

HOLDING OUR GROUND



Land Confiscation in
Arakan & Mon States, and Pa-O Area of
Southern Shan State

HOLDING OUR GROUND:

Land Confiscation in Arakan & Mon States,
and Pa-O Area of Southern Shan State

A Report

by

All Arakan Students' and Youths' Congress (AASYC),
Pa-O Youth Organisation (PYO) and
Mon Youth Progressive Organisation (MYPO)

Holding Our Ground:

Land Confiscation in Arakan & Mon States,
and Pa-O Area of Southern Shan State

March 2009

Copies - 500

Written & Published by



**All Arakan Students' & Youths' Congress
(AASYC)**

P.O Box- 135,
Mae Sot, Tak Province - 63110,
Thailand
Email: aasyc.ghq@gmail.com
Phone: +66 (0) 55 506 618



Pa-O Youth Organization (PYO)

P.O Box- 134,
Mae Sot, Tak Province- 63110,
Thailand
Email: pyohq@yahoo.com
Phone: +66 (0) 55 533 115



Mon Youth Progressive Organization (MYPO)

P.O. Box- 26,
Sangkhlaburi, Kanchanaburi- 71240,
Thailand
Email: mypo_office@yahoo.com, mypo31@gmail.com
Phone: +66 (0) 34 595 614

Table of contents

Acknowledgments

Authors

1. Introduction -----	1
2. Methodology -----	1
3. Executive Summary: -----	2
3.1 Brief Background of Burma -----	2
3.2 Background of the Project Areas -----	4
4. Militarisation in Burma: -----	7
4.1 Militarisation and its Direct Consequences -----	7
4.2 Military Installation and Land Confiscation-----	10
4.3 Military Troop Deployments & Human Rights Violations -----	16
4.3.1 Forced Labour-----	17
4.3.2 Burmanisation-----	20
4.3.3 Sexual Harassment & Rape-----	21
4.3.4 Forced Conscription-----	21
5. Land Confiscation: -----	22
5.1 Confiscation of Gazing Land -----	22
5.2 Migration to Neighbouring Countries -----	24
5.3 Environmental Damage -----	25
5.4 Restrictions on Local Businesses & Loss of Livelihoods -----	29
6. Burmese Land Law & International Land Law -----	30
7. Development Projects in Burma -----	31
8. Case Studies -----	34
9. Conclusion -----	41
10. Recommendations -----	41
11. Brief Background of Organisations: -----	43
AASYC, PYO & MYPO	

Acknowledgements

Firstly, the 3 partnership organisations who produced this report, AASYC, PYO & MYPO, would like to thank the Voluntary Service Overseas (VSO) for its financial assistance and field researchers. Without their assistance and extensive efforts, this report would not have been possible. Secondly, MYPO and PYO would like to thank AASYC for overseeing the writing of the report. Thirdly, our special thanks go to our volunteers: Damien Smee, Matthew Smee, Kelly Scarrow and Pam Green, whose invaluable input has been an integral part of making this report a reality. Finally, we would also like to give a special mention to the AASYC members who were responsible for the design and layout of the final publication.

About the Authors

All Arakan Students' & Youths' Congress (AASYC), Pa-O Youth Organisation (PYO) and Mon Youth Progressive Organisation (MYPO) are all member organisations of Students & Youth Congress of Burma (SYCB), they work together for the achievement of democracy, the restoration of human rights and the establishment of a genuine federal Union of Burma. They work to build trust and mutual understanding among different ethnic peoples, with the aim of bringing political, economic and social changes to Burma. They build up the capacities of their members with educational and professional training, so that there may be competent professional youth organizations in the future of Burma. They also promote unity among different ethnic nationalities to build a democratic society based on justice and equality for all.

For details of the individual organisations, please see pages 43 and 44.

1. Introduction

The following report has been compiled to bring to the attention of a wider audience many of the problems facing the people of Burma, especially its many ethnic nationalities. For many outside observers, Burma's problems are confined simply to the ongoing incarceration of Nobel Laureate Daw Aung San Suu Kyi, the country's democratically elected leader, and many other political prisoners. However, as we hope to show in the following report, this is only one of very many human rights abuses that provide obstacles to the people's hope for democracy.

This report concentrates in 3 specific areas of the country – Arakan State, Mon State and the Pa-O Area of southern Shan State. This is partly due to budget and time constraints, but, primarily because the brutal treatment received by the people of these areas at the hands of the military junta has received limited media attention in the past.

NOTE: due to the vast discrepancy between the official exchange rate between the Burmese Kyat and US\$ (1 US\$ = 6.5 Kyat) and the black market rate (which fluctuates around the level of 1US\$ = 1,350 Kyats) a fixed exchange rate of 1US\$ = 1,350 Kyats has been used when making all monetary comparisons in this report.

2. Methodology

The primary research for this report was undertaken as a joint effort by the 3 groups involved. Seven researchers were provided with training in conducting fact-finding interviews. They were then sent to their respective areas to undertake their research. Two people conducted research on behalf of All Arakan Students' & Youths' Congress (AASYC) and Pa-O Youth Organisation (PYO), while a team of three was provided by Mon Youth Progressive Organisation (MYPO). The research was carried out in the following areas of each state:-

- *Kyauk-phru Township in Ramree Island and Ponnagywan Township in Arakan State (AASYC)*
- *Hopong, Taunggyi & Hsi Hseng Townships in southern Shan State (PYO)*
- *Ye Township in Mon State (MYPO)*

In addition to the areas covered by our researchers, we have reviewed a wide number of secondary sources in order to obtain information relating to other areas of the three states this report has focused upon. While some of this

information is dated, it has been included to demonstrate that land confiscation and an increase in militarization have been long standing problems in Burma. Although the primary research was conducted during 6 months of 2008, some of the information detailed relates to previous years, as the problem in these areas has received limited media attention.

3. Executive Summary

3.1 Brief Background of Burma



Burma was officially renamed Myanmar in 1989 by its ruling military junta, the State Law and Order Restoration Council (SLORC). Despite continual international criticism and economic sanctions the SPDC maintain power and suppress dissent by force. Many observers also accuse the junta of severe human rights violations and dire economic mismanagement.¹

The suppression of the 1988 uprisings and the Saffron revolution in 2007 showed the brutality of the country's rulers. Successive military regimes have ruled with an iron fist whilst keeping ethnic groups divided and opposed. The Burmese army (*Tatmadaw*) is spread across the country to ensure that power and control is kept from the people. Insurgent groups continue to fight in the East of the

country, especially Karen State, in what is the world's longest running civil war.² Divided and suppressed ethnic nationalities work against a common enemy (SPDC), but, often work in their own ways and pursue separate directions, usually dictated by their ethnic groups. Sadly, this has happened within the borders of Burma for thousands of years.

The British completed the annexation of modern day Burma in 1885 and ruled it as a province of British-India from Calcutta, India. It was not until 1937 when the McMahon international border line was drawn that British-India was split and British-Burma was born. The land mass considered British-Burma after 1937 is now modern day Burma.³ The drawing of the McMahon boundary, and subsequent creation of British-Burma, ensured that approximately 130 ethnic nationalities would be forced to live in a single land that for centuries had been fought over and divided into territories ruled by sovereign kings.

Burma's road to independence was led by a mixture of ethnic leaders and the Burmese General Aung San. His visit to London in 1947 and agreement (the Panglong Agreement) with Clement Attlee, the British Prime Minister, called for unification for the Frontier Areas.⁴ However, before full independence was granted, General Aung San was assassinated. It was on the 4th of January 1948 that the British handed over power and Burma gained her independence from colonial rule.⁵ General U Nu took power in the first democratic election in the Union of Burma but was unable to deal with the issues and demands from the ethnic groups, that felt they were being mistreated and that the Panglong Agreement was not being fulfilled. Effectively, the limited promises of ethnic autonomy were not being kept. The country was in civil war and units of the Burma Army mutinied. General Ne Win launched a coup d'état in 1962 with the aim of saving the nation from disintegration.⁶

The installation of Burma's first military government, led by General Ne Win, set a trend that is still continued today; people are brutally oppressed, their rights violated on a daily basis and their livelihoods and survival hang in the balance. Not only is Burma divided geographically by its different ethnic groups, but, it is also a country whose successive leaders have systematically destroyed culture,

¹ http://news.bbc.co.uk/2/hi/asia-pacific/country_profiles/1300003.stm, 30th July 2008

² Ethnic groups in Burma: Development, Democracy and Human Rights Smith, M (1994) Anti-Slavery International, London

³ The political concept of National United Party of Arakan (NUPA), Khine Maung (1995) NUPA

⁴ The New Panglong Initiative: Re-building the Union of Burma, Ethnic Nationalities Solidarity and Cooperation Committee

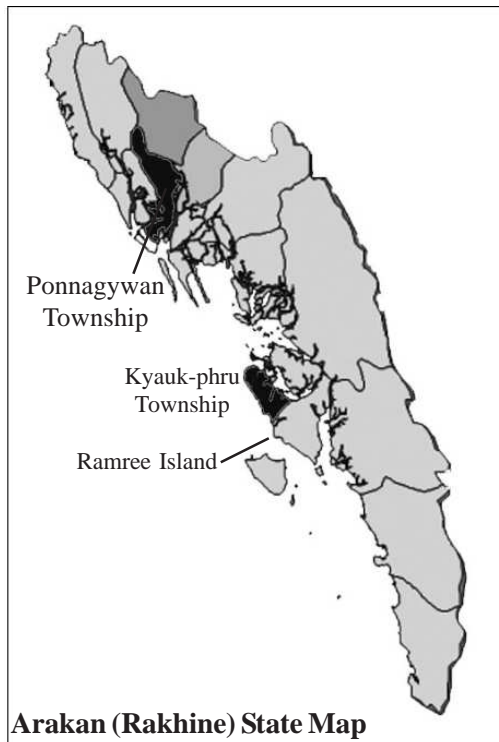
⁵ Burma, Hall D, 1960, Hutchinson & Co, London

⁶ The New Panglong Initiative: Re-building the Union of Burma, Ethnic Nationalities Solidarity and Cooperation Committee

the economy and its people. In 2008, the SPDC once again showed its total disregard for the people of Burma in the wake of cyclone Nargis. All warnings of the approaching storm were ignored and millions of dollars of international aid to the victims was denied in the wake of the disaster. This illustrates the regime's ongoing desire to isolate the Burmese people from the outside world as much as possible, in an attempt to keep them docile and tolerant. For many years the military junta pursued a policy of total isolation. In more recent years they have invited outside economic investment, selling off Burma's many natural resources to the few Governments still prepared to do business with them. The profits from such deals are used solely to maintain the SPDC's grip on power, while the people of Burma see none of the benefits.

3.2 Background of the Project Areas

Arakan State



Arakan State, with four dynastic eras (from BC 3325 to AD 1784); Dhanyawaddy, Vesali, Laymro and Mrauk-U, was an independent sovereign state for over 5,000 years. It lost its sovereignty when the Burmans invaded in 1784. Since then, Arakan State has been a state of Burma. Separated from Burma's other ethnic

nationalities by the Arakan Roma mountain ranges, the Arakanese people have customs and a language of their own.

With approximately three and a half million inhabitants, Arakan State accounts for about 6 % of the total population of Burma. Situated on the Bay of Bengal, it benefits from the natural resources of forests, the sea, and the fertile Kaladan and Laymro River valleys. Most people engage in rice farming and fishing; the cornerstones of identity and daily survival. The state is divided into 4 districts and 17 townships, 3 sub-townships, 20 towns, 132 quarters, 1,040 village-tracts and 3,861 villages. The capital city, Site-tway, known also as Akyab, has a population of approximately 400,000 and is located on an estuarial island at the confluence of the Kaladan, Laymro, and Mayu rivers.

Due to an abundance of natural resources and biodiversity, Arakan State has suffered a high level of land confiscation as part of the SPDC's policy of increased militarization and the exploitation of natural resources for profit.

Mon State



Ye Township



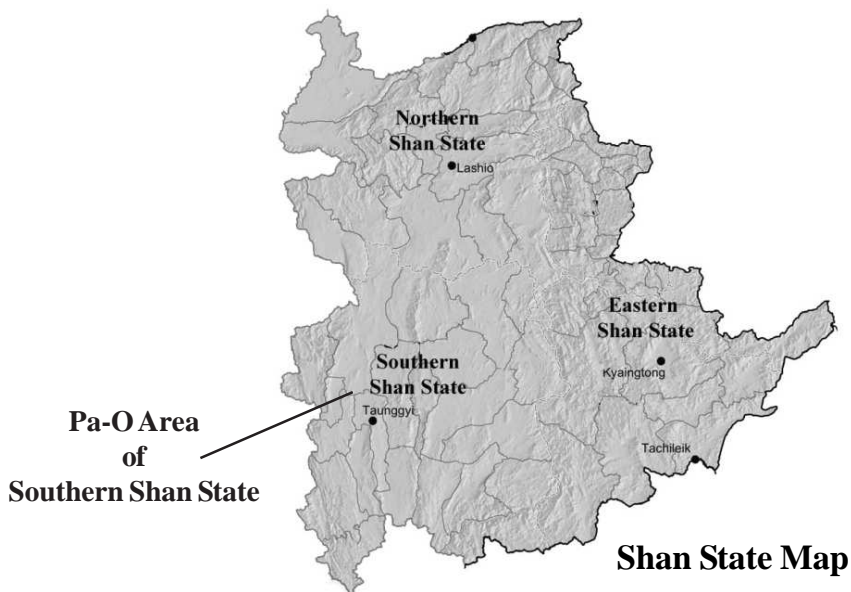
Mon State Map

The Mon, cousins of the Khmers, originally migrated from Mongolia to Burma between 2,500 BC and 1,500 BC. A series of Mon kingdoms spread their influence from the Irrawaddy delta to as far east as Cambodia up until the 14th century. After the fall of the famous Burmese Pagan dynasty, a Mon dynasty ruled Lower

Burma from 1287 to 1539 with a brief revival during 1550-53. The last Mon kingdom was Hongsawatoi, which ruled from 1740 to 1757 when a Burman king annexed the Mon kingdom.

The population of Mon State is estimated at 2.5 million. Most Mon people engage in agriculture; paddy fields, rubber and fruit plantations, and vegetable gardens abound in the rich soils of river basins. Fishing is also an important livelihood as the state borders the sea and benefits from its three main rivers: the Salween, Gyaing, and Ataran.

Pa-O Area of Southern Shan State



In southern Shan State, most of the people living in rural areas are farmers. They depend on the lands and farms to cultivate various kinds of foods for their living. Before Pa-O insurgents agreed to a ceasefire with the military regime, the farmers who lived in the rural areas could not work safely and conveniently. Since the ceasefire, rural areas have become relatively quiet and peaceful.

For the reasons of regional development, Hopong, Taunggyi and Hsi Hseng areas were occupied and an army camp established. Since then new army camps have been created, forcing nearby villages to relocate. This has obviously had a devastating effect on local livelihoods.

4. Militarisation in Burma

4.1 Militarisation and its Direct Consequences

Also known as the “Tatmadaw”, the SPDC Army numbers around 490,000; having more than doubled in size since 1989.¹ There are additionally about 72,000 people in the Myanmar Police Force, including 4,500 in the paramilitary police.² This corresponds to roughly one soldier per 100 citizens, despite Burma facing no external enemies. The expansion of the army would not have been possible without the increase in weapons trade and foreign investment in Burma from abroad, particularly China, Thailand and Russia.³



The SPDC’s obsession with increasing the size of Burma’s army is underlined by the fact that in the period 1993-2004 29% of central government spending went on defence, while the corresponding health and education figures were only 3 % and 8 % respectively.⁵

¹ <http://en.wikipedia.org/wiki/Tatmadaw>

² Asia Briefing No. 21 – “Myanmar: The Future of the Armed Forces” – International Crisis Group, 27/09/2002 – p3, footnote 5

³ Burma’s Arms Procurement Program”, Working Paper N°289 (Strategic and Defence Studies Centre, Australian National University, Canberra, 1995); Andrew Selth, Burma’s Secret Military Partners, Canberra Papers on Strategy and Defence N° 136 (Strategic and Defence Studies Centre, Australian National University, Canberra, 2000).

⁴ BBC News: Day in Pictures, 27th March 2008

⁵ http://www.unicef.org/view_chart.php?sid=764c6063cd1e1a2ab44da6cc6b654cce&create_chart=Create+Table+%3E%3E&submit_to_chart=1&layout=1&language=eng

Across Burma battalion¹ deployment and general militarization happens on a continual basis. This ensures that control is maintained in areas where development projects are taking place, there is civil unrest or in newly controlled areas of the country.² The increases in militarization lead to an inevitable pattern of land confiscation, forced labour and general human rights abuse, as the military forces construct barracks, outposts and other military infrastructure. The Asian Human Rights Commission (1999) found that food scarcity in Burma was a direct result of militarization of the nation.³

Areas that see an increase in militarization have numerous official and unofficial military check points created. These are put in place to monitor security, but, also prove a lucrative source of unofficial income. In Mon State, research found that motorbike tax and monthly tax ⁴ was providing officers with 3,000 Kyat (US\$ 2.22) a month. Additionally, officers were charging 100 Kyat to any person wishing to pass through newly established check points.⁵ This type of unofficial tax collecting from locals and traders has been documented across Burma. In Arakan State, during a rice famine in August 2008, rice traders had to pay 2,500 Kyat (US\$ 1.85) and part with large quantities of rice to pass through 4 illegal military check points on their trade routes.⁶

In 1992 No(3) Training Battalion of Regional Command Central (TBRC) confiscated 18,982 acres of land for the military strategy field and 6,420 acres of land for the military training field in northern Hopong City.⁷

During 1999 to 2002, the SPDC and Burmese Army deployed about 10 Light Infantry Battalions in Ye Township, Mon State, alone, and another 10 Artillery Battalions in Thanbyuzayat and nearby areas. In 1995 there were two military check points at the entrance of Ye Township. Due to an increase in troop deployment, military bases have been established in two sub-townships and four

¹ A full strength infantry battalion in Burma is officially made up of 700 men. They often operate with 400 - 500 men, but, recent sources indicate that newer battalions are operating with just 200 – 300 men. (“My Gun Was As Tall As Me” – Kevin Heppner & Jo Becker): see Human Rights Watch link below:- <http://www.hrw.org/reports/2002/burma/Burma0902-04.htm>

² Dammed by Burma’s Generals: the Karenni experience with hydropower development – From Lawpita to the Salween, Karenni Development Research Group 2006

³ Asian Human Rights Commission (AHRC), 1999, *Voice of the Hungry Nation*, Hong Kong: AHRC

⁴ Money levied on traders each month based on the number and type of goods they wished to transport across the checkpoints.

⁵ Primary field research MYPO

⁶ FBR Arakan team report: Relief team brings food to famine victims as the Burma Army tries to stop assistance in Western Burma, 19 July, 2008

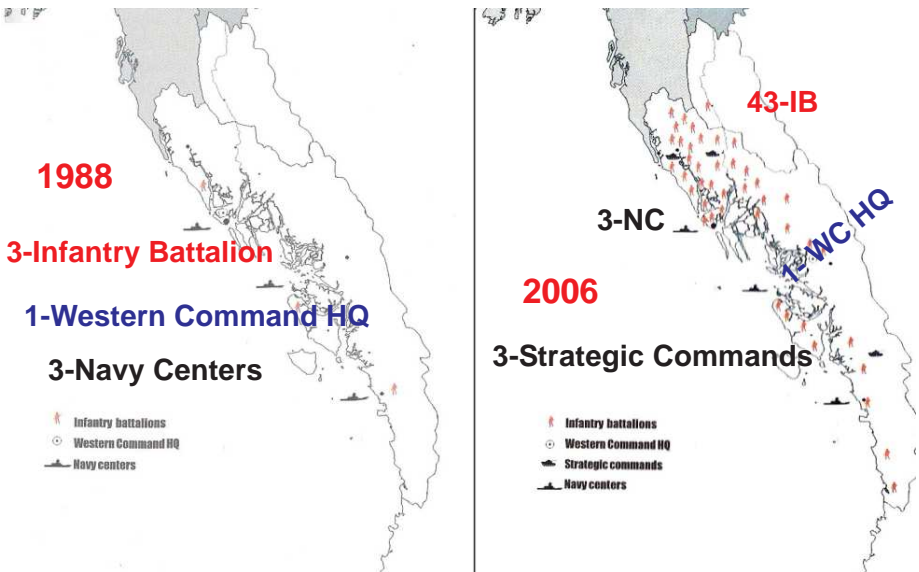
⁷ Primary field research PYO

new official military checkpoints have been set up in the Kawzer and Lamine sub-towns, themselves only being established in 2003 and 2004.¹ The further militarization around Ye Township is due to the offensive against the Mon rebel group.² In 2008 alone, Paletwa Township, which is considered as part of Chin State but is an area populated by Arakan, Chin and other ethnic groups, has seen an increase of Burma Army troop concentration, from one to three battalions.³

Militarization in Arakan

Since 1988, the number of infantry battalions based in the Western Command, an area that includes Arakan State and Paletwa Township of Chin State, has increased from 3 to 43 battalions. Furthermore, there are ten specialized battalions (such as engineering and communications), three tactical command centres, and three navy bases. The Western Commander, headquartered in the town of Ann in Arakan State, controls many of the lucrative businesses in the state as his permission is needed for any licensing and procedures.

Burma Army battalions in western Burma, 1988 and 2006



(Supply and Command by AASYC in July 2006)

4.2 Military Installation and Land Confiscation

Forced land confiscation without any compensation is commonplace in Burma, especially where development projects are being implemented by the current military regime and foreign corporations.⁴

As long as the expansion of the military in ethnic states of Burma continues, land will be forcibly confiscated with little or no compensation being given to the owners. The land confiscated is used to house barracks, outposts and training sites for the troops. Furthermore, considerable areas of land are confiscated for farming and gardening in order to supplement rations and generate additional income for the troops.⁵

Evidence shows that the Burma Army steals land, food and other resources from areas near its bases.⁶ This evidence is linked closely to an increase in troop deployment throughout the country and as troop deployment and general militarization increases so does the amount of land that is confiscated from individual and collectives throughout the locality.⁷ This increase is due to a policy of self reliance where the Army must produce its own food and obtain basic materials.⁸

Since 1998 many local battalions in Mon State have ordered their troops to become self sufficient in regards to their food requirements. This has led to an increase in food and produce being stolen from local villagers, as well as leading to an increase in land confiscation for military use.⁹ In 1998 alone the military confiscated over 3,000 acres of land, primarily to meet the food requirements of the soldiers. While 2000 saw only 100 acres confiscated, a further increase in militarization saw 2,000 acres confiscated in 2001 and over 1,000 acres of lands were confiscated in 2002.¹⁰

In late 2003 and early 2004, Kawzer and Lamine sub-towns were created in Ye Township, Mon State. The junta deployed many troops in the area, claiming

¹ Primary field research MYPO

² Ibid.

³ FBR Arakan team report: Hunger and Malnutrition in Arakan & Chin States, November 2008

⁴ "Our Land and Our Natural Resources in Burma", The Nationalities Youth Forum, 2005

⁵ "The Impact of the confiscation of land, labour, capital assets and forced relocation in Burma by the military regime", Dr. Nancy Hudson-Rodd Dr. Myo Nyunt, Saw Thama Tun, and Sein Htay, 2003

⁶ "A conflict of interests: the uncertain future of Burma's Forests", Global Witness, 2003, p. 28

⁷ "No Land to Farm", Human Rights Foundation of Mon Land, 2002

⁸ "Developments concerning the question of observing the Government of Myanmar of the Forced Labour Convention", ILO Report of the high Level Team 2001

⁹ Primary Field research MYPO

¹⁰ "Our Land and Our Natural Resources in Burma", The Nationalities Youth Forum, 2005

this was to combat Mon Army splinter groups. Consequently, thousands of acres of land were confiscated.¹

In August 2005, Nai xxx, Zarkalail head villager, cooperated with LIB No.587, who confiscated about 160 acres of land from six families in Lamine sub-township. The lands were covered with rubber plantation, betel nut plantation and durian plantation. Although the land owners appealed to the local authority, no action was taken. In total 1,500 acres of rubber plantation in the area were confiscated by LIB No.586 and LIB No.587 during 2004 to 2007.²



LIB 587 castor oil plantation in Ye Township

In May 2006, heritage plantations of many local people were confiscated by the military along the Site-tway-Rangoon highway, in the northern part of Ponnagywan Township, Arakan State. The plantations contained many plants, such as teak, ironwood, mango trees, jack fruit trees, banana trees and vegetable trees. Troops permitted the owners to recover their belongings and crops for just one week following the confiscation. At the end of that week, the owners were refused permission to visit their plantation again. A military order stated that if they were found in the plantation, they would be fined 100,000 Kyats (c. US\$74). If they were unable to pay, they faced incarceration for three months in the local military camp, where they have to work fencing, cutting grass and cooking for soldiers.³

¹ Primary Field research MYPO

² Ibid.

³ Primary Field research AASYC

Those plantations would be worth between 5,000 and 10,000 million Kyats (c. US\$3,700 – 7,400) by current values and the owners depended on them for their livelihood.¹

A further 1,000 acres of farmland was confiscated between Panila and Kran-khun village, along the highway running on the western side of the Kaladam River, and Ponnagywan Township, by Military H-Q of Site-tway No.20.²



Sign detailing the confiscation of 1,000 Acres of farmland

15 acres of plantation gardens owned by Ohm-daw and Prai-sae-kae villages in Kyauk-phru Township, Arakan State, were forcibly confiscated by the Township Forestry Department under Ministry of Forestry in 2005. The confiscated area is called Doe-dan-taung, where villagers from those two villages grew beans and other vegetables before the land was confiscated. The villagers received no compensation.³

100 acres of farmland between Kyauk-site and Yo- ngu village, Arakan State, were confiscated by military engineering squadron No.908 to grow raining season paddy in July 2005. If the owners want to plough their farmland, they have to pay 60 baskets of paddy to the military. The same month saw military engineering squadron 962 confiscate 35 acres in the same area and battlefield medical battalion

¹ Primary Field Research AASYC

² Ibid.

³ Ibid.



15 acres of castor oil plantation in Kyauk-phru



5 acres of castor oil plantation in Kyauk-phru Township

No.8 confiscate 31.5 acres between Yo-ngu and Tha-ra-cho village, along the Sitetway-Rangoon highway. In all cases the “60 baskets tax” was applied if farmers wished to plough their confiscated land. ¹

¹Primary Field Research AASYC

LIB 232 confiscated land 100 acres for growing rice in Kyauk-taw Township

The following is a list of some of the very recent instances of land confiscation by the Burmese Military in Ponnagywan and Mrauk- U townships, Arakan State:-

- Seven acres of gardens belonging to Oo A, from Thaedit Village, Ponnagywan Township were annexed by authorities of the Jail Department on 27 October 2008.
- A garden of mango trees with 3,000 trees, valued at 700,000 Kyat (c. US\$520), belonging to Oo B, 60, from Thaedit Village, was annexed by authorities of the Jail Department on 27 October 2008.
- Three and a half acres of garden (mango, banana, limes and other trees) belonging to Oo C, 40, from Thedut Village, was annexed by authorities of the Jail Department on 15 October 2008.
- The garden of Oo C, 50, also from Thedut Village, and his wife, Daw A, was annexed by authorities of the Jail Department on 13 October 2008.
- Four acres of mango trees belonging to Oo D and Daw B from Thedut Village, was annexed by authorities of the Jail Department on 12 October 2008.
- Ma A and Oo E, from Thedut Village, had their garden of 2,400 mango trees annexed by authorities of the Jail Department.
- Oo F, Thedut Village, Ponnagywan Township, had his mango trees garden annexed by authorities of the Jail Department on 15 October 2008.
- Oo G is a farmer whose cow grazed near the rubber garden of the Jail Department and he was subsequently fined 5,000 Kyat (US\$3.70) by authorities of Jail Department on 5 October 2008.
- Oo Shwe San is President of Kyauk-site Village. He is requiring visitors to give 3,000 Kyat (US\$2.22) to him to purchase a “permission ticket” to visit his village. When visitors asked him about it, he responded that he had bought his way into the president’s position and needed to pay himself back that money he spent.
- Seven hundred acres of farmland belonging to Cherryprum villagers, Mrauk- U Township was annexed by Burma Army LIB 540 on 13 October, 2008. Additionally, private farm owners are required to give the Burma Army 100 baskets for every acre of farmland.
- Two other villages, Latesampram Village and Tharpraykam Village also had 700 acres of farmland annexed by Burma Army LIB 540, on 15 October 2008.¹

¹ FBR Arakan team report: Hunger and Malnutrition in Arakan & Chin States, November 2008



100 acres of rice paddy in Kyauk-phru confiscated by LIB 543 on 7th July 2008



2.50 acres rice paddy in Kyauk-phru Township, Arakan State confiscated by LIB 542

*“Citizens are forced off their land to support an increasing military”*¹

¹ Nancy Hudson-Rodd: “Housing, Land, and Property Rights in Burma”, October 2004 Centre for Housing Rights and Evictions (COHRE) Collingwood, Victoria, Australia

Kyauk Pru Township, Arakan State: The SPDC has been constructing many buildings for military Operation Bureau No 3, which is being set up in Awa Daung Village in Kyauk-phru Township. Moreover, the army also seized many farm lands from surrounding villages including Dwe Cha, Maue Chaung and San Pay Chaung.

Approximately 200 acres of farmland have been confiscated, without any compensation being paid, leaving over 50 farmers landless.

The construction of the army buildings has involved the use of forced labour and the villagers have been required to provide food for almost 300 troops. “The army is based there not for waging war but for guarding foreign companies involved in oil and gas exploration in Arakan coastal areas”, a villager said.¹

4.3 Military Troop Deployments & Human Rights Violations

The SPDC’s policy of increasing troop deployments has caused many ethnic villagers to flee, abandoning their land and property in the process. Even those who remain are often forced to abandon traditional customary land practices, as they are forced to grow crops or use techniques unsuitable for the land under cultivation. This has been seen most notably with the policy of growing castor oil plantations, which is covered in more detail later in the report.

At the same time, increasing numbers of Burman military families have been occupying confiscated land in Mon State and eastern border regions, as well as in northern Burma. They often build housing, which is subsequently sold to third parties, ensuring that the displaced owners have no opportunity to reclaim their land. “This practice establishes a direct link between central government policies, military confiscation, and the transfer and sale of confiscated land for private profit.”²

Technically, the State owns all land and the occupiers are merely leaseholders, although leases can be passed from generation to generation. Land cannot be sold legally. However, in the border areas and ethnic nationality-occupied regions, which experienced expanding military deployments in the 1990s, Land Registration Officials often conspire with Township and Village/Ward Councils

¹ <http://www.narinjara.com/details.asp?id=2002> (Narinjara News - 18th December 2008)

² “Displacement & Dispossession: Forced Migration and Land Rights in Burma”, The Centre on Housing Rights & Evictions (Switzerland)

to transfer ownership documents or re-designate the use to which land is put. This is due to the differing legal treatment of agricultural land and grazing or fallow land, as detailed later in the report.¹

The issues of land confiscation and falsified ownership documents will have a huge impact on any future political transition in Burma. The SPDC's policy forces non-Burman ethnic minorities to relocate, then transfers their former property, income and assets to an elite Burman military Government. In the event of political transition, many people will return to find new, documented, property 'owners' occupying what was once their land.²

4.3.1 Forced Labour

The arrival of more troops or battalions has brought increased forced labour and land confiscation to make way for barracks, outposts, and other military infrastructure. Extortion and violence against ethnic nationalities' and women have also increased. As a result, there has been no freedom of movement, assembly, speech, press, etc.³

Troop deployment in Khawzar sub-township, Mon State, has caused a large increase in Human Rights violations with five people from different villagers being selected each week to serve as porters, these selected villagers had to carry food and ammunition for the troops with no payment or compensation for the days they could not carry out their regular work. Local villagers were also forced to help construct a road linking Ye Town, Khawzar sub-township and the far point of Ye Township, as well as having to work in military barracks for no payment. Additionally, villagers in the surrounding area reported that they had to act as guides for the troops whilst they searched for splinter rebel groups. If the villagers refused they were accused of being rebel supporters and some were arrested and severely punished.⁴

In May 2008 local military forced villagers from Tin-nyo village, Arakan State, to work maintaining the Site-tway – Rangoon highway. Villagers were forced to act as unpaid laborers, if absent from work they would be fined 5,000 Kyat (US\$3.70). If the villagers could not pay the amount they faced 7 days detention at a Military camp where they had to work as manual laborers and cooks.⁵

¹ "Displacement & Dispossession: Forced Migration and Land Rights in Burma", The Centre on Housing Rights & Evictions (Switzerland)

² Ibid.

³ "Supply and Command: Natural Gas in Western Burma Set to Entrench Military Rule" – AASYC, July 2006. p22

⁴ Primary field research MYPO

⁵ Primary field research AASYC



Burma Army soldiers force a porter to carry their supplies¹

Following damage caused by the rainy season, from the start of November 2008, villagers from Swan Ray, Kraung Ri Chaung, Chaung Ri and Pali Pauk, all in Munbra Township, Arakan State, were forced by authorities to work on maintenance of the highway. Again they received no salary and were threatened with a 5,000 Kyat (US\$3.70) fine if they did not work. A local teacher said, “It is not only the four villages, other villages located near the road were also forced by the authority to work on road repair.”²



Villagers forced to assist in road construction in Arakan State

¹ www.prayforburma.org/.../images/2008_pfe_01.jpg

² Narinjara News 10/11/2008 (<http://www.narinjara.com/details.asp?id=1965>)

Similarly in Halockini camp villagers who had fled from Yin Yae village, Mon State, reported that every week 5 people had to work for the military as cooks and every day the village had to provide two motorbikes with full gas tanks.¹

The Burma Army forced villagers from Htaw Day Village, Shan State, to porter for them two to three times a week every week from 7 November 2007 to 1 January 2008, ultimately forcing 9 of the village's 16 households to leave.²

In Hsi Hseng province, Southern Shan State, the military regime seized the land belonging to the local community, forcing them to grow castor oil plants and other crops. Once the crops were ready for harvest they forced the villagers to clean the weeds and bushes which had grown among the crops and plants, then forced them to harvest the crops and carry them back to the battalion camp.³

In July 2008, No (903) Front Line Engineering Battalion ordered six villages near the Pinpet mining project areas to grow castor oil plants on their own farmland. For every four acres owned, 2 acres had to be used to grow castor oil plants. If the villagers ignored the order, their land and farms would be bulldozed and troops would plant castor oil plants.⁴



Hsi Hseng Police order Pa-O villagers to cultivate their confiscated lands

¹ Primary field research MYPO

² Free Burma Rangers Lahu Relief Team Report, September 2008

³ Primary field research PYO

⁴ Ibid.

4.3.2 Burmanisation

Another way in which the military junta is looking to tighten their grip on power is through their policy of “Burmanisation”. As a greater number of troops are deployed in the border regions populated by the ethnic minorities, many soldiers move their families onto land confiscated from local villagers or are encouraged to marry local women, business contracts are awarded to Burman troops and ownership of businesses is illegally transferred from local people into the hands of regional or local authorities. Additionally, laws are passed to make the teaching of ethnic languages illegal, or schools are threatened with closure if they continue to teach minority languages, in order to promote Burmese as the only language in the country. Through this tactic of assimilation the SPDC seek to dilute the culture of Burma’s many ethnic minorities and spread the influence of the majority Burman race.

Following the creation of the Kawzer and Lamine sub-towns in 2003 and 2004, in Mon State, the military government confiscated a hundred acres of land along the motor road of Lamine Sub-township and Tamorkanin village, erecting a signboard ordering “Relinquish Farm Land”, to distribute to military families for resettlement.

A 60 year-old, Han-gan villager, said, “Many people have been speaking Burmese language more and more since these Burmese have arrived. Many young people are married to Burmese. Therefore, our Mon language and literature are at risk of being lost due to the integration of Burmese from Middle part of Burma”.¹

Each regiment is in one area for only four month and then rotates. During LIB 20’s tour of duty 5 ladies from D** C** village, M** village, C*** village, N** village and Th** village (names withheld to protect sources), all in Arakan State, married Burma Army soldiers. Two ladies were persuaded to marry because their parents are poor and affected by the famine. Only one lady married for love, the others were forced.²

4.3.3 Sexual harassment & Rape

A further danger arising from the increased military deployment around the country is the increased security risk that it poses. There are many instances of soldiers occupying villages and townships raping and sexually harassing local women and girls.

¹ Primary field research MYPO

² Free Burma Rangers Arakan Relief Team Report, July 2008

For example, in October 2004, four soldiers from LIB-423 and LIB-424 raped three middle school students after school had finished for the day. The three girls felt very ashamed, so they left the school and gave up their education. Similarly, in July 2005, a lady from Mya Kantar quarter, Hsi Hseng city, was bullied and harassed by a Burmese soldier while she was bathing. Although the villagers reported the incident to the soldier's senior officers no action was taken.¹

Additionally, in the upper Paletwa Township area LIB 20's battalion commander, Thanzin Htun, was charged with rape and tied up in court.²

A Family's Story

A family from Pauk tau Township in Arakan State had to spend 900,000 Kyat (US\$666.67) to extract their son from the military after he was deceived into being recruited by an army corporal.

The victim was Maung Tun Wai (19), son of U Myint Htun and Daw Saw Nhin living in Praing Taung Village in Pauktaw Township.

While waiting for a bus, a man invited Maung Tun Wai to visit his house. Instead he was taken to an army recruiting unit in Prome and registered as a new private soldier.

He spent nearly a month in the recruiting unit, before being sent to Danhingon Unit in Rangoon and then to the Basic Military Training Centre No. 1 of Phaung Gyi, Rangoon for Basic Training No. 12/2008.

A further month later he contacted his parents who immediately rushed to the army training centre. Eventually, an army broker secured Maung Tun Wai's release but only through his parents paying bribes of 300,000 Kyat to the chief trainer, 400,000 Kyat to the principal of the training school and another 200,000 Kyat to the broker and other officials.

Following the bribes, a testimonial stating that Maung Tun Wai's health was too poor to serve in the army and he was released.³

4.3.4 Forced Conscription

Since the brutal suppression of the 1988 pro-democracy demonstrations the Burmese Army has found it increasingly difficult to obtain willing recruits. At

¹ Primary field research PYO

² Free Burma Rangers Arakan Relief Team Report, July 2008

³ <http://www.narinjara.com/details.asp?id=2000> (Narinjara News - 17th December 2008)

the same time, the SPDC policy of increased militarization in order to maintain their stranglehold on the country has required them to continually enlarge army numbers. This has resulted in a nationwide policy of forced conscription, including the recruitment of child soldiers.

The SPDC maintains that “the Myanmar Tatmadaw (armed forces) is an all volunteer army,” and that “the minimum age for recruitment into the armed forces is 18 years.”¹ However, there is significant evidence to confirm that this is not true. A 1995 UN study concluded that the Burma Army then contained 50,000 children under the age of eighteen. At that time total army figures were estimated at 265,000, meaning child soldiers accounted for 19% of the army ranks.² By 2002, it is estimated that this figure had risen to 70,000, of a total army population of approximately 350,000.³ The SPDC never publish accurate figures on the army’s makeup, but analysis of the responses from interviews with 20 former soldiers by Human Rights Watch, suggest that 35 to 45% of new recruits to the Burmese Army are under the age of eighteen, with 15 to 20% being under the age of fifteen.⁴ Today, Burma is believed to have more child soldiers than any other country in the world.

5. Land Confiscation

5.1 Confiscation of Grazing Land

Many of the people living in the villages of Hopong, Taunggyi and Hsi Hseng townships, Shan State, raise cattle, sheep and fowls for their living. After the military regime took all the land and farms close to the villages, there were no more pastures available for animals to feed. Consequently, animals were kept far away from the villages, which gave rise to thefts of cows and buffalo. This led to the villagers having to pay significant sums of money to cowherds to tend their cattle.

The military regime confiscated large areas of grazing and pasture land near to the villages of Loi Own, Loi Paw, Jan Jok and Nam Bawl, Hopong Township southern Shan State. Furthermore, cows and buffaloes straying onto castor oil

¹ “My Gun Was As Tall As Me” – Kevin Heppner & Jo Becker: Human Rights Watch:- <http://www.hrw.org/reports/2002/burma/Burma0902-04.htm>

² “Children: The Invisible Soldiers” - Rachel Brett and Margaret McCallin, Save the Children Sweden, 1998.

³ “Despite Promises: Child Soldiers in Burma’s Armed Forces” – Human Rights Education Institute of Burma, March 2006 p.12

⁴ “My Gun Was As Tall As Me” – Kevin Heppner & Jo Becker: see Human Rights Watch link below:- <http://www.hrw.org/reports/2002/burma/Burma0902-04.htm>

plantations and army camp areas were also seized. This led to the issuing of fines between 6,000 to 8,000 Kyats (c. US\$4.50 – US\$6) to release a cow or buffalo.¹ The confiscation of pastures means that the villagers are unable to adequately feed their cattle. The loss of cows and buffaloes badly affects the farmers' level of agricultural production, as cows' dung and urine are used as natural fertilizers.

Impaukwa Company, in cooperation with the local military authority, occupied 800 acres of grazing ground from local people between Aung-phru-prun and Panila village. It was situated along the highway in the western part of the Kaladan River and northern Ponnagywan Township, in Arakan State, in 2005. The owners were not given any compensation. Indeed many villagers were used as forced labourers for fencing those farmlands with barb wire and signs were erected prohibiting trespass onto the occupied land.²

The construction of military Operation Bureau No 3 in Awa-daung Village, Kyauk-phru Township, Arakan State has seen the confiscation of many local villagers' grazing land for their cattle, because the army has confiscated a large number of pastures.

“We are punished and fined by army authorities if cattle are found grazing on the pastures. If one cow is caught by soldiers on the confiscated land we have to pay 5,000 Kyat (c.US\$3.70) to the army as a fine. It is also a big challenge for our people after the army arrived in our area to build its headquarters,” the villager said.³



Farmers are forced to keep cattle & buffalo in small holding pens after having their grazing land confiscated

¹ Primary field research PYO – Interview 13

² Primary field research AASYC

³ <http://www.narinjara.com/details.asp?id=2002> (Narinjara News - 18th December 2008)



Buffalo in Arakan State with no available grazing ground

5.2 Migration to Neighbouring Countries

Examples of forcible relocation of people for construction of national development projects, dams, roads, bridges, railways, as well as conflict induced displacement demonstrates the total disregard of the military junta for individual human rights. Additionally, many people are forced to flee due to a lack of educational and employment opportunities or as a result of arbitrary taxes and land confiscation. It is estimated that between 600,000 and 1 million people are internally displaced from their villages across Burma because of the military regime's struggle to control border areas populated by ethnic minority peoples.¹

In addition to these Internally Displaced People (IDP's), many more people flee to neighbouring countries such as Thailand, Bangladesh, Malaysia and Singapore to seek employment and an escape from persecution. Due to its porous borders and demand for cheap labour, Thailand is the most popular destination for Burmese migrant workers. The following table shows the Official Migrant Worker Registration Figures for Thailand over a period of 8 years, together with the numbers of these workers who were Burmese.²

¹ Norwegian Refugee Council, 2004

² The Mekong Challenge – “Working Day and Night: The Plight of Migrant Child Workers in Mae Sot, Thailand” – Federation of Trade Unions: Burma, edited by Phillip S. Robertson Jr., 2006 – p. 17

Year of Registration	Total Registered	Burmese Registered	% Burmese
Sept – Nov, 1996	323,123	293,652	90.9
Sept – Oct, 2001	568,249	451,000	79.4
Feb – Mar, 2002	430,074	349,000	81.1
June – Nov, 2004	1,280,053	921,482	72.0

The above are official figures, however, many researchers believe that the actual number of Burmese migrants working in Thailand is in the region of 2 million. Additionally, there are approximately 150,000 UN High Commissioner for Refugees recognized refugees living in camps on the Thai side of the border.¹ Again, this figure recognises only properly registered camp residents. Many more unregistered individuals swell the true population of the various refugee camps.

In reference to the specific groups dealt with in this report, we can confirm that there are approximately 50,000 Arakan migrant workers in Thailand, 40,000 Pa-O and 200,000 Mon.²

5.3 Environmental Damage

A huge area of forest, including mangrove forests and community forests, has been forcibly confiscated by the military for their own businesses. In the Kaladan River valley there has been widespread deforestation of mangrove forests to accommodate shrimp farming and other army businesses.



Army shrimp farming business in Arakan State

¹ <http://www.refugeesinternational.org/content/country/detail/2894>

² Primary research AASYC, PYO & MYPO

These forests help to protect the area against tidal waves, soil erosion and natural disasters such as storms.



Threatened Mangrove forest along the Kaladan River in Arakan State

Furthermore, they provide a habitat for many fish species, birds, and Arakan forest turtles. “The area, until recently 60,000 square acres in size, has already been devastated by the establishment of shrimp farms and harvesting of firewood.”¹



Threatened Mangrove forests in Arakan State

¹ “Supply and Command” - AASYC, July 2006, p.38



Threatened Arakan Forest Turtle

Logging from Khun-chaung mountain range owned by local communities in Mray-bon Township, Arakan State was very popular in the 1990s. All the timber, teak, and other kinds of hard wood were cut down from the forests and sold to India and Bangladesh. Although local people were employed in this business, it was controlled by local authorities, local businessmen, army and intelligence officers. Despite the profits made from this, those in charge have not undertaken any re-plantation to replenish the lost forests. This has obviously had a huge effect on the ecosystem of the area.



Local people in Arakan State transporting firewood

Additionally, many locally owned traditional oil drilling wells and refineries are being replaced by sites from overseas companies. In addition, to the loss of local livelihoods, this often leads to environmental damage, because the SPDC do not

require these companies to observe any environmental or ethical codes. In particular, the waste products of drilling are not disposed of correctly by these companies. They are allowed to leak into rivers, polluting the water and food supply of local communities.



Drilling mud left to pollute a stream in Kyauk-phru Township, Arakan State

In 2004 and 2005, LIB-423 and LIB-424 confiscated the land around the five spring water lakes in the southern part of Hti Marn village, Hsi Hseng Township, Pa-O Area of Shan State. Additionally, they cut down all the trees around the lakes. Later, they forced the villagers to grow and plant trees there. They took water from the lakes and distributed it to the local army camp. This prevented the local community from growing plants and vegetables on their farms, which disrupted the habitat of several animal species.¹



The military seized farm land near Mae Tow village, Hopong Township and established a logging camp in cooperation with a local logging company

¹Primary Research PYO

5.4 Restrictions on Local Businesses & Loss of Livelihoods

Mon civilians lost over 7,000 acres of land and hundreds of millions of Kyats worth of crops and plantations between 1998 and 2002 as a result of land confiscation by the government. Many people became unemployed, because their livelihoods were based on those land and farms. Many people lost not only their land but also all the money they had invested in their plantations. For example, a rubber grower needs to spend at least 20,000 Kyats (c. US\$15) per acre in the first year of cultivation. There is also additional expense on fertilizers, weed control, and fire protection until the plants reach the economically productive age, which usually takes 7 to 8 years.¹ Betelnut and durian plantations may take longer than this time period to reach productive age. Without any consideration, the army confiscated plantations from the farmers and harvested crops for its own benefit. The knock-on effects of this loss of livelihood include an increase in crime and migration to neighbouring countries to seek work. People also suffer from depression and deterioration of social life. The impact is felt not only by landowners themselves, but by both the seasonal and permanent labourers who work for the land owners. Many families are no longer able to support their children's education or afford adequate healthcare for their relatives. The military regime's policy of land confiscation not only affects those people who directly lose land, but it affects the entire community.

Although this problem has been seen across Mon State, The Mon Relief and Development Committee found that the majority of displaced persons due to land confiscation come from Ye Township.² The reason for the concentration of increased military deployments and land confiscation in this area is the presence of Mon rebel splinter groups.

The majority of Arakanese and Burmese people earn their living through agriculture or fishing. Due to the confiscation of agricultural land and plantation gardens without any compensation by the army, many families face severe difficulties. The incomes lost make it difficult for families to obtain sufficient food or support their children's education. A lot of military barracks, outposts and check points have been built on confiscated land. To make matters worse, every local trader has to stop at the check point and pay money in "tax" for the army if they want to pass and conduct their business.³

Today, across Burma, increasing troop deployment is always accompanied by forced labour for military installations, increased extortion of the local food supply

¹ Interviews with villagers from Koe-mile village, Southern Ye Township – featured in "No Land to Farm" - Human Rights Foundation of Mon Land, 2002

² "No Land to Farm" - Human Rights Foundation of Mon Land, 2002

³Primary Research AASYC

for newly deployed troops and increased restrictions on freedom of movement and economic activities of local communities.

6. Burmese Land Law & International Law

The single most important piece of legislation has been the Lands Nationalisation and Agricultural Lands Act of 26 October 1953, which confirmed state ownership of all land, outlined in the 1947 Constitution. Legal practice in Burma today generally reverts to this Act, which recognizes some private ownership of agricultural land (section 38), but restricts sale or transfer and provides for the State to confiscate fallow land (sections 9-12).¹ In addition, the 1963 Tenancy Act and the 1963 Protection of the Right to Cultivation Act, as well as Notification Number 4/78, further restrict people's right to own land. More importantly, these also allow the State to confiscate land if farmers fail to cultivate a specific crop and produce a set yield, or if they fail to sell a set quota to the junta at a predetermined price.²

Article 18 of the 1974 Constitution further stated that:

- The State is the ultimate owner of all natural resources above and below the ground, above and beneath the waters and in the atmosphere, and also of all the lands.

This law was reaffirmed in January 2004 as one of the State Fundamental Principles.

Article 17 of the Universal Declaration of Human Rights states that:

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Since then many international declarations and treaties have further sought to protect rights in relation to the ownership of personal property. Most significantly the International Covenant of Economic Social and Cultural Rights (ICESCR), Article 11(1) of which affirms: "...the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing..."³

¹Primary research by AASYC

²"Mission Impossible" - Moo Ko Htee: Burma Issues Newsletter, April 2008

³<http://www.cohre.org/store/attachments/COHRE%20Burma%20Country%20Report.pdf> (p24)

Although Burma is not a party to the ICESCR, Article 11 arguably has the status of customary international law, making it binding. Additionally, under the concept of Natural Law, human rights attach to all humans by virtue of their humanity, regardless of the obligations of any State Government under international treaty law.

In summary, while successive International treaties and declarations have sought to strengthen property rights of individuals, the successive military regimes of Burma have sought to strengthen their right to confiscate the land of its people, without any form of compensation or redress. In the process they have violated the rights of Burma's citizens to adequate housing, to pursue livelihoods and to relocation or restitution to their homes, in direct contravention of universally binding international law.

“The only law in Burma is what the generals from day to day decide it to be”¹

7. Development Projects in Burma

Recent years have also seen land confiscation and relocation, increased troop deployment and the use of forced labour in respect of various development projects undertaken by the SPDC. These projects range from oil drilling sites and refineries, pipelines to transport natural gas, the construction of hydroelectric dams, railroads, roads and bridge construction and, most recently, the forced growing of castor oil plantation. Many of the projects are managed by foreign companies, often contravening or circumnavigating economic sanctions imposed by their host Governments. Alternatively, the SPDC make deals with foreign Governments still prepared to trade with them, selling Burma's natural resources to the highest bidder, thus depriving their own people from enjoying any benefit. The money from these deals enables the junta to strengthen its hold on power through increased military spending.

The Shwe Gas pipeline, intended to run from the natural gas fields of the Bay of Bengal, off the west coast of Arakan State, to China's southern Yunnan Province, is set to be the biggest such project in Southeast Asia. Critics anticipate widespread land confiscation, military deployment for security reasons and the use of forced labour in order to clear the proposed route. These fears arise from experience of the Yadana and Yetagun gas pipelines, which run through Tenasserim Division in Eastern Burma, and saw a systematic pattern of abuse as a direct result of

¹ P. Gutter & B. K. Sen, “Burma's State Protection Law: An Analysis of the Broadest Law in the World” (Burma's Lawyer Council 2001).

investment in these projects. For example, on 27th & 29th November 2000, the Mon villages of Wae-ka-rat and Wae-thun-chaung saw 20 and 10 houses destroyed respectively, without compensation, to clear the way for the Yadana gas pipeline. The villagers were left homeless and landless.¹

Following agreements between the SPDC and the Governments of India and Bangladesh, hydroelectric dams are planned for 2009 on the Kaladan and Laymro rivers, in Arakan State. The Kaladan Project will see the dredging of both the Kaladan River and the Site-tway seaport, in order to accommodate tanker traffic following completion of the dam. In addition to the destruction of homes in the Sittwe (capital of Arakan State) area, this will adversely affect the local marine population and the mangrove forests found along the banks of the river. This will impact on the livelihoods of many of the local people and threaten the habitat of many species only found in this area. Again critics of these schemes point to the experience of the Salween and Lawpita dam projects, which saw both land confiscation and the use of forced labour during construction.²

More recently, in December 2005, the SPDC issued a decree for the nationwide cultivation of jatropha and castor oil plants for the production of biodiesel, as a



Light Infantry Battalion No (542) made villagers plant 48,000 castor oil plants on 40 acres of former grazing land in Chaung-wa village tract, Arakan State, on 4th January 2008

¹ “No Land to Farm” - Human Rights Foundation of Mon Land, 2002. (for full information on the Yadana & Yetagun Projects see “Total Denial” & “Total Denial Continues” – Earth Rights International, 1996 & 2000)

² For full information on the Lawpita and Salween Dam projects see “Dammed by Burma’s Generals: the Karenni Experience with Hydropower Development – From Lawpita to the Salween” - Karenni Development Research Group, 2006

renewable resource and in order to counter rising oil prices. Both plants are referred to as *jet suu* (physic nut) in Burmese. However, it is jatropha that is more readily used to produce biodiesel.

The aim is to plant 8 million acres of the plant within 3 years, with each state or division, regardless of size or suitable land, having to plant 500,000 acres. This would require Rangoon division to cover 20% and Karenni State 17% of their total land areas with jatropha. As with other development projects, widespread land confiscation and forced labour has been used in an effort to meet this ridiculous target.¹



15 acres of castor oil plantation on confiscated land in Ye Township

For instance, in July 2008, along the motor road from Ye township to Kawzer sub-township, the local battalions forced the residents to grow castor oil plant on both sides of the road. People had to purchase the seedlings from the local authority at a cost of 1,000 Kyat (US\$0.75) per-seed. Some villages, especially Kalot and Komine, were forced to prepare the land prior to plantation.²

In April 2008 the military junta gave India 40,000 hectares of land for growing palm oilseeds and pulses. Then, in October 2008, the SPDC leased 50,000 acres of paddy fields in Arakan state to the Bangladeshi Government.

The majority of the paddy fields are in Myauk-U and on Man Aung Island. Officially they belong to the military, but in reality the land has been confiscated from local farmers. No compensation has been paid and further land seizures are feared. This could have a devastating impact on local food supplies.

¹ “Biofuel by Decree” – Ethnic Community Development Forum (2008) p7

² Primary field research by MYPO

“If they lease out 50,000 acres of paddy fields, I am certain that the people of Arakan State will starve.” Than Hlaing, joint secretary of the Arakan National League for Democracy said¹

8. Case Studies

Case Study 1

Name: Not mentioned

Gender: Not mentioned

Address: His Hseng City, Shan State

Date of Event: 2007 & 2008

Light Infantry Battalion (LIB)-423 and LIB-424, based in Hsi Hseng city, southern Shan State, set up an army camp in 1992-93. They confiscated the villagers' lands and fields for their army camps without any compensation. In September, 1996, the villagers of Naung Lon village, to the west of LIB-424 camp, were ordered to leave the village within one month to make way for an expansion of the army camp.

In 2005, LIB-423 and LIB-424 confiscated 5,000 acres of land or farms owned by the villagers. Compensation was paid in respect of just 8 acres of the total. Additionally, during 2007 and 2008, farmers were forced to pay a rent of 5,000 Kyat (US\$3.70) per acre in order to grow crops on their former land.

“The owners were ready to grow seedlings but they received a letter from an army officer that the paddy fields were already occupied by the Burmese army.” said a religious leader.²

Case Study 2

Name: Not mentioned

Gender: Not mentioned

Address: Karlarkon quarter & Hopong City, Shan State

Date of Event: 2004

In 2004, United Solidarity and Development Association (USDA) confiscated Karlarkon quarter playground. They came and built houses and shops, despite the opposition of local youth leaders. This is because the local people were aware

¹ Democratic Voice of Burma: <http://english.dvb.no/news.php?id=1849> (10th October 2008)

² Primary field research by PYO

that, once the buildings were completed, Burmese officers would register for land title and then sell for a profit. Therefore, many local youths immediately took action to destroy the buildings and reclaim the land. This led police officials, soldiers, USDA and some city authorities to confiscate that playground again.

The same year, Hopong's Township Peace and Development Council (TPDC) planned to occupy about 1,400 acres of land to the west of the high school in the Zomi areas. This plan was carried out by USDA, army, police and demarcation officers, in order to occupy the confiscated land. 500 acres of grazing land for cattle, owned by Loi Oun villagers in western Hopong city, were also confiscated. Later, Hopong authorities registered for land title of those 500 acres and subsequently sold them to Toenia Company, which used it for their own cattle and flocks.

“If you become a member of USDA, police, fire brigade or army you can freely take any plot of land. The people of Shan state do not want to take any plot of land without the landowner's consent.” said one youth in Hopong city.¹

Case Study 3

Name: Nai xxx (& siblings)

Gender: Male

Age: Unknown

Occupation: Rubber plantation owner

Address: Pyinmana, Mon State

Date of Event: March 2008

15 acres of land owned by Nai xxx and his siblings, inherited from their father, was confiscated in March 2008. The land contained a considerable rubber plantation. Upon inheriting the land, the brothers planned to clear it and increase the amount of rubber trees before the upcoming rainy season. However, LIB (Light Infantry Battalion) No.586, in collaboration with Land measurement officer Hla Too Aung and local authority Nai Lu Aye, confiscated the land without warning and with no compensation.

Upon questioning Local Authority Nai Lu Aye, Nai xxx was told that the land in question had been designated as uncultivated since 2006 and was marked as unoccupied on maps in the Land Measurement Office. To this end Nai Lu added *“if you want your land, you have to pay 5,000 Kyat (US\$3.70) per person.”*

¹ Primary field research by PYO

Nai xxx and his siblings agreed to pay for their land, but still did not receive the legal documents that they were promised. Upon appealing to the province authority officer Nay Pyi Daw they received nothing more than abusive words.¹

Case Study 4

Name: Ma Than Hla

Gender: Female

Age: 18 years old

Occupation: Plantation worker

Address: Pazan-phae Village, Mrauk-U Township, Arakan State

Date of Event: 7th June 2006

18 year old Ma Than Hla, from Pazan-phae Village of Mrauk-U Township was brutally raped by a group of soldiers.

Whilst on the way back from her parents' plantation Ma Than Hla was met by a group of soldiers who were patrolling the area. The soldiers quizzed her on where she had come from, as she began to reply that she had come from working at a plantation one of the soldiers took her by the arm and forced her to lay down. One by one the soldiers raped the 18 year old girl as she cried and pleaded with them to stop, once finished the soldiers left her for dead in a nearby bush. Later that day one of the villagers found the girl and informed her parents as to what had happened; with some help Ma Than Hla's parents carried her to Mrauk-U hospital. The rape was carried out by soldiers from Mrauk-U battalion No. 277. The 7 soldiers had charges filed against them by Ma Than Hla's parents, however, none of the men were brought to justice.²

Case Study 5

Name: Nai Lxxx (protected for security reasons)

Age: 58 years old

Occupation: Rubber plantation owner

Address: Kon-du Village, Mon State

Date: August 2005

Nai Lxxx, 58 year-old and his wife live in Han-gan village. His wife is from Kon-du village and they had a 10 acre rubber plantation situated there. In August 2005, 7 acres of his rubber plantation were confiscated by LIB No. 587, which was led by Lieutenant Colonel Khin Maung Oun. At that time, the value of these 7 acres of plantation was around 20,000,000 Kyat (c. US\$15,000)

¹ Primary field research by MYPO

² Primary field research by AASYC

Nai Lxxx said, “Lieutenant Colonel told me that all of these rubber plantations can be used for the country if it is necessary and they needed to build military barracks. Therefore, he told me that they took and used my land because it was owned by the country”.

Nai Lxxx requested the Land Registration Department to assist him to get his plantations back. However, a person who was in charge of the Land Registration Department told him that they couldn’t take any action, because all of these plantations were owned by the country.

Nai Lxxx and his wife have seven children: five of them were working in Thailand; the other two had already got married and they could not help them. He was too old to work in the plantations by himself. Therefore, he had hired 3 workers to work in the 3 remaining acres of rubber plantations. However, after paying the salaries of his three workers, there was insufficient money left to support his family.¹

Case Study 6

Name: Not mentioned

Gender: Female

Age: 50 years old

Occupation: Farmer/gardener

Address: Mu-run village, Mu-run village tract, Kyauk-phru Township

Date of Event: 30th June 2008

In 2006, the headquarters of Dhanyawaddy Navy Base confiscated Ahtet-taw, also known as Kone-baung-daw, Mu-run village tract, Kyauk-phru Township. Those areas were used by local communities as farmland where ground beans and thiho, a kind of mango, were usually grown. That land is now used to grow castor oil plants by the Navy, with no compensation being received by the local communities. Local farmers are now struggling to survive, as they are unable to grow ground beans on the confiscated land.

To make matters worse, the locals have to plough the Navy plantation, supposedly for a salary of 10,000 Kyats per acre. In reality, they receive no money for their work. If a cow strays into the plantation, the owner of the cow has to pay a fine of 10,000 Kyats (US\$7.40).

A lot of soldiers live in the thiho garden of U Ba Tin from Kan-lann-tay village. Since many thiho gardens were occupied by the army, local communities have

¹ Primary field research by MYPO

lost an estimated income of 10 million Kyats (US\$7,407.40) per year. The army's castor oil plantation was not successful. Over 100 acres of farmland, extending from Ka-lan-tay bus station to Mu-run bus station, was confiscated from local communities. The confiscated land includes plantation gardens and pastures that are vital for community businesses. The lack of pasture for cattle is causing great hardship for the local communities.¹



Castor oil plantation on the confiscated land of U Ba Tin

Case Study 7

Name: Not mentioned

Gender: Not mentioned

Age: 27 yrs

Occupation: Local oil driller

Address: Rae-nan-taung village, Mun-brun village tract, Arakan State

Date of Event: 12th April 2008



Traditional hand-drilling oil well

¹ Primary field research by AASYC

Asia World Co. Ltd along with another Burmese company arrived in Kyauk-phru Township in 2004. Asia World Co. Ltd stationed at the building of Ram-mar-waddy Ltd soup mill near to the Kyauk-ta-lone Pagoda. The other company stationed at the primary school of Wa-myaung village in Kyauk-praung. The villagers were employed to clear the forests for the roads and given 1,200 Kyat (c. 90 US cents) as daily wages.

After the oil drilling test, the companies left in May 2005. They returned in September 2005 to undertake further drilling tests using dynamite in October, November and December, 2005. A lot of paddy fields and plantation gardens were destroyed by the explosions. The owners were told that they would be given compensation, but received nothing from the companies.

In early 2006, Asia World Co. Ltd confiscated over two acres of land that were owned by U Maung Saw Aung, U Maung Wai Tin and U Maung Hla Tin from Rae-nan-taung (Oil Mountain) and used as traditional oil drilling site for many years. Apart from their drilling areas, a lot of traditional drilling wells owned by the villagers were destroyed by the companies.



Traditional local oil drilling wells

Furthermore, the traditional oil refinery owned by U Wong Zaw Hlaing was also destroyed. No compensation was given to him. Additionally, 1 million Kyat, supposedly for U Sa Nay Aung and his workers, was never received. Instead it was withdrawn in advance by a Burmese worker from Asia World Co. Ltd, who then fled. The company took no action to retrieve the money. Therefore, U Sa Nay Aung had to pay the workers with his own money, which greatly affected his own business.



Traditional local oil refinery

Drilling mud was allowed to pollute the Chaung-wa stream, killing many local fish species. In early 2007, the plastic waste products of the drilling were burnt, generating toxic smoke, which adversely affected the health of villagers near Rae-nan-taung. In April and May 2007, the project stopped.



Abandoned oil drilling materials left by Asia World Co.Ltd on local farm land in Kyauk-phru, Arakan State

Now the confiscated farmlands are surrounded by barbed wire and people are not allowed near, as they are guarded by a very strict force, including local police.¹

¹ Primary field research by AASYC



Land confiscated by Asia World Co. Ltd, surrounded by barbed wire

Conclusion

The SPDC's ongoing dual policy of increasing militarization and forced land confiscation, both to house and feed the increasing troop numbers, causes widespread problems throughout Burma. By robbing people of the land from which many make their livings, without any or providing only desultory compensation, many citizens face drastic problems such as food and water shortages, an inability to educate their children and an inability to find work. Additionally, the policy of using forced labour in the Government's construction and development projects, coupled with the disastrous environmental effects of many of these projects, continues to create severe health problems throughout the country. All of this often leads to people fleeing the country in search of a better life.

10. Recommendations

No development project should be implemented without adherence to the three development principles of the Ethnic Community Development Forum (ECDF), which are an integral part of any form of development project:

(1) Grassroots Ownership Development: The people shall have, in fact and in law, the rights to own, use, manage, and continually conserve their natural resources and heritages, which have been handed down from generation to generation.

(2) Participatory Development: The people shall have the right to make their own independent decisions in any development activity or project that concerns them and the right to receive benefits equitably. There shall be prior and informed agreement by the entire people and full guarantee with responsibility for security of life and livelihood.

(3) Sustainable Development: Development towards fulfilling the present needs of people, without destroying or losing their cultural heritage and without reducing or endangering the required needs of future generations.

SPDC

- ◆ An immediate end to the policy of land confiscation without compensation.
- ◆ Suitable compensation should be paid to those who have lost land and homes.
- ◆ Properly enforce and recognize legal ownership of land and property by educating the people of the need to register land with Form 105.
- ◆ Proper Environmental Impact Assessments (EIA's) must be undertaken prior to the signing of any development project contracts with foreign Governments or companies.

Foreign Investors

- ◆ Withdraw all current investment in development projects, as these lead directly to land confiscation and other human rights abuses.
- ◆ Undertake no future investment until there is an end to human rights abuses in Burma and a democratically elected Government in place.

The International Community

All Governments:

- ◆ Introduce economic sanctions preventing trade with or investment in Burma. Especially the sale of military equipment to the SPDC.
- ◆ Strenuously enforce all economic sanctions already in place.
- ◆ Place pressure on the military junta to make a genuine move toward democracy before any such sanctions can be lifted.

ASEAN:

- ◆ Expel Burma as a member immediately until a democratically elected Government is in place and human rights abuses have ceased.

11. Brief Background of Organisations

All Arakan Students' and Youths' Congress (AASYC)

AASYC is an independent organization that represents students and youths from Arakan State in western Burma. It was formed on October 6, 1995, but its roots date back to the military coup in Burma in 1988. Its General Head Quarters is in Mae Sot, Thailand, and it has a branch office in Bangladesh. Also it has regional contacts in Malaysia, Singapore, South Korea, U.K, U.S.A, Sweden and the Netherlands. It initiated the Shwe Gas Movement (www.shwe.org) in 2002. It is also a member organization of Arakan National Council (ANC), Nationalities Youth Forum (NYF), Students & Youth Congress of Burma (SYCB), Ethnic Community Development Forum (ECDF), Network for Human Rights and Documentation in Burma (ND-Burma) and Burma Rivers Network (BRN).

The following are the main objectives of AASYC:

- 1) To promote physical fitness, intelligence, virtue, socio-economical status and friendship of Arakanese students and youths.
- 2) To preserve the ecosystem of Arakan State.
- 3) To preserve the cultural heritage and national solidarity of Arakan State.
- 4) To eliminate any form of colonialism, chauvinism and dictatorship.
- 5) To liberate all oppressed ethnic nationalities in Burma.
- 6) To gain democracy and human rights for all people in Burma.
- 7) To achieve self-determination and self-identification of Arakan State.

AASYC is one of the signatory organisations of the Mae Tha Raw Hta Agreement, a cross party agreement amongst many ethnic groups regarding their vision of a democratic Burma. AASYC practices a policy of non-violent opposition to the Burmese military regime in alliance with all democratic organisations. Through its sources inside Burma, AASYC creates numerous up-to-date publications, which are distributed with the purpose of informing and educating Arakan and Burmese communities, as well as the International community.

Pa-O Youth Organisation (PYO)

PYO was set up on 4th December, 1998 by monks, women and youth who came from various places in the Pa-O areas of Shan State. PYO is a member of Students and Youth Congress of Burma (SYCB) and Nationalities Youth Forum (NY-Forum).

The main aims of PYO are:

- 1) To establish a new society based on the principles of justice and peace.
- 2) To nurture Pa-O's younger generation to become future leaders.

The main objectives of PYO are:

- 1) To preserve Pa-O's literature and Culture.
- 2) To promote the quality and critical thinking of Pa-O youth.
- 3) To educate the people in Pa-O areas regarding human rights and the environment.
- 4) To build a federal union in Burma with equality and self-determination for each state.

Mon Youth Progressive Organisation (MYPO)

MYPO is an independent youth organisation formed in 1999 by the youth of different townships in Mon State. Its primary aims are supporting the struggle for democracy and human rights, as well as building a strong civil society for peaceful and democratic change in Burma. It is based in Sangkhalaburi, Thailand and is a member organisation of Students & Youths Congress of Burma (SYCB). In addition, the MYPO also runs a training center at Halockani resettlement area which is close to the Thai-Burma border.

The main objectives of the MYPO are;

- 1) To strengthen civil society organizations inside Mon State.
- 2) To empower youth and grass-root activists for the struggle for democracy.
- 3) To introduce concepts of democracy and civil society among a wider Mon community
- 4) To build networks among different Mon grass-root activists and democracy activists

Photos

Front Cover:

Homeless children in Mon State (MYPO).

Back Cover:

The military confiscated farm land north of Hopong town and planted castor oil plants on the wheat farm land (PYO).



**“The only law in Burma is
what the generals from day to day decide it to be”**



Article 17 of
the Universal Declaration of Human Rights states that:

- ✓ Everyone has the right to own property alone as well as in association with others.
- ✓ No one shall be arbitrarily deprived of his property.