, some villagers had difficulty securing their livelihoods because they were not able to grow a lot of dog fruits and durian fruits this year. Therefore, [some] villagers tried to borrow money from cardamom merchants in advance in order to support their family's livelihoods, pay expenses such as funeral costs and pay their children's school fees. Although villagers promised to pay back the money that they borrowed after the cardamom plantation harvest, the cardamom merchants refused to lend any money to the villagers. This caused difficulties for villagers to secure their livelihoods. According to one of the cardamom merchants, he cannot lend money to villagers because the cardamom trade is uncertain due to the unstable political situation in 2017 and because fighting is still breaking out along on the border.

Some of the villagers earned a living in Thandaunggyi Township by foraging and selling bamboo shoots during the rainy season. Villagers have to carry those bamboo shoots from the forest to the village and are only able to transport one or two bamboos per day. They can transport approximately 20 viss [32 kg]<sup>389</sup> of bamboo shoots for every trip. However, the price of one viss [1.6 kg] of bamboo shoots ranges from 120 to 180 kyat [US \$0.09 to \$0.13] so it is difficult for these villagers to secure their livelihoods. In particular, villagers from many villages in Leik Tho Town who work on dog fruit plantations have had to supplement their incomes by foraging bamboo shoots in the forest and cutting and selling bamboos. Women also foraged bamboo shoots in order to meet their livelihood challenges.

Villagers mainly rely on the land because they grow seasonal plantations in order to support their livelihoods. Villagers have owned these lands since their great grandparents were alive and have been working on these lands for a long time. Since 2000, the Tatmadaw have started to confiscate both cultivated lands and uncultivated lands that villagers own. The Tatmadaw have not returned those lands to villagers. It is very difficult for villagers to secure their livelihoods without land. Villagers in Leik Tho Town cooperated with local NGOs to often request Light Infantry Battalion (LIB) #603 to return the confiscated land to villagers. However, LIB #603 has not returned the confiscated land to villagers.<sup>390</sup>

Many villagers' lands from 12 village tracts in Leik Tho Town were taken and transferred to the Mait Tha Lin Taung reserved forest; villagers did not have legal documents for these lands. Therefore, they faced many livelihood challenges after their lands were taken. In 1998, in order to undertake elephant yam plantation projects and other long term plantation projects, 1,300 acres of villagers' land in Than Moe Taung village tract, Leik Tho town was requested from the Land Measurement Department by U<sup>391</sup> Paing (a business man and former manager of Department of Agriculture), Sai Maung Eh (a business man who lives in Thandaunggyi

<sup>388</sup> 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.

<sup>389</sup> A viss is a unit of weight equivalent to 1.6 kg or 3.52 lb.

<sup>390</sup> In 2014, Tatmadaw Light Infantry Battalion (LIB) #603 confiscated over 200 acres of villagers' land without providing any compensation.. See ["Toungoo Situation Update: Thandaunggyi Township, July 2014," December 2014.](#)

<sup>391</sup> U is a Burmese title used for elder men, used before their name.

Township), former Tatmadaw officers and their close friends; however, they did not come to clear unwanted plants and wastes in those land areas. In 2017, business people (former government officers) and the Thandaung Peace Group<sup>392</sup> went to the Thandaunggyi Township Land Measurement Department to meet with staff from the Land Measurement Department, who showed them a map of land area that they requested. In July 2017, they [business people and Thandaung Peace Group] went to Lay Eain Su village, Than Moe Taung village tract, Thandaunggyi Township to measure the land area that they confiscated. These land issues caused problems for villagers.

In addition, Ministry of Industry No.(1) confiscated villagers' land in A---village, Sauk Pin Chaung village tract, Toungoo Township in 1996 in order to build a reservoir on the confiscated land. However, no compensation was provided to local villagers. In 2014, local villagers opened the case in a court in order to reclaim their ancestral land and won the case. Nevertheless, in 2017, Ministry of Industry No.(1) sued villagers and reopened the land case in court. The villagers did not win the [reopened land] case.

Tatmadaw soldiers from Bu Yin Naung military school in Thandaunggyi Township confiscated villagers' land in 2016 and set up signboards on the confiscated land.<sup>393</sup> Local villagers have tried to request for their lands to be returned in many different ways but the Tatmadaw have not returned the land to villagers. The Tatmadaw are now growing long term plantations on villagers' lands. Additionally, they fire heavy weapons as practice and use villagers' land as target practicing areas.<sup>394</sup> This causes problems for villagers to support their livelihoods.

Local villagers from Na Ga Mauk village, Yay Owe Sin village and Hto Bo village in Na Ga Mauk village tracts and many villages from Doe Thoung village tract in Thandaunggyi Township mostly work on plantations to secure their livelihoods. However, Asia World Company<sup>395</sup> and

<sup>392</sup> *Htanay Phyiithu Sitt A'pweh*, or 'Thaundaung Peace Group', is a local militia located in Toungoo District. The group split from the Karen National Union in 1997 and was initially led by Khe R'Mun. Reports from the field claim that they are currently led by General Bo Than Myin, have around 300 troops stationed at Leik Tho Base (Battalion Commander Bo Kyaw Win), in Leik Tho Township, and an additional 40 soldiers at Pya Sa Khan Base (Battalion Commander Khin Maung Lwin), near Thandaung town. It has been reported that they control a number of different illicit operations, including gambling and black market car licencing. They are also allegedly employed as security personnel by local companies and wealthy individuals involved in logging and mineral resource extraction, in addition to having direct involvement in the lumber and mineral business. *Htanay Phyiithu Sitt A'pweh* should not be confused with *Nyein Chan Yay A'pweh*, which is occasionally translated as Peace Group but refers to the Karen Peace Army (KPA), aka the Karen Peace Force (KPF). Nor should it be conflated with *Aye Chan Yay*, another small militia group also operating in Toungoo District that the Thaundaung Peace Group has come into conflict with. It is also distinct from the KNU/KNLA-Peace Council, which is also sometimes translated as 'Peace Group'.

<sup>393</sup> KHRG has previously reported on this land confiscation by Bu Yin Naung military school in "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," KHRG July 2016.

<sup>394</sup> KHRG has previously reported on this military training by Bu Yin Naung military school in "[Toungoo Situation Update: Thandaunggyi Township, November 2016 to March 2017](#)," KHRG November 2017.

<sup>395</sup> Asia World is a Burma/Myanmar company with significant investments in the shipping industry, infrastructure, and plantations in Myanmar. It is known within Burma/Myanmar as Shwe Swan In. Asia World and its additional companies owned by Myanmar national Stephen Law were added to the US Sanctions list in July 2016 due to their historic and continued links to the Burma/Myanmar military regime, see "[US extends sanctions, further targets Asia World](#)," Myanmar Times, May 17<sup>th</sup> 2016. KHRG analysed the impact of Asia World and other private company's roles in development in Chapter 6: Development, "[Foundation of Fear: 25 years of villagers' voices from southeast Myanmar](#)," October 2017, KHRG. In KHRG's operation area of Toungoo District, Asia World constructed a hydroelectric dam resulting in damage to villagers' land and the relocation of villagers, see "[Toungoo Interview: Saw H---, April 2011](#),"

Kaung Myanmar Aung Company<sup>396</sup> have recently confiscated many villagers' lands. In 2016, Tatmadaw soldiers from Bu Yin Naung military school confiscated 581 acres of villagers' land in Thandaunggyi Township. Villagers did not receive any compensation for their lands which were confiscated and it has become difficult for villagers to secure their livelihoods.

After the Kaung Myanmar Aung Company confiscated villagers' land, it caused a land dispute and therefore Kaung Myanmar Aung Company and local villagers sued each other. Some of the villagers work on banana plantations to earn a living and therefore can only earn income by selling bananas. However, instead of using their income to pay for family expenses, they are spending their income on travel costs to reach the court.

Local villagers did not have any land left to work on after their land was confiscated. Thus, they left their villages and migrated to other areas to find jobs. They have to cut bamboo, do logging and work as daily labourers in order to survive. Some of the young women had to go to towns to look for jobs and had to work as waitresses in tea shops or as housemaids in other people's houses. They have to support their families [who stay in the villages] with their monthly wages. Some of the villagers have to work as daily labourers such as plantation clearers, carpenters and gas station workers.

Some of the villagers went to look for jobs in areas far from their homes. Due to many different reasons, they are not currently able to return to their villages and also cannot send money back to their families. As a result, families in other villages face financial problems and cannot afford to send their children to school anymore. Due to these financial issues, many children have had to suspend their educations even though they know that education is very important for them. These are the negative consequences of livelihood challenges.

#### **Land issue**

Local villagers in Thandaunggyi Township and Htantabin Township, Toungoo District confronted many land issues because their lands were confiscated by business companies, Tatmadaw and other individuals.

The lands that Bu Yin Naung military troops [Tatmadaw] confiscated are local villagers' ancestral lands. Villagers grow long term plantations on these lands and mainly rely on these lands because they work on these long term plantations to support their families. Therefore, they cooperated with land policy experts and took suggestions and advice from people who know the land law policy in order to get back land or prevent land from being confiscated. Tatmadaw from the Bu Yin Naung military army camp confiscated villagers' land for use as

KHRG, September 2012 and continue to develop on land traditionally used by villagers, see ["Toungoo Field Report: Slow transitions towards real change, January to December 2015,"](#) January 2017, KHRG. Additionally, in Mergui-Tavoy District, Asia World confiscated villagers' land for plantations, see ["Mergui-Tavoy Situation Update: Ler Muh Lah and Ta Naw Tree Townships, January to June 2015,"](#) KHRG, October 2015.

<sup>396</sup> Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development within Myanmar. Their chairman is Mr Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Myanmar which have included intimidation and threats to villagers who were customary owners of the lands, and launching legal cases against villagers accused of trespassing on the confiscated land. See "Chapter 6: Development," ["Foundation of Fear: 25 years of villagers' voices from southeast Myanmar,"](#) October 2017, KHRG. For an interview with a KMAC day labourer, see ["Toungoo Interview: U A---, 2017,"](#) November 2017, KHRG, and for a villager sued for trespassing, ["Toungoo Interview: Htantabin Township, November 2015,"](#) June 2017, KHRG.

target practicing areas and have planted new rubber plantations on the confiscated land. However, no compensation was provided to local villagers, causing them to face severe livelihood challenges.



This photo was taken on August 2<sup>nd</sup> 2017 in B---village, Sauk Pin Chaung village tract, Toungoo Township, Toungoo District by a KHRG researcher. Soldiers from Ba Yin Naung Army military army camp [Tatmadaw] confiscated the villagers' ancestral land and gardens. The villagers were trying to speak out to reclaim their lands during this meeting with U Myint Soe from the Independent Labour Union. *[Photo: KHRG]*

#### Development project

Road construction projects and electricity access projects were conducted in Thandaunggyi Township, Toungoo District. Norwegian Refugee Council [NRC] provided a budget of 50,000,000 kyat [US \$37,000.00] for a villager-led road construction project to construct a three feet wide concrete road from C---village to D---village, in Thandaunggyi Township, Toungoo District with permission from the Burma/Myanmar government. Local villagers are responsible for constructing this road but they lack experience and knowledge about road construction mechanisms and technology. Therefore, a Norwegian Refugee Council member at the local level made a contract [with villagers and government officials] to take responsibility for this road construction project. Villagers have to supply their energy and effort in order to construct this road. Some of the villages received daily wages but some of the villagers did not receive any payment.

Villagers requested for a meeting to discuss the budget in detail [before the project was implemented] but no meeting was held. Villagers were ordered by the Thandaunggyi Township administration office to construct the three feet wide concrete road which is 300 feet long at D---village and villagers had to accept the budget of the road construction project by the order of Township administration office. However, the cost of the road construction was greater than the amount of the money that villagers received in the budget. This has caused difficulties for villagers to pay for the road construction project.

YTY [Ye Thu Ya] Company is responsible for providing 24/7 access to electricity in Toungoo Town and Leik Tho Town, Thandaunggyi Township. The YTY Company constructed the electricity poles in local villagers' rubber plantations and betel nut plantations along the route from Toungoo Town and Leik Tho Town. Therefore, several villagers' plantations were cut down but those villagers do not know whether the company will arrange any compensation for them. In some villages, village heads have taken on the responsibility to construct the electricity poles. The YTY Company came to construct electricity poles in Sate Kone village, Than Moe Taung village tract, Thandaunggyi Township and brought electricity poles, electricity wires and power transformers. However, villagers were not consulted when the electricity poles were constructed near their houses, which is very dangerous for villagers. The YTY Company's manager, Ko Thi

Ha, only negotiated and informed the village administration committee about their activities. Besides, they [YTY Company] cut down villagers' coconut trees and dog fruit trees when they constructed the electricity poles. No compensation has been paid to villagers.



This photo was taken on August 10<sup>th</sup> 2017, in Kaw Bat Chan village and Than Moe Taung village, Than Moe Taung village tract, Leik Tho Town, Thandaunggyi Township, Toungoo District by a KHRG researcher. In the route between Kaw Bat Chan village and Than Moe Taung village, many villagers' lands and garden were used for the construction of electricity poles. The villagers did not receive any compensation for the affected plants in their garden. Moreover, the villagers worried about the consequence or changes [caused by similar development initiatives] in the future. [Photo: KHRG]

Regarding development in Taw Pyar Gyi village, Thandaunggyi Township, local villagers requested the Burma/Myanmar government to provide them with access to electricity. The Ministry of Electricity from the Burma/Myanmar government provided electricity poles and electricity wires to local villagers but villagers have to buy power transformers as well as electricity poles and wires for small roads themselves. The power transformer costs 22,000,000 kyat [US \$16,280.00]. In order to be able to buy the power transformer, local villagers collected 100,000 kyat [US \$74.00] from each house in the village and raised 16,000,000 kyat [US \$11,840.00]. As there are only 160 households in the village the villagers did not raise enough money to buy the power transformer and thus, they borrowed 20,000,000 kyat [US \$14,800.00] from the Burma/Myanmar government at a rate of 5% interest.



This photo was taken on July 25<sup>th</sup> 2017 in Taw Pya Gyi village, Thandaunggyi Township, Toungoo District by a KHRG researcher. In order to be able to use electricity in the village, villagers collected the money from the community to buy a power transformer which can produce 200 watt and costs 22,000,000 kyats (US \$16,280.00). They started using it on July 17<sup>th</sup> 2017 but the electrical current short circuited the following day. The villagers reported this problem to the Department of Electric Power but they [Department of Electric Power] did not come to monitor what happened. The villagers also are unsure about the exact details of what actually happened. [Photo: KHRG]

#### **Military activity**

The camp leader of LIB #599 army camp from Military Operations Command<sup>397</sup> [MOC], based in C---village, Thandaunggyi Township, Toungoo District, set up frontline army camps in D---village and Leik Pyar K'lay village as well as Bu Yin Naung military school. Infantry Battalion<sup>398</sup> [IB] #19 have to take responsibility for security at frontline areas in Taw Pyar Gyi village, Shwe Nyaung Pin village, Set Chauk Mine and Thandaung Myo Thit.

On June 21<sup>st</sup> 2017, 300 military trainees and the military vice trainer from Bu Yin Naung military school fired heavy weapons as practice in E---village, Doe Thoung village tract, Toungoo Township. The lands that they use as their military target practicing area are local villagers' lands. They [Tatmadaw] did their military trainings on June 22<sup>nd</sup> and June 23<sup>rd</sup> 2017. On June 26<sup>th</sup> 2017, Tatmadaw from Southern Command Headquarters used two military helicopters for practice and fired from the helicopters into villagers' plantations in E---village. Some villagers' animals were hit by the helicopter gunfire. The firing practice from the helicopters took two days to complete. On June 29<sup>th</sup> 2017, the Tatmadaw transported rations with ten military cars from Toungoo to Thandaunggyi and transported rations once a week or bi-monthly afterwards.

On July 7<sup>th</sup> 2017, Tatmadaw from Bu Yin Naung military school fired their artillery weapons in F---village, Sauk Pin Chaung village tract, Toungoo Township. When they [Tatmadaw] were practicing, the Tank Battalion brought military cars with machine guns to the target practicing area. The area where they were firing weapons is located on villagers' rubber plantations. Therefore, [some] villagers' rubber plantations were cut down [cleared and damaged] by the Tatmadaw. Villagers' gardens were also damaged as a result of the target practice.

On July 13<sup>th</sup> 2017, 250 military trainees from Bu Yin Naung military school came to F---village, Sauk Pin Chaung village tract, Toungoo Township and practiced firing their artillery weapons. However, villagers were not informed in advance and people from the neighbouring villages did not inform F---villagers on time. Consequently, some of the villagers working in their plantations were afraid that they would be shot so they left their animals and returned to their home villages.



<sup>397</sup> 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.

<sup>398</sup> 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.

These photos were taken [of a villager's pictures] on August 2<sup>nd</sup> 2017 in F--- village, G---village, H---village, Shauk Pin Chaung village tract, Toungoo District. [The photo on the left shows an unexploded mortar left on villagers' land. The photo on the right shows the rubber plantation where trees were cut and damaged during the training]. Ba Yin Naung military troops confiscated villagers' lands to use as a military training ground for heavy weapons shooting [training]. From July 12<sup>th</sup> 2017 to July 15<sup>th</sup> 2017, the military training soldiers started shooting in the plantations [on the confiscated land]. Moreover, they also cut the rubber trees. The mortar shells and unexploded mortars were left [on the ground] and not collected. Therefore, many villagers were frightened and scared. Many rubbers trees were also cut without providing any compensation. Many villagers have lost many of their rubber plantations. [Photos: KHRG]

After Lance Corporal Aung Min Naing from Bu Yin Naing military school in Bu Yin Naung camp town let one of his soldiers borrow his car, the soldier drove his car and caused a car accident and hit a villager. However, the soldier did not negotiate with villagers about the compensation and indeed, used his power to threaten the villagers.

Incidents such as this cause many villagers (including this KHRG researcher) to believe that the Tatmadaw do not care about villagers and civilians. If they violate villagers' rights, they do not take any accountability for what they have done. Villagers are not satisfied with what they did to villagers.



This photo was taken on July 22<sup>nd</sup> 2017 in Thandaung Myo Thit town, Thandaunggyi Township, Toungoo District by a local villager. The car accident occurred in Taw Pya Gyi village, when the private car of a Tatmadaw soldier (part of the Bu Yin Naung military army) crashed into villagers, houses, bikes and cars. [Photo: KHRG]

#### Researcher's analysis

Villagers in Thandaunggyi Township, Toungoo District mainly work on plantations and gardens to support their livelihood. They do not have any legal land documents. When their lands were confiscated, it was a challenge for villagers to reclaim their land because the Burma/Myanmar government did not come and provide land awareness workshops, effectively communicate the details of the land law policy, or clearly recognise or register villagers' lands.

Regarding development projects, although development projects directly affect local villages, villagers were not consulted. [Anyone who implements development projects] only needs permission from the Burma/Myanmar government to begin conducting development projects in local villages. This has caused many challenges for villagers. Positive development projects should be implemented instead of negative development projects.

Villagers require access to education, access to healthcare and community development. However, the Burma/Myanmar government, individual companies and local authorities should first study [what would be beneficial for villagers] and then discuss with villagers what to do

according to villagers' needs.

Moreover, the Tatmadaw continued to confiscate villagers' lands. As a result, villagers have faced many livelihood issues. Villagers lack trust and support in Tatmadaw. I [KHRG researcher] want to conclude that villagers will only support and trust the Tatmadaw if Tatmadaw are held accountable and take responsibility for what they have done.

**Source #79**

Log #	16-39-A1-I1
Type of report	Interview
Publishing Information	Previously published in February 2018: <a href="http://khrgh.org/2018/02/16-39-a1-i1/thaton-interview-saw-be-april-2016">http://khrgh.org/2018/02/16-39-a1-i1/thaton-interview-saw-be-april-2016</a>
Location	Thaton Township, Thaton District/northern Mon State
Full Text	

**Interview Date:** April 18<sup>th</sup> 2016

**[Interview begins abruptly] What is the project that is conducted?**

It is stone testing for producing cement [project].

**When did the project begin to be carried out?**

They [company] came to ask permission from the villagers in 2013. [Karen National Liberation Army] Lieutenant Ee Tha also came and held a meeting once in B--- [village] and two or three times in A--- [village].

**When was it [the meeting held]?**

It was in 2013 and 2014.

**How many times have they [company/Lieutenant Ee Tha] met with the villagers?**

As far as I know, they met with A--- villagers once. Lieutenant Ee Tha came once [to meet with villagers].

**Who is Lieutenant Ee Tha?**

He is KNLA's Adjutant General in Brigade #1 [Toungoo]. He came to hold the meeting with the villagers in B--- village. Some villagers went to attend the meeting but some villagers did not.

**What did he come to discuss about?**

He came to discuss about the Maw Lay Cliff [stone mining for cement project] and get the villagers' opinion as to whether they agree with the project or not.

**How many villages did he hold the meeting with?**

He held the meeting with all of the villagers in the whole village tract. However, some villagers from some villages did not come to attend the meeting due to being busy with their work. No

villagers from Maw Lay village came to attend the meeting at that time. The second time he held the meeting it was in B--- village. He also held meetings in A--- village many times and people from [KNU] township office joined the meeting. Later [after these meetings], it was decided that the company could not conduct the [stone mining/cement] project. The village head suggested that they [the company] meet with the upper leaders.

**Which side of [the government is] the upper leader [from]?**

The KNLA [Karen National Liberation Army] side.

**Do you mean that they [company] came to the district level [to discuss and conduct the stone mining project] and the district level leaders did not allow them?**

They [company] came directly to the village [to conduct the project]. As there was conflict [among the villagers], they did not have a chance to conduct [the project]. Therefore, they tried to meet with the top leaders. Then, Manager Min Thu who is implementing the cement factory came into the village.

**Who will come to test [the stones] for the cement factory?**

Pru Min Tun Company.<sup>399</sup> He [Manager Min Thu] tried to build a relationship with the villagers. He also tried to approach the leaders in the village such as the religious leader in the monastery. After he had arranged everything [in this way], he came to meet with me and said to me, *"It [the project] is ready to start."* I then told him to also let the village tract [leaders] know about the project. He then replied that he will let [the village tract leader] know. The next day, I went to Hpah Paw [village] with the village administrator. He met us and the village administrator told him [Manager Min Thu], *"If the above leaders allow you to do [the project], you can do it."* Lieutenant Chit Thu from Battalion #2 and [KNU] township leader then came [into Maw Lay village]. The villagers then thought that it will be fine as the leaders come to meet with them [so they will listen to their concerns]. Before the leaders came into the village, a villager said [predicted], *"The project will be implemented even though the villagers disagree,"* after the company had had a meeting with them.

**Who said that?**

Tharamu [teacher] E----.

**Who is she?**

She is a member of the Women's Organisation in D--- village. Later the company came to test [the stone] to produce cement from the cliff. And the villagers were complaining.

**What did they complain [about]?**

They complained that they [company] entered onto their paddy fields and they did not inform the villagers in advance. They [company] then addressed the problem with the village head [by paying compensation]. The villagers also took the compensation as they were paid. Some plants in some villagers' plantations were destroyed but they did not complain about this. They

<sup>399</sup> For more information on this company see, "[Thaton Situation Update: Thaton Township, April 2014](#)," KHRG, January 2015.

[company] tried to test [the stone for mining] on March 2016. On April 16<sup>th</sup> or 18<sup>th</sup>, 2016, they started to test [started the project].

**Do you know the director of the company?**

I do not know.

**Who supports this company?**

I heard from people that the company is supported by people from Germany and one Singaporean is also involved.

**Do you know who gave the company permission to conduct the project?**

I do not know who gave the company permission. The company said that they were given opportunity [permission] by the Ministry of Mines [Myanmar Ministry of Natural Resources and Environmental Conservation].

**Did the KNU give the company permission?**

No, the KNU did not give them permission. They [company] approached the KNU and the KNU informed them that they would not object [to the project], if they [company] get the villagers consent.

**What is the location of the project that is going to be implemented?**

They are going to set up six sites to conduct the stone [mining project].

**In which village is this [Maw Lay/Min Lwin] cliff [for stone mining] located?**

There are Ner Hpaw Hta and Htee Hpoh Htoo villages to the west of the cliff; there is P'Nweh Klah village to the east of the cliff; there are Tha Waw La Hkaw and Maw Lay and Noh Htoh Day villages at the bottom of the cliff.

**How many acres [of land] have the company set aside to conduct the project?**

I do not know how many acres they have set aside to conduct the project. I also heard from one of the company's rich man who said that that if they cannot produce cement here, they are going to take [the stones] to a place further away.

**Did he talk about this in the meeting?**

Yes, he talked about this when he met with the villagers in the meeting. In the past, he did not talk about this in the meeting. When he first met with the villagers, he only said they would construct a road, built a clinic and pay money to the villages. He did not talk about anything related to the advantages and disadvantages [of conducting the stone mining]. However, one KNU [Karen National Union] leader reminded the villagers to be thoughtful [critical] in case [the project] might cause the destruction of villagers' properties [plantations]. The villagers thought that they would get money if the project is implemented, so they signed [their approval].

**Have the villagers got money now?**

We formed a group and we explained to the villagers about the advantages and disadvantages [if the project is implemented]. Many of the villagers then objected the project.

**Do you think they are going to carry on conducting the project?**

As I see, the company owner has his own house, [he] rents an office and they [company] signed a [rental] contract for two or six years. Since it has cost a lot already to implement the project, I think they might carry on conducting the project. They said that a hydraulic drilling machine that they bought cost hundreds of millions [estimate] of kyats. People said that there are six or seven sites that they are going to conduct [stone mining on]. Each site is going to be mined down 120 feet deep. They take the stones and put them in crates. Some of the stone crates were sent to the town and some stone crates were kept with them. They then tested the stones [which were kept in the crates] with machines.

**Were you allowed to visit [their mining sites]?**

Yes, we were.

**What do the villagers do for their living?**

In the past, the villagers were working on paddy fields near the cliff; built houses with trees from the cliff; and got some vegetables and roots for medicines from the cliff. They depended on the cliff for their daily living. Now, there is no water in the paddy fields so there is difficulty for farming. There is also difficulty for fishing since they put chemicals in the water. [In the past], they planted chili at the bottom of the cliff. The paddy also grew very well. They also paid respect the cliff. Some villagers took stone from Maw Lay Cliff when they went to work in Bangkok [because it has special significance]. There is also pagoda built by a hermit on the cliff.

**How many pagodas are built on the cliff?**

There are four pagodas built on the cliff.

**How many acres of the villagers' land will be confiscated or sold?**

The company proposed [to take] about 200 acres of lands at both the east and west parts of the cliff. I think [they will take] more than 200 acres. The whole cliff is about 937 acres [wide].

**How much [money] does the company pay per acre of land?**

They have never said anything in terms of paying compensation. If their testing [examination of stones] is successful, they will continue working on their project. If they get the land near the cliff, they will do [the project] near here and if they do not get the land near here, they will do [project] in a place further away. I heard that they are going to move their [project] place to the forest reserve.

**Where is the forest reserve?**

It is to the west of Maw Lay Cliff.

**How many acres and how many villagers' lands do you think will be destroyed if the project is implemented?**

There is about a thousand [acres of land] that will be destroyed. No one will be able to live near the project site. The farms which are at the bottom of the cliff will not be able to be farmed as the stones are falling over the farms. Some villagers said that they will not move even though they are asked to move. However, some of those [who do not own any land] might think that they would get 1,000,000 kyat free if they were given [compensation].

**What is the percentage of villagers who agree and disagree, do you think?**

Before the villagers know the advantage and disadvantage [if the project is implemented], there were more villagers who do not live near the cliff signed [the document] as they thought they were going to get 1,000,000 kyat for free soon. When they [company] first came to held meeting with the villages before the villagers know anything [about the project], they said that each person [from each house] would get 1,000,000 kyat if they agreed on the project. Many villagers went to the meeting and signed [the agreement]. They [company] did not say anything in relation to pros and cons [of the project]. Later, most of the villagers who live in the west of the cliff, which is about 400 households, objected the project.

**How many households agreed and disagreed [on the project]?**

On this side [of the cliff, villagers] did not sign [the document]. Only the other side [villages at the eastern part of the cliff] signed [the document] as they live far from the cliff and do not know [the negative consequences of the project]; they thought that they will get money for free. As the villagers later came to know the advantages and disadvantages [of implementing the project], most of them then objected [to the project]. Some villagers whose children went to work as day labourers in their [company's] mining project and those who rent their houses or trucks to the company agree on the project [to be implemented].

**Do the villagers' lands that are near the cliff have [land] grants?**

Villagers paid 20,000 or 30,000 kyat to the officer [of the land records department] to get the grant. However, only some villagers got the grants and some villagers did not get the grants from the [Burma/Myanmar] government side. The villagers heard that the project would be implemented so they also made [prepared] grants for their lands in order to get confirmation from the KNU side [in order to protect their lands].

**In which year did the KNU produce [land] grants for them?**

In 2013 or 2014.

**Has the [stone] testing finished?**

The [stone] testing finished in March 2016, as mentioned before, and [the company] already went back [left the testing site] and took their machines back as well.

**Is there any change of the water or environment after the [stone] testing?**

As I know, there is less water compared to the past as they used water [from the river] both day and night. The stones fell onto the villagers' land. They also made the [road]way for their truck on Hpah Tee [uncle] Ta Kway's plantation but he did not complain about it. A company member together with a local villager named Aung Chit tried to cut down the bamboos in Muh Gar [aunt]

K---'s plantation. She said that she told him [company member], *"You came to conduct the project. But, you also come to work in my plantation without letting me know."* She also went to complain to the company staff and Hpah Tee Aung Chit.

**What did the [company] staff reply?**

They did not say anything. However, he/she might think that that woman has messed up [caused a problem to the company staff by complaining]. Muh Gar K--- also told me, *"We hid the KNU [protecting the KNU/KNLA by not reporting their whereabouts to Tatmadaw] in the conflict time. After the ceasefire, they [KNU] do not help us to protect Maw Lay cliff."* She sees KNU like that.

**Is there any other environmental destruction [due to the project]?**

At the western part [of the mountain], they [company] worked on the villagers' plantation. The villagers complained and the village head addressed the problem [by] discussing with the company. The company then paid compensation to villagers. On the other side [of the cliff], they [company] stopped [redirected] the water [river that irrigated the rice paddies] as they needed their trucks to cross to the other side of the river. Therefore, the paddies [did not have enough water so they] were not growing well and so the villagers now do not have enough rice. The company also cut down trees and bamboo at the project site. However, there was not much [environmental] destruction.

**Is there anything [action taken] like the villagers gathering together and reporting to the upper leaders about the project?**

The villagers formed [4 groups]: group #1 which includes [villages] which are at the bottom of F--- cliff; group #2 which includes B--- and G--- [villages]; group #3 which includes Lah Hkoh village; group #4 which includes Ma Cha village tract. When I went to visit them, I asked their opinion on the project. As they thought that there might be destruction [of their plantation] they did not want to agree on the project. They said that they were given [compensation of] 300,000 kyat [per house] without knowing anything. Now, if the villagers are called to attend the meeting regarding the cliff, they do not want to attend anymore as they also need to work [for their livelihood]. Some villagers worried that the project will be implemented so they also wrote a complaint letter.

**Who did they report the complaint letter to?**

The villagers formed a committee and they said that they were going to send [complaint letters] to the Myanmar president's office, KNU district and township level [departments] and KNU headquarters.

**Was there any change after submitting the complaints? Did the Myanmar government or KNU government come to the area to ask about the project?**

There is no one who has come to the area after [villagers] submitted the complaint. After submitting the complaints, the company still stay in the area and have repaired their houses. Therefore, we [remain] worried that the project may be implemented.

**What do the villagers want?**

The villagers want to have places [buildings] for a school, a football ground, or a clinic. Nevertheless, some villagers from Ner Hpaw Hta village said, *"If all of these buildings can only be built after the cliff has been destroyed, then let the cliff be. We do not want the buildings [to be built, if it requires the cliff to be destroyed]."*

**What is the villagers' opinion on the project?**

If they come to live [in the area], there will be a higher population, more motorbikes or cars. Some older people do not like it [being populated]. Some people said that only the road has been built and we [already] cannot sleep at night time as it is noisy. Some women said that if the cement factory is built, there would be no KNLA [Karen National Liberation Army] bases and they [KNLA] would be driven out [of the area] because the Tatmadaw would come and build their camp. That is their opinion.

**What do the villagers want [the project to be]?**

The villagers will be very happy if the project is not implemented. They would be much happier if the [KNU] leaders came to tell them that the project had been stopped.

**What more do you want to add regarding the cliff?**

If there is no environmental destruction, and there is development for the villages, and it brings benefit for the villagers, we will agree to not only this cement factory [project] but also any projects to be carried out. However, I personally do not agree with this cement factory [project]. I personally object [to the project]. If it [our objections] are not successful and the project is allowed to be carried out, I will not stay in the village anymore. I will go to work in Thailand.

**Do you want to add more?**

One more thing that I would like to say is that we have formed a committee to [try to] suspend the project. The state level leaders and KNU leaders also help us to stop the project. We, the villagers, will try to stop the project. We will also be happy if both sides of leaders [KNU and Burma/Myanmar government] help us to oppose the project. However, we worry that we will not be able to make them [company] suspend the project. There are many other cliffs which they can do [mine] such as Lay Hpoh and A--- Loo cliffs. I think it is the best if they do not touch and conduct [mining] in Maw Lay Cliff. That is all.

**Source #80**

Log #	17-65-S1
Type of report	Situation Update
Publishing Information	Previously published in February 2018: <a href="http://khrhg.org/2018/02/17-65-s1/mergui-tavoy-situation-update-ler-doh-soh-township-and-kser-doh-township-february">http://khrhg.org/2018/02/17-65-s1/mergui-tavoy-situation-update-ler-doh-soh-township-and-kser-doh-township-february</a>
Location	Ler Doh Soh Township, Mergui Tavoy District/northern Mon State
Full Text	

**Mergui-Tavoy Situation Update: Ler Doh Soh Township  
and K'Ser Doh Township, February to April 2017**

*This Situation Update describes events occurring in Ler Doh Soh Township and K'Hser Doh Township, Mergui-Tavoy District during the period between February and April 2017, including roads and transportation, education, healthcare, communication, logging, military activity and arbitrary land confiscation by private companies.*

- *Villagers in K'Mo Thway area and Kleh Mu Hti area, Mergui-Tavoy District, faced difficulties travelling during the rainy season due to floods that damaged roads and bridges. This impacted villagers' business and health.*
- *Education in Mergui-Tavoy District remains insufficient, as the schools lack funding. Moreover, the Karen language is not recognised as an official subject in Burma/Myanmar government schools so students have to take time on Saturday to study their own language.*
- *Healthcare services in Mergui-Tavoy District are not up to standard, for the government-assigned healthcare workers in villages rarely meet whenever villagers need help with their health.*
- *Logging for business purposes is happening in Mergui-Tavoy District even though logging in reserved forests is prohibited by local authorities.*
- *Anawa Soe Moe Company arbitrarily confiscated villagers' land in Kleh Mu Hti area, K'Ser Doh Township, Mergui-Tavoy District for a palm oil plantation project without consultation with the local villagers.*

## **Situation Update | Ler Doh Soh Township and K'Ser Doh Township, Mergui-Tavoy District (February to April 2017)**

*The following Situation Update was received by KHRG in June 2017. It was written by a community member in Mergui-Tavoy District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>400</sup>*

### **Introduction**

This situation update took place between February and April 2017 in K'Mo Thway area, in Ler Doh Soh Township and Kleh Mu Hti area, in K'Ser Doh Township [Mergui-Tavoy District]. The information is mentioned as follows:

### **Transportation**

Villagers in K'Mo Thway area, Ler Doh Soh Township, face difficulties travelling. The local road was quite good in the summer, however, in the rainy season, the road was ruined and flooded, so it was hard for local villagers to travel. Consequently, villagers found it difficult to trade goods/products, go to hospital, or travel for work.

Villagers in Kleh Mu Hti area also encountered problems travelling during rainy season. The situation in the area has now improved, but some places remain in bad condition. It still takes a long time to travel in Noh Pah Doh village, Kleh Mu Hti area and K'Ser Doh Township, [Mergui-Tavoy District]. Even though local village heads reported this struggle to the Burma/Myanmar government authorities, there still has not been any response from the authorities. As a result, local villagers are still facing difficulties travelling and have trouble transporting or trading goods/products, going to hospital, and other important issues.

<sup>400</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

### **Education**

There are some difficulties with education for local people in remote areas. The Karen language is not recognised by the Burma/Myanmar government [as a mandatory subject] to teach in most schools. Karen teachers only have the opportunity to teach the Karen subject class [in the early morning] before school begins. In some schools, the Karen subject class is only allowed to be taught on Fridays. Therefore, [Karen] students have to work outside school hours and use extra time in order to learn their language.<sup>401</sup>

In addition, there is a problem with not enough schools in P'Taw Hpah Doh village, Kleh Mu Hti area, K'Hser Doh Township. The only school in this village is a middle school so it is difficult for students [of different ages to access education]. Village leaders already reported this problem to the [Burma/Myanmar] government but there still has been no response. Therefore, village heads/leaders and villagers gathered and built a school with bamboo by themselves.

### **Healthcare**

There are problems related to healthcare in remote areas. The Burma/Myanmar government recruited and assigned [mobile] health workers to work in the remote areas but villagers cannot find them when they need help. In some villages, they do not have any health workers to treat them [when they are sick]. Though in some areas, the Myanmar/Burma government has provided clinics, they have not hired healthcare workers to work in them, thus, villagers have difficulties obtaining healthcare. The KNU (Karen National Union) also has not done anything to provide healthcare services to local villagers. In case villagers suffer from sickness or any disease, they have to go get treatment in towns that are far from their village.

### **Communication**

There are still some places where people cannot contact each other due to poor telecommunication services. In particular, the whole area of K'Mo Thway, Ler Doh Soh Township does not have cell phone reception. Villagers reported this issue to the government and said that they wanted to have phone connection in their area. Villagers raised the issue of communication because currently it is really hard for them to contact or communicate with each other or relevant authorities in case something important happens in their areas. It also delays their work. For example, if important events are planned, they are often delayed due to communication problems. Villagers do not want this to happen. However, the process [of setting up telecommunication] cannot easily be done within a short period of time.

### **Logging**

Logging is prohibited [in Mergui-Tavoy District] by the KNU authorities. However, there is no specific law developed to take action against loggers and protect the [forest] area. According to villagers, the leaders/authorities prohibited logging but they do not enforce the rules. In some villages, wood is still secretly logged by wealthy individuals. The wood that is logged in secret is not used for building houses, but [sold] for business. While some villagers want to rebuild their houses, they no longer have any wood to do so. People who are able to conduct logging are mostly village heads/leaders and other powerful actors.

<sup>401</sup> For more information on this issue see, "Towards an inclusive education: Teaching Karen culture and language within schools," p109 in ['Foundation of Fear: 25 years of villagers' voices from southeast Myanmar.'](#) (available in English and Myanmar language), KHRG, October 2017.

### Military activity

There have not been any notable military activities in our township[s]. Nonetheless, while Tatmadaw<sup>402</sup> conducted military training for their troops, they sometimes shoot artileries that land near villagers' lands. Sometimes, villagers' livestock are even accidentally shot dead during military training. However, they [Tatmadaw] do not take any responsibility for this even though villagers have to suffer for it. Moreover, some Tatmadaw battalions have based their troops in villagers' lands. According to the villagers, Tatmadaw soldiers do not protect the civilians; in fact, villagers have to protect the Tatmadaw instead. Some Tatmadaw soldiers provide security guards for companies. In regards to the KNLA (Karen National Liberation Army), they do not make much trouble for civilians. However, sometimes they hang around among villages drunk [and disturb villagers] so it affects the dignity of the KNU.

### Arbitrary land confiscation by companies

Anawa Soe Moe Company arbitrarily confiscated villagers' lands in Kleh Mu Hti area.<sup>403</sup> The Anawa Soe Moe Company did not consult with villagers and gain consent from any villagers for their palm oil plantation project, which is now on villagers' land. They [the Anawa Soe Moe Company] once tried to organize village heads to make villagers sell their lands. Village heads tried to refuse the request, however, the village heads felt like they could not refuse the demand so they cooperated and worked with the company. In fact, villagers did not allow the company to do business on their lands, but the company has military [both Tatmadaw and KNLA] on their side so some affected villagers have had to relocate their homes. Regarding this land confiscation, some villagers have been compensated, yet, the compensation that they received was less than their losses. Some villagers accepted the offered compensation but others refused to take it. Some villagers and village heads tried to report the case to responsible persons in the Burma/Myanmar government; however, there has been no response yet.

Palm oil trees were planted on the lands that were confiscated [by Anawa Soe Moe Company]. They planted the palm oil trees along the vehicle roadside. The middle of the confiscated land is left plain with no [palm] trees. Nonetheless, the company does not allow any villagers to work on the land that is left plain. So, local villagers are being constrained by the company. The company name is Anawa Soe Moe Company and the company owner is U Kin Sein. The company [for palm-oil project] site is located in Ya Nge village, Kleh Mu Hti area, K'Ser Doh Township. The villages that have been affected by land confiscation include Tha Nyaw Hsi, Lower Th'Yeh Chaung, P'Taw Hpah Doh, Pay T'Kah, P'Taw Hpoe, Peh, Hsah Ma Taw, Th'Yeh N'Kwah, and Th'Yeh Taw Gyi villages. These villages are located in Kleh Mu Hti area, K'Ser Doh Township, Mergui-Tavoy District.

### Source #81

Log #	17-14-S1
-------	----------

<sup>402</sup> Tatmadaw refers to the Myanmar military throughout KHRG's 25 year reporting period. The Myanmar military were commonly referred to by villagers in KHRG research areas as SLORC (State Law and Order Restoration Council) from 1988 to 1997 and SPDC (State Peace and Development Council) from 1998 to 2011, which were the Tatmadaw-proclaimed names of the military government of Burma. Villagers also refer to Tatmadaw in some cases as simply "Burmese" or "Burmese soldiers".

<sup>403</sup> Anawa Soe Moe Company Ltd. has been present in Mergui-Tavoy District since at least 2004. At the time, the company was encouraged to expand the company's 5,000 acre palm oil plantation by the SPDC, according to the Myanmar government paper "[New Light of Myanmar](#)," Page 8, Volume XIV, Number 53, June 8, 2006.

Type of report	Situation Update
Publishing Information	Previously published in August 2017: <a href="http://khrhg.org/2017/08/17-14-s1/dooplaya-situation-update-kawkareik-township-and-win-yay-township-november-2016">http://khrhg.org/2017/08/17-14-s1/dooplaya-situation-update-kawkareik-township-and-win-yay-township-november-2016</a>
Location	Kawkareik and Win Yay townships, Dooplaya District/southern Kayin State
Full Text	

## Dooplaya Situation Update: Kawkareik Township and Win Yay Township, November 2016 to January 2017

*This Situation Update describes events occurring in Kawkareik Township and Win Yay Township, Dooplaya District during the period between November 2016 and January 2017, including development, healthcare, education and military activities.*

- On November 11<sup>th</sup> 2016, Battalion Deputy Commander Naing Lin Aung (Tatmadaw) from Light Infantry Battalion #31 ordered one of his soldiers to remove a school signboard and Karen national flag from the front of a self-reliant school in A--- village, Than Payar village tract, Win Yay Township, Dooplaya District. Following this, Karen villagers from A--- village felt that the Burma/Myanmar government does not want to recognise the Karen people and they said that Tatmadaw should not remove the Karen national flag from their school.
- On January 15<sup>th</sup> 2017, Arsa Thein Nge Company came to conduct a survey on a rocky mountain in B--- village, Sin Pyay village tract, Win Yay Township in order to construct a cement factory. Villagers from B--- village did not agree with the proposed cement factory project. However, Arsa Thein Nge Company did not hold a consultation meeting with local villagers when they conducted a survey so villagers could not express their disagreement.
- On December 12<sup>th</sup> 2016, the Strategic Operations Commander from Kyainseikgyi came to check Tatmadaw army camps in Kawkareik Township. When he came to check the camps, the road was full of security guards who were there for his security. Local villagers worried that fighting might have occurred when they saw a large number of security guards on the road.

### Situation Update | Kawkareik Township and Win Yay Township, Dooplaya District (November 2016 to January 2017)

*The following Situation Update was received by KHRG in January 2017. It was written by a community member in Dooplaya District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>404</sup> This report was received along with other information from Dooplaya District, including one interview, 155 photographs and one video clip.<sup>405</sup>*

<sup>404</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>405</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

### Introduction

This Situation Update describes events occurring in Kawkaik Township and Win Yay Township, Doooplaya District during the period between November 15<sup>th</sup> 2016 and January 22<sup>nd</sup> 2017, including development, healthcare, education and military activities.

### Development Project

Development projects are increasingly being conducted in Kawkaik Township and Win Yay Township. After the new [National League for Democracy] government emerged, the situation of transportation such as road construction and bridge construction has improved. However, development projects that cause great concern for villagers are also increasingly being conducted. [For instance] on January 15<sup>th</sup> 2017 Arsa Thein Nge [Asian Eager] Company came to conduct a survey [to test] a rocky mountain in B--- village, Sin Pyay village tract, Win Yay Township in order to investigate whether they are able to construct a cement factory or not [using the mountain's stone for cement].

Villagers did not agree with the [cement factory] project but the local Karen National Union [KNU] authorities, KNU Township authorities and KNU District authorities gave permission [to the company] to conduct the cement factory project. Therefore, local villagers were unhappy and upset with the cement factory project. Local villagers always have to listen [to updates regarding the project] because they do not know what they are going to do [if the project is implemented]. Due to issues relating to the Three Pagodas Pass-Thanthpyu Zayet road, construction issues [for the cement factory] have not been solved yet.<sup>406</sup> Some village heads reported that villagers have to suffer from negative effects related to such development projects. They [some village heads] did not talk about it [development project problems] in a formal meeting but they talked about it informally.

According to the local villagers, *"They [the company] will not get a chance to conduct a survey on the rocky mountain if the KNU headquarter/ national leader does not give permission [to the company] to conduct the survey. Due to the KNU's permission [given to the company], villagers have to be silent [cannot resist the cement factory project]"*.

---

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.

<sup>406</sup> For further information and issues and concerns relating to the Three Pagoda Pass-Thanthpyu Zayet road please see, [Doooplaya Interview, Saw A---, September 2016](#),<sup>4</sup> June 2017.



This photo was taken on January 15<sup>th</sup> 2017 in B--- village, Si Pyay village tract, Win Yay Township, Doolaya District. It shows a meeting organised by B--- villagers. Arsa Thein Nge Company came to test a rocky mountain nearby B--- village numerous times [in order to decide whether to construct a cement factory or not]. B--- villagers disagreed with the proposed cement factory construction project. That is why villagers gathered together and held a meeting. They then formed an environmental conservation committee. [Photo- KHRG]

According to local villagers, “There are many villagers who rely on this rocky mountain [for livelihood security]. Also there are a lot of villagers from many villages who rely on the Win Yay river [which is located] nearby this rocky mountain. We, local residents, are not sure when we have to move away because when the company [Arsa Thein Nge] came [to conduct a survey on the rock mountain], they brought a permission letter from the KNU headquarters. We do not know whether P’doh<sup>407</sup> Saw Sein Ler, himself, came together with the company or not. They [the company] also brought a permission letter from the Ministry of Mines [when they came to conduct a survey]. However, they [the company] did not explain to local residents anything about the cement factory project nor about the permission letters. Villagers were [also] not consulted during the planning stages of the Three Pagodas Pass-Thanphyu Zayet road. We have to deal with the negative impact of development projects although we did not agree to them”.

#### Healthcare

The healthcare situation in Win Yay Township, Doolaya District has not vastly improved yet. A KHRG community member went to meet with a group working on malaria from the International Committee of the Red Cross on January 8th 2017. According to the malaria group [ICRC], levels of malaria have decreased [in Win Yay Township]. Nevertheless, nowadays many cars are driving on the road and due to development projects and cars being driven furiously and carelessly, the air is dirty and dusty. The dirty and dusty air goes into villagers’ houses, shops and restaurants. Villagers can get many diseases from breathing the dirty air and they might have to swallow it when eating. The malaria group are trying to tell [educate] villagers to water the road [to avoid creating dust] but no one cares about it [has acted on this information].

The quality of the road is very poor as it was constructed with stones and sands. Therefore, car drivers have often crashed into villagers’ shops. Due to poor road construction, car accidents happen frequently. There is no traffic law [in this area]. Therefore, some village heads set up an easy judgement system [informal and outside the rule of law] when the car accidents happen. The places that the KHRG community member went [to collect this information] are C--- village, A--- village, B--- village, D--- (E---) village, F--- village, G--- village and H--- village in Win Yay Township, Doolaya District.

<sup>407</sup> P’Doh is a Karen title used when speaking of a member of Karen armed groups.

Regarding access to healthcare, there are not enough healthcare workers and medical doctors in the clinics [in those villages]. When villagers attended the human rights workshop [conducted by a KHRG researcher] on January 12<sup>th</sup> and 13<sup>th</sup> 2017, one of the villagers reported to the KHRG community member, *"We have a clinic and medical doctor in our village but she does not always live in the clinic so it causes difficulty for villagers [to get medical treatment]"*. In addition, there is not an adequate supply of medicine in the clinics.

### Education

The education situation has noticeably improved after the Nationwide Ceasefire Agreement [NCA] was signed by the Karen Nation Union and the Burma/Myanmar government in 2015. Many school buildings have been constructed and the number of students has highly increased. [Karen] teachers are allowed to teach Karen literature [at Karen schools]. However, A--- villagers said that Battalion Deputy Commander Naing Lin Aung (Tatmadaw) from Light Infantry Battalion [LIB] #31 ordered one of his soldiers to remove the signboard and Karen national flag in front of a self-reliant school on November 11<sup>th</sup> 2016 in A--- village, Than Payar village tract before the Burma/Myanmar government's administrators were going to visit this area.

On that day the school was closed. After a Tatmadaw soldier removed the Karen national flag, he gave it to a young boy, who was looking after cows, and told him to go back home. The Tatmadaw said that they already had negotiated with local Karen National Liberation Army officials [to remove the flag]. According to a Warrant Officer Chat Pat [from Company (2) under KNLA battalion #16], *"That day Strategic Operations Commander [Bo] Myo Tun Win from A'nan Kwin army camp directed Light Infantry Battalion #31 to remove the Karen flag [at the school]"*. The battalion commander of LIB #31 is Htat Aung from [military] column #1 and the battalion deputy commander of LIB #31 is Naing Lin Aung from [military] column #2.

Some [A---] villagers said, *"They [Tatmadaw] removed the Karen national flag from the school because they [Tatmadaw] said they are ashamed of keeping the Karen flag in front of the school when the Burma/Myanmar government's administrators visit. Do they not [Tatmadaw and Burma/Myanmar government] want to recognise our Karen people? The Nationwide Ceasefire Agreement was already signed [by the Burma/Myanmar government and the KNU]. In fact, they [Tatmadaw] should not act like this [remove the flag]"*.



This photo was taken on January 9<sup>th</sup> 2017 in A--- village, Than Payar village tract, Win Yay

Township, Dooplaya District. It shows A--- self-reliant school. According to villagers, Battalion Commander Htat Aung and Battalion Deputy Commander Naing Lin Aung from Light Infantry Battalion [LIB] #31 went to remove the school's signboard and the Karen national flag from the school because the Burma/Myanmar government's administrators were coming to visit the village. Villagers do not know who the Burma/Myanmar government's administrators are. This LIB #31 removed the school signboard and the Karen national flag on November 11<sup>th</sup> 2016 and they [Tatmadaw] gave it [flag] to a young boy who came to look after cows at the school compound. No one from A--- village knew about this case. This LIB #31 is led by Strategic Operations Commander Bo Mu Myo Tun Win from Strategic Operations Command #2 in A'n'an Kwin army camp. Strategic Operations Command #2 is under Military Operations Command #19. Following this, local KNLA company #2 went to put up the Karen national flag and school signboard at the school. [Photo- KHRG]

According to a school head mistress, *"All of the female/male teachers from this A--- school are local residents. There are six school teachers. Four of them are female teachers and two are male teachers. There are [censored] students in the school. There are [censored] female students and [censored] male students. This school is a post primary school, up to 6<sup>th</sup> standard".*

#### **Military activities**

Regarding military activities in Kawkaik Township and Win Yay Township, Dooplaya District, the Tatmadaw have to construct three layers of fencing in order to strengthen their army camps following the signing of the NCA. Strategic Operations Commander Bo Mu Khin Maung Maung from Kyaik Hto army camp in Kawkaik Township directed all of the [Tatmadaw] army camps to construct three layers of fencing. Military Operations Commander from Military Operations Command Headquarters #19 was coming to check Tatmadaw army camps [in Kawkaik Township] but he [military operations commander] was unable to come to check the camps. [Instead] on December 12<sup>th</sup> 2016 a Strategic Operations Commander from Kyainseikgyi came to check the Tatmadaw army camps [in Kawkaik Township]. When he [Strategic Operations Commander] came to check the camps, the road was full of guards for his security.

On November 9<sup>th</sup> 2016, Commander of three [Tatmadaw] headquarters, Chief of Staff Major Tin Maung Tun from the [national] Border Guard Force [BGF], A'sin villagers and some Mee Tan elders held a meeting in the BGF meeting room. Afterwards, they [Tatmadaw and BGF] went to Paya Kone area in Kyain Town with four cars. Then, they went back to their army bases. However there were still security guards on the road.

On November 12<sup>th</sup> 2016, Chief of staff Major General Min Naung also came to check Tatmadaw army camps and then he went to check the artillery army camp in Poe Chi Mu village, Kawkaik Township.

Villagers questioned why Tatmadaw soldiers were active on the road. They wanted to know whether they were acting as security guards because they might have received news about Bo San Aung,<sup>408</sup> from the DKBA splinter group. The villagers are worried that something [fighting] will happen [between Tatmadaw and DKBA splinter group]. If something [fighting] happens, it is the villagers who will suffer.

On December 20<sup>th</sup> 2016 the fighting between the KNLA and New Mon State Army Battalion #2 happened at Rit Khee Mountain which is the borderline between Brigade 4 [Mergui Tavoy District] and Brigade 6 [Dooطلا District]. Therefore, the Karen and Mon residents were very worried for their lives. Local villagers also have to confront difficult situations due to development projects and [poor] healthcare services. Regarding the education situation, [Karen] villagers wondered whether the Burma/Myanmar government recognises their [Karen] education. The information for this Situation Update is reported by the voices of villagers and the views of community members.

#### Conclusion

After the NCA was signed by the KNU and the Burma/Myanmar government, villagers had to deal with transportation problems when they travelled because of the DKBA splinter group, Bo San Aung's, activities. A [poor] healthcare service and [poor] education system has caused further difficulties for villagers. According to the information that I [KHRG community member] collected, villagers' rights were abused because of development projects and military activities. After 2012, the BGF confiscated villagers' lands in Kyonedoe Town, Kawkareik Township. In addition, villagers' lands were confiscated due to development projects. However, in conclusion that until now, both the KNU and the Burma/Myanmar government have no method to solve these land issues.

#### Source #82

Log #	17-3-NB1
Type of report	News bulletin
Publishing Information	Previously published in January 2018: <a href="http://khrgh.org/2018/01/17-3-nb1/villagers-raise-concerns-regarding-proposed-stone-mining-and-cement-production-wi-1">http://khrgh.org/2018/01/17-3-nb1/villagers-raise-concerns-regarding-proposed-stone-mining-and-cement-production-wi-1</a>
Location	Win Yay Township, Dooطلا District/southern Kayin State
Full Text	

<sup>408</sup> The Democratic Karen Buddhist Army (DKBA) was re-formed on January 16th 2016 as a splinter group from the Democratic Karen Benevolent Army (2010 – present), and is also referred to as Na Ma Kya ('Deaf Ear'). During fighting between the Tatmadaw and DKBA Benevolent throughout 2015, there was internal disagreement within the DKBA Benevolent which resulted in a number of commanders being dismissed in July 2015. These former commanders then issued a statement in January 2016 declaring the formation of a new splinter group. This organisation has phrased the formation of this group as the revival of the original Democratic Karen Buddhist Army which was formed in 1994 until it was broken up in 2010 into the BGF and the still-active DKBA Benevolent. The group is led by General Saw Kyaw Thet, Chief of Staff and General Saw Taing Shwe aka Bo Bi, Vice Chief of Staff. Other lower ranking commanders in the DKBA Buddhist splinter group are San Aung and late Kyaw Moh aka Na Ma Kya (reportedly killed on August 26th 2016). The group is currently based in Myaing Gyi Ngu area in Hlaing Bwe Township, Karen State. This DKBA Buddhist (2016 – present) should not be confused with the DKBA Benevolent (2010 – present) from which it broke away in January 2016, or with the original DKBA (1994 – 2010) which was broken up in 2010 into the BGF and the DKBA Benevolent. Importantly, the DKBA Buddhist has not signed the preliminary or nationwide ceasefire with the Myanmar government whereas the DKBA Benevolent has signed both agreements.

## **Villagers raise concerns regarding proposed stone mining and cement production in Win Yay Township, Dooplaya District**

*This News Bulletin describes villagers' concerns about the testing of Khonkhan rocky mountain in A--- village, Sin Pyay village tract, for potential limestone mining for cement production. The testing is being done by the Asian Falcon Company. When the Asian Falcon Company began to test the stone of rocky mountain in their area between March and December 2016, villagers in Sin Pyay village tract, Win Yay Township reported that they did not receive clear or transparent information about what was happening. Although they have raised their concerns about the potential negative impacts, villagers express that the local Karen National Union (KNU) authorities have ignored their voices by permitting the company to conduct its business activities for the proposed cement production.*<sup>409</sup>

### **Introduction**

This news bulletin presents the compilation of villagers' concerns from the surrounding villages of Khonkhan mountain, *Sin Pyay village tract*, *Win Yay Township/Three Pagoda Pass sub-township*, *Kyainseikgyi Township*<sup>410</sup> regarding the quarrying of limestone from the mountain, known locally as 'rocky mountain', for the purpose of cement production. From January until November 2017, KHRG received a numbers of reports describing villagers concerns for the potential negative impact related to the quarrying of the rocky mountain and the proposed cement production by the Asian Falcon Company.<sup>411</sup> The Asian Falcon Company has been testing<sup>412</sup> the rocky mountain since March 2016 in *Sin Pyay village tract*, *Win Yay Township* after they held a direct consultation with local authorities (KNU leaders) in Win Yay Township. However, villagers did not receive clear information about the company or the proposed process and information from this consultation was not openly shared with villagers.

<sup>409</sup> This News Bulletin was written by KHRG office staff and is based on information from a community member from Dooplaya District who has been trained by KHRG to monitor local human rights conditions. It summarises information from one other document, one complaint letter, one situation update and two interviews received by KHRG in within 2017. In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in southeast 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.

<sup>410</sup> The place of the Asian Falcon company site visit is a mixed controlled area. Therefore, the visit site area was mentioned with two townships name according to the KNU and Myanmar-government defined territory.

<sup>411</sup> This company name is also translated as the Asia Eagle Company. For previous KHRG reports regarding the company's involvement in stone mining in Dooplaya District, see "[Dooplaya Situation Update: Kawkaireik Township and Win Yay Township, November 2016 to January 2017](#)," August 2017.

<sup>412</sup> Although there is a lack of transparency regarding the details of the testing, it is likely that the company is testing the quality of the limestone to assert that it is of suitable standard for cement production. According to the internationally held standard for natural resource governance, exploration and licensing of potential mining sites should be allocated to companies in a transparent process, and closely monitored by the government. For more information see Precept 3 of '[Natural Resources Charter Benchmarking Framework](#)' NRGI, 2017.

In January 2017, the Asian Falcon Company returned to Khonkhan rocky mountain to test the stone again. At this time, villagers from eight affected villages formed an environmental conservation committee in order to have a more effective outlet for their concerns. Despite this committee sharing villagers' concerns and disagreements regarding the potential impact and consequences to the project, the Asian Falcon Company continued with their site visit and examination. Villagers felt that this action clearly showed that their voices and concerns were ignored and their rights to the land and local resources were not respected by the company or by local authorities who were complicit in giving permission.

#### **Negotiation and consent**

The Asian Falcon Company conducted site visits from March to December 2016 to Khonkhan rocky mountain after they negotiated with the Karen National Union (KNU) chairperson from Win Yay Township. During these site visits, the site visit team measured and tested the stone of the rocky mountain to survey for industrial mineral raw materials and the possibility of stone production.<sup>413</sup> Villagers were isolated from this negotiation process and not informed of the company's site visits. According to a villager from B--- village, Than Pa Yar, [P'Naw Kleh Hkee in Karen] village tract, Win Yay Township, Dooplaya District,

*"Except knowing that the company is measuring and testing the rocky mountain I do not know any specific information about this project. They [company workers] brought the recommendation letter from Win Yin Township and conducted their site visit."*<sup>414</sup>

Villagers from other villages in Win Yay Township also reported that there was no consultation or transparent sharing of information with them throughout 2016. The company received permission for their site visit after meeting with Win Yay Township leaders only.

#### **Consultation**

On August 12, 2017 the company returned to the Khonkhan rocky mountain and this time held a consultation with the local villagers. Local villagers reported that during the consultation, many of the questions and concerns that they raised were not answered. For example, when a village head questioned about the Asian Falcon Company's aim behind the measurement and examination of the rocky mountain, company workers responded that they just had to take measurements to report to the Karen State Minister Nan Khin Htway Myint and responsible leaders from Nay Pyi Taw. The company workers who attended the consultation claimed that they only held responsibility for the site visit and measurements, and therefore they could not make other decisions based on the concerns villagers raised. They confirmed only that they submitted the necessary permission letter to the local authorities in Win Yay Township for the site visit.<sup>415</sup>

The permission letter that the company submitted to the Win Yay Township leaders requested permission for a mineral exploration group to conduct a survey, from October 14<sup>th</sup> to October 15<sup>th</sup> 2017. The mineral exploration group is led by the Asian Falcon Company and a field investigation group led by a director of Ministry of Natural Resources and Environmental

<sup>413</sup> This information is taken from unpublished report from Win Yay Township received in November 2017.

<sup>414</sup> This information is taken from an unpublished interview from Win Yay Township received in September 2017.

<sup>415</sup> This information is taken from an unpublished interview from Win Yay Township received in September 2017.

Conservation, under the Myanmar Department of Geological Survey and Mineral Exploration, from Nay Pyi Taw.<sup>416</sup> Therefore, based on the information from the letter, villagers gathered that the project on Khonkhan rocky mountain is set to continue despite villagers withholding their consent. They reflected that the consultation that was held with villagers was not transparent or effective as they had not been informed that testing and exploration for the project would continue.



The first photo was taken on August 30, 2017 in B--- village, Than Pa Yar [P'Naw Kleh Hkee in Karen] village tract, Win Yay Township, Dooplaya District. The photos show a manual distributed by the Asian Falcon Company to villagers via the village head. It is a manual that describes about the process of stone examination and the extraction of sample stone with a drilling machine. Villagers reported to KHRG that they do not accept this project at all. [Photo: KHRG]

The second photo was taken on August 30, 2017 in B--- village, Than Pa Yar [P'Naw Kleh Hkee

in Karen] village tract, Win Yay Township, Dooplaya District. This is a photo of B--- villager Saw C--- who was interviewed by a KHRG community member regarding the proposed stone mining and cement production. In the interview he stated that, *"The reason for my disagreement is because the bottom of this rocky mountain is full with gardens and land owned by villagers. The gardens, the land and the plants also depend on the shade from this Kon Hkaw [Khonkhan in Burmese] Mountain. If this mountain is removed [destroyed or reduced by stone mining], all the gardens and plants will be destroyed. The local people also use the bamboo and trees from this mountain to build their houses. They would have big problems finding the trees and plants to build their houses [if the mountain is destroyed by mining]. [Also,] there are many animals that live on this mountain; these animals will disappear when the mountain is destroyed."* [Photo: KHRG]

#### Villagers' concerns

Villagers have raised their concerns about several potentially negative consequences of the stone mining and the proposed cement production, including livelihood concerns. According to local villagers in Win Yay Township,

<sup>416</sup> This information is taken from unpublished report received in November 2017.

*"There are many villagers who rely on this rocky mountain [for their livelihood security].*

According to one villager from B--- village, P'Naw Kleh Hkee village tract, Win Yin Township,

*"Most villagers who live [in the area] surrounding the rocky mountain mainly keep plantations such as betel nut plantations and rubber plantations for their livelihood [economic subsistence]. Therefore, if this rocky mountain is removed [damaged by stone mining] and the cement industry is established, our livelihoods will be damaged. The river can also dry up. These are the main reasons we worry for our livelihoods."*<sup>417</sup>

*Other villagers have also stated that the mountain is near to their drinking water source, which they predict may be disrupted by the project,*

*"Also there are a lot of villagers from many villages who rely on the Win Yay [also known as Win Yaw] river [which is located] nearby this rocky mountain."*

*Moreover, villagers worry that the livelihood impacts may be so dramatic that it may result in their displacement from their homes,*

*We, local residents, are not sure when we have to move away because when the company [Asia Eagle Company] came [to conduct a survey on the rock mountain], they brought a permission letter from the KNU headquarters. We do not know whether P'doh<sup>418</sup> Saw Sein Ler [secretary of the KNU Mining Department], himself came together with the company or not. They [the company] also brought a permission letter from the [Myanmar] Ministry of Mines [when they came to conduct a survey]. However, they [the company] did not explain to local residents anything about the cement factory project nor about the permission letters. Villagers were [also] not consulted during the planning stages of the Three Pagodas Pass-Thantphyu Zayet road. We have to deal with the negative impact of development projects although we did not agree to them."*<sup>419</sup>

#### **Response of local authorities**

Problematically, when villagers have raised their concerns at the local level, no action has been taken as the KNU has already granted permission for testing and exploration, undermining any need for consent to be granted by the local community. According to local villagers,

*"They [the company] will not get a chance to conduct a survey on the rocky mountain if the KNU headquarter/ national leader does not give permission [to the company] to conduct the survey. Due to the KNU's permission [given to the company], villagers have to be silent [cannot resist the cement factory project]."*<sup>420</sup>

Therefore despite villagers concerns about their livelihood security and other potentially

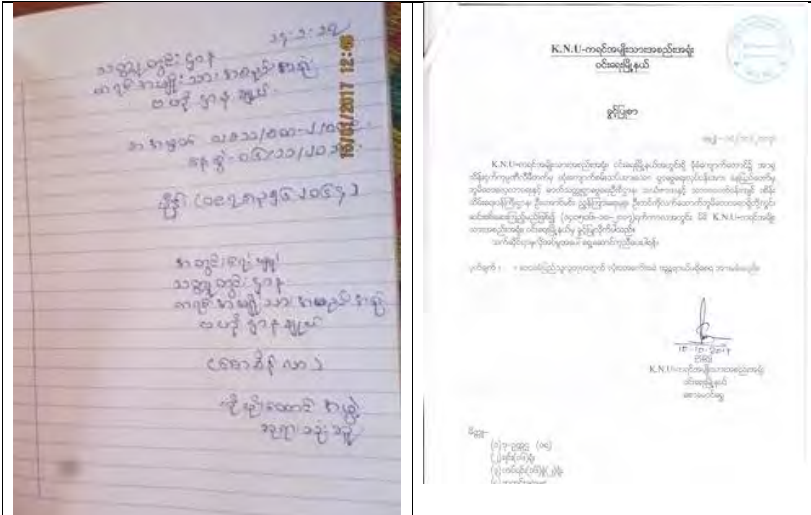
<sup>417</sup> This information is taken from an unpublished interview from Win Yay Township received in September 2017.

<sup>418</sup> P'Doh is a Karen title used for a government or military governor or officer.

<sup>419</sup> ["Dooplaya Situation Update: Kawkaik Township and Win Yay Township, November 2016 to January 2017."](#) KHRG, August 2017.

<sup>420</sup> ["Dooplaya Situation Update: Kawkaik Township and Win Yay Township, November 2016 to January 2017."](#) KHRG, August 2017.

negative impacts, villagers rights to prior, meaningful, informed consultation and consent were not respected.<sup>421</sup> Without taking villagers concerns into account, this proposed stone mining and cement production will cause a lot of serious human rights impacts including livelihood insecurity and health consequences due to water channel disruption.



The first photo was taken on January 15<sup>th</sup> 2017 in D--- village, Sin Pyay village tract, Win Yay Township, Dooplaya District. This photo shows a [handwritten] letter that a [Asian Falcon] company member brought from KNU when they came to examine the rocky mountain. The document merely describes the contact information of the KNU mining ministry which gave their permission for the site visit and stone testing. *[Photo: KHRG]*

The second photo shows a permission letter from the KNU Mining Department [providing permission to the relevant Myanmar department]. This permission letter was released by the relevant Myanmar department on October 10, 2017. It states that the KNU has given permission to the Ministry of Natural Resources and Environmental Conservation, under the Myanmar Department of Geological Survey and Mineral Exploration from Nay Pyi Taw. The permission is granted to conduct the site visit for the examination of limestone production activities on Khonkhan rocky mountain for the Asian Falcon Company. This document was passed to KHRG on November 3, 2017 from Kwee K'Chaw Kyi village tract, Win Yay Township, Dooplaya District. *[Photo: KHRG]*

#### Village Agency

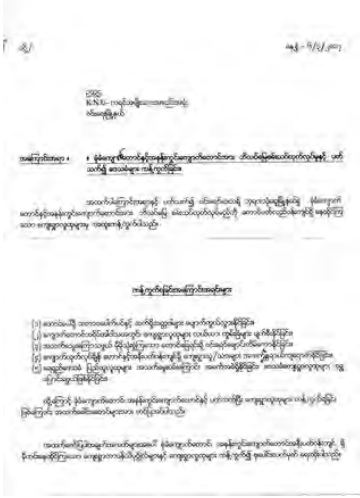
After villagers found out that the Asian Falcon Company had come to examine the rocky mountain many times, they formed a Natural Conservation Committee in January 2017. The

<sup>421</sup> The international standard of Free, Prior, and Informed Consent (FPIC) relates to the rights of indigenous persons in relation to decisions which affect their community. It is enshrined in Article 32, ["United Nations Declaration on the Rights of Indigenous Peoples,"](#) 2007, and expanded on in ["Free, Prior and Informed Consent of Indigenous Peoples,"](#) OHCHR, September 2013.

Natural Conservation Committee was formed in order to protect their community forest.

Despite exclusion from the formal permission process, villagers have worked in diverse ways to protect the rocky mountain and the community forest that grows on it, which they perceive as under threat. Villagers including village tract leaders have collectively held meetings regarding the company testing for the quarrying of the rocky mountain and the proposed cement production. As an outcome of these meetings, on March 6, 2017 they reported their collective concerns through submitting a complaint to the KNU Township leaders in Win Yay Township.

Secondly, when staff members from the Asian Falcon Company came and held one consultation meeting with villagers on August 12, 2017, the villagers also directly spoke up to explain the reasons why they do not allow the company to examine the rocky mountain for mining.

	<p>This photo shows the objection letter from villagers submitted to the KNU chairperson in Win Yay Township, Dooplaya District on March 6, 2017. KHRG received this document on May 23, 2017. Villagers also sent a request to KHRG, via a local KHRG community member in Win Yay Township, to advocate to the KNU headquarters regarding their complaint. In this letter, villagers from the areas surrounding the rocky mountain confirm that they are against the examination of rocky mountain for mining purposes. They give five main reasons for their objection. 1) The biodiversity of the mountain, including plants and animals, is at risk. 2) The extensive shade provided by the mountain is beneficial for local farmers' plantations; plantations may therefore suffer if this shade is lost. 3) The Win Yaw [Win Yay] River at the bottom of the rocky mountain is relied on by villagers as their main water source; it may dry up or become unusable if mining activities interrupt or block the river, or pollute it with dirt and dust. 4) There may be potential stone falls caused by mining; villagers who stay close to the rocky mountain therefore feel unsafe. 5) Villagers predict future livelihood problems caused by the disruption to their land and community, and fear that this may eventually lead to their displacement. [Photo: KHRG]</p>
--	---

Furthermore, when local villagers gained information on October 10, 2017 via the permission letter that a site visit and sample testing would be conducted local villagers organised

themselves by requesting a Karen CBO (Community Based Organisation) to advocate to the leaders and responsible people from KNU headquarters to reverse their permission and not allow the company to continue with the proposed project.

On December 6, 2017, a KHRG community member returned to the proposed project area and reported that villagers also have tried another strategy to protect their community forest on the rocky mountain. Villagers, led by a local monk, built a religious stupa on the top of the rocky mountain to make the company respect the mountain.

On January 4, 2018, a KHRG community member reported that the locally established Environmental Conservation Committee held a meeting at E--- village, Win Yay Township and set up the rules for environmental conservation and they again discussed how to find different ways to protect the rocky mountain. Around 50 participants attended this meeting including four local monks. According to the KHRG community member, villagers are determined to continue protecting their rocky mountain and community forest in many ways until the company stops their proposed project.



The first photo was taken on January 15<sup>th</sup> 2017 in D--- village, Sin Pyay village tract, Win Yay Township, Doooplaya District. This photo shows a meeting organised by D--- villagers. The Asian Falcon Company came many times to test a local rocky mountain for stone mining potential nearby D--- village. Villagers disagreed with the proposed stone mining for cement production. Therefore, villagers gathered together, held a meeting to discuss their concerns,

and formed a Natural Conservation Committee. *[Photo: KHRG]*

The second photo shows Khonkhan rocky mountain marked with a blue circle on the satellite map. This rocky mountain is over ten miles long and is surrounded by eight villages. It hosts around 4000 acres of extensive forest. It is a vital resource that villagers rely on for their livelihood security, including for forest products, hunting, and shade for their plantations. Therefore, if the Asian Falcon Company extract stone from this rocky mountain for cement production it is predicted to lead to negative livelihood consequences for local community members. Predicted consequences include the loss of community forest, environmental damage and loss of biodiversity, and potential eventual displacement due to livelihood problems. Despite these predicted consequences, the project has been allowed to continue without villagers' consent. *[Photo: Google map/KHRG]*

The last two photos were taken in D--- [Taung Swun] village, Kwee Ka Chaw Kyi village tract, Dooطلا District, Win Yay Township on December 6, 2017. Since the Asian Falcon Company has examined the rocky mountain many times for stone for cement production, it has caused great concern for the villagers. Therefore, villagers organised a local protest in the form of construction of a stupa [Buddhist religious monument] on the top of the mountain. In the picture, villagers are mixing the cement and carrying stone to the top of the rocky mountain in order to construct the stupa. This is one of the villagers' strategies in protecting their environment from destruction, by showing it is sacred. This activity was led by the monk of F--- village and villagers including village head also volunteered. The name of the monk is unknown. *[Photo: KHRG]*

### Conclusion

Local and international companies have been able to implement business enterprises more freely throughout Myanmar recently, compared to the previous government era (most notably prior to the 2012 preliminary ceasefire<sup>422</sup>). According to villagers in southeast Myanmar, companies have performed their business activities on the ground with a lack of transparent Environmental and Social Impact Assessments (EIA/SIA) and low standards of Free, Prior, and Informed Consent (FPIC). Without these safeguards, only the local villagers suffer the negative consequences and human rights impacts.

The potential quarrying of Khonkhan rocky mountain in Win Yay Township, Dooطلا District by Asian Falcon Company is one of the clear examples that villagers are still at risk of their human rights being undermined by the negative impact of business activities. In this case, Khonkhan rocky mountain is one of the main resources that local villagers rely on for their livelihood, including for drinking water and forest resources from the community forest. Although villagers have tried many ways to protect their rights, their voices and concerns have continually been ignored and undermined by the local authorities providing permission

<sup>422</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see ["Seventh Round of Nationwide Ceasefire Negotiations"](#), *Karen National Union Headquarters*, March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see ["KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit"](#), *Karen News*, April 22<sup>nd</sup> 2015.

to the company. Villagers' right to FPIC and well as their human rights to life, health, work, an adequate standard of living, and the indigenous right to land, were not respected by the authorities or the company.

Local and international companies have proceeded with development projects especially business activities across KHRG operation areas of southeast Myanmar more frequently since the NLD government came to power.<sup>423</sup> Across the seven locally-defined districts of southeast Myanmar, KHRG has received information about villagers concerns from the negative impact of business activities. This highlights that whilst the Myanmar government is trying to change and develop the country across many different sectors, the need remains to accommodate community-level concerns and to monitor the human rights situation effectively so that the country will be improved in-line with the necessary protections for community members on the ground.

#### Source #83

Log #	16-71-S1
Type of report	Situation
Publishing Information	Previously published in August 2016: <a href="http://khrgh.org/2017/01/16-71-s1/hpapun-situation-update-dwe-lo-township-may-august-2016?qt-related_readings=3&amp;page=4">http://khrgh.org/2017/01/16-71-s1/hpapun-situation-update-dwe-lo-township-may-august-2016?qt-related_readings=3&amp;page=4</a>
Location	Dwe Lo Township, Hpapun District/northeastern Kayin State
Full Text	

### Hpapun Situation Update: Dwe Lo Township, May to August 2016

*This Situation Update describes events occurring in Dwe Lo Township, Hpapun District during the period between May and August 2016, including livelihood issues, gold mining, health and education.*

- In May 2016, more than half of the civilians in Dwe Lo Township had to stop working on their hill farms because all of their paddy plants were destroyed by mice.*
- Between 2015 and 2016, Chinese wealthy individuals conducted gold mining in Bu Law Klo River, Dwe Lo Township, Hpapun District. These impacted civilians' livelihoods because it destroyed their river-side farm lands and civilians could no longer easily travel and use the river for their livelihood.*
- Between May and August 2016, diarrhoea, headaches, leg or arm pains, and flu were common illnesses faced villagers in Bu Tho Township, Hpapun District. They usually accessed medical treatment through nurses or medics in the village, but without money they could not access medical treatment.*
- In 2016, Dwe Lo Township Karen Education Department [KED] chairman Saw Bwah reported that, "students in Dwe Lo Township still have to pay the student fee for the teachers' salary but we will try for the students [to get] free education in the coming year".*

### Situation Update | Dwe Lo Township, Hpapun District (May to August

<sup>423</sup> The National League for Democracy (NLD) was elected in November 2015 and officially took office in March 2016. The State Councillor of Myanmar and de-facto head of the NLD is Aung San Suu Kyi, whilst the President is Htin Kyaw.

## 2016)

*The following Situation Update was received by KHRG in August 2016. It was written by a community member in Hpapun District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>424</sup> This report was received from Hpapun District.*

### Introduction

Between 2010 and 2014, civilians who had boats in Dwe Lo Township, Mu Traw [Hpapun] District could travel on [Bu Law Klo] river for their livelihood without any difficulty. [However], between 2015 and 2016, civilians faced human rights abuse [livelihood impacts] from gold mining [project] ships. Gold mining ships ploughed the sand and stone in the river to make a bank, [which interrupted] the boats' travel route. [Therefore], when the boats travelled on the stone bank it caused boat accidents.

Since May 2016, many mice were coming, digging paddy seeds [from the ground] and eating them after civilians planted [the seeds] on their hill farms. Then, all of the paddy [plants or seeds] were gone. [Approximately] Seventy percent of the civilians in Dwe Lo Township could not work on their hill farms anymore.

In the past there were ten ships, [but] in August 2016 four more ships arrived when it was not raining much. The civilians who have farm lands beside the river have boats and travel by boat, [but] the soil [on their farm lands] collapsed [into the river] more and more, so they gathered together and discussed the problems that they will face in the future with the leaders, who gave permission to the ships [to mine the river for gold].

Since January 2016, flu, malaria, headaches, leg and arm pains are common illnesses faced by civilians in Dwe Lo Township.

### Mice [attacking paddy]

Between [January and] May 2016 civilians or hill farmers planted paddy, but mice were eating and digging the paddy seeds [from the ground] after [the farmers] had planted them. Pah Tee<sup>425</sup> S--- lives in Ma Lay Ler village, Ma Lay Ler village tract, and his livelihood is working on a hill farm. Mice ate all of his [paddy seeds] after he planted them, so he said,

*"I saw mice eating [destroying] paddy when I was a child once. They ate premature paddy grain and then when the [mature] paddy grain turned yellow [again]. This year, there are many villagers, hill farmers or land farmers [who] cannot harvest [the paddy] because of the mice eating their entire paddy. Now, I am at the old age of sixty years old and I face [the problem of] mice eating the paddy on my hill farm or on many other people's hill farms again. There are many hill farmers [who] cannot work on their hill farms [anymore]. I set up snares on my hill farm's boundary [so that] the mice will not eat [my] paddy, but they could not [stop the mice] as usual. This is not happening only in Ma Lay Ler [village], civilians or hill farmers in Bu Law Traw*

<sup>424</sup> KHRG trains community members in southeast 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 writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>425</sup> *Pah Tee* or *Dtee* is a familiar S'gaw Karen term of respect attributed to an older man that translates to "uncle," but it does not necessarily signify any actual familial relationship.

village are [also] facing this [problem] too. [Therefore], the civilians or hill farmers will face the rice problem [food shortage] in the coming year of their lives".

And then, I [KHRG community member] asked Pah Tee S--- "You [are] facing the problem of mice destroying your paddy till you cannot work [harvest] on your hill farm anymore, how will you live and how will you eat in the coming year?" Pah Tee S--- replied, "[We] hill farmers are working on hill farms [but] we cannot eat [harvest] rice therefore at the harvesting time we all, children and wife, have to harvest on our neighbours' hill farms or lands farms which are not [destroyed] by mice. Then they will share some rice with [us] for our lives in the coming year".

#### **River problem**

One Hpa Weh Hta villager named U<sup>426</sup> T--- in Lay Hkaw Htee village tract reported that,

"Between 2015 and 2016, some civilians who had money cooperated with Chinese wealthy individuals and asked permission from the Karen leaders to conduct gold mining in Bu Law Kloh River. Karen Leaders gave Bu Law Kloh River to them, so they started conducting gold mining in 2015, until now. Gold mining ships are ploughing the sand or stone to become a bank in the centre of the river. Water cannot flow normally, so it causes problems for our livelihoods by the people who drive boats on the Bu Law Kloh River. It causes boat accidents, as boats hit the bank and [we lose] some of the food in our boats, such as rice, onions, snacks and oil.

Similarly, my friend's boat in Meh Way accidentally hit the bank of stone when he was carrying dog fruits [from Meh Way to Hkaw Htee village]. When he was arriving at Meh Toh Hta, all of his dog fruits were lost. In my opinion, the [Karen] leaders should not give permission to the gold mining ships [workers to conduct the gold mining] in the Bu Law Kloh River anymore. Moreover, there were ten gold mining ships in 2015, but now there are four more gold mining ships in August [2016]. I see that, if the gold mining ships [workers] are always [conducting gold mining] in Bu Law Kloh River, this will cause problems for the boat drivers and will destroy the civilians' farm lands; the farm lands' boundary collapsed [into the river] so it impacts civilians' livelihoods.

Regarding the problem that we face [about] travelling by boat, I solved this by gathering together the people who have boats and discussing about [the issue that] travelling by boat is not easy like it was before. Therefore, starting from now we always have to be careful and drive slowly when we are travelling. Even though it will take time, a little longer, we have to be patient on our travels".

#### **Health**

Since May [2016], many children or adults in Ma Lay Ler village tract, Meh Cho village tract, Waw Mu village tract, Meh Way village tract and Hku Thu village tract had to face common illnesses such as diarrhoea, headaches, leg or arm pains and flu. Any people who faced the flu had to suffer for at least ten days, but only flu medicine could treat it [not general medicine or a drip]. There were many people who got the flu and were getting better after they took medicine or drips, but they still felt leg or arm joint pain.

Regarding the flu, this was treated by young [health workers] in the village. They were trained at the Karen hospital in the town. [Villagers] had to pay all medicine costs to Thara/Tharamu [health workers]. If they [villagers] do not give money, even if they called them, [the health workers] would not come to [the patients]. Some villagers who had money accessed medical treatment at the hospital in town, but some patients did not have money for [medical] treatment

<sup>426</sup> U is a Burmese title used for elder men, used before their name.

so they had to severely suffer for a very long [time]. For people who did not have money to access treatment, some of them got better by receiving traditional [medical] treatment or taking natural medicine. Regarding the flu treatment, one woman who lived in Yaw Mu Village, named Mu Ghar<sup>427</sup> U---, reported the flu, because she and many of her neighbours [also] faced [and] suffered from the flu.

#### Civilians' livelihood

Civilians' livelihoods in Dwe Lo Township are farming, hillside cultivation, sesame plantation and some [civilians] who have money conduct gold mining and sell [snacks] at home. When dog fruits are mature some of the villagers sell dog fruits. This [information on] civilians' livelihoods was reported by V--- village tract leader Saw W---.

#### Education

Dwe Lo Township Karen Education Department [KED] chairman Saw Bwah reports [that regarding] education in Dwe Lo Township, *"All children can go to the school. We set up high schools and middle schools in the village that have many households and primary schools in village that have few households."*

*Most of the teachers are from the village [that has the schools], but some are from Burma/Myanmar government education department or Karen Education Department [KED]. Teachers' salary is provided by the Karen Education Department [KED]. We [KED] pay [teachers] seven thousand baht or nine thousand baht [US \$196.90 or \$253.09]<sup>428</sup> [per year] but there is not enough [money for the teachers] so village tract education [department] leaders or village education [department] leaders asked for more money from the students' parents for the teachers. Teachers from the Burma/Myanmar government do not ask for the salary, they are voluntarily teaching [the children]. We [KED] do not have to pay them because they receive salary from the Burma/Myanmar government. Now, students do not yet get free education. This coming year, [we] will arrange for the students to get free education".*

#### Conclusion

There was so much rain so [I] could not afford to travel very much [during this reporting period]. Therefore, the situation in Lu Thaw Township and Bu Tho Township are not included in this Situation Update, it includes the situation in Dwe Lo Township only. This Situation Update is not only [from] my opinion, [because] civilians/victims reported [the problems that they faced] to me when I was traveling around, so I reported it.

#### Source #84

Log #	12-b-72
Type of report	Interview
Publishing Information	Previously published in September 2012: <a href="http://khrhg.org/2012/09/khrhg12b72/toungoo-interview-saw-h-april-2011">http://khrhg.org/2012/09/khrhg12b72/toungoo-interview-saw-h-april-2011</a>
Location	Htantabin Township, Toungoo District/northern Kayin State
Full Text	

<sup>427</sup> *Mu ghar* is a familiar S'gaw Karen term of respect attributed to an older woman that translates to "aunt," but it does not necessarily signify any actual familial relationship.

<sup>428</sup> All conversion estimates for the Baht in this report are based on the January 10<sup>th</sup> 2017 \_official market rate of 35.54 Baht to US \$1.

## Toungoo Interview: Saw H---, April 2011

*This report contains the full transcript of an interview conducted during April 2011 in Tantabin Township, Toungoo District by a community member trained by KHRG to monitor human rights conditions. The community member interviewed a 37 year-old township secretary, Saw H---, who described abuses committed by several Tatmadaw battalions, including forced relocation, land confiscation, forced labour, restrictions on freedom of movement, denial of humanitarian access, targeting civilians, and arbitrary taxes and demands. Saw H--- provided a detailed description of three development projects that the Tatmadaw has planned in the area. Most notable is Toh Boh<sup>429</sup> hydroelectric dam on the Day Loh River, which is expected to destroy 3,143 acres of surrounding farmland. Asia World Company began building the dam in Toh Boh<sup>429</sup>, Day Loh village tract during 2005. The other two projects involved the confiscation of 2,400 acres, against which the villagers formed a committee to petition for compensation and were met with threats of imprisonment. Saw H--- also described how 30 people working on the dam die each year. Also mentioned is the Tatmadaw's burning of villagers' cardamom plantations, and the villagers' attempts to limit the fire damage using fire lines. It is also described by Saw H--- how some villagers have chosen to remain in KNLA/KNU-controlled areas and produce commodities for sale, despite the attendant increase in the price of goods purchased from Tatmadaw-controlled villages, while others have fled to refugee camps in other countries. For photos of the Toh Boh Dam taken by a different community member in March 2012, see "Photo Set: More than 100 households displaced from Toh Boh Dam construction site in Toungoo" published by KHRG on August 23rd 2012.*

### Interview | Saw H---, (male, 37), B--- village, Tantabin Township, Toungoo District (April 2011)

*The following interview was conducted by a community member in Toungoo District, and is presented below translated exactly as it was received, save for minor edits for clarity and security<sup>430</sup>. This interview was received along with other information from Toungoo District, including one incident report and 201 photographs<sup>431</sup>.*

**Ethnicity:** Karen

<sup>429</sup> According to government designations, the dam site is in Tantabin Township, Eastern Bago Region. "Toh Boh" is the Karen language name for the dam site and adjacent village, which is also known as "Tun Boh" in Burmese language.

<sup>430</sup> 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.

<sup>431</sup> 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. As companion to this, a redesigned website will be released in 2012. In the meantime, KHRG's most recently published field information from Toungoo District can be found in the report, "Photo Set: More than 100 households displaced from Toh Boh dam construction site in Toungoo," KHRG, August 2012.

**Religion:** Baptist  
**Marital Status:** Married  
**Position:** Secretary of Township [Htantabin]

**Can you tell me about the situation in your township area [Tantabin Township]?**

There are five village tracts in our township: Khoh Kee, Kaw Thay Der, Maw Nay Pga, Per Tee and Day Loh village tracts. There are five regions. There are five regions.

**Is there any region that you can't administrate and have lost?**

All five regions, especially the Day Loh region; we can't completely administrate it because the enemy [Tatmadaw] fully controls the Day Loh area and there is a project there; they are building a dam in the area. There is a dam project and a dam will be built there.

**When was the dam built?**

The dam project was started in 2005.

**Where did they [the Tatmadaw] plan to build a dam?**

They planned a dam project, which will be in the Day Loh area, in a place is called Toh Boh<sup>432</sup>. Toh Boh is located on the shore of the Day Loh River. Upstream from Toh Boh, there are two mountains; Hsay Shoh and Pa Nah Wah Mountains. In Burmese, we call them Shan Taung and Kwyet Pyu Taung [respectively]. The river flows between these two mountains and there is a bend there. The river bends to the west of the Day Loh area. It [the river bends] is close to Naypyidaw. There is a long bend, and they will build it [the dam] between the Shan Taung and Kywet Pyu Taung [mountains].

**Have they started their project yet?**

No, they haven't started yet. To build the dam, they will have to divert the waterway. They will divert the waterway through Hsay Shoh Mountain. The water will flow to the other side of Hsay Shoh Mountain and flow back to Day Loh River. They will construct buildings at the bend.

**Why are they going to build the dam?**

Their plan to build the dam is to produce electricity. They will build it in the place between the two mountains. They will excavate the mountain and let water flow through the mountain to the Day Loh River. They will build one dam there and another one downriver. It means they will divert and stop the water upriver, and build another one downriver<sup>433</sup>.

**You said they will construct the buildings at the bend?**

For the buildings, they will build them a little upriver. They will construct the buildings inside the village, which is inside old Toh Boh village.

<sup>432</sup> The site of the dam is near 18° 55'N, 96° 37'E and a satellite view gives some perspective on the amount of construction involved with this project.

<sup>433</sup> The villager is likely describing plans to construct a hydroelectric dam and a power storage facility, rather than two separate dams.

The Day Loh River flows this way, toward Toungoo, Baw K'Lee comes up to here. It comes back to the Day Loh River. Here is the place they call P'Leh Wah, and there is a big bridge there. Then, there is Yaw Loh River on this side. Yaw Loh River flows downriver from P'Leh Wah, to a place called Kyauk Kon; there is no bridge or village there. The vehicle road comes to the other side of Day Loh River. Here is Taw Koh, and here is the entrance to Day Loh River. There is a big bend here. Here is Hsay Shoh, and P'Nah Wah Soh is here. They will build the dam from here to here. They will let water flow through Hsay Shoh Mountain and let water flow down river to Toh Boh village along Day Loh River, and they will block [the water] again, here<sup>434</sup>.

**Can you explain to me the aim or objective for building the dam?**

Their objective is to produce electric power.

**Have they been successful?**

No, they have not been successful at producing electric power. For this project, they planned very carefully. They started it in 2007, and it won't be until 2010 when they are successful with this project.

**But now 2010 has already gone; do they still have a future plan to build the dam?**

Yes, 2010 has gone, but according to their plan, they would finish the project in 2010. But, they can't do as they planned. Currently, they haven't been successful, but they have a plan. Now, they will excavate the mountain to make a hole through to the other side of the mountain, but they haven't done that yet. Their [main] plan will start if they finish excavating the mountain. They planned to excavate the mountain within five years, but it hasn't finished yet. I don't know if they just have a plan to produce electric power, or other purposes, because within five years, they haven't finished excavating the mountain. Some workers who have been inside said, "the hole they make takes two hours round-trip by car." They have excavated the mountain for five years. The miners include Chinese, Burmese, Shan and Karen. But they only allow Chinese workers enter to work inside the hole; no other ethnicities have been allowed to enter.

**What about SPDC [Tatmadaw]<sup>435</sup> army leaders, are they allowed to go?**

No, they can't go, but I think they [the company] will let the people who cooperate with them [the company] enter<sup>436</sup>.

<sup>434</sup> At this point in the interview, Saw H--- explains the project to the community member by drawing a map. KHRG was unable to acquire a copy of the map for publication, and thus is not presented here.

<sup>435</sup> In Karen, the Burmese phrases Na Ah Pa (SPDC) and Na Wa Ta (SLORC) are commonly used to refer to the Burmese government or to Burma's state army, the Tatmadaw. Many older Karen villagers who were accustomed to using the phrase Na Wa Ta before 1997 continue to use that phrase, even though the SLORC has not officially existed since 1997. Similarly, despite the official dissolution of the SPDC in March 2011, many Karen villagers continue to use the phrase Na Ah Pa (SPDC) to refer to the Burmese government or to the Tatmadaw; see: "Mission Accomplished as SPDC 'dissolved' ," Myanmar Times, April 4-10th 2011. The term Na Ah Pa was used by the villager who wrote this conducted this interview and interviewee and "SPDC" is therefore retained in the translation of this interview.

<sup>436</sup> While it is not entirely clear, it is likely the villager is explaining that only the Tatmadaw soldiers in direct contact with the foreign company building the dam are allowed to enter the excavated mountain site.

**So, only Chinese people can enter the hole?**

Yes, only Chinese people. They let Chinese [workers] mine the mountain and they have excavated it for five years. Even though they are mining carefully, some Chinese workers who went and worked inside, remained, and died because of a slippery landslide.

**How many people died?**

Sometimes, four or five people die [at once], and about 30-40 people die in a year. When outside [of the excavated mountain], they came out and fought; they blamed the people who were in charge [saying], "Your plan is not well organized, so the landslide occurred, and people have died because of you; people have died." They fought, cut and killed each other outside. Just in this hole, about 100 people have died.

They keep a place for the workers to stay in Toh Boh village. As I told you before, Toh Boh village is located in the place where they will build the dam, between Shan Taw and Kywet PyuTaung. Toh Boh village is located to the west of Day Loh River and close to the Baw K'Lee, Toungoo [town], and the vehicle road. They built a lot of buildings in Toh Boh village. I visited last year, and I know there was a graveyard for Toh Boh village. The companies and their workers came and forced the Toh Boh villagers to move all [the bodies]. They destroyed the graveyard, and they constructed four or five huge buildings in the graveyard. The graveyard was very large and the area is flat. There are only the workers' houses there. There are about a thousand workers.

Upstream from Toh Boh village, they constructed a very beautiful building. The leaders come and stay there. The highest ranks among the Tatmadaw leaders come and stay there. If a minister comes, they are welcome there. They come, stay, sleep and eat there. For the downriver part there [in Toh Boh village], there are many buildings. These buildings are for the people in charge, like managers or officers' staff, and others.

Toh Boh is located on the bank of Day Loh River. They [the company] set up a rope bridge. They connected it to the other side of Day Loh River. There is the other river on the other side of Day Loh River. That river flows to the downriver side of Day Loh River. They constructed many buildings on the other side of Day Loh, like buildings to keep cars, trucks, petrol, rice, oil and machine tools.

The buildings they built in Toh Boh village for ministers are very beautiful. There is a big office. They stuck [a sign] in front of the office [showing] how much this building will cost. They stick those kinds of things in front of the office. They don't write in Burmese. They write in Chinese and English. The workers who go and work there see what they write down, [but] they don't understand the language because they did not go to school. Even though, they see [the signs], they don't understand them.

**Is the project only for a dam, or are there any other activities that they plan to do?**

There are three projects in this area. [The] first project is to produce electric power, [the] second is to plant teak and pway [Ironwood tree, and the last one is a rubber [tree] planting project.

**Do they have a plan to mine gold?**

For gold, in the workers' experience, they said it takes one hour to travel from the outside to the

inside of the hole, and another hour to come back, even by car. So, we don't know whether they really want to produce electricity or if they want to go and mine gold at the other part of the mountain.

**Are they still digging?**

Yes, they are still digging.

**How many cars can travel in the hole?**

Only one car can go.

**Do they use electric bulbs?**

I heard they don't use electric bulbs. They carry light when they travel in the hole. They dig the hole and they don't do it carefully, so the earth slides from the top of the mountain. They cover the hole with moeka [a large tarp].

**Will civilians face problems or difficulties if the dam is successful; for example, like flooding of the village or plantations?**

It is too early to say. I think you already understand a lot about the dam from the information that I have told you. I will tell you. They will build the dam here, and here is Toh Boh village. Here is Day Loh River. There is flat land on both sides of the river, so people plant betelnut<sup>437</sup> trees, dog fruit trees, coffee and many other farms, like betelnut plantations and banana plantations in the area. There are many kinds of plantations. Swah Loh village is on the other side of Day Loh River. Around Swah Loh village, there are farms and a lot of betelnut plantations, durian plantations, dog fruit plantations, lemon plantations, banana plantations

**Can you tell me step-by-step?**

I will tell you one-by-one about the three projects. After one, we will go to another one. There are five regions in our Htantabin Township. Among the five areas, especially the Day Loh area, we definitely can't step down [from the hills] because the enemy [Tatmadaw] came and set up many camps. They brought companies to do projects such as producing electric power, and planting valuable timber and rubber [crops]. There are three projects, so they came and set up a lot [of structures]. We can't step down. I will tell you exactly how many people are in each village, and how many houses are in each village. We know the number of villages in that area. I will tell you now the house numbers that I recorded in 2005. There are 15 villages in the region.

No	Village Name	Households	Population		Total
			M	F	

<sup>437</sup> In Burmese, "betelnut" and "betel leaf" are referred to as "konywet" and "konthih," 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. See "Attacks on cardamom plantations, detention and forced labour in Toungoo District," KHRG, May 2010.

Appendix: Development without us  
Karen Human Rights Group, August 2018

1	Keh Doh Lu	44	102	118	220
2	Tun Boh	45	117	110	227
3	Ta Lay Loh	9	18	13	21
4	Kheh Der	17	27	30	57
5	Leh Pah Kway	33	72	90	162
6	Noh K'Maw	33	72	85	157
7	Zin P'Lay Gon	28	64	72	136
8	Hsaw Ee Hkee	7	12	16	28
9	Thay Khee Kla	17	30	38	68
10	Kler Mu Kha	27	49	61	112
11	Ywa Tah Hsin	9	29	30	59
12	K'Neh Tee Der	30	72	88	160
13	Pyon Chaw	27	52	61	115
14	Tee Ber Loh	33	82	98	180
15	Leh Pa Kway	27	56	70	126
<b>Totals</b>	<b>15 villages</b>	<b>388</b>	<b>844</b>	<b>984</b>	<b>1830</b>

This is just in the Day Loh area. I will just tell you the villages in Day Loh area. I will tell you a little bit about the villages' histories. The villagers' occupations are working on betelnut plantations, farms, banana plantations, lemon plantations, coffee plantations, dog fruit plantations and other farming. These villages are located in flat areas on the foot of the mountains. If you go down, the land is flat, and if you go up, it is mountainous. These villages are in the area close to the vehicle road near Toungoo and Baw K'Lee, between Day Loh, Toungoo and Baw K'Lee. These villages are located in this area. As I recall, these villages were forced to move five times. In 1975, they were forced to move, but they were not told the place they had to relocate to, so they went and stayed close to other villages. They went and stayed at K'Yay Kon. They stayed there for one year and they came back [to their villages]. They came back and stayed for several years. They were forced [to relocate] again, and they had to go back and stay at an army camp. They had to stay there for four years. It would be until after 1980; it took four years. They came back again to their villages when the situation was okay. In 1985, they were forced to move again. In 1994, they came back and stayed in their village again. One year, after staying in the village, which was in 1995, they were forced [to relocate] again. They stayed in their village until 2001 and, in the beginning of 2002, all villages were forced to move. In 2004 or 2005, they came back to their villages again. There were several

villages that came back. For Toh Boh village, they can't come back to live in their village. They were not allowed to come back to live in their village. They were kept in another place downriver along the Day Loh. If you go down from Toh Boh, a little over one hour along Day Loh, you will see a village. The village is located on the bank of the Day Loh River; the village is called Noh K'Maw village. Toh Boh villagers were ordered to live downriver from Noh K'Maw village. They had to set up their new village there. Some other villagers also came and stayed there. [Villagers from] two villages, Toh Boh and Law Hsaw Loh, can't come back. They were not allowed to come back to live in their village. At that time [during the relocation], a group came and they checked the whole area here, but local people didn't know anything. After that, people in charge from the Tantabin [Township] office came and met with local people. They said "Toh Boh village is located in the project area, so you can't come back to live [there]. Your properties, cultivations, plantations, land and other things are in the project area. All of your properties will be destroyed when their [the company's] project starts. Base upon on your ownership of properties or land, the government and companies will pay compensation. "The people in charge from Tantabin said:" The electric project [team] will come and build the dam upriver from the village. The project will take five years. After five years, villages here will get electricity for village use in many ways, for their business. Villagers' businesses will become better and [there will be] more options for income. So, we will build the dam upriver from your village. If the dam accidentally breaks, the villages downriver will flood, so we will build the dam soundly." They said they will give compensation for land or plantations, but later, the people in charge from Tantabin didn't send anything, and said nothing. There was no answer, so the local people formed a committee with 30 people. These 30 people signed [a petition] to receive compensation. They formed a committee with 30 people. They went to the Tantabin office and the people in charge said, "This is not a Tantabin project. The project comes from headquarters, so we can't do anything. If you want compensation, you have to go to the Division. If you go to Division, I will tell you: this project is run by the military government. Even if you go to them, they won't give you [compensation]. Furthermore, they will arrest you and put you in prison." The people in charge from Tantabin told the villagers this. Based on what the people in charge from Tantabin said, the 30 people who formed the committee did not dare to pursue the case anymore. They were afraid and they stayed like that. They got nothing from losing their land and properties. Now, the project has started. They surveyed the two mountains, Hsay Shoh and the other one. Hsay Shoh, called Shan Taw [in Burmese], is 1,800 feet (548.64 meters). They excavated this mountain. The other mountain, called Pa Nah Wah, is 2,100 feet (640.08 meters). The area that they surveyed to build the dam is 500 feet (152.40 meters). The dam will use 300 feet (91.44 meters). The area of the project that they decided [to use] is 2,600 acres. They have added 543 acres. If we combine it, there are 3,143 acres of land, which they have decided [will constitute] the project area inside and outside of Toh Boh village. It is very large. The area included the Toh Boh betelnut plantations and banana plantations. As I know, one [plantation] is three or four acres. One person has a betelnut plantation, a banana plantation, and a lemon plantation. Some people have one, two or three acres. The total land that the village lost is 3,143 acres. Based upon on what I know, this project [company] is called Asia World Company<sup>438</sup>. In Burmese, they call it Shwe Swan Yin Co.Ltd. This is the company that comes and does the project. Local people here don't know, but I know that the chair person of this company is the grandson of Kung Za. He is from Shan state. He is a descendant of the

<sup>438</sup> Asia World Co Ltd is a division of Asia World Group, and is one of Burma's largest and most diversified conglomerates with interests in industrial development, construction, transportation, import-export and a chain of local supermarkets; see "One the march to do business in Myanmar," Asia Times, August 26th 2009. Founded in June of 1992, Steven Law is the managing director of Asia World Co Ltd and is also the son of Lo Hsing Han, the infamous drug lord and chairman of Asia World; see "Burmese Tycoons Part I," Irrawaddy Magazine, June 2000, Volume 8, No. 6, pp. 2-3.

kings. He has many companies everywhere in Yangon and others. He has a ship for travelling abroad and he has hundreds or thousands of workers. The manager of this project is U Wan Maung. He has a healthy body. He is big and tall. He is the current manager, and his assistants are U Aung Maw, U Aung Sein, U Sein Win, A'Ban Wa, U Wan Maung and U Wan See; there are six assistants. They have a big objective. They constructed the buildings for workers in old Toh Boh village;<sup>439</sup> there are thousands of workers. They constructed a beautiful building in Toh Boh village. They house ministers when ministers visit there. The manager and office staff are all housed in there. They connected Toh Boh to the other side of the Day Loh [River] with a rope bridge. The river is big. You can't cross in the rainy season. Machine boats used to travel in this river. They constructed a lot of buildings on the other side. Those buildings are only garages, like an ice garage, oil garage, and car garage, including all other tools that are necessary for completing the project. They constructed a vehicle road for this project. The vehicle road runs between Toungoo [town] and Zin Ya Gyi. The road diverges at Toungoo and Baw K'Lee. This road comes from Toungoo, but it diverges with one side going to Baw K'Lee and another one to Zin Ya Gyi.

You have to come back to Zin Ya Gyi. If you continue on the separate road from Toungoo to Baw K'Lee for a while, you will arrive at one place; this place is not a camp, it is a place of worship. They call it Myat Swan Nyi Naung P'Ya. If you go down from there a little, there is a place they call Shu Kin Tha; there is a police checkpoint there. They call the checkpoint, 'Number 11 Checkpoint'. Beginning in Shu Kin Tha, they [Tatmadaw] constructed a new road. The road goes to the project site, in old Tun Boh village. The road started from Number 11 Checkpoint to the project site. They placed several army units along the road to the project site. They divide baka [checkpoints]<sup>440</sup> 1, 2, 3, 4, 5, 6 and 7; this is along the road to the project. There are seven baka. They keep a checkpoint at the entrance of old Tun Boh village; they fully-man the army camp there. Some army camps are big and some are small. They set up a big army camp close to these two mountains, P'Nah Wah Soh and Hsay Shoh specifically, which is on the mountain that is closer to Hsay Shoh. They set up a big army camp there; the battalion deputy commander stays there. They set up another big army camp close to Kya Phyu Mountain and the battalion commander stays there as well. They go and carry water from the Day Loh River and there is another camp there. I will tell you details about the army camp. Number 11 Police Checkpoint is in Shu Kin Tha, and there are seven baka between Shu Kin Tha and the Toh Boh project site. There is one sentry place in Toh Boh. There is one big camp in the Shan Mountain and another one at Shwe Mountain; Karen people call Kywet Pyu Mountain, P' Nah Wah Soh; there is a big army camp there. There is another big army camp at Swah Loh village. Swah Loh village is located on the bank of Swah Loh River. The river flows to the Day Loh River, a little downriver from Toh Boh. There is a big army camp at Swa Hta and another camp in Wah Loh village. Then they constructed another road. They constructed it from the other side of the rope bridge [in Toh Boh village] to Swah Loh. There are two small camps on the way. There is another big army camp beside old Toh Boh village. The enemy who conducts security is the local army. In 2009, [Tatmadaw] IB [Infantry Battalion] #73 conducted security [operations]. It joined with some units from LIB [Light Infantry Battalion] #440. I have heard that Battalion [IB] #39 conducts security now, but I am not sure whether that is correct or not. In Tantabin Township, there are groups of enemies, which are battalion numbers #39 and #73. Battalion #73 is based in Z'Yat Gyi and #39's base is located in 4-Miles [army camp].

I will tell you a little about who came to our area in the beginning. Local people had no idea who

<sup>439</sup> The community member sometimes refers to the dam construction site as "old Toh Boh village", as this is where the village was located before the project began.

<sup>440</sup> Ba ka means 'military camp' in Burmese.

came to the area first. After they came, the people in charge from Tantabin came. They disappeared for several years after they came [initially]. Then, the Shwe Swan Yin Company came to the area. The Shwe Swan Yin Company came on June 8th 2007. Before, they reported a different plan for their project, but when they came and drafted the project, their project was to end in Wah Hta. Wah Hta is located farther [to the East] than Swah Loh. There is a big mountain range there. At the foot of the mountain range is Day Loh River. The other side of the mountain range is a field. In total, the first and second decision to take the land includes over 3,000 acres. They entered and took the area up to Wah Hta. The [original] 3,000 acres does not reach to Wah Hta. They extended it [the acreage] more. They gathered and met local people in the area. The villages there are Noh K'Maw, Thay Khee Kla, P'Leh Wah, Tun Boh. They met with those villagers. They said, "We will build the dam and we will build it sustainably. If the dam breaks, Noh K'Maw and Tun Boh will be under water. In my project, I will build the dam and the water will flood over 30,000 acres." I skipped a little about the project that I am telling you about at the moment. The Shwe Swan Yin Company met with local people and said they will take more [land], and they said that there are over 30,000 acres that will flood. They said they will finish the project within four years. "We will do it until it is successful." So we watched it from 2007; they said they will do it until they have succeeded. Now it is 2011; they are close to success? When we look at what they have done, they just dug a tunnel for the waterway under the mountain, but they haven't reached success yet. They said they will do their project within four years, but now they haven't completed even a tunnel, so I think they won't be successful within the next several years.

**What they planned, and actually do, is it the same project? Do they try to do anything else?**

It is a thought for us. It is on the minds of local people because when they came, they just said they would build the dam and produce electricity. But over several years, they have just excavated the tunnel. The tunnel is not successful yet.

**Will they finish if they focused on digging?**

They can finish if they focussed on digging because the mountain is not so big. They dug it for several years, but it doesn't go through to other side. The mountain is not big. The mountain is babapoe [medium sized], so it became a thought to local people; "maybe they said they would build the dam, but they have another secret plan to mine the mountain."

**Do they hide themselves when they come?**

Different people have different opinions. Maybe they will try to make underground communication [lines] or store weapons or remove valuables from under the ground, like gold or precious stones. Local people have different opinions. The mountain is small. They have been digging for several years, but they haven't finished it. They don't let other ethnicities besides Chinese enter the tunnel. They don't allow Karen, Burmese or Shan ethnicities to enter. The mountain is short and small, but it takes two hours to go in and return, so it causes suspicion in local people and they provide different opinions.

**As you are a person in charge; do you have a plan to find this out?**

It is our responsibility to find this issue out. I think there will be a plan. But it is not good to say, because if we say, it can harm our security.

**Can we come and find out more about these kinds of issues in the future when we want to know more?**

Yes, you can. As we [the villager and the community member trained by KHRG] are associated, you will know what we know. When we travel in the area, [it will be like] you are travelling in the area. We need to know what they are doing and we have a plan to find out. As we are working together, we can let you know more when we get more information.

**How is the suffering of villagers in the area? Can you tell me about that?**

Before the Shwe Swan Yin Company came to the area, the people who came first were the army [Tatmadaw]. The army came and the villagers were faced with different kinds of problems. They came and they were people [soldiers] who have money; they bought things like chickens or pigs from villagers, with money. But some people forcibly took villagers' pigs and chickens. Then, it harmed villagers' livelihoods. So, the villagers have to go to the Day Loh River bank. But, to travel to work in their farms at a different place or other villages, they have to get a permission document. They have to pay 1,000 [kyat] (US \$1.13)<sup>441</sup> for a permission document. They go and work, but they can't sleep at their work place; they have to come back and sleep at their home. Even if they have a permission document when they go and work, they only get a permission document from one army group, but there are several units of army [Tatmadaw units] active [in the area]. If another army group comes, they sometimes find villagers. Sometimes, they need people go with them as a guide and show them places. It has become a disturbance for them [villagers]. At that time, local people have had to suffer a lot. They can only work for three or four days in a week.

**Can all 15 villages return to their villages?**

Before, they had to move. Some villagers went back in 2011. Only Hsaw Loh and Tun Boh [villagers] can't return. Others villages returned. For Hsaw Loh villagers, they have to go work in their old village to work in their betelnut plantations. I met with a Hsaw Loh villager who returned to work in his plantation. He was given a permission document. One permission document is 5,000 kyat (US \$5.66). The frontline army lets them return to work, but as I told you, there are many army units in our area. When the troops enter, they demand rice or tell villagers, "You come back and work on the frontline. If you see us patrolling and you tell the KNU [Karen National Union] about us, it will be a problem for us. Since you have come back and work on the frontline, you have to pay me money, like 5,000 or 6,000 kyat (US \$5.66 or US \$6.80)." The Hsaw Loh villager whom I met, said "I have to pay 5,000 kyat for a [travel] permission document, and [when] I returned and worked in my betelnut plantation in my old village, there were many troops. They came and demanded things. I do betelnut [farming] and I get 100 to 200 viss<sup>442</sup> (160 to 320 kg. / 352 to 704 lb.) of betelnut, and they ordered about over 100 to 200 viss. Since then, I know that it [economic input and output] does not match, so I never go back and do betelnut [farming] again." So, villagers from there [Hsaw Loh] have had to leave all their land; some villagers go and work at Shwe Swan Yin Company, where they were given even less of a salary.

<sup>441</sup> As of July 12th 2012, all conversion estimates for the Kyat in this report are based on the official market rate of 883 kyat to the US \$1. This reflects new measures taken by Burma's central bank on April 2nd 2012 to initiate a managed float of the Kyat, thus replacing the previous fixed rate of 6.5 kyat to US \$1.

<sup>442</sup> A viss is a unit of weight equivalent to 1.6 kg. / 3.52 lb.

**How much do they [Shwe Swan Yin Company] give per month?**

They give 2,000 kyat (US \$2.27) per day.

**What do they have to do?**

They have to carry hta [metal objects], and cut logs to use in the tunnel. All jobs involve heavy [labour], so it [the wage] is not much because they just pay 2,000 kyat. Just a few people go and work with the company, but mostly they [villagers] go to Per Tee and do wage jobs, in Burmese villages and in Toungoo town, like working in restaurants and in other places. Some people find fish and sell them. Some people find bees and sell honey. Most people work on their own.

**What about the rubber project? Has their plan been successful?**

As I told you, there are three projects in this region. For rubber, they started [planting tree] from the new road built for the Tun Boh project. This project was done by the Kaung Myat Company<sup>443</sup>.

**What about the other project?**

For their other project, they take the plants from here; they plant teak and pway. They just plant trees. The land they take is all from Noh K'Maw land. All betelnut plantations, farms, and banana plantations are included. All the land the Kaung Myat Company takes belongs to Noh K'Maw. In total, there are 2,400 acres. The owner of KaungMyat Company is U Kin Maung Aye. We just know U Kin Maung Aye and his assistant is Aung Zaw. They took 2,400 acres of land. The other company, they call MSP;<sup>444</sup> I don't know what it stands for. This company's project is only to plant rubber. The rubber project is in the upstream area [on the Day Loh River]. The project-area is 800 acres. They forcibly took all their land. The land includes some from Noh K'Maw and Toh Boh [villages], 800 acres.

**Do you know the chairperson of the MSP Company?**

No, we don't know the owner of the MSP Company.

**Is the information that you have reported to me complete? Is there anything remaining?**

In the 2,400 acres that Kaung Myat [took], and the 800 acres that MSP took for the projects, they have planted teak, pway and rubber. They also constructed buildings in each place. People always come and work as set tha<sup>445</sup>. They have given opportunities to civilians for the construction and clearing of the rubber plantation. Local people can come and plant peanut in the place where they [the companies] planted trees. When they [villagers] clean the ground to [plant] peanut, it is the same as if they are clearing their [the company's] plantations. They don't pay anything to the landowners, but the owner can plant peanut on the land that the company

<sup>443</sup> For information regarding the Kaung Myat Company, its website is: <http://www.kaungmyat.com/>

<sup>444</sup> Although the villager does not know the name of this company, it is likely that it is Myan Shwe Pyi Limited, which operates in the area; its website is: <http://msp-limited.tradenote.net/>

<sup>445</sup> Set tha is a Burmese term for forced labour duty, such as with messengers stationed at army camps or bases, serving as an intermediary to deliver orders from army officers to village heads, but also involving other menial tasks when no messages are in need of delivery.

had confiscated and planted trees. They [villagers] go and plant peanut and other [crops], while at the same time clearing the plantation for the company. They don't even pay some villagers to go and work, because it is a benefit to them [villagers]. They plant different kinds of beans. It benefits them in some way. You enter and work there and it kind of helps the Burmese [the company].

The suffering which locals experience here is, if I have to say, a lack of education. There are schools but they demand many things from a student to enter the school. They ask for a school entrance fee for a school fund and other things like sports. They ask for many things. Villagers are not doing well in their livelihood, so they can't afford to send their children to school. So, just a few people can send their children to school. They face a big problem with education.

The other one is, the place where they stay is not sanitary. The place [where] they live is on the foot of the mountain. It rains, and the place here is like kyo weh bpu [a flat land]. The water that flows into the river is htoo tee [with unseen debris]. So there are many kinds of diseases that appear. But among the diseases that they suffer, TB [tuberculosis] is the most serious. As I know, one can have TB and it transfers to many people. They need to cure it first, but some people don't have money. They just stay like this and the disease becomes serious. They go to a hospital for a cure when they have money. Some people are curable; some people, even though they have money and they go for treatment, they are incurable. Some people die in the hospital. This kind of disease has many kinds of consequences. One or two people in a family can be affected by the one who has [TB] in their family. In this case, the government has set up a clinic.

**Did the SPDC army set up this clinic?**

Yes, the SPDC army set up this clinic.

**Do they provide enough medicine to civilians?**

They don't give [enough]. They appoint one person to be in charge and work for villages here, like villages in Noh K'Maw village tract. The person's name is U Htay Min. He has attained a high level of education. He knows everything about here. He is working with local people who understand a little about medicine. He tricks villagers from going to a hospital, in many ways. They have to work with U Htay Min and they have to pay many things. Yesterday, I discovered his treatments. He injects medicine to one person and he asks 4,500 kyat (US \$5.10); it was just glucose and [vitamins] B1, B2 and B6. For one medicine injection, he asks 4,500 kyat. Some people can't afford to pay anymore, and they think "whatever," whether they die or not; they don't care. They think dying is better than being alive. Some people stay until they die. They don't have money to pay for their treatment but if they don't give money [for the treatment], their disease can't be cured. The medic has to give the treatment for free, but now when the villagers pay money for their treatment, it just benefits the medic. They were not allowed to go and buy medicine to bring back to their village. It is all collected when they get to a checkpoint. If you have money and go to hospital in Toungoo or Yangon, the medicine that you bring back, if it includes the prescription, they allow you bring it back. They won't allow you to bring it back if you buy medicine for your family. They don't give you trouble; they just take your medicine when they see it. Some people said you have to pay them money if you don't want them to confiscate it.

**What is the MOC [Military Operation command] or LID [Light Infantry Division] of SPDC [State Peace Development Council] army who are stationed in the Toh Boh area?**

[It is the] army [Tatmadaw] who is stationed here, there is no MOC or others. They just give responsibilities to locals, like IB# 73 and 39. There are two battalions. IB# 73 entered the area in 2007 and 2008. There are 10 battalions under MOC #7; I will have to check back to find out where they are from.

**Do you have any other things that you want to tell me about the projects?**

There are things that I hear, but it is not concrete so I think I will have to find out later. There are new projects that will start and they have done only the old projects so far.

**Did your villagers have to suffer with forced labour, set tha, all the time during 2011?**

In my area and other areas, it happens every day. Like in the Per Tee area, it never stops. One group [Tatmadaw battalion] enters and one group goes out all the time. Another area is Maw Nay Bwah; they always have movement in the area. They rotate and are active again and again, and sometimes, small columns of soldiers enter the area.

**How many Tatmadaw army camps are in Tantabin Township, currently?**

They are based along the Toungoo vehicle road to the Bu Hsa Hkee vehicle road, on the border of 5th Brigade [Papun District]. Because the enemy is based along the road, villagers in the lower [part] of the road have less space to work for their livelihood. They have to go and stay in different places. Yesterday, they [Tatmadaw] came and burned things down. They burned all the plants. They do it almost every year. Yesterday, they [lit fires] but the fires stopped because of the rain. They [lit fires] again, and it rained again. The last few years were the most serious. As I heard from a villager, he was told by a Burmese soldier that "the order comes from above, and it said 'the KNU can exist because of the support from civilians, by giving them a tax like on cardamom<sup>446</sup> and other plants'." The important thing is cardamom. It supports KNU a lot. Cardamom is the most important for the KNU, so the leaders [Tatmadaw] from above ordered [local units] to burn cardamom. They came and burned [cardamom plantations] everywhere in the area. Some villagers went and stopped the fire. I myself have a cardamom plantation in Kaw Thoo Der. I went and made a fire line<sup>447</sup>, and I came back. After few days, the fire consumed my entire plantation. They didn't do this in just one area. It happened in Maw Nay Bwah, Bu Hsah Loh and other areas. They did the same thing.

**How many kinds of villagers do you have in your area? Do you have villagers living in SPDC army-controlled areas and outside of the controlled areas?**

Yes, it has both. They live inside controlled areas and outside of controlled areas.

**Can those villagers associate with each other?**

No, they can't associate. They can't contact each other for relationships like buying things.

<sup>446</sup> Cardamom seeds come from a plant belonging to the ginger family, and are recognized by their small seed pod, papery outer shell and small black seeds. Cardamom is typically grown on the jungle floor in South Asian countries.

<sup>447</sup> A "fire line" refers to a number of ways to create a buffer to prevent a fire from spreading. It can be a trench, an area cleared of vegetation and combustibles, or any other linear obstruction between the fire threat and the protected area.

Sometimes, they order things and they send [them] to each other.

**Do you have things that you want to tell or explain more to me about the [censored for security] [Tatmadaw] plans that will seriously harm civilians, and what the companies do?**

I think I don't have a lot to tell you. I told you the details. There are many abuses. The other thing is, especially villagers who don't stay under the [Tatmadaw] control, they face a big problem with their livelihoods. They can't stay together in the same place. If they stay together in the same place, the target [for the Tatmadaw] will be clear. The Burmese army will heavily fire mortar shells at them. They dare not stay together for this reason. They have to stay one there, and one here, and another one there. They have to stay separately in the valley or river source. They have to hide their ways so the enemy will not see it.

For their livelihoods, they face problems like the area becoming limited. It means they are close to a Burmese Army camp. Some villages are very close to army camps but some have a little distance. Their working area became limited because they are close to an army camp. They are afraid of army activities so their area becomes limited. The other thing is they [Tatmadaw] plant landmines after they enter and are active in the area. So villagers aren't go. That is one thing, and if I am honest about their occupation before, they did hill field [farming], and if the hill field produced 5 baskets<sup>448</sup> of paddy grain (104.5 kg. /352 lb.), they could have enough food for their family during good times. Because of limited working space, [caused by] the enemy planting landmines and an army camp located close to their place, they can't do hill field farming as they did before. They can get just one (32 kg. /70.4 lb.), two (64 kg. /140.8 lb.), or three (96 kg. /211.2 lb.) baskets of paddy grain from their hill field. For this reason they face a food crisis.

**Is it easy for them to go and buy food, like rice and other things?**

They go and buy food from different places, areas and villages. They have contact with people inside. The problem they face is sometimes they meet with the active army [patrols] on the way when they go and buy food. Sometimes they have to go and buy things, but the enemy closes the road and meets them on the way. They face this kind of problem. Sometimes they have to travel for several days on the way. If the enemy arrests them on the way and calls them to follow, the family who was left behind in the village don't know anything about it and it becomes a big problem.

**Does the KNLA help them by providing security for them while on the way to get food?**

Mostly, the places where they go and buy food are close to the enemy camp. There is also a group of people who are in charge of providing security. So, before the villagers leave to cross that place, they will need to contact that group first. After that, the security group will advise whether the situation is good for the villager to go and buy food or not. If they advise them that the situation is good, they will go; if not, they won't go. Even if they can't buy enough food for a [full] year, at least they get half of the food for their family. But the problem is they have to carry it secretly.

**How much do they have to pay for a viss of salt?**

<sup>448</sup> Unit of volume used to measure paddy, milled rice and seeds. One basket is equivalent to 20.9 kg. / 46.08 lb. of paddy or 32 kg. / 70.4 lb. of milled rice.

People from [Tatmadaw] controlled areas come and sell things here. If you go and buy in a controlled area, one viss of salt is 2,000 kyat (US \$2.28). If they bring salt here, they will sell for 2,500 kyat (US \$2.85). It depends on the distance they come. If it is far, they will sell for 3,000 kyat (US \$3.42) or more.

**How much is a sack of rice?**

Rice is a higher price. If the rice comes to us, one sack of rice is 45,000 kyat (US \$51.25). The price is cheap inside [controlled areas]. For example, if we have to go and buy it from Kaw Thay Der or Kler La. Between Kler La and here, there are ten SPDC checkpoints on the way. They ask [for money] at each checkpoint. Like with one motorbike, they demand 500 kyat (US \$0.57) at each checkpoint. One sack of rice, they ask [for money] and you have to pay 5,000 kyat (US \$5.69) [extra]. We have to pay several thousand [kyat] on the way, and we also have to pay the carrier. The Military Government doesn't allow people to bring rice outside the [controlled] areas. If the military government sees anyone, then that person has a big problem; they killed some people before. They accuse them of going to carry [rice] for the KNU. Some soldiers, you can bribe but some people you can't bribe; they kill you. You have to pay 45,000 kyat outside [controlled] areas. Our area is close to a trading place. For Hsow Kee village tract, they have to pay 45,000 kyat or more, because they are far.

**Do you still have other issues that you want to tell me?**

Another issue is that, the areas which are not under the [Tatmadaw] control don't have good topsoil or subsoil because of the weather. People who live there have to face the most problems. They have to work hard for their livelihood. The area where we are close to is the worst. Even if you plant [anything], it doesn't grow. The soil is not good. So, people living in the area find bees and sell honey. Some people weave mats. They weave and they sell them. For some people, they do different things. Some people carry things and some people do plantation [work]. They do different things. If they get less income, they eat porridge, but it is very hard, especially in Hsee Daw Koh. Their life is poor. The other problem is travelling. It is very difficult for them to go and buy food. The price is expensive if people go and sell things to them. The soil is not good in the area. Problems like insects destroying paddies or others plants occur.

**I will ask you one thing. People in your area face many problems; in this case, do any families move to refugee camps in Thailand?**

There are many people who went to refugee camps and third countries, in the areas like Khoh Kee, Kaw Thay Der area and Maw Nay Bwah and Kloh Hkee. These four areas had to face [that] problem since 2006, when LID #66 went to the area. It was the time when they planned to do an offensive in 2nd Brigade. They came and we couldn't do our work, so many had to go to refugee camps. Some people went and some people stayed. Some whole villages went. There are three army bases in some areas; you can't travel. Some villages move everybody to refugee camps. Some villages stayed close with the army camp and some far. They stay alert. Then, in 2006 - 2007, most of the villagers from Kloh Hkee area moved to refugee camps.

**I want to know one thing. You still have four areas, and one is totally under the Tatmadaw control. How many villages were destroyed in the areas?**

If I have to say honestly, all villages in Khaw Thoo Der area were destroyed. Especially Kaw Thay Der, Kler La, Kaw Hsow Koh, Wah Tho Koh and Ler Koh villages on the upper side of the vehicle road. Villagers in the upper side of the vehicle road can stay but especially, Kaw Thay

Der, Kaw Hso Koh and Wah Tho Koh it is very difficult. Only Kler La villagers can stay stable in Kaw Thay Der area. All others were destroyed. Even if it [a village] was destroyed, some villagers went back and stayed, and some went to different places. From Kler La to Bu Hsa Kee, the road that the military government constructed was on Pleh Mu Der, Hsih Kheh Der, Thay Khih Hso and Bu Hsah Hkee. The road goes through the villages. Those were destroyed in 1995. Villagers spread everywhere, and later they went to refugee camps. Finally those villages totally disappeared. People who lived in Maw Nay Bwah area dare not go back and stay in their village. Only Pleh Hsa Loh villagers can stay in their village. All other villages were forced to move in 2006. They have to come back and stay in secret places.

**Do you have anything that you want to say?**

The other problem that they have to face is weather. Last year, the weather was so hot. When people do paddy field farming in the places where the soil is good, they must get 100 baskets (3,200 kg. / 7,040lb.), but they only got 40 baskets (1,280 kg. / 2,816 lb.) – a 60- basket (1,920 kg. / 4,224 lb.) decrease because of the weather. In the Per Htee area, they come and plant peanut. They come and plant it at the foot of the mountain. The [Tatmadaw] military operation is strong. The villagers were not allowed to come [to their plantations] or they daren't come because of the military operation. For example, the time when the peanut [crops] are going to provide seeds, the villagers were not free to go and check their peanut plants or they dare not go to their peanut plants because of the operation, or many other reasons. As a result, the plantations were destroyed by pigs or other animals.

However, this kind of problem that they had to face in the past, is happening a little less now. In Maw Nay Bwah area, especially Klaw B'Der village, the villagers go and buy things from P'Leh Wah. There is an Army camp and sometime there is a military operation. They have to go and it takes three or four days. In the past, they went and the distance took just three hours; going was three hours and returning was three hours. They went in the morning and came back in the afternoon. [Now] they have to come back when there is a military operation. They have to go again, and if they meet the enemy again, they have to come back again. They sometimes have to carry 10 viss (16 kg. / 35.2 lb.) of betelnut three times back and forth. It depends on the operation situation.

**Are there villagers who have to take a two or three days-long walk to go and sell things in other villages?**

There will be some villagers. Some villagers, they will have to sleep on the way. Each area is different. [Villagers from] Maw Nay Bwah go and buy things from T'Pay Nyaw, and [villagers from] the upper areas go and buy things from 3rd District [Nyaunglebin]. All is far. They have to go and sleep one or two nights on the way. They went yesterday. They met with enemy [Tatmadaw] and they ran. They enemy shot at them but no one was hit.<sup>449</sup>

**Source #85**

<b>Log #</b>	15-79-S1
<b>Title / type of report</b>	Situation Update
<b>Publishing Information</b>	Previously unpublished
<b>Location</b>	Kyonedoe Township, Kyainseikgyi Township and Kawkareik

<sup>449</sup> For information on another similar attack on villagers by the Tatmadaw, see "Tatmadaw soldiers fire at four villagers carrying rice, order forced labour in Toungoo District," KHRG July 2012.

	Township, Dooplaya District
Full Text	
<p><b>Dooplaya Situation Update: Kruh Tu [Kyonedoe] Township, Kyainseikgyi and Kawkareik Township (July 1<sup>st</sup> to 26<sup>th</sup> 2015)</b></p> <p><b>Health</b></p> <p>In 2014, the Burma/Myanmar government began constructing a hospital in Tha May Doh village, Kruh Tu (Kyonedoe) Township for the local people. The hospital opened on March 15<sup>th</sup> 2015 and the construction was completed on July 14<sup>th</sup> 2015 but the cost of the hospital is not currently known.</p> <p>The Burma/Myanmar government also supported the construction of a hospital for the local community in Lah Ta Kaw village, Kruh Tu Township.</p> <p>In Htee Wah Kluh village, Kaw T'Ree [Kawkareik] Township, there is a small clinic that villagers built for themselves without any support from either the Myanmar government or the Karen National Union [KNU]. A villager named Thara Htuan Win said, <i>"If we report that we built a clinic to the Karen Human Rights Group [KHRG] there might be something they can do to help."</i> Another villager said, <i>"[In our clinics] we have difficulty [maintaining enough] medication."</i></p> <p>On July 13<sup>th</sup> 2015 I met a group of KNU rangers led by Thara Htoo Gaw Baw that are offering healthcare services to villagers at the village head's house. Villagers are very happy to receive medicine and other healthcare services [in the village head's house].</p> <p><b>Education</b></p> <p>The Burma/Myanmar government is building a school in A--- village, Noh T'Kaw [Kyainseikgyi] Township that they hope to open in 2015. Regarding the difficulties that teachers face in B--- village, a teacher from B--- village said, <i>"I have been teaching since 2006 and I have faced many difficulties with teachers appointed by the Myanmar government. This school was not built by the government but rather was entirely built by the B--- villagers. However, in 2014 teachers appointed by the Burma/Myanmar government started to enter the school and were appointed to become officers in the school. One teacher was even appointed by the Burma/Myanmar government to be in charge of running the school. [Other] local teachers were not happy about these changes and said that 'The Burma/Myanmar government teachers have become the masters of our school [think they are better than Karen teachers].'"</i></p> <p><b>Tatmadaw Activity</b></p> <p>Light Infantry Battalion [LIB] #556 is led by Commander Aung Kyaw Oo and is based in C--- village [located near B--- Village in Kawkareik Township] in a monastery on the top of the mountain. [LIB #556] soldiers are stealing villagers' vegetables and fruits including pineapples, chilis and roselle leaves, which is an abuse of civilians' rights. However, villagers do not feel it is safe to complain about their [Tatmadaw] theft of [villagers'] fruits and vegetables.</p> <p>LIB #559, Battalion #2 is an active battalion led by Commander Nay Win Aung that consists of around 30 [soldiers] and is based in B--- Village, Kaw T'ree Township. They have constructed a road for the villagers in order to show their care towards the villagers.</p>	

On July 15<sup>th</sup> 2015, the village head of D--- Village, Kaw T'ree Township said, *"We are facing hardships because this group of SPDC [Tatmadaw] came and set up a base in our village and asked us to leave our village. We have not been back to the village for five days and do not yet feel that it is safe to return to our village. Furthermore, some villagers also worry that the SPDC [Tatmadaw] will eat their livestock such as chickens and pigs that they left at their home. However we cannot do anything about that".* Villagers also said, *"This year we will not go back [to the village] and work on our field and land [plantations] so we are worried about what we are going to eat in the coming year".*

I also interviewed a village head in E--- village, which is close to B--- village, in Kaw T'Ree Township. Both of these villages [E--- village and B--- village] are located on opposite sides of the road. This village head told me,

*"During the fighting, the SPDC [Tatmadaw] took a 19 year-old girl from E--- village when she went to grow paddies with her friend. The SPDC [Tatmadaw] only kept the girl for a little while because they [the Tatmadaw] were worried that she would get injured if fighting were to break out. They let her go back to home on the same day and they [Tatmadaw] did not hurt her at all [physically or mentally]."*

A group of Tatmadaw soldiers from LIB #559, led by Battalion Commander Nay Win Aung and based in B--- village, Kaw T'Ree Township, Dooplaya District, asked local villagers to transport rice [for them] from F--- village to B--- village. Although they told the villagers that they will pay for the cost [of transporting rice] they did not pay the villagers anything – not even the cost of gas – when they received the rice.

#### **Development conflict between villages**

There is tension between Htee Wah Kluh village and Meh Naw Ah village in Kaw T'Ree Township, Dooplaya District because Meh Naw Ah village got support from the Myanmar government (via other countries) to build a dam on the river at the upper part of Htee village [for drinking and domestic use]. Due to this construction, villagers from Meh Naw Ah are facing water shortages in the summer season because the dam that the villagers built has decreased the amount of water that flows to village. Moreover, they [Meh Naw Ah villagers] have connected pipes from Htee Wah Kluh village to Meh Naw Ah village that cross over the Htee Wah Kluh villagers' houses and rubber plantations and uprooted some of the rubber trees. This has increased tension between the villagers of the two villages; these kinds of development projects have not brought any advantage [brought positive change to the two villages].

#### **Taxation**

A villager from T'Kuh Kee village, Noh T'Kaw Township, Dooplaya District said, *"In our village there is a taxation of rice and money. Each household was charged twelve thousand kyat and one basket of rice."* This villager also asked, *"Does the taxation we have to pay in G--- village also apply to every other village? Is this taxation organised at the township level or at the district level? We do not know anything [regarding how taxation is organised]. This kind of taxation is not demanded by our mother organisation [KNU]."* This villager also later stated that she wouldn't complain about the taxation if there was still fighting ongoing but now that the fighting has stopped, the taxes have become a burden for her to pay.

#### **Conclusion**

In conclusion, civilians in Kaw T'ree Township, Noh T'Kaw Township and Kruh Tu Township are continuing to live in a high-risk environment due to ongoing fighting and also face

significant health and education challenges.

**Source #86**

Log #	13-10-nb1
Type of report	News Bulletin
Publishing Information	Previously published in August 2013: <a href="http://khrgh.org/2013/08/13-10-nb1/mining-development-damages-farms-and-irrigation-infrastructure-Hpapun-district">http://khrgh.org/2013/08/13-10-nb1/mining-development-damages-farms-and-irrigation-infrastructure-Hpapun-district</a>
Location	Dwe Lo Township, HHpapun District/northeastern Kayin State
Full Text	

### **Mining development damages farms and irrigation infrastructure in Hpapun District**

*This news bulletin about gold mining and road development in Hpapun District was written by KHRG based on villager testimonies and a community member's research.<sup>450</sup> It includes development-related abuse perpetrated by village leaders cooperating with area mining companies, as well as problems resulting from gold mining that villagers from Dwe Lo Township, Hpapun District have encountered. Villagers in Hpapun District also reported to the community member, who has been trained by KHRG to monitor human rights abuses, that their rice nurseries died after irrigation gates were destroyed by road construction related to the gold mining. Villagers reported the loss of their jobs as a result.*

On May 7<sup>th</sup> 2013, KHRG received the information in which villagers from Ma Lay Ler, Waw Muh and Meh Hkyoh village tracts from Dwe Lo Township, Hpapun District complained about the gold mining and the associated road construction that destroyed their farm irrigation gates and nursery fields, and has consequently affected their livelihood and damaged the environment.

In November 2012, village leaders representing various regions cooperated with businessmen representing gold-mining interests. These leaders included women's organization leader Naw Dah Muh from Kwee T'Ma village, Meh Hkyoh village tract; K'Toh Hpoh, Kay Ray and Naw Khyoh from Hpoh Kheh Hta village; Hpaw Nay Thah Moh from Waw Muh village; Hkyay Lay, who is a district staff member from Karen National Union (KNU); and village representatives from the Ma Lay Ler village tracts cooperated with business men representing gold mining interests.

The businessmen were granted permission from KNU leaders to begin gold mining in the area and started constructing a road shortly thereafter in Dwe Lo Township, Hpapun District. Areas targeted for development included villager farmland. The construction resulted in the destruction of farm irrigation gates, and rice nursery fields the villagers rely on for their livelihood died from lack of water. Installing irrigation gates and developing reliable nursery fields is a considerable task for villagers requiring significant time and money. This process can take several years. One villager said, *"Now, because the nursery field was destroyed, I do not have nursery field [anymore]. In order to get this paddy nursery field, I dug out the trees. I had to try very hard for three or four years for [it to become] a paddy nursery field. Now, it is just being destroyed and I*

<sup>450</sup> This information contained in this news bulletin was included in three unpublished incident reports received by KHRG on May 7<sup>th</sup> 2013 by a community member in Papun District.

*am very upset. In the coming year, in order to sow paddy, I have to find a new place for paddy nursery field and it will be very difficult for me."*

The villagers' farm irrigation gates were initially destroyed when gold mining was undertaken in the area by Democratic Karen Buddhist Army Lieutenant Maung Chit Thu<sup>451</sup> in 2009, but mining ceased in 2010 when he left the area. Until recently, villagers had gotten enough water for their farms and could farm without any major difficulties; the resumption of gold mining and related development has greatly stressed villager livelihoods. Moreover, one of the villagers reported that because of gold mining, people have lost their jobs following farmland destruction, and animals from the area have died as a result of drinking water contaminated by gold mining. According to reports received by KHRG, villagers see little benefit in gold mining efforts and hope that local authorities intervene on their behalf.

#### Source #87

Log #	16-47-P1
Type of report	Photo Note
Publishing Information	Previously unpublished
Location	Thandaunggyi Township, Toungoo District/northern Kayin State
Full Text	<ul style="list-style-type: none"> <li>These photos were taken on May 18<sup>th</sup> 2016 beside the Than Taung Gyi road in Ex--- village, Taw Pyar Gyi village tract, Than Taung Gyi Township, Toungoo District. It shows a sign for the <i>"Nar Nat Pwint Agricultural Project"</i>.</li> </ul> <p>There are plots of land beside the Than Taung Gyi road in Ex--- village, Taw Pyar Gyi village tract, Than Taung Gyi Township, Toungoo District. The local community has used these plots of land for agricultural purposes for generations. At present, business companies have seized this land to develop an agribusiness plantation. The local community does not know whether this agribusiness project will bring them any advantages. They are worried about what will happen to their futures after the agribusiness project.</p> <ul style="list-style-type: none"> <li>These photos were taken on May 12<sup>th</sup> 2016 in Ey--- village, Kyauk Nit Gar village tract, Than Taung Gyi Township, Toungoo District. It shows a Christian religious building in Ey--- village.</li> </ul> <p>There are more than ten villages in Kyauk Nit Gar village tract and Thar Mit Taik village tract, Than Taung Gyi Township, Toungoo District. The local community depends on farming agricultural lands that used to belong to their ancestors. The</p>

<sup>451</sup> Maung Chit Thu was the operations commander of Democratic Karen Buddhist Army (DKBA) Battalion #999, prior to the DKBA transformation into the Tatmadaw Border Guard, which began in September 2010. Although he accepted this transformation, his current position in the Border Guard remains unclear, and he has been variously described as a high-level advisor and an operations commander. Other abuses committed by Maung Chit Thu have been cited in previous KHRG reports, including ordering the forcible relocation of villagers from eight villages in Lu Pleh Township in July 2011 whilst acting as a Border Guard commander, see, "Pa'an Situation Update: June to August 2011," KHRG October 2011. For more information on the DKBA / Border Guard transformation, see, for example: "Border Guard Forces of South-East Command formed in Paingkyon of Kayin State," New Light of Myanmar, August 22nd 2010; and "Border Guard Force formed at Atwinkwinkalay region, Myawaddy Township, Kayin State," New Light of Myanmar, August 25th 2010.

Myanmar government does not recognise their [system of customary land ownership]. The government registered these lands as a 'reserved forest'. Representatives of the KNU land department called for a meeting in the Christian religious building to discuss land law and forest law.

These photos were taken on May 16<sup>th</sup> 2016. They show the road between Shwe Nyaung Pin village and Nan Chain Kywe village [in the east of Maung Nwet Gyi village tract] in Than Taung Gyi Township, Toungoo District. The road is seven miles long. his road was initially constructed with smooth rocks since February, 2016. It was finished in April 2016. It rained twice at the beginning of May. As a result, the road with smooth rocks was spoiled. Chan Mya Way Si Company takes responsibility for this road. Until now, no company representative came to rebuild the road. Many business companies came to the local area for development projects. However, local people do not benefit from the development projects. Most of the benefits only go to companies.

- These photos were taken on May 18<sup>th</sup> 2016 outside Than Taung Gyi town, Than Taung Gyi Township, Toungoo District. It shows a sign providing details about a construction project conducted by the local Myanmar government in the area. The sign shows the following:

The Ministry of Agriculture and Irrigation (Rural  
Community Development Department) Township  
Level Development Department Location for the  
construction of a local office building  
Than Taung Gyi town Karen State

The Myanmar government is constructing an office building in this area, but the land belongs to the local community. The [local community members] impacted by this land confiscation have not received any compensation. [They were not consulted in this process]. The local authorities and the Myanmar governor made the decision to build the office building in this location. The local community did not consent to this, but could not do anything to stop it.

- These photos were taken on May 18<sup>th</sup> 2016 on the fork road in Ex--- village, Than Taung Gyi Township, Toungoo District. They show a sign providing details about the 'Nar Nat Pwint Agricultural Project'. Local villagers do not know which company is responsible for this agricultural project.

#### Source #88

Log #	16-5-P1
Type of report	Photo Note
Publishing Information	Previously unpublished
Location	Kyonedoe Township, Dooطلا District/southern Kayin State
Full Text	

- These photos were taken on October 17<sup>th</sup> 2017. These photos show the signal tower constructed by the Japanese company Pan Ei Sa. The company received permission from the local KNU in Kyaung Shar Kone area, Aan Hpa Gyi Village Tract, Kawkareik Township, Dooplaya District. After being granted permission in January 2014, they built the signal tower in 2015. The company gave 200,000 kyat to the landowner as compensation.
- These photos were taken on November 13<sup>th</sup> 2015. They show two towers near Taung Kyar Inn village monastery, Taung Kyar Inn Village Tract, Kyonedoe Township. The towers were constructed by the Moving Myanmar Forward (MPT) Company. This land was donated by a monk. The towers will be inaugurated at the end of December 2015. The MPT towers will not generate electricity through a generator, but rather with 40 solar panels.
- These photos were taken on November 18<sup>th</sup> 2015, in Kyonedoe Township, Win Ka Village tract, Win Ka village. These photos show the phone signal towers were built by the Telenor Japan Company. The villages that now have a signal tower are: Taung Kyar Inn, Win Ka, War Pyan Kone, Hpa Thein, and Kyone Kwel. In total, there are five towers. All of them will be built by the end of December. With them, we can also use the Internet. The Telenor Japan Company will pay 150,000 kyat to the owner of the 50 square feet of land used for the tower construction. Some villagers said that the company also has to pay 5% tax to the KNU, depending on the expenditure of the tower construction. All of the phone companies involved came from Japan.
- These photos were taken on November 18<sup>th</sup> 2015. These photos show documents related to land confiscation. They show a permission letter by the Nay Pyi Taw Director General Ministry of Mines, written on February 18<sup>th</sup>, 2015. This letter gives permission to Man Sa Kin, a representative of a private company from Kyone Kwal village, to mine stone for road construction. He received permission to mine on the land parcel no. 179, which is 11.12 acres. This land parcel is in the Attayan Rocky Mountain, Kyonedoe Township (or) Kyike Myaw Township. These photos also show recommendation letters and a map showing the permitted work site.
- These photos were taken on November 24<sup>th</sup>, 2015. In 2015, the self-organised primary school in Ez--- village, Win Tha Lwel Village Tract, Kyonedoe Township, asked for help from two teachers from other villages. The school gave 500,000 kyat to each teacher, and provided them with food expenses, and rice, oil, salt and charcoal.

In 2015, Daw Na Hawk Company builds a new road from Ka Nyin Ka Tite to Tha Main Dwut village. The road was built near a school, but they did not give any compensation to the local community. The construction disturbed students who are learning. The parents said that they would have to relocate the school in 2016.

- These photos were taken on November 29<sup>th</sup>, 2015. These photos describe, in January 2015, U Myint Zaw, a representative of the Daw Na Hawk Company, took responsibility for building a road from Ka Nyin Ka Tite village to Tha Main Dwut crossroad. The road is about 16 miles long and 40 feet wide. It was meant to be finished on December 2015, but it has not yet been finished. On November 28<sup>th</sup> 2015, the Khin Zaw Company took responsibility for finishing the road construction between

Ka Yin village and the Tha Main Dwut crossroad. This distance is 3 miles. These are the photos of the 10-wheel truck carrying soil for the road construction.

- These photos were taken on November 29<sup>th</sup>, 2015. These photos show a rubber plantation, and the rubber trees that were destroyed during the construction of a road by the Khin Zaw company. The road extends from Ka Yin village to the Tha Main Dwut crossroad.
- These photos were taken on November 30<sup>th</sup>, 2015. The road between Kyonedoe Township and Kyainseikgyi Township that goes through Chaung Hna Kwa will be partially reconstructed in September 2015. The part that will be reconstructed is from Pa Yar Kone (also known as Tha Ka Nate village) to Aung Chan Thar (also known as Mel Tha Raw village). The road will be 9 miles and 1 furlong long, and 100 feet wide. The new road will be reconstructed on top of the old road which was built during the British colonial period. Than Taw Oo from the Border Guard Force # (1021) is in charge of the Ngway Kyauk Twin Company. He is responsible for the construction of a road that is 7 miles and 1 furlong long. U Myint Than and Way Lin Han of the 3 K Stars Company are responsible for the construction of 2 miles. The road needs to be constructed by March 2016. So far, the properties that have been destroyed for this road construction are 140 rubber plantations, 5 Farms, and 7 lime plantations. One house has not yet been destroyed.

#### Source #89

Log #	16-55-P1
Type of report	Photo Note
Publishing Information	Previously unpublished
Location	Kyainseikgyi Township, Dooplaya District/southern Kayin State
Full Text	
<ul style="list-style-type: none"> <li>• These photos were taken on May 17<sup>th</sup> 2016 in Fa--- village, Noh T'Kaw Township, Dooplaya District. These photos show the land grant documents of local villagers who rely on this land for their livelihoods. I [KHRG researcher] photographed these documents so that higher authorities can know more about [the local situation].</li> <li>• These photos describe how the Burma/Myanmar government built bridges in Ka Lee Hkee village, also known as Sa Ka Gyi [village], Noh T'Kaw Township, Dooplaya District. These bridges are useful for the villagers but on the other hand, they destroyed a few lime trees owned by local community members.</li> </ul>	

#### Source #90

Log #	16-67-P1
Type of report	Photo Note
Publishing Information	Previously unpublished:
Location	Thandaunggyi Township, Dooplaya District
Full Text	
<ul style="list-style-type: none"> <li>• These photos were taken on June 15<sup>th</sup> 2016 in a project office in Thandaung Myo Thit Town, Thandaunggyi Township, Toungoo District. They show a map detailing where trade zones will be built in Karen State.</li> <li>• These photos were taken on June 16<sup>th</sup> 2016 in Thandaunggyi Township, Toungoo District. They show a small bridge that is being constructed on the road between Fb---</li> </ul>	

village and Fc--- village. This bridge should have been constructed in hot season. However, the contractors had an argument with local villagers. They constructed this bridge during the rainy season, making it difficult for villagers to travel.

- These photos were taken on June 22<sup>nd</sup> 2016 in Thandaunggyi Town, Toungoo District. It shows contractors widening a road on a local football ground. The football ground has been used by people in Thandaunggyi Town for generations. Because of the road construction, the local community could not play any sports on the football ground.
- These photos were taken on June 30<sup>th</sup> 2016. It shows the road between Nan Chein Kwin village and Maung Nwe Gyi village in Thandaunggyi Township, Toungoo District. This road was built by the Ngwe Sin Phyo Company. The Ngwe Sin Phyo Company took responsibility to build this road. However, they have not yet started paving the road. Because they did not finish the road construction, local villagers need to use the dirt road to travel. It is difficult for them to travel on the dirt road during the rainy season.
- These photos were taken on August 16<sup>th</sup> 2016 in Fd--- village, Thandaunggyi Township, Toungoo District. They show a letter written by local villagers to the Township administrator. The letter opposes a proposal of the Myanmar Government Ministry of Forest to declare the local area a 'reserved forest'. The villagers depend on this land for their livelihoods. They are requesting help from the Township Administrator.
- These photos were taken on June 9<sup>th</sup> 2016 in Late Tho Town, Thandaunggyi Township, Toungoo District. Even though the KNU released a statement to protect the forest, the local community is cutting down trees and bamboos. Because of logging, this area was deforested. Local businessmen and leaders from the Southern Command Headquarters collaborated to log the forest.