

## Southeast Myanmar Field Report: Growing concerns about militarisation, land tenure security, development projects and human rights abuses, January to June 2019

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## Introduction

This Field Report analyses information collected by KHRG field researchers between January and June 2019. Reports received at a later stage but covering events that took place during that period were also taken into account.

KHRG documented that the Tatmadaw<sup>1</sup> reinforced its presence all across the region, and supplied more weapons and ammunition to its army camps. It also trespassed into areas controlled by the Karen National Union (KNU) to engage in contentious road constructions activities, resulting in several skirmishes with the Karen National Liberation Army in Hpapun and Nyaunglebin districts. This increase in militarisation and periodic fighting caused displacement and security concerns among the local population, and could be detrimental to the on-going peace process.

Since March 11<sup>th</sup> 2019, the people using land that has been classified as vacant, fallow or virgin without an official land use permit can be charged with trespassing and face up to two years in prison under the Vacant, Fallow and Virgin Land Management Law (VFV Law). Customary land owners were only given a six-month period to apply for a permit, and most failed to meet the deadline because of lack of awareness or difficult access to land registration services. Their lands can now legally be reallocated for other purposes by the government. This development further aggravated land tenure insecurity in Southeast Myanmar and now threatens the livelihoods of countless subsistence farmers.

Over the reporting period, the Myanmar government and the Democratic Karen Benevolent Army (DKBA)<sup>2</sup> tried to implement hydropower projects in Toungoo and Dooplaya districts, respectively, without the free, prior and informed consent (FPIC) of the local populations. If completed, these two projects could have devastating impacts for the livelihoods and way of life of the affected villagers, and result in forced relocation and loss of lands. The DKBA project in Dooplaya District has been temporarily suspended as a result of successful village agency strategies, but over 50 villages still face an imminent threat from the proposed Thauk Yay Khat Dam (I) project in Toungoo District.

Although the human rights situation in Southeast Myanmar has improved since the signing of the 2012 Preliminary Ceasefire Agreement, KHRG documented several abuses by armed actors across the region during the reporting period. These included killing, physical violence, sexual violence against women and activities that endangered the security and safety of civilians. Landmine and UXO contamination also remains a problem across the region, and three people were injured after stepping on landmines in Thaton and Hpapun districts in June 2019. In addition, gold mining activities caused water pollution in Nyaunglebin and Mergui-Tavoy districts, and access to education and healthcare remains challenging in remote areas.

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<sup>1</sup> Tatmadaw refers to the Myanmar military.

<sup>2</sup> In 1994, the Democratic Karen Buddhist Army (DKBA) split from the KNLA over religious considerations. In 2010, the majority of DKBA troops transformed into BGFs, but one faction refused and changed its name to Democratic Karen Benevolent Army in 2012. They signed the Nationwide Ceasefire Agreement in October 2015.

## Part I. Major developments

### A) Increasing militarisation and skirmishes between armed actors

KHRG documentation shows that the Tatmadaw is increasingly reinforcing its troops and supplying ammunition, weaponry and rations to its army camps in Southeast Myanmar. During the reporting period, they trespassed into KNU-controlled areas to conduct road construction activities, resulting in skirmishes with the KNLA. The Tatmadaw also engaged in hostile actions and conducted, in cooperation with the Border Guard Force (BGF),<sup>3</sup> clearance operations against the Democratic Karen Buddhist Army splinter group (DKBA splinter group).<sup>4</sup>

This increase in militarisation has significant consequences on the civilian population. In addition to causing displacement and preventing internally displaced persons (IDPs) from returning to their homes, villagers have also expressed concerns about their livelihoods and security. Many live in fear of a renewed armed conflict.

#### *i. Troop reinforcements and supply of ammunition and weaponry*

Between January 17<sup>th</sup> and April 20<sup>th</sup> 2019, KHRG documented 12 instances of the Tatmadaw transporting rations, ammunition and weaponry, and soldiers between Toungoo and the army camp in Baw G'Lee, Toungoo District. In total, 177 trucks were used for this purpose. Such activity relates to the reinforcement of their army camps and road constructions between Yay Tho Lay in Thandaunggyi Township and Hsa Law Kyoh army camp in Hpapun District.<sup>5</sup> Villagers reported witnessing the transport of ammunition for the air force and large weaponry. Additionally, large weaponry was transported to the Ba Yint Naung Training School in Toungoo District once every three to four months.

In Lu Thaw Township, Hpapun District, 13 Tatmadaw battalions transported rations, ammunition and soldiers to their Hsa Law Kyoh and Htoh Muh Pleh Meh army camps between January and February 2019. Local communities in Lu Thaw Township are worried that the Tatmadaw's increasing militarisation in the region may lead to conflict in the future.<sup>6</sup> As one villager stated: *"The Tatmadaw's activities can cause fighting because the Tatmadaw does not follow the rules that both the KNU and Tatmadaw agreed to follow."*<sup>7</sup>

Troop reinforcements and the supply of ammunition and weaponry directly violate Section 5(c) of the Nationwide Ceasefire Agreement (NCA), which states that the signatories must "avoid troop reinforcements in the ceasefire areas other than the provision of administrative support, emergency medical support and routine rotation of troops; avoid building new military bases and supplying of ammunition and weaponry."

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<sup>3</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.

<sup>4</sup> The DKBA splinter group was formed in 2015, when its members broke from the main DKBA. It has not signed the NCA.

<sup>5</sup> This information is taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>6</sup> This information is taken from an unpublished report from Lu Thaw Township received in February 2019.

<sup>7</sup> This information is taken from an unpublished report from Thandaunggyi Township received in June 2019.



The photo on the left was taken on April 19<sup>th</sup> 2019 in Thandaunggyi Township, Toungoo District. It shows a Tatmadaw truck transporting soldiers from Thandaunggyi Township to the Baw G'Lee army camp. The photo on the right was taken on January 1<sup>st</sup> 2019, Bu Tho Township, Hpapun District. It shows Tatmadaw soldiers transporting rations using mules to Dah Hkway, Ler Toe, Kyaw Nya and Kaw Kya Hkoh army camps.  
[Photos: KHRG]

#### *ii. Tatmadaw road construction in KNU-controlled areas*

Based on reports received by KHRG, the Tatmadaw has been recently constructing roads in KNU-controlled territory<sup>8</sup> for military purposes in Toungoo, Nyaunglebin, and Hpapun districts. On several instances, it resulted in skirmishes with the KNLA, causing displacement and security concerns among the local villagers. Such activities could lead to a major increase in tensions between the KNU and the Myanmar government, and ultimately threaten the current peace process.

The Tatmadaw is currently constructing a road between Kler La army camp (Baw G'Lee) to Yay Tho Lay in Lay Tho Kyi village tract, Thandaunggyi Township, Toungoo District. It has further plans to continue road constructions to connect Yay Tho Lay to Maw Chee in Kayah State and Has Law Kyo army camp in Hpapun District. However, the KNU authorities did not give their consent due to the projects' foreseen damage on villagers' lands and plantations. Despite several warnings from KNU authorities, the Tatmadaw proceeded with road construction works from Baw G'Lee to Yay Tho Lay.<sup>9</sup>

Similarly, the Tatmadaw also repaired and built a road connecting Ler Muh Plaw and Hkay Poo village tracts in Hpapun District, between which the Hsa Law Kyoh and Htoh Muh Pleh Meh army camps are located to facilitate the transport of military equipment and rations. In January 2019, road construction works were conducted by the Tatmadaw on KNU-controlled territory without prior permission, resulting in several skirmishes with the KNLA between January 17<sup>th</sup> and 19<sup>th</sup> in Lu Thaw Township.<sup>10</sup> Based on KHRG's documentation, Hpapun District remains a highly militarised region in which the Tatmadaw frequently deploys troops and constructs roads for military use.<sup>11</sup>

<sup>8</sup> Such geographical demarcation and travel limitations are usually agreed upon at the local level between the KNLA and the Tatmadaw, as the NCA does not contain any specific provision on this issue.

<sup>9</sup> This information is taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>10</sup> KHRG (January 2019), "[Hpapun Short Update: Fighting breaks out between the Tatmadaw and the KNLA in Lu Thaw Township](#)".

<sup>11</sup> KHRG (February 2019), "[Hpapun Short Update: Skirmishes between the KNLA and Tatmadaw and indiscriminate shelling in Lu Thaw Township](#)"; KHRG (January 2019), "[Hpapun Situation Update: Tatmadaw road construction activities results in skirmishes with the KNLA and displacement in Lu Thaw Township](#)".



This photo was taken in April 2019 in Kyaukkyi Township, Nyaunglebin District. It shows villagers from Pa Kaw Hta (Hkee) displaced in the forest because of skirmishes between the Tatmadaw and the KNLA.

[Photo: Villager/KHRG]

Between February and April 2019 in Nyaunglebin District, the Tatmadaw constructed a road and bridges between Than Bo and Pa Kaw Hta (Hkee) villages in the Kheh Der village tract, Kyaukkyi Township to reinforce and facilitate access to their army bases there.

They also had plans to continue with road constructions to Baw Hser Khoh and Hpweh Lo Kloh (Yuzalin) River in Hpapun District. Despite warnings from the KNLA, the Tatmadaw continued with road construction works, which resulted in several armed confrontations between the parties. 108 villagers were consequently displaced from Pa Kaw Hta (Hkee) village.

While road construction activities have ceased, the construction of the bridges and Tatmadaw presence in KNU-controlled territory continue.<sup>12</sup> Light Infantry Battalions (LIB) #264, #124, #57 and #48 were seen guarding the construction sites, consequently posing a security risk to civilians who travel for their livelihoods in the area. Constructions took place on KNU-controlled territory without prior agreement from the KNU or consultation with the local communities. The Tatmadaw continued with construction activities citing orders from the Southern Operation Command (SOC) despite receiving warnings from local KNU/KNLA authorities and complaint letters by community members. To date, the road construction activities have damaged 84 plantations and farm lands that villagers rely on for their livelihoods; they were not compensated for the damage.

Pursuant to Section 7(d) of the NCA, “The Tatmadaw and the Ethnic Armed Organizations shall confine their troops within the designated areas.” Construction activities in areas controlled by the opposing party without prior agreement directly violate the aforementioned provision. Additionally, parties should also “avoid confrontations in areas where there is direct contact between the troops, by acting immediately using radio, ground or other methods of communication” pursuant to Section 7(a) of the NCA. Both the Tatmadaw and the KNLA should therefore take appropriate measures to prevent armed confrontations instead of resorting to violence, and submit any grievance to the NCA Joint Monitoring Committees.

### *iii. Hostile activity*

On June 27<sup>th</sup> 2019, three mortar shells fired during a Tatmadaw live fire exercise by the Ba Yint Naung Tat Myot fell near a village and a KNLA camp on the Naw Bu Baw Prayer Mountain in Thandaunggyi Township, Toungoo District. Shells were fired in 45 minute intervals and fell in areas where civilians forage for vegetables and firewood, and posed a significant danger for them. The Tatmadaw Military Security Affairs (MSA) [Sa Ya Pa] claimed that they missed their original target, the Keh Kee Khok Mountain. The KNLA Company's second in command Saw M--- raised his suspicions at the Tatmadaw's

<sup>12</sup> KHRG (April 2019), “[Tatmadaw road construction activities lead to confrontations with the KNLA, displacement and property damage in Kyaukkyi Township](#)”.

explanation: *"Their target and where their shells fell are in completely different areas. It is like east and west [...]. I think they wanted to threaten and intimidate us. They want to let us know that they have those kinds of weapons to intimidate the villagers and the KNLA."*<sup>13</sup>

While the Tatmadaw's intentions in firing the three mortar shells cannot be established, it may be regarded as hostile or contemptuous, in violation of Section 5(b) of the NCA. Such attacks and hostility are also detrimental to the on-going peace process as they stoke tensions between armed actors, create an atmosphere of insecurity amongst civilians and pave the way for conflict in Southeast Myanmar.

#### *iv. Clashes between the Tatmadaw/BGF and the DKBA splinter group*

On June 21<sup>st</sup>, the Tatmadaw and the BGF attacked the DKBA splinter group in Meh Kyee, Hpa-an Township, Thaton District, an area controlled by the latter.<sup>14</sup> The attacks, which lasted from 8:00 am until 5:00 pm, were launched by BGF Battalion #1014 led by Battalion Commander Bo Maung Chit, BGF Battalion #1013, and Tatmadaw Light Infantry Battalion (LIB) #568 under Military Operation Command (MOC) #8. BGF soldiers also burnt the DKBA soldiers' and their families' homes. The confrontation ended when the DKBA splinter group surrendered to the BGF, and when the Tatmadaw LIB #568 occupied Meh Kyee Hkaw Htee village and the former's army camp.

As a result of the fighting, around 200 villagers were displaced to neighbouring villages in Myaing Gyi Ngu Town, Lu Pleh (Hlaing Bwe) Township, Hpa-an District; Dwe Lo Township, Hpapun District; and Kawkareik Township, Doolaya District. This posed significant challenges to villagers' livelihoods and access to healthcare and education.<sup>15</sup> As one female civilian reported: *"[...] our children who were going to school had to flee with other families and they could not return to their parents. Women [we] had to flee so we could not bring any belongings with us."*

### **B) Land issues and the expiration of the registration deadline under the Vacant, Fallow and Virgin Land Management Law**

An important development related to land policy took place over the reporting period. Since March 11<sup>th</sup> 2019, people using land that has been classified as vacant, fallow or virgin without an official land use permit can be charged with trespassing and face up to two years in prison under a September 2018 amendment to the VFV Law. 82% of the 50 million acres of land that were originally classified as vacant, fallow or virgin by the Myanmar government are located in ethnic areas and include lands on which up to 10 million people depend for their livelihood.<sup>16</sup> These lands are not regarded as vacant, fallow and virgin by the local populations, who exploit and transfer them according to customary land tenure practices. As vacant, fallow or virgin land can officially be reallocated to domestic or foreign investors, this amendment paves the way for large-scale land confiscations and further aggravates land tenure insecurity in Southeast Myanmar, in a context where land confiscations were already on the upswing.<sup>17</sup> It also threatens the livelihoods of countless subsistence farmers across the region.

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<sup>13</sup> KHRG (July 2019), "[Tatmadaw shells fell next to a village and a KNLA camp in Thandaunggyi Township, June 2019](#)".

<sup>14</sup> This information is taken from an unpublished report from Hpa-an Township received in June 2019.

<sup>15</sup> This information is taken from an unpublished report from Hpa-an Township received in June 2019.

<sup>16</sup> NAMATI & MyJustice Myanmar (2019), "[Most Farmers Do Not Know about the Vacant, Fallow and Virgin Land Management Law as the Grace Period to Register Closes](#)", p. 2

<sup>17</sup> KHRG (August 2018), "[Development without us: Village Agency and Land Confiscations in Southeast Myanmar](#)"

The September 2018 amendments to the VFV Law only gave six months to users of vacant, fallow or virgin land to apply for and obtain a 30-year land use permit. In addition to this short registration deadline, people in remote areas of Southeast Myanmar often do not have easy access to land administration services, are unaware of the provisions of the VFV Law or simply lack the necessary Burmese language skills to apply for a permit. Thus, the whole process did not give local ethnic communities a fair opportunity to register their customary lands in time. The IDPs and refugees who could not return to their area of origin due to security concerns or landmine contamination were also not able to take the necessary steps to protect their lands. KHRG and other sources documented that individuals and business actors took advantage of the VFV Law and registered customary lands belonging to IDPs or refugees in their name.<sup>18</sup>

In February 2019, a section leader from Thandaunggyi Township explained to KHRG how increasingly challenging it had become for local villagers with limited legal knowledge to obtain official land titles: *"In the past, we had no land problems like we do nowadays. The land issues today are getting more complicated. We have to get a land receipt or land form #7. However, it is such a pity and it is difficult for some local people who don't understand anything. They just work like their ancestors did through generations. They now feel sad and are afraid that the lands will be measured [surveyed]."*<sup>19</sup>

Land governance in Myanmar is regulated by over 70 laws but none of these provide a way to register or protect customary land tenure. Although the amended VFV law states that it does not govern the management of ethnic customary lands, the corresponding provisions are vaguely worded and lack a formal definition. Due to this lack of legal protections, villagers in Southeast Myanmar who failed to obtain a permit are now afraid of losing their lands, as echoed by a KHRG field researcher from Toungoo District in a report received in June 2019: *"The Vacant, Fallow and Virgin Land Management Law was developed by the Myanmar government, so the villagers believe that their ancestral land heritage practices are now defunct. They are worried that they will lose their lands."*<sup>20</sup> Although the 2016 National Land Use Policy contains provisions on the recognition and protection of customary land tenure, progress on its implementation and on the development of a National Land Law has stalled.

#### *i. Dispossession of customary lands and judicial harassment*

KHRG and other sources documented that several small-scale customary land owners lost their lands and were subjected to judicial harassment before the registration deadline under the VFV Law.<sup>21</sup> A woman from Thandaunggyi Township reported to KHRG how, between 2015 and 2019, several people in her village were sued and ultimately fined for trespassing into the lands they used to own according to customary practice. These had previously been declared as vacant, fallow and virgin and allocated to Agricultural Manager Aung Kyaw Oo from the Ministry of Industry No. 1. She explained: *"Even though this is our land, we have to face these kinds of challenges. In fact, this is our land, but they are saying that it is vacant, fallow and virgin land. This is not true. Now, if you go and look, there are bamboo trees which we planted to mark our lands. The lands were destroyed, but the [bamboo] fences still remain. [...] This is our fence, our village and our home. They told us that we went into their land and destroyed things, so they prosecuted us in court."*<sup>22</sup>

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<sup>18</sup> See Transnational Institute (August 2019), "[First they grabbed our land with guns; now they are using the law](#)"; KHRG (January 2019), "[Nyaunglebin Situation Update: IDPs face difficulties returning to their villages of origin](#)"

<sup>19</sup> This information is taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>20</sup> This information is taken from an unpublished report from Htantabin and Thandaunggyi townships received in June 2019.

<sup>21</sup> See Myanmar Times (March 2019), "[Tanintharyi landholders sued under new law](#)".

<sup>22</sup> This information is taken from an unpublished report from Thandaunggyi Township received in July 2019.

A man from the same area corroborated that Aung Kyaw Oo had sued several customary land owners: *"He sued me and other people. Six people at first, two people the second time, three people the third time and five people [in 2019]."*<sup>23</sup> Unfortunately, the female villager explained that the victims have so far lost the trials because, unlike Aung Kyaw Oo, they did not have official land titles: *"We were told that we have no documents – this was the reason why we lost our trials. As for me, I have a land receipt but my siblings do not. Nobody holds a receipt except me. [...] Aung Kyaw Oo already had a 30-year land grant. He arranged that somewhere by himself. I didn't know about that."*<sup>24</sup> This situation illustrates how easy it is for influential people with legal knowledge and access to registration services to dispossess customary land owners of their lands: *"We cannot afford to hire a lawyer. People from the Justice Centre help us. [...] They told us: '[Aung Kyaw Oo] has documentation, but you do not. Even though you guys are right, you do not have land documents.' We felt really disappointed and angry."*<sup>25</sup>

She further explained that losing her lands deprived her of income and shelter, resulting in livelihood difficulties: *"We do not even have lands to farm now. We are also banned from working on the land that we have. We do not have houses or land. Where are we going to keep our children? We are not educated people. We cannot bring this case to an end even though we want to. Another thing is that we do not have income. We need our leaders to help us to be able to work on our own lands and escape from Manager Aung Kyaw Oo's trials. We want our leaders to guide us. We cannot do it alone."*<sup>26</sup> She also shared her distress with KHRG: *"Why do they have to oppress us like this? They do not do it to other villages. They only do it to our village. Most villagers here are women so we dare not protest against them. We just pray. We do not want to oppose or hurt others. We want to get our lands back and work freely."*<sup>27</sup>

## ii. Allocation of customary lands as reserved forests

A section leader from Thandaunggyi Township explained that, in November 2018, the Myanmar government notified the local authorities about the creation of a reserved forest in his area: *"There was no meeting or negotiation with the local people. We also did not get a prior notification letter."*<sup>28</sup> If fully implemented, this project will have disastrous consequences for the population of several villages, as it would prevent them from living and working on their customary farmlands located inside the reserved areas: *"They are ready to start the process but we did not know anything. [...] The letter that they released said that if anyone trespasses, enters the limited areas, cuts the bamboo or cleans/burns the hill farms; they would be prosecuted or fined. If the local people burn the fields, they will be punished as well. There are many villages, and plantations with many kinds of plants and crops in those areas."*<sup>29</sup>

He further stressed that villagers were concerned for their livelihoods and had very little knowledge about land policies: *"Our plantations are the root source for our livelihoods. We don't understand the policies that they [the government] established for the lands. If the lands become reserved forests, it will be hard for the local people to work for their livelihoods. That is why we are worried."*<sup>30</sup> On January 30<sup>th</sup> 2019, the Chief Minister of Kayin State, Nan Khin Htwe Myint, met with local villagers and told them that the area was already considered a reserved forest but promised to reconsider the issue by March 2019. On the

<sup>23</sup> This information is taken from an unpublished report from Thandaunggyi Township received in July 2019.

<sup>24</sup> This information is taken from an unpublished report from Thandaunggyi Township received in July 2019.

<sup>25</sup> This information is taken from an unpublished report from Thandaunggyi Township received in July 2019.

<sup>26</sup> This information is taken from an unpublished report from Thandaunggyi Township received in July 2019.

<sup>27</sup> This information is taken from an unpublished report from Thandaunggyi Township received in July 2019.

<sup>28</sup> This information is taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>29</sup> This information is taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>30</sup> This information is taken from an unpublished report from Thandaunggyi Township received in June 2019.



same day, the affected villagers decided to oppose the decision: “We called a meeting and discussed what is going on in the local areas together. We have been working on the lands of our ancestors and this reserved forest will limit the size of our lands. We suggested and agreed to fight this process.”<sup>31</sup>

In a move to prevent the local customary lands from being allocated as reserved forests, the section leader informed that the local authorities were now trying to secure government land titles: “I am now collecting the names of local people to submit their concerns about land issues. They [the government] told us to apply for a land form #7, so the section administrators are collecting names in their own sections and they will submit it to the Township. [...] We only got land receipts in the past. [...] Now, they said that they will give us land forms #7. We don’t know whether they will be able to do it because there are a lot of villages and many acres of lands. If they cannot do it, we are worried that they will allocate them [the lands] as reserved forest.”<sup>32</sup>

The Chief Minister of Kayin State did not notify the local populations of any new development in March 2019, so the customary lands are officially still part of the reserved forest. However, the government did not take action to evict the local villagers or prevent them from working on their lands. According to a KHRG field researcher, the local population was still trying to secure land titles at the time of drafting.

### **C) Hydropower projects in Southeast Myanmar**

KHRG’s documentation on the reporting period shows that the government and armed actors are still trying to implement dam construction projects without securing the FPIC of the affected populations. In Southeast Myanmar, such projects have resulted in flooding, protracted displacement, and livelihood challenges to local communities in the past. The overwhelming majority of large hydropower projects planned in Myanmar in recent years have been situated in ethnic areas.<sup>33</sup>

This report will analyse recent developments related to two proposed dam construction projects in Toungoo and Dooplaya districts. While the proposed Thauk Yay Khat Dam (I) continues to pose an imminent threat to villagers living in the area, a similar project in Dooplaya District has been suspended as a result of successful village agency strategies.

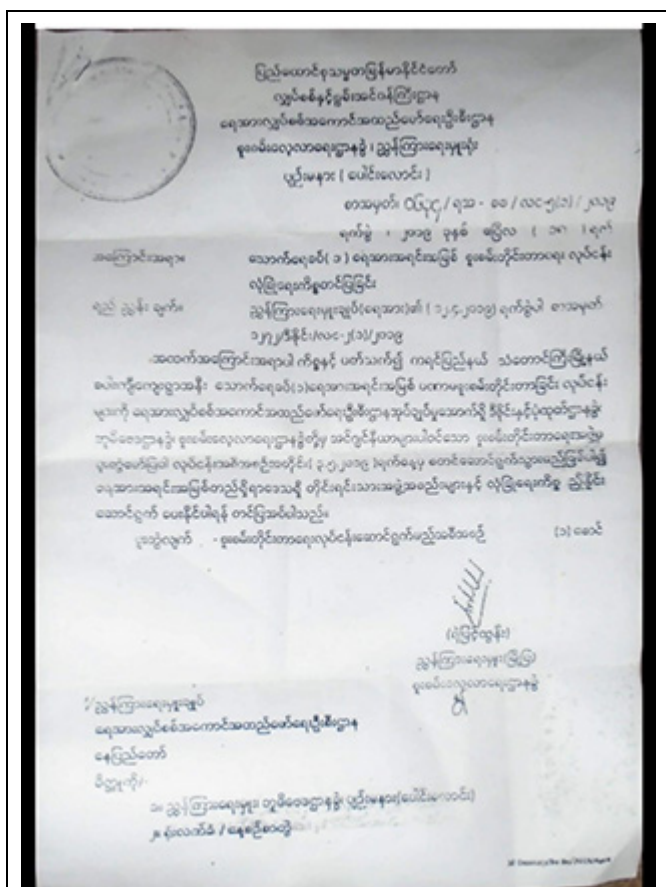
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<sup>31</sup> This information is taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>32</sup> This information is taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>33</sup> KHRG (July 2018), “[Development or Destruction? The human rights impacts of hydropower development on villagers in Southeast Myanmar](#)”.

i. Proposed hydropower project in Thandaunggyi Township, Toungoo District: Thauk Yay Khat Dam (I)



This photo shows the Myanmar government statement on the Thauk Yay Khat Dam (I). It was released by the Ministry of Electricity and Energy on April 18<sup>th</sup> 2019. [Photo: KHRG]

On April 18<sup>th</sup> 2019, the Myanmar Ministry of Electricity and Energy released a statement stating their intention to implement the Thauk Yay Khat Dam (I) hydropower project in early May 2019 in the Maung Nwet Gyi village tract. The Myanmar government failed to hold consultation meetings or obtain FPIC from local communities about the proposed dam project. The FPIC process requires that consent be sought before implementation of a project (prior), it should be independently decided upon (free), and be based on accurate, timely and sufficient information provided in a culturally appropriate way (informed). FPIC must be obtained as it ensures that affected local communities' priorities and interests are taken into account, and it enables them to be fully informed about potential effects of the project.

Should this project be implemented, over 50 villages spanning six village tracts located along the Day Loh Kloh (Thauk Yay Khat) River in Daw Hpa Hkoh (Thandaunggyi) Township will be destroyed. Most notably, Peh Kaw Der, Koo Play Der, Leh Koh Der Ka and Koo Thay Der villages will be most severely

affected. Civilians are also concerned that their lands will be confiscated for the proposed dam, subsequently resulting in displacement and livelihood challenges. Their concerns are exacerbated by the fear of re-victimisation and the prevailing ramifications of the construction of the Thauk Yay Khat Dam (II).<sup>34</sup> The Asia World Company is an investor for both hydropower projects.

In 2002, the Shwe Swan Ain Company confiscated villagers' lands in Hto Boh village in the same township to build the Thauk Yay Khat Dam (II), which was completed in 2010. Over 1,400 acres of villagers' lands were confiscated and 63 households were displaced when the project was implemented;<sup>35</sup> many remain displaced to date. Additionally, the dam project flooded around 40,000 acres of land in the area, and the roads and P'Leh Wa Bridge that were destroyed have not been repaired, posing challenges for villagers who travel for their livelihoods.<sup>36</sup> Many still face livelihood challenges and currently work on lands previously confiscated for the Thauk Yay Khat Dam (II) but were unused.

<sup>34</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>35</sup> KHRG (July 2018), "[Development or Destruction? The human rights impacts of hydropower development on villagers in Southeast Myanmar](#)".

<sup>36</sup> KHRG (August 2012), "[Photo Set: More than 100 households displaced from Toh Boh dam construction site in Toungoo](#)".

*“When they constructed Thauk Yay Khat Dam (II), a lot of villagers’ lands were damaged and they got no compensation in return. So if they still construct this Thauk Yay Khat Dam (I), it will also damage a lot of villagers’ lands again. They will face livelihood challenges and difficulties in travelling.”<sup>37</sup>*

*- Perspective of a local villager on the Thauk Yay Khat Dam (I)*

While villagers understand that the proposed dam can be beneficial in terms of generating electricity, providing water supply for agricultural purposes, and controlling floods, local communities have not been on the receiving end of these benefits. A civilian explained: *“They [companies and Myanmar government] said that the dam can be helpful in so many ways for civilians such as producing electricity. However, from what I have seen, the way the Myanmar government implemented the Thauk Yay Khat Dam (II) near my house has not made any changes or benefitted local people at all. The situation remains the same since I was born. We do not get electricity or anything from the dam. Even if they construct the Thauk Yay Khat Dam (I), it would not improve the local situation. So, I would prefer to stay like this instead of having a project implemented in our area.”<sup>38</sup>*

The negative impacts of the project also outweigh the potential advantages. A villager shared his view on the potential challenges local communities will face: *“I think up to ten villages will be flooded if the dam is constructed. But these are only the villages that I know. There are still many villages that I do not know that can be affected by this proposed dam. Most villages will be flooded but the villages that won’t be flooded will be like islands. They won’t be able to do anything for their livelihood because their plantation lands will be destroyed.”<sup>39</sup>*

Villagers also contemplate the involvement of armed groups in the Thauk Yay Khat Dam (I) project as they have observed an increase in militarisation in the area. As reported above, the Tatmadaw has been supplying troops and rations to their camps in Toungoo District. A civilian explained: *“The Tatmadaw’s activities of transporting rations and troops are dramatically increasing. They also have a project to construct the Thauk Yay Khat Dam (I). We do not know if they came [to secure the construction area] or if they are planning to fight by using Thauk Yay Khat Dam (I) as an excuse. They increased the [amount of] troops as well as weapons so we worry about that.”<sup>40</sup>* Given a history of hydropower project implementers and authorities forcefully confiscating lands and forcibly displacing civilians,<sup>41</sup> villagers are apprehensive and fearful of development projects such as the Thauk Yay Khat Dam (I).

### Village agency strategies

In an effort to prevent the implementation of the dam, the villagers will be organising a public protest against its construction to protect their lands. Protests will be held in various villages and will include participation by religious groups and community members. Local communities are adamant about protecting their lands at all costs and are willing to resort to armed force if necessary, as one villager stated: *“If the Myanmar government still implements the dam despite our demonstration, we cannot do anything. The only alternative is to take up arms and fight back.”<sup>42</sup>* The Myanmar government’s disregard for local

<sup>37</sup> This information was taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>38</sup> This information was taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>39</sup> This information was taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>40</sup> This information was taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>41</sup> KHRG (August 2018), *“Toungoo Interview: Saw O---, November 2017”*; KHRG (July 2018), *“Development or Destruction? The human rights impacts of hydropower development on villagers in Southeast Myanmar”*.

<sup>42</sup> This information was taken from an unpublished report from Thandaunggyi Township received in June 2019.

communities' input on the implementation of this project may further jeopardise the already fragile peace process and result in renewed conflict.

Local communities demand that authorities consider their well-being and safety, and take into account their voice and perspectives by putting a halt to the Thauk Yay Khat Dam (I) project. They recommended that the: *“Tatmadaw upper authorities inform their front line soldiers not to transport their unnecessary [large] weapons to their army camps. The current Myanmar government also should not give the permission to implement the dam at the expense of the civilians’ welfare. The dam should not be implemented without local villagers’ consent. The Myanmar government should protect us and be on our side.”*<sup>43</sup>



The photo on the left was taken on May 15<sup>th</sup> 2019 in Thandaunggyi Township, Toungoo District. It shows the signs that the villagers prepared to protest against the construction of the Thauk Yay Khat Dam (I). The photo on the right was taken on May 2<sup>nd</sup> 2019 in the same township. Over 20 villagers gathered together to share their perspectives on the Thauk Yay Khat Dam (I) and sign a document stating their opposition to the project. [Photos: KHRG]

*ii. Proposed dam on the Meh K’Lah River, Dooplaya District: a threat to local communities’ livelihoods*

KHRG documented that an unidentified company – potentially Chinese – and the Democratic Karen Benevolent Army (DKBA) are currently collaborating on a proposed dam project on the Meh K’Lah River, Taw Oo Hta village tract, Kaw T’Ree Township, Dooplaya District with the permission of the Myanmar government. The DKBA hired and provided security to engineers who conducted assessment activities at the proposed dam site. The Meh K’Lah River is an important water source, along which over 10 villages consisting of an estimated 2,000 people have been living for generations. Local communities there mostly secure their livelihoods by running small shops and through seasonal plantations such as paddy and corn. Implementation of the dam project would cause flooding, destroy the villagers’ lands, plantations and their environment, and affect their livelihoods. Most villagers do not have Myanmar government or KNU land titles and rely on customary land tenure.

The authorities did not inform local communities or sought FPIC about the proposed dam construction. The project only came to light on April 5<sup>th</sup> 2019 when a villager from Taw Oo Hta village saw and questioned the engineers who carried out assessment activities along the river. Such activities were carried out twice in April 2019. As a villager stated: *“At first, we did not know the purpose of their visit but after, we found out that these people came to measure the river to implement the dam in our area, which could damage our village.”*<sup>44</sup>

<sup>43</sup> This information was taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>44</sup> This information was taken from an unpublished report from Kawkareik Township received in August 2019.

Although dam construction activities have temporarily been halted resulting from villagers' activism, the local population is concerned that the project may be revived in the future.

#### Foreseen impacts on the local community

Implementation of this hydropower project may result in flooding, subsequently destroying local villages, plantations, the environment and villagers' livelihoods. Notably, Kwee Ler Shu and Taw Oo Hta villages will be affected the most as they are situated closest to the river. A local leader in Thay Baw Boh village illustrated the potential devastating impacts: *"Villagers are afraid of the potential flooding which can damage all their farms, plantations and housing that they have had since a long time ago. The second thing is that it will impact the natural environment such as trees and forests. The third thing is that the river itself is used for travelling and transportation during the rainy season. This is essential in emergency cases such as taking sick people to the hospital. If the dam is constructed on the river, how can we travel by crossing the river in an emergency and for our daily needs? The dam can also be a barrier for aquatic animals to move freely."*<sup>45</sup>

Given the villagers' dependence on agricultural activities, implementation of the dam will severely affect their livelihoods: *"We secure our livelihoods by farming. We plant paddies, hot peppers or chilli and corns. We also have domestic animals [pigs, chicken], cows and buffaloes. We are able to survive without access to hydropower electricity. If our livelihoods are affected by the hydropower project, we will not be able to work in our lands anymore. We will have to work in other peoples' lands as casual daily workers. Our lives will be terrible if the project is implemented."*<sup>46</sup>

#### Village agency resulting in the termination of the project

During the Thay Baw Boh village tract meeting held on April 8<sup>th</sup> 2019 to discuss the hydropower project, local DKBA commander Bo<sup>47</sup> S'Tee and 300 villagers were present. Community members reported that the DKBA only discussed the benefits of the dam for local communities and did not fully inform the villagers about the potential negative effects of the proposed dam during the meeting.

As one villager elaborated: *"We do not know what this dam is for but the DKBA commander told us that we will get electricity and lights. In the meeting, they did not mention the potential impacts at all even though we know what can happen. [...] We see that the DKBA authorities are not aware of the negative impacts on local communities."* The DKBA commander also told villagers that: *"houses were already prepared for villagers, in case they needed to relocate because of the hydropower dam construction. There are plenty of houses built in Hsone Si Myaing and Wa May Hta villages for potential relocation."*<sup>48</sup>

While villagers were aware of the potential benefits of the dam, they think that they are significantly outweighed by the negative consequence thereof: *"We are not saying that the dam is not good as we know it can benefit us in some way if we get electricity, lights, TV, we can cook, iron, and use the computer. However, we should also be aware of the negative impacts."*<sup>49</sup>

Taking everything into consideration, villagers voiced their concerns and advocated for the termination of the project during the meeting. Additionally, they cited the disastrous consequences of the proposed dam, including flooding, destruction of lands and livelihoods,

<sup>45</sup> This information was taken from an unpublished report from Kawkareik Township received in August 2019.

<sup>46</sup> This information was taken from an unpublished report from Kawkareik Township received in April 2019.

<sup>47</sup> *Bo* is a Burmese title meaning 'officer.'

<sup>48</sup> This information was taken from an unpublished report from Kawkareik Township received in April 2019.

<sup>49</sup> This information was taken from an unpublished report from Kawkareik Township received in August 2019.

and forced displacement. At the end of the meeting, DKBA General Mo Shay declared that the project was cancelled as it was not approved by local communities. At present, villagers continue to monitor activities at the proposed construction site to ensure that construction activities do not continue.



The photo on the left was taken on August 10<sup>th</sup> 2019 in Kawkareik Township, Dooplaya District. The photo on the right was taken on August 29<sup>th</sup> 2019 in Thandaunggyi Township, Toungoo District. They show sections of the Meh K'Lah and Thauk Yay Khat rivers, respectively, along which the two aforementioned hydropower projects are being contemplated. *[Photos: KHRG]*

## Part II. Overview of the human rights and security situation in Southeast Myanmar

### A) Abuses by armed actors

Armed actors are still subjecting civilians to human rights abuses in Southeast Myanmar. Between January and June 2019, KHRG documented one case of murder and four cases of physical abuse in Dooplaya, Hpapun and Hpa-an districts. In addition, a Tatmadaw soldier attempted to rape a woman in Dooplaya District, and a villager sustained injuries after a road accident caused by a military truck in Thandaunggyi Township. The Tatmadaw also carried out military training activities with little regard for the safety and the property of civilians in several districts.

#### i. Killing

On 5<sup>th</sup> April 2019, two Tatmadaw deserters from LIB #275 and LIB #339 (SOC #1), shot eight Muslim civilians in Win Yay Township, Dooplaya District, over a motorbike dispute. Seven of them died. The two deserters remain in custody awaiting military trial, but the local people do not know how the Tatmadaw is handling the case. A woman who was injured during the incident was admitted to the hospital, but has since been discharged.<sup>50</sup>



These photos were taken in April 2019 in Win Yay Township, Dooplaya District. The photo on the left shows a rifle that was found at the crime scene. The photo on the right shows the bodies of four victims of the killing. [Photos: KNPF and KHRG]

#### ii. Physical violence

Two cases of physical violence against civilians involving BGF soldiers took place in Hpapun District during the reporting period. In April 3<sup>rd</sup> 2019, a 20-year-old civilian sustained head injuries after he was beaten by Saw Hpah Ghaw, a 40-year-old soldier from BGF Battalion #1014 in Ka Ma Maung Town. The victim was admitted to the hospital, where he got stitches before being discharged on the same day.<sup>51</sup> On May 8<sup>th</sup>, a 16-year-old monk was also beaten in the head with a revolver by a corporal from BGF Battalion #1014 in Dwe Lo Township, after which he had to spend three days at the Ka Ma Maung hospital.<sup>52</sup>

A similar case involving a high-ranking BGF officer also happened in Hpa-an District. On

<sup>50</sup> KHRG (June 2019), "[Dooplaya Incident Report: Two Tatmadaw deserters killed seven civilians in Win Yay Township, April 2019](#)".

<sup>51</sup> KHRG (August 2019) "[Hpapun Incident Report: Physical abuse by a BGF soldier in Bu Tho Township, April 2019](#)".

<sup>52</sup> This information was taken from an unpublished report from Dwe Lo Township received in July 2019.

June 28<sup>th</sup>, a drunken BGF Commander, Bo Kyaw Hein, punched a village head in Nabu Township for no apparent reason. He also intimidated another village head by grabbing his head violently. As the Commander had weapons and was accompanied by two of his soldiers, the victims dared not speak up. They also were too afraid to report the case.<sup>53</sup>

Still in Hpa-an District, two drunken KNU/KNLA-PC<sup>54</sup> members (one officer and one soldier) severely beat a local civilian on April 29<sup>th</sup> 2019 in Paingkyon Township, Hpa-an District, and left him unconscious.

The victim sustained serious injuries, and was taken to the hospital on the next day. The officer who perpetrated the abuse was ordered by his commanding officer to give 1,000,000 kyats (USD 656.74 as of September 2<sup>nd</sup> 2019) to the victim by May 4<sup>th</sup> 2019. According to the information KHRG received, he had not done so at the time of drafting.<sup>55</sup>



This photo was taken on May 2019 in Paingkyon Township, Hpa-an District. This villager was brutally beaten by two KNU/KNLA-PC soldiers. [Photo: KHRG]

As both the BGF and the KNU/KNLA PC are bound by the NCA, the above-mentioned cases amount to a clear violation of its section 9(b), which states that the Tatmadaw and the Ethnic Armed Organisations shall avoid subjecting civilians to violence or torture. Despite the NCA, such abuses continue to happen periodically, fuelled by a climate of impunity.

### *iii. Sexual violence against women*

KHRG documented that one Tatmadaw soldier attempted to rape a woman in Kawkareik Township, Dooplaya District on June 7<sup>th</sup> 2019. The victim reported the case to his commanding officer, after which the perpetrator was beaten by his commanders. This incident caused a feeling of insecurity among local women, who now want the Tatmadaw to leave their village.<sup>56</sup>

### *iv. Road accident caused by the Tatmadaw*

On May 10<sup>th</sup> 2019, a civilian travelling by motorbike sustained knee and foot injuries after he was hit by a Tatmadaw truck travelling against the traffic at high speed outside of Pyar S'Kan village, Thandaunggyi Township, Toungoo District. The truck did not stop after the incident. The victim was admitted to a clinic where he got four stitches because of his knee wound. Although he was told to do an X-ray, he could not afford it. He dared not report the case as he was afraid of facing trial if he did.<sup>57</sup>

<sup>53</sup> KHRG (August 2019), "[Hpa-an Incident Report: A BGF Commander punched a village head in Nabu Township, June 2019](#)".

<sup>54</sup> The KNU/KNLA-PC is a breakaway faction of the KNLA, formed in 2007 when its leader agreed to a cessation of hostilities with the Tatmadaw. They signed the Nationwide Ceasefire Agreement in October 2015.

<sup>55</sup> This information was taken from an unpublished report from Paingkyon Township received in April 2019.

<sup>56</sup> This information was taken from an unpublished report from Kawkareik Township received in August 2019.

<sup>57</sup> KHRG (August 2019), "[Toungoo Incident Report: A villager sustained injuries after being hit by a Tatmadaw truck in Thandaunggyi Township, May 2019](#)".



v. *Jeopardising civilian safety and destruction of property*

KHRG received reports that the Tatmadaw has been conducting military training and target practice in and near civilian areas and their lands in Toungoo, Hpapun, Mergui-Tavoy, and Dooplaya districts during the reporting period. Military training activities are held on vast areas of land confiscated by the Tatmadaw prior to the NCA.<sup>58</sup>

Notably, between January and February 2019 in Lu Thaw Township, Hpapun District, Tatmadaw soldiers based in the Paw Khay Hkoh, Keh Deh Kyoh and Kuh Hkoh army camps fired an estimate of 83 artillery shells in the vicinity of Ta Koo Der and Kuh Day villages and local civilians' farms. One of the civilians' buffaloes died, another two were injured from the shrapnel. IDPs fled into the forest for their safety until February 2019 and were afraid to work on their farms or raise their livestock.<sup>59</sup>

Between January and May 2019, the Tatmadaw Ba Yint Naung Training School in Kywel Phyu Taung Ywar Kyi and Shaut Pin Chaung village tracts, Thandaunggyi Township, Toungoo District conducted live fire target practice. Stray artillery and bullets caused significant damage to villagers' plantations and caused security concerns among civilians who travel in the vicinity. This problem is particularly rife when target practice is conducted between Nant Thar Kone and Ywar Thit villages, Kyun Kone and Ngway Taung Kyi villages, and in the Shaut Pin Chaung village tract. Additionally, live fire exercise can also lead to UXO contamination in the affected areas, resulting in severe threats to local civilians and their farm animals, and further preventing farmers from accessing their plantations.<sup>60</sup>

On April 30<sup>th</sup> or May 1<sup>st</sup>, a Tatmadaw soldier from LIB #57 opened fire on a villager in Kyaukkyi Township, Nyaunglebin District while he was looking for his buffaloes on his farm. When approached by community leaders for an explanation, the Tatmadaw responded that the soldier accidentally missed his original target.<sup>61</sup>



The photo on the left was taken on March 7<sup>th</sup> 2019 in Lu Thaw Township, Hpapun District. This photo shows the body of a buffalo that was killed after the Tatmadaw fired mortars in Meh Lay Plaw and Ta Koo Der areas. The photo on the right was taken on March 6<sup>th</sup> 2019 in the same township. It shows how Tatmadaw mortars shells damaged villagers' farmland. [Photos: KHRG]

Military training activities resulting in the damage of plantations and farmland are a direct violation of section 5(a) of the NCA, which states that the Tatmadaw (and other signatories) must not engage in destruction of property in ceasefire areas. The Tatmadaw's actions also

<sup>58</sup> KHRG (May 2019), "[‘Do Not Trespass’: Land Confiscation by Armed Actors in Southeast Myanmar](#)".

<sup>59</sup> KHRG (February 2019), "[‘Skirmishes between the KNLA and Tatmadaw and indiscriminate shelling in Lu Thaw Township’](#)".

<sup>60</sup> This information is taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>61</sup> This information was taken from an unpublished report from Kyaukkyi Township received in May 2019.

show complete disregard for the safety and security of villagers, in breach of its obligation to “ensure the security and development of civilians living in ceasefire areas” pursuant to Section 9(p) of the NCA.

## **B) Landmine and UXO contamination**

Landmine and UXO contamination remains a problem across large areas of Southeast Myanmar, posing a threat to the local population and preventing a large number of refugees and IDPs from returning to their area of origin. KHRG documented that, in May 2019, the DKBA (splinter group) planted new landmines around eight villages in Hlaingbwe Township, Hpa-an District.<sup>62</sup> Tatmadaw soldiers from the Military Training School (Ta Ta Ka) #12 also left unexploded hand grenades on local villager’s plantations in Ler Muh Lah Township, Mergui-Tavoy District. They came back to destroy them on January 25<sup>th</sup> 2019, after the local population reported the case to the local authorities.<sup>63</sup>



These photos were taken in January 2019 in Ler Mu Lah Township, Mergui-Tavoy District. They show the unexploded hand grenades left by the Tatmadaw on local villagers’ lands. [Photos: KHRG]

On June 18<sup>th</sup> 2019, one civilian from Lay Poe Hta village tract, Dwe Lo Township, Hpapun District, sustained severe injuries after stepping on a landmine in his plantation, after which he was admitted to a hospital in Hpa-an. On June 24<sup>th</sup> 2019, two villagers from Wel Pyah village tract, Hpa-an Township, Thaton District sustained serious injuries after stepping on landmines. One of them, an 18-year-old villager, was first admitted to the Myaing Gyi Ngu hospital, but transferred to the Hpa-an hospital where the doctors had to amputate his right leg. The second victim, a 37-year-old man, sustained a severe head injury and had to be transferred to a hospital in Yangon for treatment.<sup>64</sup>

KHRG documented that the agricultural lands around the refugee resettlement site of Mae La Way Ler Moo, Paingkyo (Ta Kreh) Township, Hpa-an District were contaminated by UXOs.<sup>65</sup> After a returnee was injured in a UXO explosion in April 2018, local community members have taken steps to make themselves less vulnerable by burying UXOs and informing neighbours of their locations. A recently repatriated woman reported to KHRG that a buried UXO exploded on her neighbour’s farm in March 2019. She also stressed the need

<sup>62</sup> This information was taken from an unpublished report from Hlaingbwe Township received in May 2019.

<sup>63</sup> This information was taken from an unpublished report from Ler Muh Lah Township received in February 2019.

<sup>64</sup> This information was taken from an unpublished report from Dwe Lo Township and Hpa-an Townships received in June 2019.

<sup>65</sup> KHRG (June 2019), “[‘If I had known, I wouldn’t have returned to Myanmar’: Shortcomings in Refugee Repatriation and Reintegration](#)”.

to raise awareness about this issue: “We have to be very careful of UXOs in this area. We cannot see them, but we know that this was a battlefield in the past and that there was heavy fighting. We can see many old military trenches. Our children saw some UXOs when they went hunting. They were unexploded, so they just threw them away. UXO contamination is dangerous for refugees that have recently returned. We should receive awareness trainings about the danger of UXOs in this area.”



These photos were taken on July 29<sup>th</sup> 2019 in Mae La Way Ler Moo, Paingkyon (Ta Kreh) Township, Hpa-an District. The photo on the left shows one UXO and the photo on the right shows a place where another UXO exploded. [Photos: KHRG]

### C) Environmental impact of mining and logging activities

KHRG documented that private companies and businesses continue to carry out their activities in Southeast Myanmar with little regard for their environmental impact. According to information received by KHRG in March 2019, logging and gold mining activities conducted by local KNU leaders and businessmen continued to have serious impacts on the livelihood of the local population in Mone and Shwegyin townships, Nyaunglebin District. Gold mining activities polluted streams, creating difficulties for the villagers who depend on them for water and food. Logging also caused deforestation in civilian-populated areas, resulting in droughts. Consequently, the area is more prone to heat waves, which makes it more difficult to grow crops.<sup>66</sup>

According to information received in May 2019, local people in the Htee Mo Pwa area, Ler Mu Lah Township, Mergui-Tavoy District are now facing serious health problems because of gold mining activities carried out by the Shwe Htun Pauk Company, a Chinese mining company.<sup>67</sup> The mercury used for gold extraction purposes polluted the rivers, contaminating the villagers' water supplies. Pregnant women, children were particularly affected by chemical poisoning, and many new-borns in the area suffer from physical disabilities.<sup>68</sup>

<sup>66</sup> KHRG (August 2019), “[Nyaunglebin Situation Update: Logging and gold mining activities threatening community livelihoods, land confiscation by the Tamadaw and landmine contamination in Mone and Shwegyin townships, November 2018 to January 2019](#)”.

<sup>67</sup> See Mekong Eye (January 2016), “[Chinese mine firm promises to respect residents](#)”.

<sup>68</sup> This information was taken from an unpublished report from Ler Muh Lah Township received in May 2019.

## D) Access to healthcare and education

### i. Education

KHRG's documentation shows that, despite some positive developments, access to education remains problematic in some areas of Southeast Myanmar. This is mostly due to a lack of infrastructure, resources and funding. KHRG field researchers from northern Lu Thaw Township, Hpapun District reported that the education system had fairly improved in their area, but that the Karen Education and Culture Department (KECD)<sup>69</sup> cut the salary of its teachers by almost half.<sup>70</sup>

In June 2019, a village administrator from Waw Kay village tract, Kyaikto Township, Thaton District told KHRG that the local school could not accommodate all the children, so some of them had to study at the monastery. He requested the Myanmar government to build a new school but received no response.<sup>71</sup>

Similar problems were reported in Toungoo District. In Thandaung Myot Thit, Thandaunggyi Township, the Myanmar high school had to refuse students because it could not accommodate them, and the local education authorities did not allow them to enrol in other schools. Thus, they were not able to continue their schooling in 2019-2020. In Htantabin and Thandaunggyi townships, some villages located in the KNU-controlled hill areas had to build their schools and pay the teachers with their own money. As the Myanmar government does not recognise other education systems, children who graduated from KECD or community schools are not allowed to enrol in public schools. As a result, they have no choice but to continue their education at the KECD high school in Htoh Lwee Wah (Htantabin Township), which can be challenging for some of them in terms of transportation or accommodation costs.<sup>72</sup>

In Tanintharyi Township, Mergui-Tavoy District, poor road infrastructure, transportation difficulties, and difficulties to access secondary education remain common challenges for children in rural communities. The population of 17 villages from Htee Moh Pwa area, Ler Mu Lah Township had to hire school teachers and pay their salaries, as the KNU and the Myanmar government only supported them by providing teaching materials. As only eight of these villages have a middle school, some children who completed primary school in other villages could not continue their schooling because their parents could not afford to send them to other places.<sup>73</sup>

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<sup>69</sup> The Karen Education and Culture Department (KECD), formally known as the Karen Education Department (KED), is the Karen National Union's Education Department. The main goals of the KECD are to provide education, as well as to preserve Karen language and culture in ethnic Karen areas.

<sup>70</sup> This information was taken from an unpublished report from Lu Thaw Township received in January 2019.

<sup>71</sup> This information was taken from an unpublished report from Thaton Township received in July 2019.

<sup>72</sup> This information was taken from an unpublished report from Thandaunggyi Township received in June 2019.

<sup>73</sup> This information was taken from an unpublished report from Ler Muh Lah Township received in May 2019.

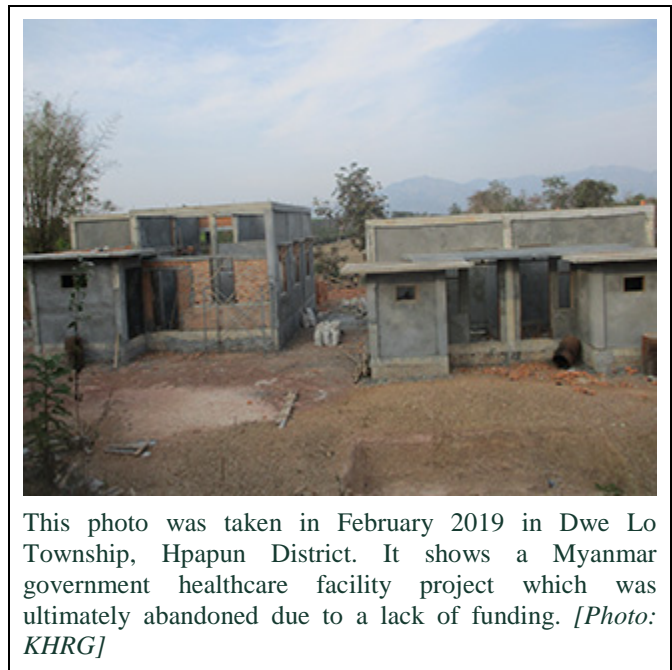


The photo on the left was taken in April 2019 in Thandaunggyi Township, Toungoo District. The photo on the right was taken in February 2019 in Ler Muh Lah Township, Mergui-Tavoy District. They both show the dilapidated conditions of Myanmar government primary schools in remote areas. [Photos: KHRG]

*ii. Healthcare*

Local communities living in remote areas still face challenges in accessing healthcare due to a lack of clinics and hospitals. In Toungoo District, people who live in hill areas do not have easy access to government clinics, and must get treatment from local KNU health workers. However, the performance of the KNU healthcare system is undermined by a lack of resources.<sup>74</sup>

In the Htee Mo Pwa area, Ler Mu Lah Township, Mergui-Tavoy District, local people also rely on a KNU clinic. However, it lacks medicines and can only treat minor health conditions. Villagers suffering from serious diseases must be taken to the nearest hospital, which can be challenging as the journey usually takes up to one day by boat.<sup>75</sup>

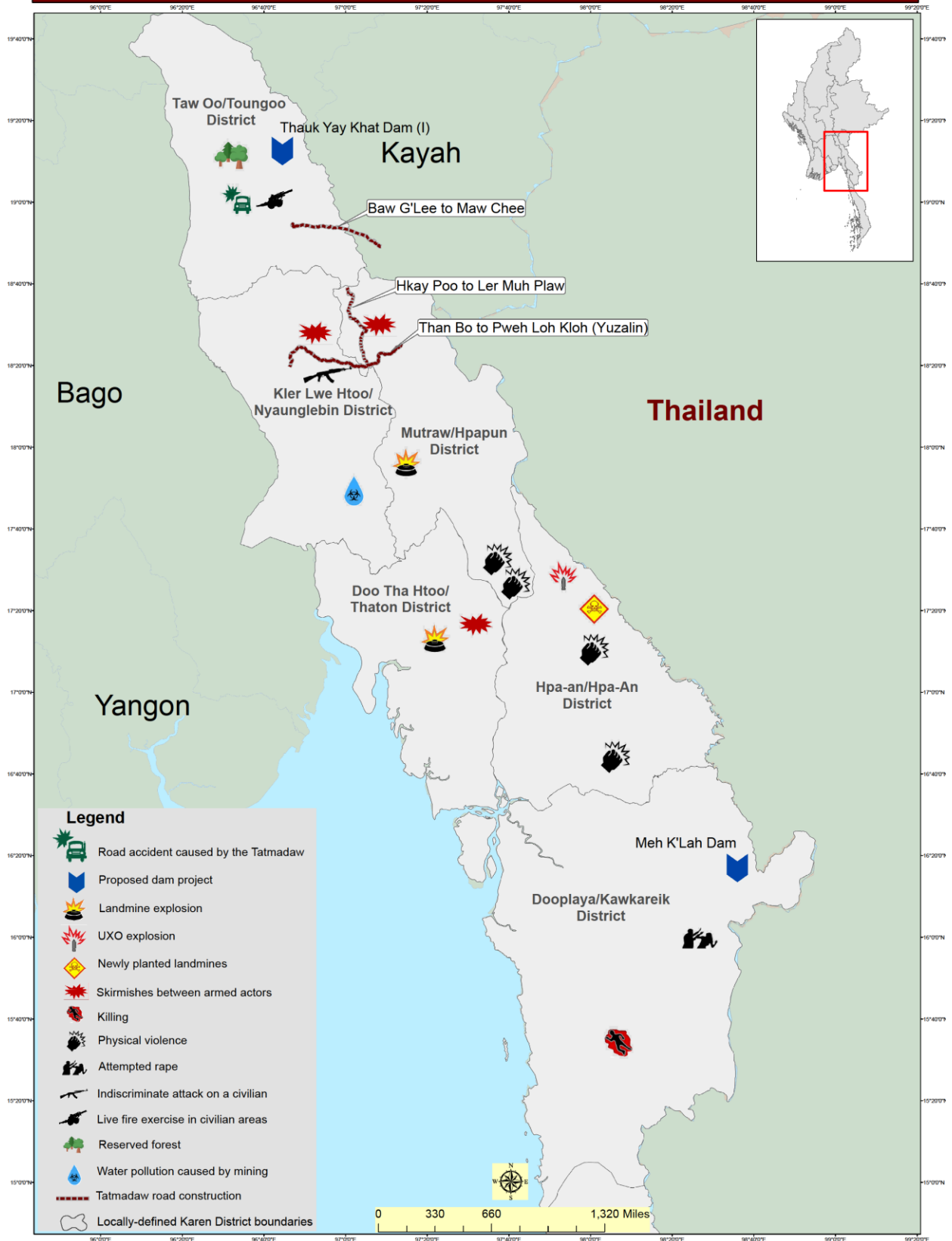


This photo was taken in February 2019 in Dwe Lo Township, Hpapun District. It shows a Myanmar government healthcare facility project which was ultimately abandoned due to a lack of funding. [Photo: KHRG]

KHRG also documented that the rural populations of northern Lu Thaw Township, Hpapun District struggle to access healthcare services because of transportation difficulties and a degraded security situation in some areas. Although there are small clinics in most of the villages, they often lack medicines. As a result, the local people often have to rely on traditional or herbal medicine.<sup>76</sup>

<sup>74</sup> This information was taken from an unpublished report from Thandaunggyi Township received in June 2019.  
<sup>75</sup> This information was taken from an unpublished report from Ler Muh Lah Township received in May 2019.  
<sup>76</sup> This information was taken from an unpublished report from Lu Thaw Township, received in January 2019.

## Overview of the human rights and security situation in Southeast Myanmar January to June 2019



## About KHRG

Founded in 1992, the Karen Human Rights Group is an independent local organisation committed to improving the human rights situation in Southeast Myanmar. KHRG trains local people to document and gather evidence of human rights abuses, and publishes this information to project the voices, experiences and perspectives of local communities. More examples of our work can be seen online at [www.khrq.org](http://www.khrq.org).