

# FROM GRASSROOTS TO GLOBAL



Students of the  
EarthRights School of Burma  
Class of 2009





# *From Grassroots To Global:* Voices of Burma on Earth Rights Abuses



*By the students of the EarthRights  
School of Burma, Class of 2009*

All photos, including cover images, by the authors, unless otherwise stated.

# Foreword

Since 1948 when the Burmese military annexed all the indigenous territories by force, until now, many ethnic people in Burma suffer torture, forced relocation and displacement, and arbitrary execution, and many women are raped by Burmese soldiers during military operations. Even though people in Burma have suffered these human rights violations by the military regime, called the State Peace and Development Council (SPDC), they do not know about human rights, environment, and rule of law.

I am a member of the Karenni ethnic group. In 1988, due to oppressive and restrictive rule by the military regime, a democracy uprising occurred in Burma. At that time, I had graduated from high school and was involved in the democracy movement as a leader in my region. As a result of this, and the brutal military response to the movement, I was forced to flee. Though I have been separated from my family and country for over twenty years, I am still part of the struggle for democracy in Burma.

In 1999 I had an opportunity to attend the EarthRights School of Burma (ERSB), and I gained a lot of knowledge and skills regarding human rights, environment, and non-violent social change. Then I returned to work with my 'mother' organization, Karenni News Agency for Human Rights. I was able to work more effectively and achieve more than before. By then, I knew well what democracy and human rights meant, and could truly say that there is a lack of democracy, human rights, and rule of law in Burma.

For most people of Burma, there are limited opportunities for education and training. Both inside Burma and in refugee camps in Thailand, people have had no opportunity to learn about the environment, law, or human rights, and how to protect their rights and lands. I strongly believe that a community needs an awareness of human rights, the environment, and the rule of law in order to promote their living standards.

I want to be a person who has a sense of responsibility for the people who need radiant light to get peaceful and comfortable lives. So I am willing to dedicate my time and life to our people who have been suffering human rights violations in Burma. In early 2002, together with other three Karenni ERSB alumni, I set up the Social Development Center (SDC) in order to educate our people. The SDC is located in a refugee camp and focuses on Human Rights, Environment and Law training.

ERSB has already produced well over one hundred human rights and environment activists from 1999 to 2009. Many alumni have returned to and are involved in their community-based organizations, such as human rights and environment organizations. Some have taken up more risky work inside Burma to gather information related to earth

rights abuses. We can see that the ERSB project is successful because many alumni have taken up responsibilities inside and on the Thai-Burma border areas to carry out the implementation of fair and balanced justice processes.

The activists we have produced from these schools have been not only important for the ethnic communities, but I strongly believe that they will become leaders of change for the future democratic country of Burma.

*Aung Sun Myint Steven*

Co-Founder, *Social Development Center*

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# Introduction

This collection of research reports by the students of the Earth Rights School of Burma (ERSB) Class of 2009 documents the findings of their fieldwork research undertaken in and near Burma in the spring of that year. The researches focus on ‘earth rights’ abuses: actions taken by individuals, corporations, and governments which have impact negatively, directly and indirectly, on the human rights of individuals and communities and on their environments.

ERSB was founded by the NGO EarthRights International in 1998, to provide young community leaders from in and around Burma with skills and experience, to help them become strong human rights and environmental activists in and for their communities. The Class of 2009 contains seventeen students, nine women and eight men, from eleven minority ethnic groups of Burma. These reports are the first which they have ever compiled, but are unlikely to be their last.

While the issues raised in these pieces of research vary – and include forced labour; land confiscation; drugs; and the imposition of dams, mines, monoculture, and other such “development” on rural agrarian communities which are given no warning, choice, voice, or compensation in the process – they all have several things in common. They also hold these things in common with all of the research undertaken by students in the previous eight sessions of ERSB.

All of these findings show that the military regime governing Burma respects neither human rights nor the environment at all, and that it is willing to sell the well-being of Burma’s treasures and peoples to the highest bidder for short-term profits. Some issues also show the challenges that are placed on neighbouring countries such as Thailand, within which migrants and refugees from Burma face further instability, poverty, discrimination, and lack of access to jobs and services.

Despite all this, a great many of the people of Burma, whether still living inside or having fled in search of a better and safer life, are tenacious and brave. The people interviewed by these ERSB students face serious challenges to their livelihoods, cultures, family stability, rights, environments, health, and even to their lives, but they continue to find a way to live within these circumstances in the best way they can, and even retain a passion for and humour about life. They are willing to risk their safety to contribute to these researches in order that you might hear their voices and know that they exist, and persist. This is no less true of the ERSB students themselves, who risk their personal security both to attend the School and to collect these stories; which they raise to you from the grassroots to the global level, in the hopes that you will not only hear, but also listen.

The students could not have carried out this research, nor the School's staff been able to adequately support them in the task, without the invaluable time and help of fantastic volunteers who offered advice and editing; of other EarthRights International staff who acted as advisors; of guest teachers and trainers who freely shared their knowledge throughout the School year; and of the School's alumni, who never fail to give a hand to those following in their footsteps. This collection, and the School itself, could not exist without the faith and generosity of its funders. All those thanked cannot be named specifically, in order to protect them and their work.

Each year it is hoped that the military regime governing Burma will change, and each year hopes are dashed. Each year more land in Burma is taken and ruined, while more businesses and governments from other countries choose to overlook the suffering of Burma and its people in favour of their own narrow interests, such as "energy security" or shareholder loyalty. With each new year in Burma, more heroes fall or are jailed, while villains feather their nests. Each year our students must hide their real names from you; disguise the names of areas and people where their research was conducted; and blur the faces in their photos; because these voices and faces cannot yet be raised freely, without fear.

And yet. And yet, each year, a new group of courageous and curious people comes to the EarthRights School of Burma, and other schools like it, determined to effect change if they can; to prepare for the time when Burma finally does turn a corner, and when educated, fair-minded, skilled people of good will shall be needed to lead their beautiful country towards justice and peace. Each year, while the global view of Burma looks dire, at the grassroots level there is a an ever-growing group of people working outside and inside the country towards a future in which human rights and the environment will be respected, even revered.

If there is anything you, the reader, can do towards this goal from where you are that you are not already doing, then please remember all the voices in this collection and be moved to act. The more people who build bridges across the darkness in this world, the more islands of light there will be.

Hope remains.

**EarthRights International**  
**[www.earthrights.org](http://www.earthrights.org)**  
**August 2009**



# Map of Burma and Research Areas



# 1



*Land "Confiscation"*

It is no accident that so many of we students at ERSB, and community-based and non-profit organizations working on Burma issues, focus on the problem of land confiscation. It is a problem that regularly happens all over the country. Whenever the SPDC government wants to "develop" or sell Burma's natural resources to Burmese and international companies, its military forcibly pushes the people off their land and out of the way. Even if those people and their families have been there for hundreds of years. These reports show how this is usually done without any consultation with or compensation for the land-owners, and also highlight the serious problems that local people face – economic, social, and cultural – when their lands and livelihoods are lost.

# **The Social Impact on Kayan People in Naypyidaw Division as a Result of the New Government-Established Capital 2007-08**

*By Lucia Lu Lu*

## **Introduction**

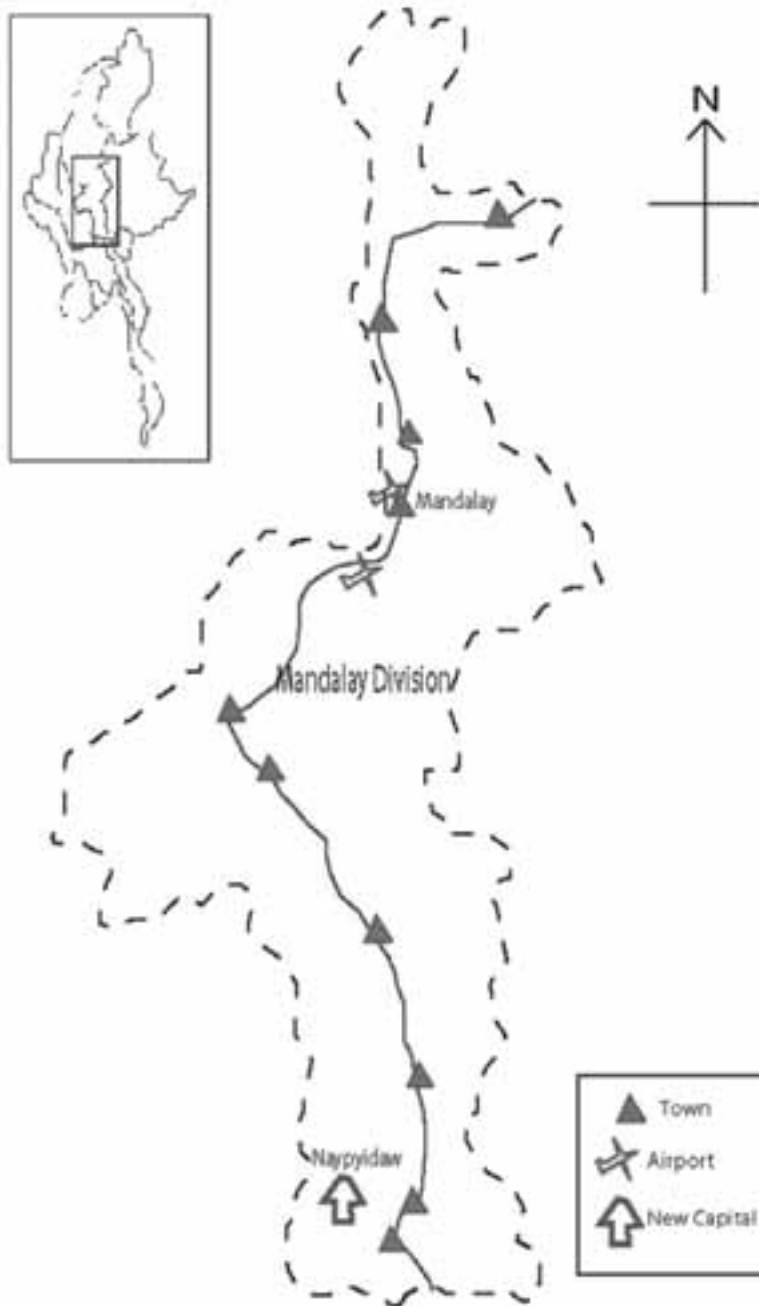
Burma is a diverse country located in Southeast Asia. The eight major ethnic groups are Kachin, Kayan, Karen, Chin, Mon, Burman, Rakhine and Shan, plus many sub ethnic groups. The State Peace and Development Council (SPDC) of Burma is a dictatorship government controlled by the ethnic Burmese military called Tatmadaw. Due to the SPDC's control over the country and oppression of the ethnic groups of Burma, many ethnic groups are in armed struggles opposing SPDC rule.

One such group is the Kayan New Land Party (KNLP). On 26 July 1994, the KNLP agreed to a ceasefire with the SPDC because the local Kayan people demanded freedom from the SPDC. The ceasefire allowed the KNLP to continue to exist and to develop the Kayan region alongside the SPDC. Now the SPDC keeps many army camps in the Kayan region and uses various techniques to fight the KNLP. Today, the KNLP is slowly losing control of the lands in the Kayan region of Naypyidaw Division.

In 2005, the SPDC moved to Pyinmanar from what was then the capital Yangon (Rangoon) and built a new capital and division named Naypyidaw, separate from the Mandalay Division it previously formed part of. The new Burmese capital is surrounded by the mountains and forests and is located in Kayan lands. The SPDC believed that this is more centrally and strategically located than the old capital Yangon. According to a government minister, this move meant that there was need for a "command and control center" in the new strategic location.<sup>1</sup> Since they built the new capital, the livelihoods of the Kayan people who live in Pyinmanar have been impacted tremendously.

This report highlights and focuses on these impacts, and the human rights violations – such as forced labour, confiscation of lands without compensation, forced growing of crops, extortion of properties, taxation, and threats – that have been reported in the region by the local Kayan people. Information supporting this report is based on field research conducted in the Kayan region in the Naypyidaw Division from April to May 2009, and from secondary resources. The research area was focused on the former Mandalay Division, now the new Naypyidaw Division. Data in this report was collected by interviewing Kayan villagers, the head of the villages, women, nurses and youth who live in the research area and are suffering under SPDC control.

## Map of research area



This report is divided into four parts and will proceed as follows: Part one describes the background of Kayan People. Part two discusses land confiscation with reference to building the new capital and providing security for it. Part three highlights the impact of the extension army camp, and Part Four is the Conclusion and Recommendations.

## Background of Kayan People

Kayan people are one of the ethnic minority groups in Burma. They descended from Mongolia into Burma in around 739 BC. Within the country, they are living in four bordering states: Southern Shan State, Karenni State, Karen State, and Mandalay Division. Kayan people live mainly in rural areas far away from large cities and towns. Many people do not refer to the Kayan as “Kayan” but rather as “Kayan Padaung” or “Padaung” or “long neck”, because many Kayan women are famed for the brass coils worn around their necks, giving them an appearance of being “long necked”.



Most Kayan villages are located in highland or mountainous areas. The Kayan people have their own literature, customs, traditional clothes, food, instruments, and beliefs. They earn their living by farming, hunting, logging, and fishing. Like other ethnic groups, the Kayan rely on rotation farming in their region. They traditionally worship local spirit guardians of the mountains, rivers, and creeks, as well as worshipping a creator God. Nowadays, many Kayan people practice Christianity or Buddhism.<sup>2</sup>

Before the Kayan ceasefire with the SPDC in 1994, the region was under the control of the KNLP. The ceasefire was signed with the Burmese government because it increased its oppression of the Kayan people. In the agreement, the SPDC granted the KNLP military control over the valley which surrounds territories in south-western Shan State.

However, the SPDC has since been in direct contravention of the 1994 ceasefire agreement, because it has very evidently been driving out the KNLP, to ensure the safety of the new capital and to end the ethnic army struggle. Following the death of KNLP Chairman U Shwe Aye in August 2006, SPDC troops began patrolling the villages that KNLP are supposed to control ever more frequently.

## Land Confiscation for Military Camp Extension

*“A leader who did not wear an army uniform came from Naypyidaw, came to my village, and measured the land which has minerals on our hill side farm, and confiscated about 50 acres of lands. They said that it is the order from Naypyidaw. Now we cannot plant any crops on our land.”<sup>3</sup>*

The new capital of Burma was announced on 27 March 2006.<sup>4</sup> After the SPDC moved to Pyinmanar, “they banned all hillside cultivation, fire on farms, cutting of firewood, baking of charcoal, and a variety of other things that affected lives in the Naypyidaw Division.”<sup>5</sup> The SPDC also banned farming by local people, for the new capital’s security.

The main battalion in control of the area is Light Infantry Battalion 606. The SPDC confiscated countless local farms for their projects such as a power plant and cement factory for a Chinese Company in the Paung Laung region. They had already destroyed and confiscated villagers’ farms to build Paung Laung Dam in the past few years. The local people did not get any compensation for their lands. The confiscated lands are used to build



village land confiscated by the SPDC

army bases, for agriculture, and to control Kayan people. The head of one village in the Naypyidaw Division said “The villagers moved to another location by themselves because they did not get any compensation for their confiscated land, so they found a new home to support their livelihood.”<sup>6</sup>



*village houses in Kayan region. Photo by KNGY*

In an interview with a head villager in the Kayan region, I was told that some army officers who understand what is happening to the people allow them to farm in hidden places. However, there are some officers that do not understand the local people’s situation. They threaten local people with force, and confiscate villagers’ cardamom farms, tea farms, and other farms for military property. Some villagers bribe army officers in order to keep farming and support their families.

Livestock is also extorted by the army officers. For instance, if livestock such as a buffalo or cow grazes within the army property, the local people have to pay money to the army to take back their livestock. If they cannot pay for their animals they will lose them; especially if they are large, because the price is set depending on an animal’s size.

The army not only confiscated land and charged local villagers for animal trespassing, but their control has changed the people’s role in the villages. For example, in the past the head of the village’s duty was to organize the village when something was necessary, to represent the village at a meeting, or to implement an order from the local government. Since the SPDC moved to Naypyidaw, the head of village’s duty also includes watching the people who pass through the village, and to take registration of guests and send it to the army officers. If an officer gets the information that the head villager did not send the register, the head will be fined or punished. The punishment for this offence is not limited. The host and the guest are both responsible for reporting to local authorities. If they fail to do so the host is fined 5000 kyats and the guest is fined 10,000 kyats (5000 kyats is about 770 US dollars).

Land confiscation does not only happen to the Kayan people: the SPDC is notorious for land confiscation throughout the country. For example, in January 1997 the SPDC stated that “200,000 acres of paddy land in Irrawaddy, Rangoon and Magwe Divisions had been transferred to nine unnamed entrepreneurs licensed by the SPDC to reclaim ‘wetlands and vacant, fallow and virgin lands’.”<sup>7</sup>

## Impacts of Increased Military Presence

The move to the new capital by the SPDC has had profound impacts on the Kayan people. There has been an increase in military personnel due to the need for increased security and dealing with confiscated land. This has led to forced labour, tremendous effects on livelihood and on women, and on education and health.

### Forced Labour

“Forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>8</sup> Forced labour for the military can take the form of portering supplies, guiding patrols, messenger duty, collecting building materials, construction of camps and fences, building and repairing roads, and forced agricultural programs.

According to the International Labour Organization (ILO) Convention 1930, Burma’s government has an obligation to eliminate all forms or practices of forced labour in Burma. Despite the fact that uses of forced labour in Burma have been reported by various human rights groups, the SPDC has been denying its use for many years.<sup>9</sup>

One way that the SPDC has denied the use of forced labour is through changing the rhetoric used for talking about it. First, they said that they have no forced labour in the country, they have only “free labour”, but nowadays they have changed the term to “voluntary service”.<sup>10</sup> They state that the people who live in the country are only doing service for their country. The SPDC wants to show the world that they do not use forced labour in the country. However, although they changed the terms to more beautiful words, forced labour is still happening in every state in the country.

Local people face many kinds of forced labour in Naypyidaw Division. They must grow plants, weed the farms, cut bamboo to build fences, build government departments or helicopter landing pads, repair the roads, and carry rations, to name just a few.

*“The local people are called in rotation for weeding castor plant farms, mango farms, djenkol bean farms, paddy [rice] farms and other farms in the military agriculture areas. If some people cannot go when they are called to provide labour, the absent persons must pay a day’s wage as a fine.”<sup>11</sup>*

In addition, the dictatorship government forces villagers to grow certain seeds, such as castor plants and different kinds of paddy (rice) seeds which cannot grow well on their farms due to the land and water conditions. Local people do not want to use the seeds that



authorities order them to grow twice a year because they know they will not grow. However, people cannot refuse orders because, if they do so, they will lose their lands.

Moreover, Kayan villages located in Naypyidaw Division are forced to carry rations, especially during the rainy season. The roads are not good in the rainy season.

*“We are forced to carry the rations for the army camp on foot from village to village. They said that they will pay money for that but we did not get any payment for carrying the rations. Additionally, we could not care for our families while carrying them.”<sup>12</sup>*

Local people cannot work on their farms when they are forced to carry the rations. Therefore, they lose the jobs that allow them to support their families. Sometimes, the officers pressure every villager to come to work in the army areas. Also, they requisition local people’s properties, such as motorbikes, machines, tractors, and livestock for the work. They often even collected money to support the army camp.



*Soldiers requisition a vehicle*

The SPDC are exploiting the Kayan people. They have unfit powers which allow them to force women, children, and even elderly people to work as porters, on farms, on road maintenance, in construction, and on a range of other tasks. Sometimes, this work was carried out for the benefit of private individuals.

*“The army officials not only confiscated the lands but also extorted the livestock from our local people. They did not consider our families and they supported their families with money that they got from us. It is not fair.”<sup>13</sup>*

## Effects on Livelihoods

*“I came back with my family from the farm and we carried some crops which are called cardamom seeds in our bamboo sack, but the army officer told us to stop and took our entire crop; they asked many questions and threatened us. Then, we came back home with empty hands.”<sup>14</sup>*

Most Kayan people are living in the highlands or mountains, but the Kayan people in Naypyidaw Division live on the lowlands. Their income depends on hillside cultivation through which they grow paddy, chili, corn, cardamom, and other plants. In the past, local people grew crops freely on their farms, but nowadays they can not.

*“I am too old and I have only this rice farm, but now this farm was destroyed by the authorities because I did not grow the seed that was ordered under the SPDC. I cannot grow paddy rice because the rice plant is short and it is too muddy. And then, my farm is also very difficult to cut off the water so that if I grow that kind of seed, all plants are drowned in the water. On the other hand, I am afraid that I could not support my family.”<sup>15</sup>*

While this research was being conducted, many SPDC posters were encountered. These tell local people what they should not do, such as no hillside agriculture, no fire on farms, no cutting of firewood, and no baking charcoal. People face many problems because of these prohibitions, especially those who rely on crops for their livelihoods.

Those people who are still able to farm receive low prices when they sell their crops in the market, and it is very expensive to buy other things. Some people are working for a daily wage from others. Some local villagers want to start businesses but the SPDC often hinders them in various ways, such as collecting too many taxes.

## Insecurity for Kayan Women

*“Governments will consider the particular problems faced by rural women, recognizing the special roles they play in economic survival of their families and their unpaid work. Governments will act to eliminate discrimination against them and ensure their equal participation in development and in all community activities. This article also enshrines the right to adequate living conditions – housing, sanitation, water, transport and communications.”<sup>16</sup>*

The current situation of Kayan women is bad in Naypyidaw Division; they are facing insecurity there because of the increased army camps. Additionally, as noted above, women cannot go to farm and work freely like before. Most Kayan people have many children per family. It can be difficult to find jobs and food for their livelihood because they cannot support their families, if their lands were confiscated by the army officers.

Although the SPDC established a Women’s Affairs Organization run by the military community to protect women, this organization is ineffective. They force local women to become members of them. According to a villager, local women do not want to be members of this organization because they do not have serious jobs, and only receive legitimization through name. Moreover, they did not implement any changes for women rights.

Women can be threatened or scared by the army soldiers and their friends.

*“Sometimes, women were going to work [for the SPDC] on behalf of their husbands when their husbands were not in the village. Sometimes the Kayan women were harassed by the army soldiers during forced labour.”<sup>17</sup>*

Some Kayan women living near military communities are marrying Burmese soldiers.

*“I am worried for our Kayan women that they will make wrong decisions for their lives. I am feeling very sad when I heard that some of Kayan women have married army soldiers. They will be losing their culture and religion after they got married with the army soldiers.”<sup>18</sup>*

These words of one youth from the Kayan region are exemplary of the challenges that women face there. They do not know very well about other cultures, and it is very easy to lose their culture, religion, and people after they marry the army soldiers. This issue will impact new generations of Kayan people in the future.

Kayan women are not equal with men because many do not receive an education or learn their ethnic legacy from their families. Kayan parents give priority to sons versus daugh-

ters in formal education, legacy and other things. For this reason, Kayan women have less access to education than men even though they work hard for their families. The Kayan women also continue to be less knowledgeable because of structurally limited access to education in Naypyidaw Division. There are only a few primary schools in villages, most self-established by the local communities. It is very difficult to continue on to attend secondary school and high school. If families do have that opportunity, they choose to send sons, leaving the Kayan women less educated than men.

## Education

It is widely known throughout Burma that the Kayan, like all other ethnic groups in Burma, have been ignored and denied equal rights and self-determination by SPDC, because they cannot teach and learn their own literature in the schools. If they want to learn their literature over short time periods of two or three months, they can ask permission from SPDC, but this does not ensure that they will receive permission to do so. Moreover, if they want to celebrate their culture, they could not celebrate freely like in the past. The SPDC does not allow ethnic groups to wear traditional clothes in their village. They must ask permission before they do anything related to their culture, legacy, and tradition. Many Kayan people cannot write and read their mother language, therefore leading to a loss in their literature and culture.

Kayan families can have at least six children per family, so they cannot afford to send their children to school. Because the parents have less knowledge and education, so they do not guide and encourage their children in education. They do not give priority to education as much as they do for working on the farm. Some children want to attend school but their parents do not allow them or cannot afford the cost of education. Therefore, some children support their families through farming, rather than studying.

Although the central government does not have enough schools and teachers for the rural communities, it nonetheless collects very high school fees from the ethnic minority groups. Thus, most of the rural schools are established by the communities because they did not get support from the SPDC.

The teachers are appointed from the local community. These teachers have not had a chance to attend university. Some teachers have only finished secondary school, because the community cannot afford to hire an educated person. As a result, the community can only build primary schools and very few secondary schools. Those Kayan children who receive formal education face challenges because they have a very difficult time continuing their education beyond this level.



*Primary school in the Kayan region*

If we compare education in urban and rural areas, rural areas are lower in terms of quality than urban schools. According to a youth who surveyed educational centres in the Kayan region, “The children who did not finish secondary school are at least 60%, and there are few educated people in the region.”<sup>19</sup> Most Kayan people face many problems in the country, so they want to go to another country and find jobs. Educated persons studying outside of the country do not want to come back and serve their communities.

## **Health**

There is a poor health care system in Burma. The SPDC does not have enough hospitals, clinics and trained staff for the country. Many hospitals are in the towns, and are nonexistent in some rural areas. Malaria, skin diseases, cholera, diarrhoea, and flu are prevalent among the Kayan people in Naypyidaw Division. The SPDC does not allow mobile health care providers from the Thai-Burma border, such as Free Burma Rangers (FBR) and the Backpack Health Worker Team,<sup>20</sup> to operate in the Kayan region, because they are scared that Non-Governmental Organizations (NGOs) will collect information and share it with the international community.

The Naypyidaw Division has a few clinics and trained staff for the local Kayan people. Sometimes they do not have enough medicine and nurses because the SPDC does not do anything about health in the country. The SPDC restricts local communities and NGOs who want to build clinics for the local people. It is very difficult for people to go to the clinic because transportation is very bad; it can be very difficult to go from one village to another, especially when roads are bogged during rainy season.

Villagers risk losing their jobs if they travel for long and it is very difficult to find a new job because of the impacts of extension of the army camps. Farming is often the only trade they know; they have no experience in other work. The villagers also do not want to go the clinic for financial reasons. “The villagers do not want to come and cure their diseases at the clinic because they feel uncomfortable to go to the clinic if they have no money. I feel very unhappy when I see their situation.”<sup>21</sup>



*Children in the Kayan region. Photo-KNGY*

Many children are malnourished because they do not have enough food in their large family. Their parents cannot take better care of them. Most Kayan families are farmers, and poor. During this research, I met many children that were dirty, thin, and playing among their livestock, and I could see that their living standard is low.

## Conclusion

The SPDC controls the Kayan region and has confiscated many local people’s lands to build the new capital Naypyidaw, near Pyinmarna. The increased security for the new capital is causing numerous human rights violations by the army. The SPDC forced villagers to build army camps, cut the bamboo and make the fences, and build the roads, and they extort the local people’s properties. The people did not get any compensation for losing their lands. Local people are facing challenges to their livelihoods, and suffer poor or no access to education and healthcare in the Kayan region, despite their proximity to their new capital.

There is no rule of law under the current dictatorship government. The SPDC is a signatory to the ILO Convention, but they are ignoring the ILO standards and continue to use forced labour from the local people. Nor do they do anything to stop discrimination against women; instead they are a cause of it. The SPDC should respect the international conventions that they have signed. The local Kayan people are facing abuses by the Burmese army and need to let the regional and international communities know, to ask for help to pressure the SPDC to stop human rights abuses against the Kayan people who live near the new capital.

## Recommendations

### To the SPDC

- Respect international human rights standards and follow the obligations they have signed up to under international conventions.
- Stop human rights violations against Kayan people such as forced labour and extortion of properties; return to the local Kayan people the lands that were confiscated for the new capital, and provide payment for using their labour.
- Take strong action against the soldiers who committed human rights abuses against the local people.
- Stop ignoring education in rural areas, and promote and implement education for children in rural areas equal to that of urban areas.
- Stop prohibiting international support and allow NGOs such as the Free Burma Rangers and Back Pack Team who want to help people's health in rural areas. Build hospitals and clinics for rural areas as for urban areas.

### To international bodies on CEDAW and labour

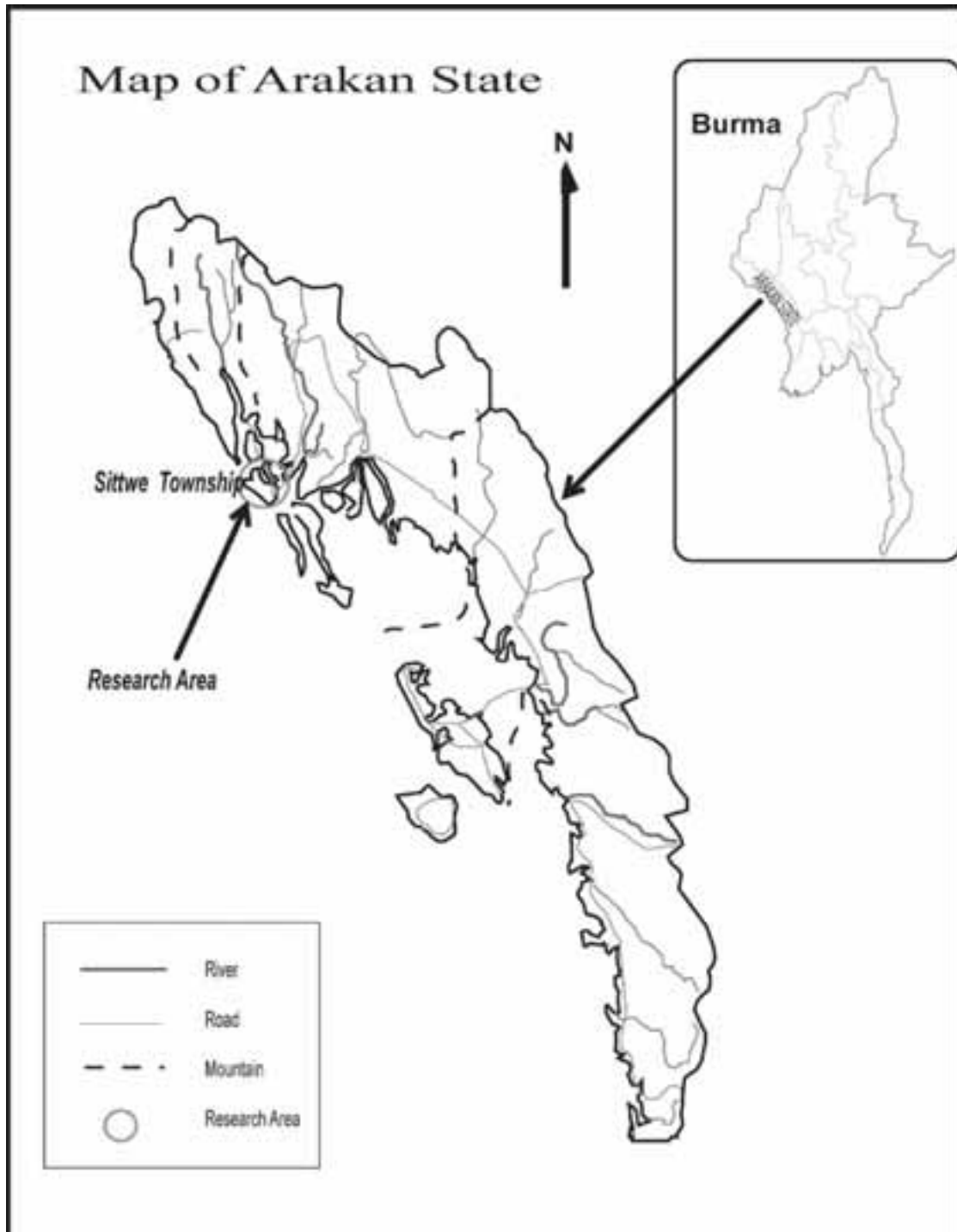
- Pressure the SPDC to stop human rights abuses in Kayan region, Naypyidaw Division.
- Pressure the SPDC to follow the international law that they are supposed to respect, such as the Universal Declaration of Human Rights, the convention against forced labour, and CEDAW.
- Help pressure the SPDC to implement rights for women and stop ignoring abuses of women's rights in rural areas.

### To the FBR and other NGOs

- Try to help the local people who suffer from health problems such as malaria, skin disease, cholera, diarrhoea, and flu in rural areas.
- Write and send statements to the SPDC detailing what they fail to do for the rural people.
- Ask the SPDC to allow NGOs to do for the local people that which the state can or will not fulfil for the rural areas.

# Land Confiscation and Oil Drilling in Arakan State

*By Khaing Zaw Zaw*





## Acknowledgements

I got a chance to research in Arakan State because of the EarthRights School of Burma. In my life, I never ever got any chance to do research or to express my feelings about what we face with human rights violations in Arakan State before coming to this school. Now I am absolutely grateful just to have a chance to write a report concerning these violations of human rights and environmental damage. I would like to thank the EarthRights School of Burma and the readers.

## Introduction

This report documents that 395.40 acres of land have been confiscated by the Burmese army, for the benefit of the Essar Oil Corporation of India and an unidentified Chinese Corporation, from farmers in a village in Arakan State. The SPDC and corporations are complicit in human rights abuses and destroying the environment. Drilling for oil and mining between this village and one nearby have damaged the environment. The human rights abuses stemming from this situation, this business arrangement, include forced labour, unfair compensation, no pay for sub-contractors, and threats to local people.

Essar is a corporation with diversified interests, including telecommunications (Vodafone mobile stores), shipping, steel, construction, power, and oil. The group has an estimated market value of US \$15 billion and annual revenue of US\$2.2 billion. The Essar headquarters is in Mumbai, India. It is currently headed by Chairman Shashi Ruia and Vice-Chairman Ravi Ruia.<sup>22</sup>

Essar Oil Corporation came to invest in Arakan State for oil drilling under the license of the SPDC. Essar Oil limited (EOL) made an agreement with the Burma government (SPDC) to explore for oil drilling in two blocks – one each for onshore and offshore blocks. The onshore block is Block L which is near Sittwe City. On 7 May 2005, EOL and the SPDC signed a Production Sharing Contract for exploration of oil opportunities in those blocks which were worth about \$5 billion US. Mr U San Lwin, Managing Director of Myanmar Oil



*Land confiscation area*

and Gas Enterprise (MOGE) and Mr A N Sinha from the Essar Company signed the contracts for these two blocks. EOL came to explore for oil in Arakan state in co-operation with the Chinese corporation that was responsible for mining before the oil drilling. The SPDC co-operates with corporations such as these in the hope of gaining profits in order to build a stronger national military force.<sup>23</sup>

This report finds that Essar Oil has not only been committing human rights abuses, including confiscation of land, but also destroying the environment and ecosystem in the Arakan State, in conjunction with an unidentified Chinese corporation and Burmese authorities, and it documents these impacts. There has been no Environmental Impact Assessment (EIA) by the companies, nor has there been any public participation in decision making during the planning process, according to local people. This report is based on field research in the oil drilling areas between two villages; seventeen interviews were conducted with local people, including labourers, fishermen, farmers, and sub-contractors.

## Background

Arakan State, also known as Rakhine State, is one of the seven states in Burma. The State's area is 36,780 square kilometres, and its capital city is Sittwe. It is made up of a very pleasant environment like the Roma Mountain range, forests, and the Kaladan and Meyo Rivers. Arakan State is very rich in natural resources such as rainforest, rivers, gas, oil, timber, and teak, among others. There are seventeen townships in Arakan state. (There is also an ancient city of Mrauk Oo heritage, where heritage and culture are maintained). There are over three million people living in these townships, which have seven ethnic groups including Arakanese, Khami, Kaman, Dienet, Mro, Maramargri, and Thak (Chakama). Most people are farmers and fishermen, and most are Buddhist.<sup>24</sup>

Currently the military Junta is monopolizing on the lives of the civilians of Burma; Arakan State is no exception. The people find it difficult to protect their freedom, heritage, customs and culture on account of the dictatorship government in Burma.

The village on which this research focuses, which cannot be named for security reasons, has about 120 houses and a population of over 800 people. Most of the villagers, including the teenagers, have livelihoods of farming and fishing. There are a small number of educated people who are attending Sittwe schools. There are not any high standard schools in this area. There is however a primary school, which is still in slow progression due to the villagers being too poor to develop it or to buy basic materials such as note books, text books, pens, and pencils. Many people are facing problems with education. Parents are unable to send their children to school as a result of being poverty-stricken. The SPDC is



very happy if civilians stay uneducated because they can control them more easily. In this particular village the roads are hard to drive on because they are too broken. It is difficult to drive to it because the government has not taken any responsibility to improve the infrastructure in the area. Many villagers cannot go by boat to Sittwe because they are poor, and must walk if they want to go to the city. There is no hospital in the village; the people find it difficult to get medicine or emergency or health care. For this reason, people die as a result of lack of access to health care and transportation in this part of Arakan State.

As stated, local livelihoods involve fishing and agriculture, including farming paddy (rice) and vegetables. Villagers make only a subsistence income for their daily lives. Their safety net depends only on their livelihood. There are just a small number of richer people in the village. In their village's traditional way, they have solidarity with each other if there are some family hardships. Farmers and fishermen have to face a lot of problems with their livelihoods because of climate change. Whether it is the summer season or not, the air is heavy and hot, too dry for the land; then at other times there is unexpected heavy rain, even when it is not rainy season. Farmers cannot cultivate their paddy fields if the land is too dry, and then becomes flooded if it rains too much because the village is near a river. Many villagers must also do odd jobs to survive.<sup>25</sup>

## Mining in Arakan State

An unidentified Chinese corporation explored for oil in a number of villages and townships in Arakan State during December 2007, including the village under study in this report, following which the Indian corporation came in to do oil drilling between this village and another nearby village. The local people tried to prevent the exploratory mining when the Chinese Corporation came to Arakan State. According to local people:

*“We requested the Mining Corporation that ‘Please do not mine here on our crops and also farmland. We can do nothing for our survival if you mine here. It will damage the entire environment.”*

According to the local people who requested this, the Chinese corporation replied: “We will even blast into General Than Shwe’s nose when we get oil from him.” (General Than Shwe is the leader of the SPDC).

The Chinese corporation hired at least 400-500 hundred labourers. One group was responsible for cutting down the mangrove forest and drilling underground. They had to cut down a lot of mangrove forests to line up mining cables. Another was responsible for lining cable for mining, and a third group had to blast for the mining, about 300 feet beneath and 300 feet distance of space. People could hear the mining sound about 1-2 miles away and the land shook when they mined there. Everybody had to live over 300 hundred feet away. The mining area became a pond.

The Chinese Corporation mined during the rainy season, and they had to go through many areas to get to a specific oil area. From that oil drilling area, they also blasted during the rice farming season there. Nobody can estimate how much the Chinese Corporation blasted in Arakan State to find oil. It is widely rumoured that in Pounaa Kyuan Township, they blasted a home and did not give any compensation to fix that house, and that there were many such cases.<sup>26</sup>

The Chinese corporation also explored the river to search for oil resources. Massive amounts of fish have disappeared owing to this. “During mining, many fish species died and had blood in their gills which is proof of blasting. We cannot estimate how many fish died during this time.”<sup>27</sup> The Chinese corporation also explored the mangrove forests.

So it can be seen that farmers in this region are now producing less rice and other crops because of mining. Mangrove forests, rice cultivation, farms and shrimp farming are becoming scarcer.

According to the United Nations Conference on Environment and Development, having met at Rio de Janeiro from 3 to 14 June 1992, (the 'Rio Declaration'):

*Principle 13*

*States shall develop national law regarding liability and compensation for the victims of pollution and other Environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further International law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.*<sup>28</sup>

Furthermore, according to Principle 6 in Part II of the Draft Declaration of Principles on Human Rights and the Environment (1994):

*All persons have the right to protection and preservation of the air, soil, water, sea-ice, flora and fauna, and the essential processes and areas necessary to maintain biological diversity and ecosystems.*<sup>29</sup>

Such principles do not seem to apply in this region of Arakan State, where local people said that:

*"The mining destroyed everything. Our farmers cannot grow anything because our farmland has become sunken and looks like ponds. It takes too much loss for growing rice and crops. It hurts us to think they did not repair our farmland even though they mined it without any permission and compensation. It is obvious that w//e will be suffering deeply as long as we are alive in the world. They have made a horrible situation for us. That's why, death would be better than this bondage."*<sup>30</sup>

## **Oil Extraction**

After the Chinese corporation left, the Essar Corporation came to drill oil in an area between this focus village and another village. Essar dug for oil about 12,000 feet underground. After drilling the oil ground, oil waste and tailings were thrown by Essar into the river and near the river bank. They made a wide pond about 7-8 feet deep in the oil drilling area, to put the waste tailings in, but it was not big enough to contain all of the waste. According to a labourer:

*“This waste is too dirty and has a very bad smell. They store it in the pond in the oil field area and throw it near the river using big trucks. I cannot cross in front of it because I feel crazy when I get this smell. With these cases my boss told me once that it is going to affect the environment if the waste is thrown into the river.”<sup>31</sup>*

Local people had to dig that pond. The SPDC took 100% of the wage costs from the Essar Corporation, but paid only 20% of it in wages to the labourers. Additionally, the government made a contract to buy concrete, cement, sand, stone, and bamboo from local sub-contractors, reneged on their payment, and sold the materials to Essar.<sup>32</sup>

## Land Confiscation

This research found that 395.40 acres of land has been confiscated by the Burmese army for the benefit of Essar and the Chinese corporation. The total amount in acres of land confiscated for 12 people is about 395.40 acres.<sup>33</sup>

No.	1	2	3	4	5	6	7	8	9	10	11	12
Acres	2	2	5	22	1	10	10	2	1	6	34.40	300

The SPDC is violating its own law, although it insists that it upholds domestic law in Burma. According to Burmese law and International law land confiscation is a violation.

*According to Burma’s domestic law, Union of Myanmar Ya Zatat Gyi, property law (On April of 1963, Chapter 14, article 268), if someone’s action causes damage to another’s property, it violates domestic law.<sup>34</sup>*

And here if we look at international standards, the SPDC is also violating international law, the Universal Declaration of Human Rights (UDHR). According to Article 17 of the UDHR, everyone has the right to own property alone as well as in co-operation with others.<sup>35</sup>

A local fisherman explained his experience about this form of human rights abuse and shows how the SPDC is not maintaining its own domestic law. This fisherman has an income of about 1 million kyats (\$952 US) for farming natural fish without farming shrimp during a year. Authorities from the SPDC and corporations informed the fisherman that

they would be mining on his shrimp farm in six days time. He had already invested 4 million kyats (\$3809 US) for farming shrimp and had only farming for six more days. Therefore he lost a lot of profit.

*“Now my all properties had disappeared which were confiscated by authority people. They not only destroyed my shrimp farm land but also confiscated other huge shrimp farms and lands. That’s why I want to reveal my feelings with regard to my pain in my mind. It hurts me to think that authority threatened me to make absolutely destroyed our village and family. They are still winning whatever they play beyond comparison with anyone. Therefore I want to say how much they are still making horrible conditions for my family and villagers. We cannot stand anymore for our lives.”*

*“Authorities [Chinese company, Sittwe city police and Burmese] approached me to convince me regarding mining on my shrimp farm. They said that they had to absolutely mine on my shrimp farm, when I requested them to not blast the mining because I have farmed these small shrimps only about six days. I requested again to them that it is obvious that I would be lost if they blasted the mining on my farm. Then after an hour, they told me, “Please do not be worried and disappointed! We will compensate you for your losses.”*

However, this man received unfair compensation.

*“I was too scared of them when police came to me. I was anxious to reply them but I could not because of police. Because I know they would arrest me if I strongly argued with them concerning mining. They mined 13 mines in my shrimp farming. Two months later, I was called to get compensation for losing shrimp farming and farm land. They paid me only about 400 thousands kyat (\$380 US). I could not get any chance to say about compensation when I appealed for because the official explained to me that “You are too lucky guy to get compensation in this amount! Because nobody gets compensation if mining some where in Burma.”*

*“How can I get my land back from them? I know that land will not work for agriculture and farm again but I want again to have my own property”.<sup>36</sup>*

## Public Participation

The companies and SPDC did not make an effort to get public input from local people. They met individually with local people who had land in oil field areas. During their meeting they made them sign a piece of paper. They threatened the local people in several different ways. Some local people who signed the paper reported these threats. According to one farmer:

*“They called on me individually and showed me a piece of paper. Then they forced me to sign it. I did not get any opportunity to read that paper. I asked them, “What does it mean?” They replied, “Agreement paper”, “Sign here”, and said to me, “Please do not worry anything about your land. We will give you full compensation.””<sup>37</sup>*

The farmer had to sign that paper even if he did not want to, because they threatened him. This also happened to other farmers.

*“The authority told us that, “You have to sign here under an obligation of government’s order. Do you not know, water and land is government property? You have to go (to prison) if you do not want to sign here.””<sup>38</sup>*

A month after signing, authority people published that local people had agreed to allow oil drilling on their land.

The local people’s livelihoods including the cultivation of farmland, growing vegetables, and shrimp farming have been confiscated by the SPDC as a result of Chinese and Indian corporations. The authorities paid compensation of only about 4 million Kyats (\$3809 US) to twelve local farmers who lost their lands. However, there was no compensation for most of other, nearly 500, farmers and fishermen who lost lands and livelihoods.<sup>39</sup>

## Unfair Work Practices

Villagers have few job opportunities now, except working for the corporation. So some people work for Essar, but through necessity rather than choice.

Local workers had to work the night on rotation. Essar did not give overtime wages, even though they forced them to work the whole night. During the rainy season, people had huge problems with their work. Essar did not provide any waterproof clothing to the local labourers. The Essar Corporation and SPDC are abusing labour rights, according to Article 23 of the UDHR, which states that everyone has the right to safe working conditions and fair pay.



Additionally, the Hours of Work (Industry) Convention was ratified in 1919 by the Members of the International Labour Organisation, in accordance with the provisions of the Constitution of the International Labour Organisation (ILO). According to the ILO Convention, Article 2:

*The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week, with the exceptions hereinafter provided for: (c) where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.*<sup>40</sup>

The Essar Corporation provided jobs for local people, both women and men, who worked carrying sand, breaking bricks, and digging holes. During the working time, women got a lower rate of pay than men even though they had to do the same jobs. They had to carry heavy things, such as bricks, concrete, stone, cement, soil, and sand. If men got 1500 kyat, women got only 1000. It is obvious that Essar are abusing women's rights and discriminating as to gender.<sup>41</sup> According to Article 11 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), to which Burma is a signatory:

*States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (b) to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.*<sup>42</sup>

It is true that Essar paid regular wages to local people during the first month of oil drilling. But after a few months, they stopped paying wages to the labourers. Sub-contractors who sold concrete, sand, and material for building houses were also cheated by authorities. For several months, they were able to sell directly to the Corporation. But after a few months, the locally-based military group (Da Sa Ka) stopped the selling of these materials to the Corporation. Instead, sub-contractors had to give the materials to the Da Sa Ka, who did not give any money, nor reasons. According to sub-contractors:

*"The military group (Da Sa Ka) prevented us from selling to the Essar Corporation after 3 months. We had to borrow money with interest from a gold smith. Da Sa Ka still has not given us money for the goods. Now we are worried with this interest how can we give back money to the gold smith. We were lied to by Da Sa Ka, and do not have free enterprise."*<sup>43</sup>

The authorities gave different reasons for this tactic, saying, “You have to wait for a few months”, or threatening the local people. Local people are afraid to argue for the wages, even though they are very upset with it. Nobody dares to go against them because they are scared. They worry that they will not get a job in the Corporation if they go against the SPDC. The SPDC has a strategy to utilize cheap labour in the area to extract oil. Therefore, they pressure local people with threats of land confiscation. I want the international communities to be aware of the SPDC and the Corporation’s strategies. They utilize harsh tactics against the local people. A local labourer said:

*“Now, we are slaves under the influence of the Corporation. We have to do everything they order to us in the hope of getting money. Authority people threatened us that “Do not say anything, we will pay you all! We will arrest you if you talk too much.”<sup>44</sup>*

## Other Impacts

Since drilling for oil commenced, there has been a migration of Burman and Indian people who came to work in the area. A Burman man of 45-50 years old who drives a ‘Cat’ machine married with an 18 year old young woman from the local village. She was working for the Corporation. This case happened in only five months of oil drilling in 2008. There is potential for further marriages between locals and in-migration people if the Essar Corporation stays there. The SPDC has a strategy to assimilate different cultures, especially minority cultures.

According to my secondary research about assimilation in Arakan State, I have found that Burmese soldiers have deserted over 210 women from eight villages after marriage since 1998. People complain to the battalions regarding these cases but the battalions ask for documents of marriage. People find it too hard to show evidence of marriage because Burmese soldiers did not get marriage certificates. The Burmese military marries young women of Arakan State and throws them away after getting them pregnant. For this reason, many mothers who had marriages with members of the military are facing problems with survival; it is difficult for them to raise their children, and their lives are insecure.<sup>45</sup>

## Conclusion

The Essar Corporation thinks only of how to get profit and not have losses. They do not care about environmental damage and human rights abuses, because preventing these costs a lot of money. It is obvious that a corporation that will benefit from such damage and abuses will neglect to take responsibility for them.

It is regrettable that India does not provide more support for democracy and human rights in Burma, but co-operates with the SPDC and Chinese interests. India is supporting the military regime in Burma through this partnership, by making them stronger by money. Judiciary, legislative, and administrative functions in Burma are all under the control of the SPDC military junta. The Essar Corporation provides more chances for the SPDC to dominate local people in Arakan State. Currently, it is too hard to change these barbarous acts in Burma.

## Recommendations

### To the international community

- Pressure the SPDC to move towards democracy from military dictatorship.
- Pressure the SPDC to respect international law and its own laws.
- Pressure international corporations, including the Essar Corporation, and the SPDC, to respect international environmental law.
- Be aware that India is working together in communication with SPDC sectors.

### To the SPDC, China, and India

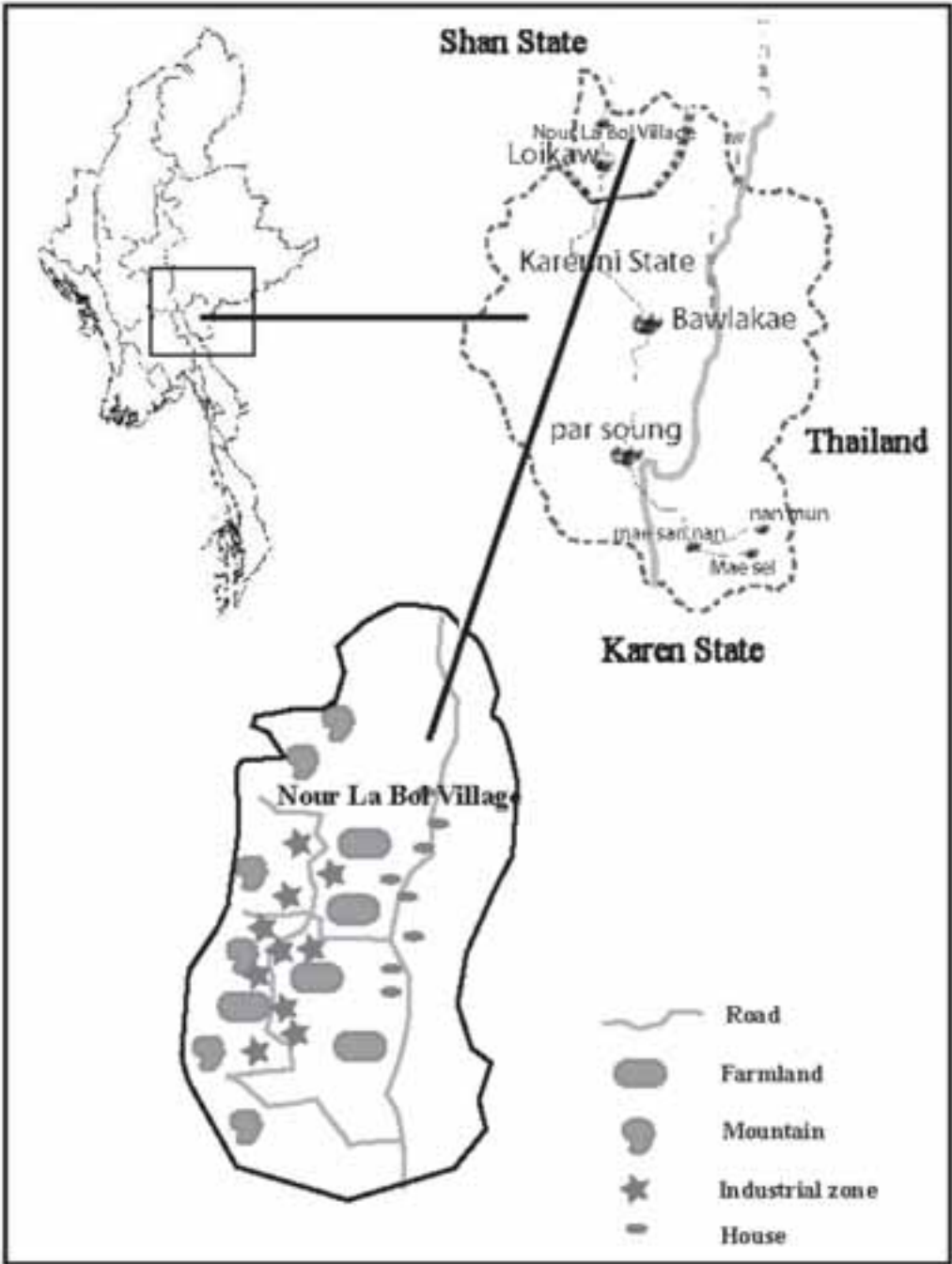
- Follow the obligations under the Universal Declaration of Human Rights.
- Stop land confiscations and other human rights abuses in Arakan State.
- Give fair compensation to local people who have been relocated due to Essar and Chinese Corporation confiscation of their lands.
- Stop oil drilling in Arakan State because of its destruction of villager's livelihoods and of the environment.
- Stop supporting the dictatorship government.

### To the local people

- Every Arakanese must preserve our own heritage and territory.
- Every Arakanese should put their hands together for the freedom of Arakan State, and be united with each other to defend our fundamental human rights against control by the military junta.

# The SPDC Confiscated Farmland To Build an Industrial Zone in Loikaw Township, Karenni State

*By Ko Ko*



## Introduction

The State Peace and Development Council (SPDC) have confiscated farmland every year and in every State in Burma, including Karenni State. This research highlights one example, a village in Karenni State, which cannot be named to protect research participants. The SPDC confiscated over 500 acres of land in this village in 2007.<sup>46</sup> The regional operation commander of the SPDC had a purpose to gather all the factories to build in one place. He forced all of the factory owners in one township to move to this village and rebuild their factories. He did not act on orders from central government when he confiscated the farmlands, and he did not get the agreement of the people.

The purpose of this report is to inform local people and international communities about how the SPDC is abusing human rights through forced relocation and land confiscation without agreement with local people. The military oppresses the villagers and allows no freedom of expression. There is no rule of law in Burma. The process of land confiscation had many effects on the villagers, including loss of farmland, income, jobs and access to education and health. The factory owners suffered forced relocation. Some of the factory owners could not rebuilt their new factory because they did not have money to build a new factory. They were ordered to rebuild the entire factory within three months. According to the Universal Declaration of Human Rights, commander U Nyunt Tin abused the human rights of the villagers.

A local leader said: “When he confiscated the land he said he would pay compensation of 50000 kyats per acre. Then he took the land and sold it to the factory owners at one acre for 2,500,000 kyats. He forced them to buy it, and to build a new industrial zone ... only one family got sufficient compensation.”<sup>47</sup>



*Industrial zone on former farmland.*

Over one year later, but U Nyunt Tin was transferred. Even though some factory owners returned to the town, the farmers are still left without land. His purpose was to get the money from the villagers to oppress them. “When he was transferring he got money over 1000 million kyats from citizens.”<sup>48</sup>

This report is based on field research in Loikaw Township in Karenni State. Eleven people were interviewed, including old and young people, farmers, businessmen, human rights activists, and people who suffered from land confiscation by SPDC actions.

## Background

Karenni State is located in eastern Burma and is bordered to the north by Shan State, to the south by Karen State, to the east by Thailand’s Mae Hong Son province and to the west by Mandalay Division. The capital city of Karenni State is Loikaw. Karenni State is the smallest state in Burma. The population of is 259,000.<sup>49</sup> Karenni State has many different ethnic groups, such as Karenni or Kayah, Karen, Shan, Pa-O, Kayan, Kay Ko, Kay Par, Yin Por, Yin Da Lah, Ma Nu, Ma Naw, Burman, Pwe, Parah, Inter, and Ka Yaw. Almost all who live in Karenni State are farmers, and poor.

Some who stay in Loikaw Township have a tractor, and they did a lot of farms every year. They were trading with another village or the people who can make money with them. Then, they can get enough income for their family and to support their children to attend school and improve their life slowly. Both factory owners and farmers were trading and interdependent on each other. The villagers grow rice, garlic, and some vegetables according to the season. One farmer said, “The money we got from making farms is enough for our family and we can save some money for our future.”<sup>50</sup> When anyone had a problem they could rely on help from each other in their communities.

Before Regional Operation Commander U Nyunt Tin confiscated the local farmland, all of the villagers depended on their farms. However, taxation and state crop programs forced farmers to produce two rice crops per year. The second rice farming does not give the soil enough time to get better and the soil much needed nutrients and grown during the dry season, puts additional demands on already limited water resources. In addition, after the rice is harvested they must to sell to military by low prices.

*“Before he confiscated the farmland he called the local people and said that all of your farmlands are not good, that why I will give you compensation for your land and I will promote for your village that land we will building new industrial zone in here, all of the villagers will have a good salary from the industrial zone.”<sup>51</sup>*

## Financial Impacts

In 2007, the regional operation commander that can control all of the Karenni State confiscated the local people's land, over 500 acres in Loikaw Township.<sup>52</sup> The purpose was to build a new industrial zone. He did not gain the agreement of the villagers. Before he said that he will pay compensation of 50,000 kyats per acre, but he paid 40,000 kyats.<sup>53</sup>

Not only did the villagers not get enough compensation for their farmland, but some also lost their house. They were crying in front of the commander. Other people did not lose their houses, farmland. None could refuse him; every one must stay obey his order.

*“One family is not only losing the farmland but also lost their house so at that time that family was crying in front of regional operation commander U Nyunt Tin. Then, the woman holds his feet and requested more compensation than other families. The regional operation commander accepted responsibility and built one small house for them. The farms and seeds are our life. If we do not have farmland our life will be more poor and poor soon. It will be difficult for next generation to struggle for their livelihood for the future.”<sup>54</sup>*

But only one family has expression at that time. Most families did not feel they had the right to say anything. According to the Universal Declaration of Human Rights, the SPDC is abusing Article 19: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”<sup>55</sup>

*“After he confiscated our farmland he forced all of the factory owners to move to the village and buy the land at one acre for 2,500,000 kyats. He ordered them to build a new industrial zone to finish on time [within three months].”<sup>56</sup>*

Many villagers depended on the farms and forest surrounding their communities as a source of their income. Some families are so poor and they gather food from other people's farms. Some families have their own farms. They can sell vegetables to the small market near their village and can sell to other villages. They can struggle for their livelihood that way. But there are always obstacles thrown in their path. “The local leader said that now villagers need to purchase a pass from the local authorities giving us permission to travel into and through the farms and forest.”<sup>57</sup>

All the villagers want their farmland back so they can continue their livelihood. They have depended on farming for many years. According to the Universal Declaration of Human Rights, Article 17, everyone has the right to own property, and no one shall be arbitrarily deprived of it.<sup>58</sup> In the current situation, following confiscation of the farmland most

villagers lost their jobs so they struggled to support their families. They could not do a new job because there was no available land nearby, and they had few other skills.

*“Now, we are doing baking charcoal, cutting the wood, and working on daily wages, and also we have to sleep in the forest for two or three nights when we cut the logs. Sometimes we got 4000-5000 kyats for two or three nights but sometimes we did not get any kyats.”<sup>59</sup>*

## Forced Relocation

After the industrial zone was created, the villagers were faced with many problems to provide food for their family and it was difficult for their children to continue attending the school. Then, the factory owners who moved to industrial zone faced economic problems also. After the regional operation commander transferred the factory owners, they did not have enough machine parts. If they need something, they go and buy in town; also they did not have enough money to buy machine parts because they are suffering two times. The first time is when U Nyunt Tin forced them to pay high prices for the local farmland, and then again when they were forced to pay high prices for wood from him. It is difficult to run their ‘industrial zone’. The kinds of factories which were moved were car part businesses and threshers.

*“After uncle moved to the village I lost my income because that place is so far from town and no one wanted to come fix their car or tractor here, which is why some times I didn’t get any money for two or three days. When the SPDC forced us to move there, none of the owners really wanted to go. All the factory owners are very upset but we can’t do anything because SPDC have power and weapons, but the factory owners do not have any way to refuse them. If we refused the SPDC we will end up in the jail, because that is the only way of SPDC action.”<sup>60</sup>*

When they were rebuilding the factories U Nyunt Tin forced all the factory owners to buy the wood only from him, and it was very expensive. In the public shop the wood prices are one ton for 100,000 kyats, but he forced them to buy from him for over 200,000 kyats per ton.<sup>61</sup> Then, everyone who moved to the industrial zone had problems to build their factory during this year because they did not have enough machine parts. If who want to fix the car and need some car parts, they have go and buy in the town.

*“We are suffering two times. One time is U Nyunt Tin forced us to buy the lands and another time is build new industrial zone on time. It is only live in the jail if we complain or did not obey and it is nothing changes.”<sup>62</sup>*





## Impacts on Women

In Burma discrimination against women comes from culture and religion. Most men have stereotypes of women in job opportunities and education. In general, women face discrimination in their family. Some families, when their husbands come back home, if they do not see their wife has worked at home they feel angry. They do not see that cleaning around the house, washing, cooking, sweeping the floor and taking responsibility for their children every day is important. They do not recognize that kind of job.<sup>63</sup> The discrimination also took place in the new industrial zone.

*“When the factory owners called the construction workers it has discrimination on women in there because the man got salary more than women. If the man got 2500 kyats for one day women got 2000 kyats.”<sup>64</sup>*

They also did not accept women to work as leaders who could manage the building of the industrial zone.

## Environmental Impacts

The processes of confiscating the farmland and building industrial zone has affected not only the people but also the land. It has changed from agricultural to industrial use, and pollution from the industrial zone is falling down to the existing farmland. One of the youth leaders said that, “We lost our traditional seed and a lot of species in our farmland and our soil is getting bad.”<sup>65</sup>

In their community they have a good quality of seed before and also they could see many different kinds of species around their farmland. But U Nyunt Tin forced the farmers to grow a new seed from China, which caused some species to be endangered. The community is instructed to protect and work in the forest but it is illegal for them to use forest produce.<sup>66</sup> The villagers do not manage the forest by themselves, because the military government uses orders to control their community. So they cannot steward their lands effectively.

## Conclusion

*“U Nyunt Tin’s actions, oppressed not only the local villagers but also the factory owners because he did not care about the consequences of his actions, he just wanted to save extra money for himself.”<sup>67</sup>*

The SPDC should give the villagers the proper price for farmland compensation, because all of the village families depended on their farmland for hundreds of years. The farmland is their livelihood and if they do not have farmland it threatens the local people’s future. Therefore, the SPDC must respect human dignity and give sufficient compensation for their citizens when they do some development project. In addition, the SPDC must protect the farmland because it is becoming polluted by the enforced industrial zone. They should not allow people like U Nyunt Tin to abuse their positions and carry out such corrupt programs.

## Recommendations

### To the SPDC

- No more land confiscation in Karenni State because all of the ethnic groups in Karenni State depend on the farmland.
- Respect the Universal Declaration of Human Rights and sign the International Covenant of Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), because all humans are equal and should respect each other.
- Stop corruption against local villagers; there should be checks and balances as with other States.
- Immediately give sufficient compensation to the farmers.
- No more forcing factory owners to buy local farmland and relocate.
- Make agreement with the local farmers for agricultural policy: make the law that no one can be forced to grow other seeds.

- Reduce the jobless people in the village that by making an employment program for the villagers because they lost their farmland.
- Stop bringing seeds from China to Burma because they are not suitable for soil in Burma, and farmers will lose their original seeds.

### **To farmers and factory owners**

- Save the traditional farming which uses seeds that are able to grow with their soil, share the traditional farming methods with the next generation.
- Unite to protect your rights: unite as one voice with local people.

### **To the international communities / United Nations**

- Pressure the SPDC to sign the International Covenant of Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR).

### **To local NGOs and media groups**

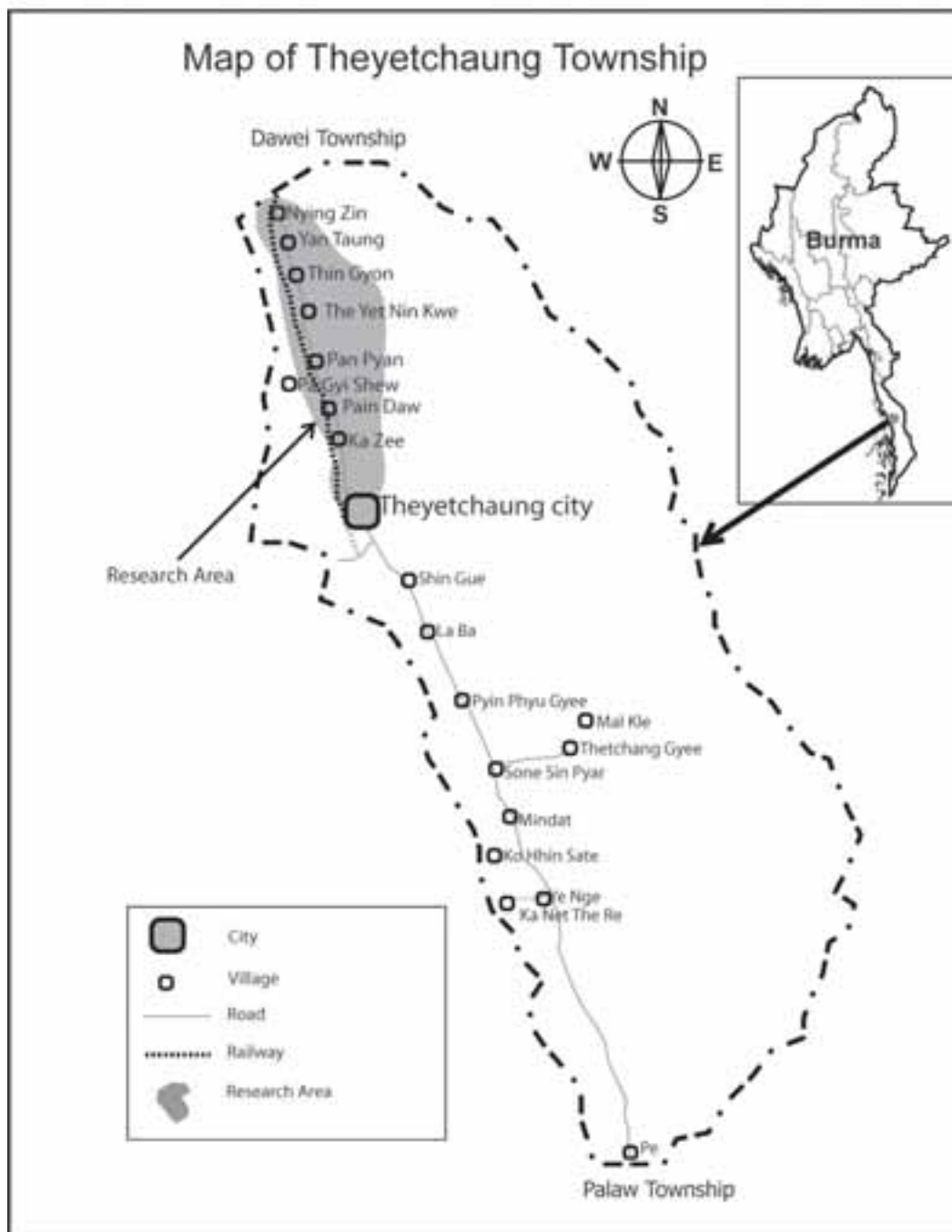
- Do more research in Karenni State; give training linked with environmental law in rural areas; and share reports with the local areas, because if the local people know about that they can better protect the environment in their communities.

### **To armed groups in Karenni State**

- Unite with each other and find a good way to stand with the local people that make negotiations between armed groups and the government, because if these groups are united then perhaps the SPDC cannot confiscate the local farmland.

# The Effects of Land Confiscation for Railway Construction on Villagers in Theyetchaung Township

*By Nyi Thit*



## Introduction

The people in Theyetchaung Township, Tanintharyi division, in southern Burma are currently facing the impacts of railway construction in their villages. The railway, which is being constructed by the State Peace and Development Council (SPDC), is meant to improve local transportation. However, when these projects are introduced, the local people often have to face forced relocation and land confiscation, which commonly lead to joblessness, inability to produce enough food, and inability to donate to the community for social relations.

According to research, the railway construction project started on 6 December 2008 from Dawei Township and is scheduled to be completed in three years. It is planned to be 127.62 miles long, running between Dawei and Myeik.<sup>68</sup> To begin building the railway, the SPDC seized many acres of farmlands, nipa palm plantations and gardens, which led to lowered income for the villagers. The SPDC's stated purpose is to create easy transportation and local development.<sup>69</sup> However, the government did not consult about the railway with local people, although many acres of farmlands and plantations of local people were being confiscated.

There have been many reports about land confiscation in Burma. The SPDC has been doing such inappropriate actions to the civilians since they came to power. Even though the farmers' lands were confiscated for the railway, they have no say about their land, afraid of being arrested by the authorities. Whether the railway leads to development or not, the communities of Tavoyan people in that area will ultimately suffer for it.

## Background of Railway Project

Tanintharyi Division in Burma has borders at the north of Mon State, east of Thailand, and west of the Andaman Sea, in southern Burma. The capital city is Dawei. The land areas are 43,328 square miles. In 2000, the population was estimated to be about 1,356,000. It has three districts and ten townships. The latter are Dawei, Launglon, Yebyu, Thayetchaung, Palaw, Myeik, Kyunsu, Tanintharyi, Bokpyin and Kawthoung.<sup>70</sup>

The main ethnic groups in Tanintharyi Division are Tavoyan, Mon, Shan, Salons, Karen, Rakhine, Chinese, Burmese-Thai and Pashus (Malaya). They are Buddhists, Christians and Animists. Their jobs are farmers, fishermen, and gardeners, and also many women make mats for domestic use. The agriculture is mangosteen, durian, paddy (rice), betel nut, coconut, rubber, dhani, tapioca and rambutan. The area has many natural resources. Oil palm is the main produce for oil production. There are lead mines at Heinda, Hamyingyi, Kanbauk, Yawa, Kyaukmetaung, Nanthida, and Yadanabon.<sup>71</sup>



*The area for railway along the farmlands*

Theyetchaung Township borders the north of Dawei District and south of Palaw Township. Its population is 173,212. It has 29 villages, of four ethnic groups: Tavoyan, Chinese, Burman, and Karen. Most people are farmers, fishermen, and gardeners, and other livelihoods are nipa palm and toddy palm plantations.

Local people in the railway area used cars and motorbikes for their transportation. However, they had a long way to travel if they went to other places to trade products. In 2008, the SPDC planned to build a railway between Dawei and Myeik which they claimed was for easier transportation for local communities. According to an interview, the railway was to be built by the Shwe Myint Mho Company Limited.<sup>72</sup> The railway is a three year project, to be completed in 2011. The railway will cross the four townships of Dawei, Theyetchaung, Palaw, and Myeik. This research focuses only on Theyetchaung.

The railway has left many negative impacts on the local people in the villages of Theyetchaung Township. They were left silent, jobless, with broken families and hard lives after their farmlands and plantation land were confiscated for the railway construction. According to the findings of this research, the local people in the railway area were forced to move from their places without any assistance from the authorities who are responsible for the railway.

The way the authorities confiscated their land was very simple. They just put red or green flags on the lands that were going to be confiscated. They did not even inform the local people that they were going to confiscate the farmlands and plantations for the railway. By this fact, compensation is beyond the imagination for the local people whose lands were confiscated. The local people do not even have a say.

## Negative Impacts

The SPDC has a bad reputation for doing many negative things to its civilians. There have been many development projects started by the government, which resulted in many bad impacts on the local communities. The Dawei-Myeik railway is one of them. The local farmer's land has been confiscated without any proper information and compensation. The local people were removed from their villages. Whereas, according the Universal Declaration of Human Rights Article 17, "Everyone has the rights to own property alone as well as in association with others, and no one shall be arbitrarily deprived of his property."

Local farmers' lives very much depend on their land. Some farmers were not even left enough land to grow plants for their families' basic survival. One interviewee said, "I have only 2.9 acres of land, but unfortunately the railway crosses it. Now I have only a little land left beside the railway, which cannot produce enough food for my family."<sup>73</sup>

During this research, there were many sad stories of corruption by the railway construction leaders. One interviewee said:

*"We have to give money to the leader of the railway constructors to not confiscate our farmlands. Some of the leaders of the railway construction put the flags on rich villagers' farmlands because they wanted to collect more money."<sup>74</sup>*

According to another interviewee, the SPDC confiscated 20 acres of land from 17 people in one village.<sup>75</sup>



*Railway constructors taking soil to build a railway bridge.*



*Farmlands damaged by railway construction.*

Most people work their own property for livelihoods and also do seasonal planting, so they never lived jobless. Many people do hillside cultivation for paddy (rice) and then they grow many kinds of trees in this place (such as mangosteens, coconuts, rubber, durian, betel, and rambutan). The garden is one of the supports for their families. The trees produce during different seasons, so the gardeners always have some form of produce for family consumption or for sale to other people. Some people cannot tend their gardens (if they are perhaps too old or sick) so they rent out their interest to other people who can collect the produce for one season. So the local people believe that when they became old people, they are never going to be poor because they have the gardens. They of course leave their gardens to their children when they pass on.

Nevertheless, their lands were taken for the government's so-called development project. They will definitely face terrible livelihoods when they are old, without any land to grow on or even rent to other people. One interviewee said:

*"It is difficult for our farmland to get water or to get the water out of it because the railway has blocked all the water, or water came through it in the past, which created flooding for our paddy farms."<sup>76</sup>*



Now the railway constructors are building two bridges in one village; the villagers have not yet been informed whether these are for the tractors to cross the railway or to build a water gate for the farmland beside. One of the villagers said, “If they don’t build a water gate to get the water out from my farm, I will face big problems with flooding. If my farmland were flooded, we won’t get any rice to eat.”

The railway constructors build the railway even during the rainy season. They have carried materials such as bricks, stones, and sand by vehicle through the farmlands of the local people, which creates many puddles in the farmlands. In order for the constructors to be able to go though the puddles easily, they filled the puddles with stones and bricks, which have left the farmers with many problems because then they cannot cultivate the land with cows or buffaloes, and not even with tractors.

## Livelihoods Problem

Most local villagers depend entirely on their farmlands which are their jobs, their food, their properties, their children’s education, and their society. In some villages the railway construction has to cross beside their home so they have to move their homes and rebuild them in other place. The cost for building homes is so high and they are daily workers, meaning it is difficult for them to earn such an amount of money within a short time. For some, their problems forced them to move from their villages. Some people left for Thailand or for other parts of Burma for their survival, looking for new jobs.

Some parents let their children go to work in other countries like Thailand or Malaysia illegally, which can bring many troubles to their children. Sometimes their female children were even trafficked to Thailand to be prostitutes. One interviewee said, “I let my son work in Thailand because he did not get any work here. Through working in Thailand, he can support the rest of his family.”<sup>77</sup>



In some parts, the local farmers are not able to farm their lands which are on a confiscation list for the railway, because they are not sure whether the government will allow them to grow or not. The farmers are also afraid of losing their paddy if the railway construction starts on their farmland before harvest time.

*“We are not sure whether or not they are going to build very soon or not. The constructors did not say anything to us. They just fixed a flag on our land meaning that land is confiscated for railway construction. We fear if we grow rice in those lands whether or not they are going to build the railway before our harvest time.”<sup>78</sup>*

## Conclusion

Information is blocked in Burma. The SPDC regime is controlling the whole media such as television, newspaper, radio, and internet. The people do not have freedom of speech and they cannot say anything even though the government seized their land without compensation. The SPDC has arrested people who talked about their problems to media. The local villagers in Theyetchaung Township are also scared of being arrested if they share their problems with others. During this research, it was really difficult to find people who are willing to talk about their problems. Only a few were brave enough.



Local people in Theyetchaung Township are facing many different livelihood problems such as joblessness, no income, and relocation, even migration. The SPDC has a responsibility to fix those problems as it is the government of Burma. Every government has a responsibility to protect the civilians in their country; instead the SPDC is pushing local people into different troubles by creating their “development” projects.

## **Recommendations**

The SPDC should give adequate compensation to the farmers in Theyetchaung whose lands were confiscated, by resettling the farmers in a place where they can survive and work. Moreover, the SPDC also has a responsibility to stop the corruption of its officials, which has created many problems for villagers. The United Nations Human Rights Council should investigate the cases of land confiscation and associated human rights abuses in the Dawei-Myeik railway construction project and, indeed, in “development” projects all over Burma.

# Local people Want Their Lands Back from the SPDC and the Mining Company in Northern Shan State

*By Sai Zom Hseng*



## Introduction

In recent years cement, alcohol, ironing, and other factories have changed the ways they get energy. They used to use diesel and gasoline for energy but, due to the expensive cost of these resources, they have begun to use coal instead. Cement and alcohol factories are the biggest consumers of coal in Burma, consuming 15 to 30 tons everyday.

Northern Burma is a resource-rich area and is becoming a haven for companies searching for natural resources such as coal. The Northern Shan State is such an area, and a variety of mining occurs there such as for gold, rubies, zinc, and coal. 'Mandalay (the second capital of Burma) is the main zone for the coal market, mining and exporting 1,200 tons of coal everyday from Northern Shan State.'<sup>79</sup> The majority of this coal is being used by alcohol and ironing factories for power.

Until four years ago only one coal mine, Nam Hma, existed in Lashio Township (the capital of Northern Shan State). Established more than twenty years ago, it was owned by the SPDC government. Since 2005, an additional four mines operated by three different companies - Asia World Company (AWC), Ngway Yi Palae Company and AAA Company - were formed. With the increase in mining companies in Lashio Township, human rights and environmental abuses have also increased dramatically.

This report focuses on the problems which are occurring because of the AWC in Lashio Township. The AWC is a large conglomerate in Burma. It receives a lot of favours from the government and therefore has a good chance to do a lot of business. AWC owns many mining, construction, shrimp farming, agriculture projects, and other concessions throughout the country. Data from this report was collected for one month during 2009, by interviewing employees from the mining company, the local villagers, and the military officers who are involved in this problem.

This report is divided into four major parts. The first provides background about Northern Shan State, AWC, the relationship between the SPDC and AWC, and the relationship between the SPDC and Singapore, to create a foundation for understanding the current situation in the researched area. The second part addresses problems caused by AWC upon its arrival in the Lashio Township. The third part focuses on the environmental and social impacts of coal mining. The last part of the paper will be a conclusion and I will offer recommendations to address the report's major concerns.

## Background

Northern Shan State is extremely rich in natural resources, and is the main place of trading goods with China. Shan State is directly controlled by the SPDC government. The SPDC government made a trading zone in Mong Yu which is 105 miles from Lashio city. Most of the people from Northern Shan State are making money by trading and farming. In recent years, people have learned that the Northern Shan State is extremely rich with coal. This has led to a rush to prepare and produce coal for profit. The first company that is focusing on coal profit here is the Asia World Company (AWC).

AWC was founded on 5 June 1992, and has developed into the country's largest business conglomerate, with interests ranging from transport to construction and retailing. AWC's contracts include road construction in Shan State, the renovation of Rangoon's International airport, and construction of a deepwater port and toll highways.<sup>80</sup> AWC became famous in Burma around 1995 for constructing a highway from Mandalay to the China border at Muse. Prior to this, transportation was difficult. When they had finished the highway, AWC taxed the vehicles that used the roads.

After this construction, AWC became more successful and began to receive a lot of favours from the government and civilians. They invested in many projects in Burma such as airport construction, shrimp farming in Arakan State, oil trees projects in Thanintharyi Division, and other projects around the country. AWC came to the research project area in 2005 to survey and prepare for the production of coal. "We have to look for our customer and the market of the coal first. Second, we surveyed the land and made calculations to make a new coal mine and then prepared to produce coal."<sup>81</sup>



Tun Myint Naing (also known as Steven Law) is the Managing Director of AWC. He is also known for being the son of former drug dealer and militia leader Lo Hsing Han, who controlled the opium business in Shan State in the 1970s. (Lo Hsing Han assisted the regime to reach a ceasefire agreement with Wa and Kokang insurgents in early 1990). AWC became more famous and important to the SPDC government as they completed more projects. This

fame seemed to attract more people to share AWC's income. 'As the country's biggest and most diversified conglomerate AWC was a major contractor involved in the construction of Naypyidaw [the country's fairly new capital city]<sup>82</sup>. Therefore, high-ranking officers in the SPDC became shareholders in AWC.

*"Those projects were not owned by AWC. Military officers of high rank owned shares in AWC. As for the mining project, they took responsibility to acquire land for the mine. They took the lands and gave it to us to produce coal."*<sup>83</sup>

Mining in Burma is regulated through the Ministry of Mining. Corporations interested in mining projects in Burma have to go to the Ministry to seek approval. The Ministry is directly ruled by the SPDC. AWC did not have to go through the same process as other corporations because shareholders in AWC were military officers of high rank. This makes it easy for AWC to bypass the process: it just gives money to the local government, officials which own shares in AWC, and receive a permit directly.

When the United States (US) placed economic sanctions on Burma, the SPDC government changed their trade strategy to focus on other foreign countries. As with Burma as a country, Tun Myint Naing (Steven Law) and Lo Hsing Han were put on the US sanctions lists in February 2008 along with their companies, due to their associations with the country and drug dealings with opium.<sup>84</sup> The SPDC opened up channels for investment from Singapore. For example, the Singapore-based company CPG cooperated with AWC in Naypyidaw's International Airport project.

Many Western countries ban or discourage investment in Burma as a way of pressuring its ruling junta to improve its poor human rights record and hand over the country to a democratically elected government. Even though Burma was blocked by many countries from the West, Singapore is still supporting the SPDC government. Through the Naypyidaw International Airport project, Singapore receives money from the military junta and in exchange the government receives technical support from Singapore. They are dependent on each other. The relation between AWC and Singapore is also strong as Tun Myint Naing married Cecilia Ng, a Singaporean, in 1996.<sup>85</sup>

## **Initial Impacts of AWC Mining**

In the past few years, popular business for corporations in Lashio Township has been the production of coal. There was only one coal mining company in the Lashio Township area in 2005. Today this number has expanded significantly, to eight mines. The new coal mines are as follows:

No.	Mining Company	Lashio Township
1.	Ngway Yi Palae Company	Mauk Tong coal project*
2.	Ngway Yi Palae Company	Nam Hma coal project*
3.	AAA Company	Marnt Pang coal project*
4.	Asia World Company	Hsant Ya coal project
5.	Asia World Company	Kone Kauk coal project
6.	Asia World Company	Than Lwin coal project
7.	Asia World Company	Narr Ton coal project*
8.	Asia World Company	Nam Linn Kham coal project*

(\* = Still producing. The rest are still in preparatory stages).

According to the list of coal projects, we can see that AWC has the most coal projects in Lashio Township. The lands were taken by the SPDC for AWC to produce coal. This report will show the environmental, social, and financial impacts of the coal projects. While local people are suffering from these impacts, authorities of the mining company and their shareholders (some, military officers) are benefiting from the coal projects.

*Confiscation, from the Latin *confiscatio* ‘joining to the fiscus, i.e. transfer to the treasury’ is a legal seizure without compensation by a government or other public authority. The word is also used, popularly, of spoliation under legal forms, or of any seizure of property without adequate compensation.<sup>86</sup>*

This problem is happening around the world. The problems are happening for the benefit of some people or groups at the cost of others.

In Burma, most of the lands are confiscated by the government. For example, in *Gaining Ground*<sup>87</sup>, a report published through EarthRights International, land confiscation problems were prevalent in much of the research which occurred inside Burma. Land confiscation is illegal both in international law and under Burma’s domestic laws. According to the Universal Declaration of Human Rights (UDHR) Article 17, everyone has the right to own property, and no one shall be arbitrarily deprived of their property. Therefore, the SPDC government directly violated the UDHR because the SPDC and the mining company confiscated lands without any compensation or resettlement programs. If we look at the domestic laws in Burma, they state that, “if someone’s action causes damage to another’s property, it violates domestic law.”<sup>88</sup> Because land confiscation is happening in Burma, the SPDC government is violating its own law.



There is also corruption between local government and the mining company, according to this interview question and answer with one of the military officers from the SPDC's Light Infantry Battalion (LIB) 291. I asked him, "Did you or your senior officers receive benefits from AWC?" and he answered that he "saw the people from AWC brought some presents for the commander." On the AWC's arrival in the project area in 2005, it cooperated with the local military to take the lands from villagers.

*"The people from AWC said they will provide electricity. But we don't need that electricity. We can make electricity from our small turbine. That was enough for my house. I just want my lands to make money for my family."<sup>89</sup>*

AWC and the SPDC took around 100 acres of land from four different landowners. AWC and soldiers went to landowners' homes and informed them that their lands would be taken according to the government's National Development Program. AWC did not offer compensation. Some soldiers were then deployed as security guards in that mining area.

*"They say they will think about the money after their production stage. Even though they will give me money after they sell their coal, how can my family and I wait for that? How can we survive anymore? We have nothing to do if we don't have those lands. They said that was the order from the government. We have to be afraid of the government and also of the soldiers."<sup>90</sup>*

Most people from the research area depended only on their lands. Only a few people were making money with other jobs, for example by making traditional drums, fishing, and hunting. Their jobs can make a fair income for their family. They can manage their income for their life. Their income allows them to send their children to school.

In addition to the land confiscation problems above, there was another problem. The military arrested local people who complained about land confiscation. In my interviews, I met a woman whose lands were confiscated by AWC and the SPDC in May 2008. She and her family lost about 32 acres. This land was the income source for her family. They mainly grew rice on her farm which was not only enough for her family, but sometimes they can even make a donation to the monks. When her land was confiscated, she went to the mining company office and said that the community wanted their land back. She represented all of the land owners who were facing the same problem.

When she talked about the problem at the office of the mining company, the office staff requested help from the military to solve the problem. The commander of LIB 291 sent some soldiers to control the situation. The soldiers went to the mining company's office and arrested her immediately. They brought her to their military camp and detained her there. The reason for arresting her was because she was "disturbing" the mining company. When

the problem occurred, the women's friend informed her daughter and son about the problem. Her children went to the head of village and asked for help from him. On the next day, the village chief went to the military camp and tried to get her out. The military officers released her according to the village chief's request.<sup>91</sup>

One of the land owners from that area is very old and owns 30 acres of land. He grew rice to get income for his family. All of his children are located far away from him. He and his wife are the only members of his household. He faced so many challenges since AWC came and took his land. He cannot work on others' farms because of his age. He said, "So many challenges for me. I'm so old now. All of my children are far away from me. I can't go to the others farms and work as when I was young."

*Unfree labour is a generic or collective term for those work relations, especially in modern or early modern history, in which people are employed against their will by the threat of destitution, detention, violence (including death), or other extreme hardship to themselves, or to members of their families. Many of these forms of work may be covered by the term forced labour.*<sup>92</sup>

After the land confiscation occurred in May 2008, AWC constructed a road to the village running from Lashio: the Tang Yan highway. They cut down all the trees in the area by forcing the villagers to work.

*"The problem for my family started when AWC came to our village. They sent us to cut down all the trees and they said they were preparing to produce coal. AWC then sold the big trees to villagers who wanted them. They sold one big tree for 15,000 kyats (12.5 US \$) to 25,000 (21 US \$)."*<sup>93</sup>

As for my field area, AWC and the SPDC forced local people to work for their projects. They sent the local people to cut down the trees from their mining area and make roads for their transportation. The villagers did not get any compensation for their labour.

*"The villagers had to do labour for them [the SPDC and AWC] after they took the land from us. They took our lands and then sent us to cut down the trees from our land. It was not fair. I'm really upset that our government didn't take care of us. We are the citizens. Why did the government let us face such problems?"*<sup>94</sup>

## Environmental and Social Impacts

AWC and the SPDC benefit from coal projects, but the local villagers and their environment are the victims of the effects of the coal projects. This area is full of many species of big trees which depend on this thick forest. The AWC used many vehicles and machines to dig the ground there. According to their annual report, the design of the coal mine will be open pit mines. Open pit mining is the extracting of metal, ores and minerals that lie near the surface by removing the overlying material and breaking and loading the ore.<sup>95</sup> Extracting these natural resources is frequently a destructive activity that damages ecosystems and causes problems for people living nearby and downstream from mining operations.<sup>96</sup>

AWC also identified the area for dumping, in which they will block one of the streams. Some local villagers' incomes come from fishing this stream. Although they do not have farms like the others, they can survive by depending on the stream. "It's not difficult for me, if I can catch fish I can earn 2000 kyats (\$1.5 US) to 3000 kyats (\$2.3 US) a day."<sup>97</sup> AWC prohibited the local villagers from catching fish in that stream. The fishermen from that area faced the biggest challenges when AWC made this order. AWC gave the following reason, saying that, "No villagers can go near the stream. We made a coal project along the stream side. If the villagers go there, you might disturb our job."

AWC has to use many chemicals, including mercury, arsenic, and cyanide, to produce and filter the coal. These chemicals are among the most poisonous in the world, and not only to humans. When they dissolve in the soil for a long time, the plants and crops which will grow on this land will be poisonous (if they can grow at all). AWC will dump the waste in the local stream and on the mine site area. The chemicals will dissolve into the local stream. This will affect local people because the local stream is their main water source.

The roads made by AWC are only dirt and of poor quality. The dust blows up when in use and it can cause many respiratory problems for local villagers. When AWC uses its vehicles to produce and to transport coal, smoke from the vehicles will also add to the pollution and have effects on the health of local people, as well as on mine workers.

According to an interview from the field, after the land owners lost their lands, they cannot make money in their village anymore. Therefore, they have to move to another area for their survival. Interviewee 11, one of the owners whose lands were confiscated by AWC, said, "I just have to stay at home. My wife went to the forest to find some vegetables. My son and my daughter went to China to make money for the family."

This has also led to a strain in community relationships. Even though the transportation was a little difficult for the local people, they usually visited other villages before AWC came to this area. They helped each other if someone needed it; they celebrated their traditional festivals happily; and they solved the problems of each other as much as they could. The community was in essence united.

When AWC came to this area, the local people could no longer celebrate their traditional festivals like before, because they cannot concentrate on those kinds of festivals as they worry for their families first. The people also became more afraid of the government and the authorities. The security soldiers from the mining area usually go to the village and take food and steal property and livestock such as chickens and pigs. As the local people cannot go anywhere to express their feelings and the problems, they will become more isolated from other communities. “I do not dare to go anywhere after that horrible thing happened to me. I’m just a woman from countryside. I can’t against the government. I just have to do as they said.”<sup>98</sup>

The local people are totally dependent on agriculture. They grew foods for themselves. They could get medicine from the forest when they fell sick. In the past, the local people owned their land and farms and could use their stream freely. As a consequence of losing their land, many have no stable source of food and can possibly suffer from malnutrition or starvation. Their food security is destroyed.

One hundred acres of land cannot be tended by four people. Landowners have to hire other people as temporary workers on their land. Although the landowner has to pay wages to the workers, both can have a good amount of money for their families. One interviewee said, “Agriculture is the main business for me to get money and we earn enough money. Sometimes we can even make a donation to the monks.”<sup>99</sup> When AWC took the lands from the local land owners, they became jobless. The problem not only effected the owners, but also the temporary workers who depended on them. This also affects the children because they are dependent on their parents, who provide school fees, food, health care, and so on. If their parents have no income, how can their children go to school? That is the biggest challenge for the future generation.

## Conclusion and Recommendations

This report exposed the land confiscation problem which took place in Lashio Township of Northern Shan State. This problem is happening because of AWC's new coal projects. An accomplice that has made this problem possible is the SPDC government because they allow abuses to happen, and high-ranking military officers are shareholders in the company. AWC and the SPDC cooperated together to confiscate about 100 acres of land from local villagers; many problems occurred because of this violation. The SPDC is the only government in Burma. As the government has the power to rule the country, it also has the responsibility to protect civilians' rights and property.

AWC and the SPDC forced the local people to cut down the trees from the mining area. Those trees and farmlands are the only source of livelihood and income for the local people who depend on it. When the local people lost this, they faced a lot of challenges for their survival: financial, social, health, and environmental impacts are all consequences of this land confiscation.

The local people are not well educated. Even though they moved to other places to look for jobs, it is not easy for them to get jobs. There will be more human rights abuses, such as forced labour. The government and other communities have the responsibility to prevent the local villagers from such kinds of abuses.

As the report shows, there are more negative impacts than there are benefits to AWC's projects. There is a saying, "Prevention is better than cure." If AWC stops these coal projects, it is equal to preventing hundreds of people from horrible human rights abuses, and will also help to restore local environments.

To the Countries Investing in Burma: Burma is a country which is rich in natural resources. This fact is attractive for many to do business and invest in Burma, but other countries must be aware of the impacts this has on the local people. Local people do not receive any benefits from projects you are investing in, but they are the people most affected. These impacts are almost always negative, as this report shows. That is why I urge outside investors to think twice before investing there. Once for the impact on local people and their livelihoods, and secondly for the reputation of your business.

# 2



## *Economic "Development"*

The 'earth rights' concept that we students have explored at the EarthRights School says that humans cannot be separated from their environments, so that human rights and the environment are also always connected. This link is very strong in Burma where, for the most part, the military regime does whatever it wants to local, long-standing communities while chasing the money that comes from natural resources. Burma is incredibly beautiful and fertile, rich in gems, timber, and agricultural and non-timber forest products, as well as power sources like natural gas, coal, uranium, and iron ore. As our reports show, local people receive little to no share of or benefit from Burma's riches, but suffer most of the negative impacts of their extraction.

# The Effects of Deforestation and Logging on the China-Burma Border, Kachin State, Burma

*By Ah Pao*

## Introduction

“Myanmar is rich in forest resources; half of the remaining closed forest in Southeast Asia can be found there as well as 60% of the world’s remaining teak forests.”<sup>100</sup> Burma is one of the richest countries for natural resources in Southeast Asia and its government, the SPDC, depends on its natural resources. Kachin State is the northernmost state of Burma, and it arguably has the most valuable natural resources in the country: water, forests, minerals, gems, and excellent soil. “Kachin State lies on the boundary of two of the world’s most biologically rich and most threatened environments: the ‘Indo-Burma’, and ‘Mountains of South Central China’ hot spots.”<sup>101</sup>

In late 1988 China signed an official border trade agreement with Burma and they started logging along their borders.<sup>102</sup> Even though Kachin State has richly endowed land, the people in Kachin State are facing high amounts of deforestation because of logging, and unsustainable projects like charcoal-baking and sugar cane plantations. The impacts of these practices will leave their marks for a long time.

Deforestation is one of the causes of global warming and climate change, which is an issue that is not only important for Kachin people, but of course also for the global community. People in Kachin State face many environmental problems because of deforestation, including climate change, soil erosion, and destruction of water levels, as well as directly and indirectly connected social problems. Logging by the State Peace and Development Council (SPDC) and Chinese companies are destroying the forests of Kachin State, and ruining the livelihoods, environment, health, culture, and future of ‘Kagyi village’<sup>103</sup> in southern Kachin State on the China-Burma border.

This report is based on field research in Kagyi village and on interviews with people who work in the timber industry. Twenty people were interviewed including religious leaders, the heads of villages, timber carriers, loggers, and Kachin Independence Organization (KIO) members. Some data is from secondary sources such as reports and websites.

This report is organized into four parts. The first offers background information about Kachin State and its people, as well as the village on which this research focuses. In the second part I explain the links between the environmental and social impacts of logging.

Part three examines Burma's environmental laws and connects the situation to international law, following which I offer conclusions and recommendations. The purpose of this report is to inform local and international communities about how 'earth rights' are abused by logging in this important area, and to pressure the SPDC and Chinese companies to stop illegal deforestation and take responsibility for their actions.





## Background

Kachin State is bordered by China to the north and east, India to the west, and Shan State to the south. Kachin State has the highest mountain in Burma, Hkakabo Razi, which forms the southern tip of the Himalayas. Not only the Kachin people's livelihoods depend on the land: the environment is also very culturally connected to the people. The Kachin make instruments and other important cultural objects with bamboo, and use them for their festivals. Homes and huts are commonly made of bamboo and wood. Many Kachin people live in mountainous areas, and depend on shifting hill agriculture, hunting, fishing, and livestock farming. Of the State's population of 1.2 million, most are ethnically Kachin, though there are also other ethnic groups such as Burmese and Shan. Official statistics state that the population 57.8% Buddhist and 36.4% Christian.<sup>104</sup>

"Political and financial crisis in Myanmar in 1989 provided the impetus for ceasefire throughout the country", so its military regime (then known as the 'SLORC': the State Law and Order Restoration Council, now the SPDC) "made extensive efforts to liberalize border trade and invite Thai and Chinese investment."<sup>105</sup> Since then, timber has become the second largest source of finance for the junta.

There are two armed opposition groups in Kachin State: the KIO and the New *Democratic Army-Kachin* (NDA-K). The latter is closely allied to the SPDC, with which it signed a ceasefire agreement in December 1989. The NDA-K started trading timber with China in that same year. The KIO signed a ceasefire agreement with the military government in 1994, after which Kachin State opened economic opportunities to outsiders and many Chinese logging companies came and invested there. According to the NGO Global Witness, "In 1989 there were four logging companies based in the Chinese border town of Pain Ma. There are now over 100, despite the imposition of a logging ban in Yunnan province in 1996 and a nationwide Chinese ban in 1998."<sup>106</sup>

Some Burmese logging companies also work legally with the SPDC and KIO in Kachin State; the Aung Mai and Buga companies are working with the SPDC to log teak wood. Since signing its ceasefire agreement, the KIO has also become involved in electricity and infrastructure developments in cooperation with Chinese businesses. The KIO's main sources of income are from jade and gold mining and logging, including a profit-sharing arrangement with the SPDC and the Buga Company for the logging of teak.<sup>107</sup>

The village researched in this report is in southern Kachin State on the China-Burma border, and is controlled by the KIO. Most villagers are of Kachin ethnicity, though other ethnicities like Palaung and Chinese also live there. Kagyi village is surrounded by mountains, and people's livelihoods depend on the nearby forests and mountains. In the past, Kagyi was a beautiful place and surrounded by forest. Nowadays, that area has



*Timber storage site, on the China side of the border*

changed because of logging. One of the villagers said that, “Now our land, our mountains are gone, and the waterway is becoming smaller and smaller because our mountains are becoming bald.”<sup>108</sup>

Regarding logging and the arrival of logging companies, Kagyi villagers could not say anything. The villagers felt they had to obey the government’s decision to support logging in Kagyi because they lack money, power, and knowledge about environmental problems. Chinese companies have the power to do everything they want because they give the SPDC money to get permission for logging. The government says it is for the country’s development, and the villagers also want development. However, when the logging began to show impacts, villagers began to try to prevent the logging. “We took action to stop this project. We arrested some Chinese workers [who had illegally crossed the border] and sent to the government, but the government did not take any action and just released them. So, nothing worked.”<sup>109</sup>

Logging companies built a road crossing the border for trading timber, on which villagers were forced to work. “When the road was built, the public helped with free labour and we just took our own food, our own money and built the road. We did not get any salary.”<sup>110</sup> The road is not of very good quality because it was built only for timber trade.

Many small logging companies work illegally in Kachin state. Corruption allows them to work easily, even though they cannot get official permits from the SPDC. Therefore, Chinese and other business people get benefits of logging in quick and easy ways too.

*“We have to call the Chinese worker in our work to run away with us too when we meet the Burmese soldiers because it is not legal. They arrest people when they are found logging but then we give them money and it is okay for us. We can log by giving some amount of money to Kachin State’s Operations Commander.”<sup>111</sup>*

Kachin State also has some small logging companies because villagers are working for their livelihood. For example, villagers get permits to log trees for building houses and for firewood and they make a small business but they do not use big machines and they lack the large-scale equipment. Therefore, it is not so damaging to the environment because villagers know how to protect the environment because of local knowledge. In the local knowledge, they maintain the forest upstream and they never cut trees or burn forests for hillside cultivation, because if they preserve the forest upstream, the water level remains constant and good for the land.<sup>112</sup>

The Kachin ethnic people of Burma’s border areas only get a few benefits from the logging by outsiders, and their livelihoods are mostly destroyed because the natural environment is destroyed, which is what they are depending on. They become poorer and poorer as a result. One woman from Kagyi village said, “In the past, we lived in the village and could find the makings of curry easily from the forest, and we sold it to make money for attending the school. But nowadays, it is not easy to find the things for curry. So, we face food problems, too.”<sup>113</sup>

## **Impacts on People**

As noted, the village of my research has many environmental and social problems because of logging. In the past, Kagyi had a thick forest, but now most forests are disappearing. People in the village did get an income from the forests because some villagers had small timber businesses. After the logging companies came, these villagers could not pay more money than the companies to get permissions from the SPDC. Therefore, the villagers have instead been working for Chinese timber companies, but sometimes they lose their jobs because the companies bring many workers from China and give them more opportunities. So only local people who can speak the Chinese language can get jobs at the logging sites. Some villagers are facing income problems.

The villagers of Kagyi are not only facing income problems. The families of workers are always worried for them, because some are working without a permit or in some other illegal way because they do not have much money to get permits from the SPDC. Therefore, they always have to pay bribes to the SPDC soldiers. Sometimes, if they do not pay money, they are arrested; no one can help them after that. One woman’s husband was arrested by

an SPDC troop because he did not pay them a bribe. She told me about her family problems and her feelings.

*“I have so many difficulties in my family and I had a miscarriage because I built this home with a loan after he was arrested. When I built this house, I had to take sand and stone in four trucks from the river. That is how I had a miscarriage, but I did not go to the hospital. I just stayed at home and took care of myself because no one else cooks for my children. I am very worried about my children’s education because the cost of school enrolment is very high.”<sup>114</sup>*

The Chinese workers are not legally allowed to come and cross the border, but when they are arrested they do not worry, because their bosses take responsibility for them and can release them from jail by giving bribes to SPDC officers.

Most of the local youth carry timber down mountains and through valleys with motorbikes, which is very dangerous because the road is very rutted and unsafe. They can carry timbers of as much as 5 feet in circumference by motorbike. Some carrier men have broken their leg and some have died because they crashed and their motorbikes fell down and pinned their bodies to the road with the added weight of the timber.

*“One of my friends died because when he climbed the hill with a motorbike, his motorbike fell and hit his body and killed him. I also fell down when I carried and my motorbike hit my chest and my leg, therefore now I cannot laugh very much because when I laugh I feel pain in my chest.”<sup>115</sup>*

Sometimes carriers have to sleep in the forest because they fear for their security. Occasionally, when they see the SPDC soldiers, and have no money to give, they have to wait until the Burmese officials leave the forest, or sometimes fight. One carrier said:

*“When we carried timbers with motorbikes, we faced many problems. When we met with Burmese soldiers, it was very difficult to talk to them because they demanded too much (Pha chye)<sup>116</sup> of us, and as a result sometimes we had some fights with them.”<sup>117</sup>*

Some people told me that in the teak forest they have to use opium once a week for medicine. One of the men, who has experience working with timber, said that “we use opium for medicine because we need to work at night and it makes us strong. After you finished the work, if you cannot control yourself, you become a drug user. I mean, we should control our minds.”<sup>118</sup> Workers are also using drugs such as yaba<sup>119</sup>, alcohol, and heroin. One of the women who was working for timber told me that:

*“Many ladies who work on timber are decaying in that logging area. They had used drugs and they used yaba twenty tablets for one day and some also had used heroin. The most users’ ages are over 20 years old. Young men are also experiencing the same ruin in that area.”<sup>120</sup>*

Women whose husbands work for timber are often worried and unhappy about their husbands’ work because of the drugs in the logging area. Some married men cheat on their wives. “If possible, I do not want my husband to work for timber, and just want to live and work together. Now in this situation, we can live together only one month in a year. When I was giving birth, he could not be beside me. I felt very sad.”<sup>121</sup>

Another problem is that some Chinese companies have been making charcoal for electricity and they bake charcoal broadly around Kagyi village, but the villagers get very small profit from their property. The people in that village want development but they have a lack of technical knowledge. One villager told me that, “We have to give our forest to bake the charcoal and we get electricity but for a very expensive cost, and our forests are disappearing.”<sup>122</sup>

Only three or four villagers can work for charcoal and most are Chinese people because villagers do not have much money for investment. These people negotiated with the KIO about investing in charcoal and in sugar cane plantations. Therefore these companies operate with permission from the KIO. All their charcoal products are exported to China.



*Charcoal baking and storage site*

## Impacts on Environment

Baking charcoal has a negative effect on soil and water. The soil is becoming of bad quality and there is a drought. So villagers are facing food problems because they lose their richly endowed resources such as water, good soil, and valuable forest food and herbal medicinal plants. Baking charcoal has increased deforestation in a short time. The logging companies only take teak timber and hard wood. After they have finished logging an area, the charcoal companies baking all the wood leftover in the forest. “Baking charcoals is causing more deforestation. It makes me very scared and I could not do anything except I feel unhappy,”<sup>123</sup> said a Kagyi villager. As a result of deforestation, many species are becoming endangered.

In the same area, other Chinese companies have been investing in sugar cane. They grow the cane on the now-bald mountains; they use many fertilizers and send all products to China. The villagers cannot grow rice on the bald mountains because of the lack of water, and because the land is being taken up by sugar cane. Many plants cannot grow again because of the fertilizers used for sugar cane. So, after three years this land is no longer usable for villagers. Most villagers do not have much knowledge about using fertilizers. Some villagers want to stop this sugar cane cultivation, but they do not know what plants can grow again even if they got a ban on cane farming.<sup>124</sup>



*Sugar canes grow on former charcoal-baking area.*



*The stream through Kagyi village*

“We did not burn the forest for hillside cultivation, if there we did not get permission from our leader, and we could preserve our upstream in this way at that time.”<sup>125</sup> Deforestation has not only destroyed soil but it has also effected the water levels. The main livelihood of the people in Kagyi village is farming so they are very dependent on the water. Therefore, in the past, people had protected the upstream because they had traditional knowledge about how to protect the environment. Year by year, the river levels in Kagyi village get lower and lower. In the past, when heavy rain came to the upstream, the forest could protect or absorb this water and it made a natural ecosystem. After logging came, most of the forest upstream was gone, and when the rain came. the forest upstream could no longer absorb it. So flooding has increased downstream, but in the hot season it is too dry and the water level has gotten lower.

As one villager said, “Now it is so difficult for farmers to do hillside cultivation because the water is going too dry. Before, the place, where we got paddy estimate two times. Nowadays we just get half of paddy from that place.”<sup>126</sup> Another logging worker from Kagyi told me, “Now our village’s waterway is becoming smaller. When I passed the logging area, I did not see the stream where I could find water in the last year.”<sup>127</sup>

All living things are dependent on each other and the forest is very important for maintaining biodiversity. The forests in Kachin State have many endangered species, including tigers, deer, and many kinds of birds and various herbal medicine plants.<sup>128</sup> The forest in

and around Kagyi village had many species living there but nowadays those species are threatened by deforestation. “In the past, monkeys, tigers, many kinds of deer and other wild animals lived there but now there are only a few wild animals because the forest is gone,”<sup>129</sup> said a villager of Kagyi.

People in Kagyi use traditional herbaceous medicines that they collect from the forest. Local people know which plants can be used to cure diseases, and how to take them while protecting the plants. Now some of these traditional medicines are becoming rare because of deforestation. So deforestation also affects the villagers’ health.



*Herbal medicine from the forest*

*“This herbaceous medicine will never grow again if cut from their trunk but loggers were not aware of this. So, they cut them. Nowadays we cannot find this medicine very easily because this medicine plant is a natural plant, so we cannot grow it again.”<sup>130</sup>*

Deforestation by logging is a one cause of climate change. Some of the Kagyi villagers told me about the past climate in that area, which was very fair, but nowadays it is either very hot and dry, or very rainy.

*“In this village, a lot of snows fell in the past. Everything is becoming changed in the past two or three years. All our forest is becoming bald mountains and it’s now hotter than in the past. Before earthquakes were rare, but in between 2008 and 2009, earthquake have occurred over 10 times.”<sup>131</sup>*

This climate change does not only affect Kagyi village, but also elsewhere in Kachin State. In July 2004, Myitkyina (the capital city of Kachin State) was flooded, and thousands were left homeless. Almost fifty people died and many farm acres flooded. In April 2007 and again in March 2009, strange storms also came to Myitkyina and some houses were destroyed.



## The Legal Picture

Burma is a member of the United Nations, and has ratified the Universal Declaration of Human Rights (UDHR) and such international environmental law such as the Convention on Climate Change, the Convention on Biodiversity, and the International Tropical Timber Agreement. Burma is not only signing up to international laws, but also has domestic environmental laws and Myanmar Agenda 21, which is the plan of action for sustainable development in the country.

Even though Burma has signed international environmental and human rights agreements, the government does not follow the laws that they signed. The SPDC government does not respect human rights, instead they abuse them. Local people are not secure to live because their environment is destroyed by logging, but government does not take any action to support or prevent this unsustainable project. And the government does not allow freedom of expression, such as complaints against such developments. Therefore, the Burma government abuses the UDHR Articles 3 and 19.

The SPDC implemented domestic ‘forest rules and regulation’ in 1998, which have the same effect as the old environmental law, ‘The Forest Law’ of November 1992. The stated purpose is ‘to implement the forestry policy of the Government ... (and) to develop the economy of the State’, so it protects the timber industry rather than the forest.<sup>132</sup> Government should follow the international standards of environmental law, but it does not even protect the environment through the spirit or letter of its own laws.

Chinese companies and the SPDC government should take responsibility for destroying the environment of the Kagi People. The SPDC should follow and respect the standards of international environmental law because Burma is a member of the United Nations. Myanmar Agenda 21 mentions the need for Environment Impact Assessment (EIA) but the SPDC government did not follow this. The SPDC and companies should carry out both EIAs and Social Impact Assessments before projects start; however, they are not only abusing the environment but also human rights.



## Conclusion

Kachin State has rich natural resources, but the people who live in its Kagyi village are facing many environmental and social problems because of deforestation by logging, charcoal, and sugar cane plantation. In the past, people in Kagyi village had a beautiful environment, but nowadays they have lost this valuable gift from the Earth and they have many troubles. Logging is mostly benefiting the Chinese companies and the SPDC military government. The people in Kagyi village get very few benefits from the logging. They are their livelihoods and natural environment because they do not have power to stop big projects like logging, charcoal and sugar cane projects.

The SPDC and KIO should allow the local people to participate in decision making in these kinds of projects. According to the Draft Principles on Human Rights and the Environment (the Ksentini Principles, Part II, Principle 6), everyone has the right to protection and preservation of the air, soil, water, sea-ice, flora and fauna, and the essential processes and areas necessary to maintain biological diversity and ecosystems. The same document, at Part 3 Principle 17, says that everyone has the right to environmental and human rights education. “The Draft Declaration is the first international instrument that comprehensively addresses the linkage between human rights and the environment. It demonstrates that accepted environmental and human rights principles embody the right of everyone to a secure, healthy and ecologically sound environment, and it articulates the environmental dimension of a wide range of human rights.”<sup>133</sup> The government of Burma should sustain and manage our rich environment, and provide relevant education, for the people and for future generations. Traditional knowledge and practice for protecting the environment should be preserved.

All living things are dependent on the environment. If we destroy the environment, it is the same as we are destroying our future generations and ourselves, because we are dependent on each other. “Do not think only for us and be selfish. Let us think deeply for our new generation,”<sup>134</sup> said an old man in Kagyi village.

## Recommendations

### The State Peace and Development Council (SPDC)

- Should stop illegal timber trade between its services and Chinese companies.
- Should not allow corruption between its troops and Chinese logging companies.
- Must take responsibility for government action in Kagyi village and Kachin State.

- Must take action on Environmental Impact Assessments (EIA) and Social Impact Assessments (SIA) because these could lead to less environmental and social problems in our country in the future.
- Should give awareness training to local people about how to use organic fertilizer, and carry out organic farming and sustainable development to protect and preserve natural environments; to promote local people's living standards and to save government's finance. If the government is taking the land, the purpose is for country's development, but it must be sustainable.
- Must promote sustainability and be transparent in management of natural resources, including forests.
- Must give information about their projects to the public by using different media like newspaper and television, and explain about projects at public meetings.

## **Chinese companies**

- Should not trade illegal timber with SPDC services in Kachin State.
- Must respect and follow international environmental and human rights law by doing Environmental and Social Impact Assessments before projects can start.

## **The Kachin Independence Organization (KIO)**

- Must stop logging activities, and other development projects including baking charcoal and sugar cane plantation in Kachin State, along the China-Burma border and in the ceasefire area.
- Should cooperate with international and national NGOs and allow the giving of information about international environmental and human rights law to the public, plus awareness training about fertilizers and organic farming.
- Should respect local people's voices and allow participation in decision making where there will be possible destruction or degradation of their land, water, and other natural resources.

## **International and Non Governmental Organizations (NGOs)**

- Should raise awareness in local communities in Kachin State to get solidarity.
- Should provide awareness training on livestock farming, organic farming, sustainable development projects, and international environmental and human rights law, in cooperation with the Kachin Independence Organization (KIO).
- Should inform the international community about the problems of logging in Kachin State by doing research, advocacy, and campaigning.

# Negative Impacts of Winphanon Dam on Local People in Mudon Township, Mon State

*By Mi Chan Chan*



## Introduction

In 1998-1999, the Myanmar Agricultural and irrigation Service (MAS) built the Winphanon Dam to the east of Mawlamyine-Ye road in Mudon Township, Mon State, Southern Burma.<sup>135</sup> The MAS is the government department which takes action on agriculture and supplying water to farmlands. The purpose of the dam was to aid summer season rice production, but every rainy season it causes flooding and destroys many acres of farmland. The dam cannot distribute sufficient water for the large-scale subsidiary crops project, and only the lower region of farmland can get water from the canal and for the farmland gently rising in elevated places the water cannot reach, so these lands are left dry. Eight villages near the dam suffer these impacts, so the villagers have been facing a livelihood problem.

Most people in Mudon Township depend on the farmlands and rubber plantations. After the dam, their plantations were seized by the authorities to use for the dam area and farmlands were seized for the canal. Many farmlands were destroyed by a subsidiary crops project. In 2002, the State Peace and Development Council (SPDC) Southeast stationed Artillery Regiment 318 beside the dam, which confiscated plantations and deployed their artillery weapons. The villagers have to pay taxes to a military fund, and have no opportunity to take legal actions against the army.

The purpose of this report is to let the international community know how the SPDC violates the human rights of the people near the Winphanon Dam in Mudon Township, by confiscating the lands; by forcing them to grow crops in the hot season; and how they have been irresponsible about this project. By writing this report, I can expose the harm caused to the livelihoods of the people in the Mudon Township area, because of the negative impacts of the dam and the Regiment.

This report is based on information from Mon and Burmese language interviews with eleven people from Mudon Township. Some are victims and some are eyewitnesses. They are farmers, rubber plantation workers, youth leaders, and monks. The report focuses on eight villages that were affected by the dam impacts. Information was also obtained from Non-Governmental Organization (NGO) human rights reports and relevant websites. While researching, I also networked with the Mon Youth Progressive Organization (MYPO) and two other organizations which cannot be named.

## Political Background

Burma was a monarchy until the nineteenth century, then was a British colony from the 1820s. Burma gained independence from Britain and became a democracy based on the parliamentary system in 1948. The nation became the Union of Burma; Sao Shwe Thaik

was its first president and U Nu was its first Prime Minister. In 1962, General Ney Win led a coup, and in 1974 he formed the socialist military government. In 1988, the military established the State Law and Order Restoration Council (SLORC).<sup>136</sup> From 1988 to 1992, Senior General Saw Maung ruled Burma.

The current head of state in Burma is Senior General Than Shwe and during his era, the 'State Peace and Development Council' was formed, in 1997. The SPDC rules the country with a military regime. The SPDC is an illegal government for Burma because it was not elected to represent the civilians. Nowadays, they try to become a legal government so they drafted a new constitution and on 10 May 2008, they held the first phase of a two-stage referendum, even though Burma was faced with the 'Cyclone Nargis' disaster at that time. The SPDC said that they got 92.4% of 22 million voters with an alleged voter turnout of 99 %. Five million citizens voted on 24 May in Yangon and the Irrawaddy Delta.<sup>137</sup> At that time, the people in those areas faced great difficulties in going to the polling booth so the claimed high result is very unlikely. The SPDC is known to have forced the public to vote for them in many ways.

The SPDC's new constitution would bar Aung San Suu Kyi from public office. Daw Aung San Suu Kyi is one of the leaders in the fight for Burma to get democracy and she was the General Secretary of the National League for Democracy (NLD), formed in September 1988. The NLD's policy is non-violence and civil disobedience. The new constitution also gives the military an automatic 25% of seats in parliament and the SPDC will hold multi-party elections in 2010. When a national election was held on 27 May 1990, the NLD won with 82% of parliamentary seats.<sup>138</sup> The SLORC refused to recognize the results. Nowadays, the SPDC attracts armed groups, ethnic groups fighting for their freedom, to negotiate ceasefire agreements. The SPDC lures them with wealth and luxury. This is one SPDC technique to support the 2010 election.

Moreover, the SPDC controls the whole economy of the country. It joins together with western and Asian oil companies, and makes large-scale development projects such as mining, logging, and dams. For these projects, the SPDC seized local lands and forced local people to work on their projects. So there are many human rights abuses against the minority ethnic groups and local people.<sup>139</sup> Even though the SPDC signed such conventions as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention Against Torture and other cruel, inhuman or degrading treatment or punishment (CAT), they did not follow those laws. In some regions, the SPDC does development projects including road building, railway construction, and bridges for transportation. In these cases, the SPDC uses a little finance and a lot of corruption. While the families of military groups enjoy luxurious and comfortable lives, many ethnic groups in Burma must struggle for their survival, because the SPDC do not care what happens to them.

The Mon is an ethnic group, the first people to settle in Burma, in around 2000BC. Mon and Khmer are close cousins. Their original place is the Gobi Desert in Mongolia, and in approximately 6000BC they lived along the Yangtze River in mid-China. Later, because of incursions of Chinese and other people, Mon and Khmer were forced to move to places including Vietnam and Cambodia, and some arrived in Burma.<sup>140</sup>

Mon lived in their own kingdom until 1757, when the Burman people occupied their last kingdom 'Hongsawatoi'. When Burma gained independence from the British, Mon people asked for their rights peacefully but the central government rejected them so they took up arms and struggled for their rights, forming the Mon People's Front (MPF). In 1958, when the government invited the MPF to exchange arms for peace and democracy, Mon leaders separated into two groups; one group accepted the truce but the Burmese government betrayed them and in 1962 their leaders were jailed. The other group formed the New Mon State Party (NMSP) and began an armed struggle for the rights of Mon people. In 1995, the NMSP agreed a cease-fire with the SLORC.<sup>141</sup> However, the Mon still did not have self-determination.

## Background of Research Area

Mudon is one of eleven townships in Mon State, in the southern part of Burma. It is sandwiched between Mawlamyine (the capital city of Mon State), and Thanpyuzayart, the Salween River, and the Gulf of Muttama on the West, and Kyaikmayaw Township, Kyainnseikyit Township and mountain ranges on the East. There are thirty-eight village tracts and the total number of villages in Mudon Township is fifty-five.<sup>142</sup> Mudon's population is 339,908 according to the Township Peace and Development Council's documentation, and its area is 314.69 square miles. The main ethnic group is Mon, whose population is 284,045. The second most numerous group is Burman, numbering 41,764.<sup>143</sup> Most believe in Buddhism; some believe in Christianity or Islam, or are Hindu. Most residents are agriculturalists, holding 201,403 acres of farmland.<sup>144</sup> The main product is rice and others include rubber, fruits, vegetables, and textiles.

Winphanon Dam construction started in 1998-1999 and was completed in 2006.<sup>145</sup> It is situated on Winphanon Creek in Mudon Township, Mon State. It was built in two layers 1.5 miles apart, the first the main dam and the second a weir. The dam is earthen and the weir is rock-filled concrete. The dam was built with the stated aim of supplying water to summer paddy fields. It is 1800 feet long and 178 feet high. The catchment area is 8.05 square miles, and the water storage capacity 48,478 acres-ft. It has one main canal 5.37 miles long, and 9 distribution canals run for 39.38 miles. The dam has 220 canal structures. The SPDC and the MAS built it at a cost of 1536.26 million kyats.<sup>146</sup>



*The Burmese script gives the name of the dam.*

According to one eyewitness from a village near the dam, in 2002 the SPDC Southern placed Artillery Regiment 318 (AR.318) in the southern part of Mudon Township. Some people said the purpose was the security of this rural region, and others said it was for the security of the dam, to protect the dam. Nowadays, the army has a plan to produce electric power from the Winphanon Dam. There have been five lieutenant colonels in AR.318 from 2002 to 2009. Some villagers and youth leaders complained to the SPDC Southeast that the General in charge of the area imposed illegal taxation, so in 2008 General Khin Zaw was suspended from duty for corruption; General Aye Hlang currently holds the post.

## Land Confiscation

In 1998-99, the MAS, Major-General Nyunt Tin, and the SPDC began building the Winphanon Dam in Mudon Township. To do so, they seized over 1000 acres of local lands, including rubber plantations and farmlands. They did not give any compensation. The people from three villages in particular have suffered the most from these impacts. In confiscating the land, authorities did not inform the villagers, and villagers could not participate in their project. According to one villager: “I was so disappointed, shocked, and insane because one day I could work in my plantation, but the next morning when I went there, I saw just the pile of soil and there were no plants in my land.”<sup>147</sup>

Moreover, when they built the barracks, the SPDC Southeast confiscated another 200 acres of land from the local people.<sup>148</sup> The villagers also have to pay tax for the military’s funds, and the security is so tight for the local people: they have to be watchful and cautious of the soldiers all the time.

With respect to the canal, authorities seized the rubber plantations and farmlands of over forty farmers. They did not inform the villagers and the farmers did not have any compensation. The remaining areas became grassland and infested with snakes. The MAS



Chairman forced three households to move from their land because the canals had to pass through it. The victims cannot talk back to the superiors because they are ready to follow orders. Most local people are accustomed to live under military rule because the military government has ruled Burma for a long time.



Even the monastery land was seized without compensation to allow canal building. In Buddhist culture, the monastery is one of the holy places for us and we cannot take anything from it. If we do so, we will be blamed and have to suffer in hell. The authorities took 25 x 10 arm spans (1 arm span = 6 feet) of the monastery's land without asking permission.<sup>149</sup> "When the MAS Chairman seized the land, they did not tell us anything. As their desires, they do in our land. We can only look on what they do".<sup>150</sup>

## Forced Changes in Farming

The Mudon Township Peace and Development Council (TPDC), a branch of the SPDC, ordered farmers to cultivate in summer season for subsidiary crops projects. They sold sunflower seeds, sesame seeds, and chemical fertilizer to the farmers. However, these seeds are unsuitable for the region. "Our village has had to buy these seeds every year. Township authorities give seeds to village headmen and the headmen have to pay up front. Then the headmen call a meeting with farmers and resell it to us."<sup>151</sup>

The farmers had to pay 4000 kyat per 1/2 bowl (1 bowl is equal 3.445 lbs) for seeds and 30000 kyat for chemical fertilizer.<sup>152</sup> Villagers also have to pay water tax of 2000 kyat per acre, even if they did not grow in these areas, and they have to pay 12000 kyat per acre for growing areas. In some villages, farmers had to pay 15000 kyat to 20000 kyat, according to the village headman. "We could not stay without buying it," said a villager who purchased seeds. "How can I cultivate beans in my field with a lot of grass and also paddy [rice]?"<sup>153</sup> But if the villagers do not cultivate their farmlands, the TPDC seizes their farmlands and imposes heavy fines on them. In February 2008, the military confiscated 200 acres of rice paddies, claiming it did so because farmers had not planted hot season crops. The total value of the land seized is around three million Thai baht.<sup>154</sup>

*“I do not have any hope for my land to cultivate with their dam. If they stop the water flow, we can clear grasses in summer and we can grow the monsoon crops. We do not need to grow two times in a year, we want just one time. It is enough for our livelihoods. Their project is just a waste of our time, our effort and our resources.”<sup>155</sup>*

The TPDC Chairman let soldiers grow in these fields and in some villages; the headmen had to grow in the farmlands that they confiscated. The TPDC forced farmers to sign over land to them if the farmers do not grow in their fields during hot season. Some people revere their ancestral properties so they let themselves lose and grow the hot season crops. Now, because of their project, many acres of farmlands were damaged and the farmers cannot grow in monsoon and summer times. The MAS officers let the water to flow from the canal to the farmlands so that the lands are wet all the time, and there are so many grasses growing on them. The canals are not useful for the farmers anyway because there is just one main canal, and nine distribution canals. The water draining program is unsystematic because it is not enough water for growing, only enough for the grass to be massive.



*Farmlands become grasslands.*

Therefore, in the rainy season, when the farmers grow monsoon paddy, they cannot kill the grasslands even though they use the lawn mower as the grasses are so crowded. The villagers have been facing flooding problems on their farmlands because of the project. In this way the farmers are not only forced to grow subsidiary crops without getting benefit, but also lost their lands. The dam cannot supply enough water for the large-scale subsidiary crops project because it can only run to the lower areas of paddy fields; it cannot reach fields in elevated areas. These areas are left dry.

According to the authorities' instruction, they said that they can distribute to 4500 acres of paddy fields and 5000 acres of other crops but in reality, they cannot supply enough water, and the water supplied by the dam is cut every year in April and May, so farmers are facing many difficulties for their livelihoods. The government believes it can get two sets of products from each community in a year but, in reality, the negative impacts outweigh the positive. Some villagers had to find jobs in Thailand and other countries.

*“As for me, I am so angry because of their project, we do not have a chance to live with our families. Most of the parents in our village have to work in other countries and their children have to live with their grandfather and grandmother and other relatives. The children are so lonely.”<sup>156</sup>*

Some people let their children leave school and work to get their incomes. For the people who work in Thailand, some can support their families and some cannot send money to their homes. There are many difficulties for the villagers. This project is pushing them to live terrible lives because farmers do not get benefit from these projects. Before the dam, villagers could support their families from their plantation and farmland products. They could work on their own lands and could get enough incomes for their livelihoods. After implementation of the subsidiary crops projects, villagers have had to struggle for their survival all the time.

## Effects on Local Community

According to information gained from interviews with affected people, as soon as the dam project started, people near the dam area faced many problems. When the SPDC and MAS built Winphanon Dam, they not only confiscated the land of local people, but people also had to work for them as forced labour on the dam project. The village headman gave 50 kyat per person, and villagers had to work for about twenty days. The MAS Chairman said that they supply enough water to the villages nearby, so the villagers were not unhappy to work for them, because most villages in this region run out of water in summer.

The farmers got lower products from their paddy fields because the MAS Chairman enforced summer growing. They supply the water unsystematically so that it cannot reach the lower lands or lands in elevated areas. The resource for cultivation and production of crops is water but in April and May, they usually cut off the water. At that time, the crops need to be fecund but without water so the crops do not succeed. The farmers lose either way. If they do not cultivate in the hot season, their fields are seized by the MAS chairmen and the head of the village. If the farmers do grow, they do not get benefit from it and just lose their investments. They must hire people to transplant and harvest paddy, and buy chemical fertilizer and seed. “Before this dam, we could stand with the living standard but now we have to work for our income.”<sup>157</sup>

Some villagers had to pay heavy fines for failing crops cultivation in summer, and when they grow the monsoon crops, there are grassy lands in their farmlands. They cannot kill the grasses. The grasses are higher than their crops so they cannot get the products from their farms. If farmers refused to follow orders about use of their land, they must sign it over to the MAS. They were not allowed to transfer ownership of and/or sell their lands.

They had to suffer for not only losing their investment but also losing their ancestral properties, if their lands were included in the canal areas and seized by the MAS. So the farmers are distressed between their loss and the orders of the superior. They also resent the disrespect shown to their expertise and experience.

“We are the people who do the farming and we know better than the government. They do not need to tell us what to do.”<sup>158</sup> If those words were spoken to someone in authority rather than to me, the speaker might have been arrested and jailed. If the military had not arrived with the dam, this problem would not exist. “We are so sad because we want to maintain our traditional land and it is our ancestral properties, but we cannot say anything to them.”<sup>159</sup>

The responsible person in authority did not inform the local community, which does not have participation in the project. The villagers’ livelihoods are depending on their plantations so this dam project pushed the villagers into the poverty. As soon as their lands were seized, the villagers did not know how to solve their livelihoods’ problems. They do not have any other jobs and any other experience to work at another one. This is the main problem for the local community. Some people think that it is easy to find jobs in Thailand and other countries so they illegally entered to the neighbouring countries. Some people bought new lands on the hills and mountain sides, where the land prices are cheap and they can grow new plants. But they have to wait for a long time to get products from these plantations. By opening a small residence cum-shop, they solve their livelihood problems, but it can split people up; for example, when the husband must move to another country and send money back to support his family.



Some people have been faced with confiscation of both their rubber plantation and farmlands, so their lives are so painful. Yet the SPDC and MAS did not take responsibility for their projects. Their project is not useful for the villagers because they seized the rubber plantations for the dam area and the farmlands for the canals. Plantations were flooded between the dam and the weir because the water has to flow in that area, so nothing can grow in that area and the land is destroyed.

Therefore, the villagers became jobless, landless, and afraid. They had to go to other countries to find jobs. They have to struggle for their survival in so many ways. Some

people buy new lands and have to grow new plants, and some must leave their native place and illegally enter Thailand. As a result, some people get HIV/AIDS because some men go to sex stations for relaxing and pass it to their families. Some people become trafficked workers who must work to pay back the cost of their migration (though some such people can at least support their families by sending money home). Children cannot attend school because the cost of education is so high, and anyway they must look after their younger siblings. Villagers suffer all of the impacts but get no benefits.

## Environmental Impacts

For the dam areas, the SPDC had to cut many rubber plants and other trees and there are many species that depended on these areas, so they were becoming extinct in that area. For some species, their food web and ecosystem were changed and some medical herbs could no longer grow in the dam area. Many acres of plants were cut so the weather is not stable. There are a lot of rains in the dam community and farmers have been facing floods in rainy season since the dam was built (not before). At that time the water falls from the weir and water spreads over crops. This water is not the same as rainfall because it was stored in the weir and, when it rains, the weir cannot maintain its storage capacity. So the water floods the farmland and the crops cannot succeed as a result. Eighteen hundred acres of crops are destroyed each year.<sup>160</sup> The poor farmers cannot have resources and investment for their traditional work. Some people do not want to lose their ancestral lands but they have no choice. When they do, they cannot take care of the land any more. “I have eight acres; I got over 400 buckets every year but after their dam, I get just 70 buckets so I do not want to cultivate any more.”<sup>161</sup>

For the farmers who lose their traditional lands, they also lose themselves and their traditional methods of work. A related problem is that new generations cannot know their traditional work and their livelihoods. When people own land for many generations, they are good stewards of that environment. These “developments” have destroyed that relationship. Some people left their farmland three or four years ago. Nowadays, most farmlands near the Winphanon Dam became virgin soil with grasslands. The authorities imposed both a useless dam and an inappropriate planting program on local people; each one makes the other impossible and harms the local environment.

## Projects and Politics

The SPDC confiscated many acres of rubber plantations and farmlands for their dam project. The local people could not participate in their project and were not informed of land seizures. According to the Universal Declaration of Human Rights (UDHR) Article 17,

everyone has the right to have belongings, and no one should take your things away, so the SPDC abuses human rights of people in Mudon Township. The SPDC should respect the UDHR because Burma is one of the countries that signed the UN charter, and they must follow customary international law. (That law is unwritten but is the binding law for *all* countries, including outlawing of genocide, crimes against humanity and against torture).

The SPDC must follow the conventions that they have already signed - CEDAW, CRC, and CAT - and should sign onto other international human rights law. The enforcement of international human rights law is the responsibility of the Nation State, and it is the State's primary responsibility to make human rights a reality.<sup>162</sup>

The farmers are experts and know not to grow in the hot season but they have been forced to do it and cannot say anything to the SPDC. The farmers are the most important people in any farming project because they know their farms and which seeds are suitable for their farms better than anyone. The UDHR Article 19 provides that you have the right to tell people how you feel about things without being told to keep quiet, and you have the right to print your opinions without having someone try to stop you. Local people cannot do these things without fear. The local people also should have the right to choose their jobs, and be protected against joblessness because of the dam.

According to the constitution of the Republic of the Union of Myanmar (2008) Article 37, Part A, the state "is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the Union", so they can continue with land seizure. Some villagers had to move from their own lands and the SPDC did not compensate them. They not only lost their lands but also had to rebuild homes. Therefore the SPDC should stop human rights violations caused by their seizing the lands and forcing to cultivate unsuitable seeds on the lands, and should pay fair compensation to the victims who lost their land because of this dam project.

The local government also should represent for the farmers that they do not really get benefit from the growing crops in hot season and, when the MAS Chairman seized their lands, how the local people have to suffer for it and how much they have to lose their properties. They should expose the real situation of the villagers. When officers make reports on the result of the project, even though they know the project is a failure in both the rainy and hot seasons, they pad the numbers of the products and take some photos as proof of the project's success. The photos are taken at places where they force the farmers to grow. The SPDC does not know that their project has failed and is useless for the local community. The government should notice which projects create benefits and which projects are useless, and should avoid implementing projects without permission from local communities. Their subsidiary crops project in Mudon Township does not benefit anyone and makes the local people poorer and poorer day by day.

Encamping the army near the dam is not only for dam security but also for ruling this area, because the army of the Mon ceasefire group is in that area. The SPDC worries that the ceasefire group will be overwhelmed and control that area. Thus, they make the villagers to be busy and to struggle for their incomes all the time so that the villagers do not have time to mobilize politically. The government also uses the technique of deferring taxes for 2009 to get support from the community in the 2010 election.

## Conclusion and Recommendations

Before the project, the villagers could support their livelihoods from rubber plantation and farmland products. When the SPDC built the Winphanon Dam and the barracks, they seized the rubber plantations and farmlands, and forced the remaining farmers to grow subsidiary crops in the hot season. The aim of the dam is for the subsidiary crops, but that purpose is not effective because it has more negative effects than positive effects. For the farmers who do not heed the order, they risk heavy fines and land seizure. So the villagers let themselves lose and try to grow the hot season crops.

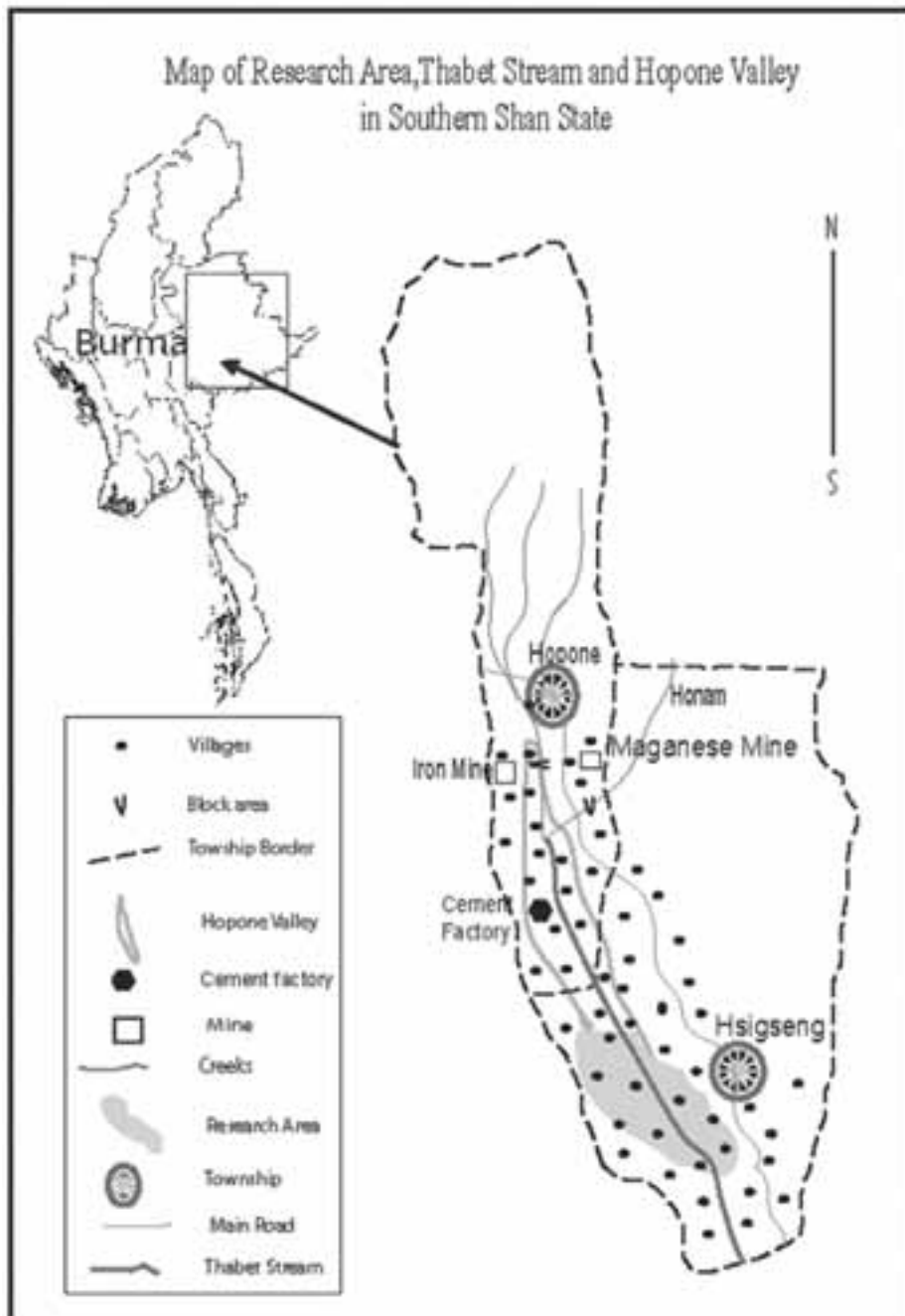
*“Their project is very bad for us because our farmlands were damaged. Now there are so many grasses and we cannot grow in rainy season. We lost both times. If they stopped the subsidiary crops project, we could cultivate in the rainy season well.”<sup>163</sup>*

These effects are pushing local communities into terrible lives, including joblessness. Some people left their families, painfully, to find work in neighbouring countries. The livelihood problems of the local people in Mudon Township are directly because of the negative impacts of the dam and planting projects, and land confiscation for the projects and for Artillery Regiment 318. Locals also had to pay funds to the military.

The SPDC should take responsibility for the local community, and should know the real situation of the villagers. Moreover, the TPDC should let local farmers participate in the agriculture project by giving expression in meetings about their farms, because the government is unfamiliar with farming; local farmers are the experts on traditional work. The MAS should stop collecting unjust taxes from the villagers in Mudon Township, and should stop hiding the reality of the farmers’ situation in yearly reports. The villagers should inform the SPDC directly about the truth of the project’s failure, a truth the local government is hiding, by organizing local farmers to send a letter so that the SPDC might change or even end the project. I hope that unity and power of the local farmers can tell the irresponsible government to stop the useless project.

# The Impacts of Blocking the Thabet Stream for Mining Projects on the Livelihoods of Farmers in Sesai Township, Southern Shan State

by Nang Chu Hao





## Introduction

*“In 2004, the State Peace and Development Council (SPDC) and a company, Russian, made plans for mining projects which the name is Tyazhpromexport and East Asia Power with the other foreign company in Southern Shan State, Hopone Township. There were two mining projects planned, one iron and one manganese mining. At part of their mining projects, there is a plan to block two main creeks which flow into the Thabet Stream.”<sup>164</sup>*

The government and companies have not yet accomplished blocking the creeks. If they do so, it will affect the downstream communities and they will face a lot of problems, especially the farmers. Among the most affected communities will be the Pa-O and Shan people in Sesai Township. However, the SPDC did not give any information about what will be the potential impacts of the projects to local people who live along the Thabet Stream, and local people do not have a chance to participate in the decision-making process. Only the government and companies will get benefits and the local people will get negative impacts from the projects.

Hopone Valley is in Southern Shan State, east of Hopone Township, and is one of the main places which produces rice in Southern Shan State. The valley is full of rice fields and the soil is very good for agriculture. All of these rice fields depend on the Thabet Stream. People who live along the stream earn their livings in many ways by depending on that stream. Some depend on agriculture, some on fishing, some on local transportation such as carrying crops from farm to home or from home to market, and all access the stream for daily use such as washing, drinking, and cooking.

This report examines the potential impacts of the mining projects on downstream communities, especially on agriculture and fishing. The report puts forward the argument that if the SPDC and company block the main creeks on the Thabet Stream there will be even more dramatic effects on the livelihoods of local people, such as not having enough water for agriculture; loss of farms; loss of jobs; pollution; lack of fresh water for daily use; and health problems; and farmers would become poorer and poorer.

The research for this report was done in Sesai Township in Southern Shan State along the Thabet Stream, in April and May 2009. Fifteen people were interviewed for this report; they are farmers and vegetable gardeners, fishermen, monks, the leaders of the villages, a local health worker, housewives, and the people who look for vegetables and sell them to the market. This report also relies on secondary research such as internet websites, human rights reports, and so on.

## Background of Sesai Township

Sesai Township is located in the southern part of Shan State, south of Taunggyi. Sesai Township borders Hopone Township and Karenni (Kayah) State. There are two Light Infantry Battalion (LIB) camps, LIB (423) and LIB (424), and so many SPDC squadrons, in Sesai Township. There are also Pa-O National Army camps. There are four towns in Sesai Township: Sesai, Ban Yin, Seikkao, and Naung Mon. There are many ethnic groups in the region, including Pa-O, Shan, Burmese, Kayan, Lisu, Lahu, Palaung, Karenni, Kachin, Danu, and Inthar. The religions practiced are Buddhism, Catholicism, Hinduism, and Islam. Most people are farmers and gardeners, and there are people who depend on odd jobs or informal labour. The natural resources in Sesai Township are good soils for agriculture, teak forests, antimony, coal, natural vegetable forests, fresh water, and limestone mountain ranges.

Sesai Township is one of the most important areas for production of crops in Southern Shan State. All of these rice fields and vegetable gardens are also part of the Hopone Valley and depend on the Thabet Stream. The main crops are corn, paddy (rice), and groundnuts; others are garlic, chili, onion, soybean, potato, sweet potato, tomato, long bean, watermelon, orange, mango, jackfruit, pineapple, banana, sugar cane, sunflower seeds, tobacco leaf, betel leaf, flowers, so many other kinds of vegetables, and various kinds of beans. There are also many different kinds of fish in the Thabet Stream.

Almost all the farmers who live in Sesai Township are Pa-O and Shan. This report will focus more on the Pa-O ethnic group. The population of all Pa-O is more than 1.5 million. Pa-O have a distinct history and a strong sense of identity, and their own language, literature, and traditional culture such as food, clothes, and festivals. Pa-O people live on good land that has good soil for agriculture, which they depend on for their livings.

The Pa-O National Organization (PNO) was established by Aung Kham Hti in 1976 and the Pa-O National Army (PNA) is the main armed group among the Pa-O (Pa-O, Taungthu) people in rural districts around Taunggyi in south western Shan State in Burma. PNO signed a ceasefire agreement with the State Law and Order Restoration Council government in 1991.<sup>165</sup>

Before the PNO signed the ceasefire, there were human rights abuses in Sesai Township such as forced labour to build fences for guard stations, carry water for soldiers' daily use, and sometimes the authorities ordered villagers to work at guard stations or to steal vegetables from the villages. One villager said, "We have to send two tanks of water for them per week."<sup>166</sup> Even after the ceasefire when Sesai Township became controlled by the PNO, human rights abuses continued. The SPDC military commits large human rights abuses like portering, torture, land confiscation, child soldiers, forced labour, rape, and

stealing from villagers as they like, without permission from owners, like robbers. Regarding SPDC abuse, one interviewee said, “We have to patrol and guard every night at guard stations for whole nights, in rotation.”<sup>167</sup> The SPDC are free to go wherever they want, with no need to fight the PNA because a ceasefire was signed.

In 2004 the SPDC planned two mining projects. One is iron mining 10 kilometres from Taunggyi, the capital of Shan State. The mine and factory area is located at Mount Pinpet in Hopone Township. The SPDC cooperates with a Russian company named Tyazhpromexport. It is estimated to take up around 7,000 acres of land and will start in perhaps 2016. It is currently under construction. Another mining project is for manganese, near to Hti Sai village, Hopone Township. The company involved in that project is



*Iron factory under construction. Photo by PYO*

East Asia Power; it is unclear whether or not this is a foreign company. It will take around 200 acres of land, and started in January 2009. These projects will block the main creeks on the upstream of Thabet. More than 7,200 acres of local people’s farmlands have already been confiscated for the projects. “Between January 2006 and March 2008, 16 families from 3 villages were forcibly relocated from Mount Pinpet. In all, more than 50 people lost their homes, without adequate compensation.”<sup>168</sup>

## **Thabet Stream and Local Impacts**

*“The Thabet Stream is more than 90 miles long. There are estimated to be more than 80 villages located along it and more than 30,000 people are depending on the Thabet Stream, not only for agricultural, local transportation and fishing but also for producing the micro hydro power electric energy to use in some villages and for daily use such as bathing, cooking and drinking and also for their animals.”<sup>169</sup>*

Water is most essential for living things. The Stream is currently in an excellent, safe and usable condition. If the government completes these projects and blocks the creeks, the water flow level and the fresh quality of water will change and they will be polluted. Moreover it will be dangerous for the local people to use daily, they will be unable to use it for agriculture, there will be possible effects on the livelihoods of local people, and they will suffer from lack of fresh drinking water. “Across the world large-scale development projects are endangering rivers, lakes, and ground water aquifers on which local communi-

ties rely for water supply and food.”<sup>170</sup> The World Health Organization notes that, “Natural ecosystems are often found in water or are heavily dependent on it. Without water, soil would parch, forests would wither, and species would die out.”<sup>171</sup>



*Farmer washes his animals next to paddy farm along Thabet Stream. Photo by PYO*

The livelihoods of the people who live along both sites of the Thabet Stream are based on agriculture, vegetable gardens, and fishing. In order to get water easily for their plantations and household needs, people have practiced traditional resource-based livelihoods. There are two types of agriculture: rice field/irrigation agriculture and farming/rainy season agriculture. Farmers can grow two plantations per year in rice field irrigation agriculture; for the first term they prepare and plough the soil in May and harvest in November. During the first term, they all grow rice. After harvesting the rice, they plant for vegetables. For the second term in the winter and hot season, they prepare or plough soil in December and harvest in April. The growing and harvesting times depend on the weather; if rain comes early they can grow and harvest early, and if it comes late they can grow and harvest late.

For the farming/rainy season agriculture, they can grow rice and all kinds of crops but can grow just once a year. One acre of rice field/irrigation cultivation can produce between 80 and 110 baskets of rice, and one acre of farming/rainy season cultivation can produce 70 and 90 baskets of rice for one time. A farmer explained their cultivation system and the importance of the Thabet Stream to it:

*“Irrigated cultivation is more important than first term because we can grow so many kinds of vegetables and we got good price in summer season and every one cannot grow and have irrigated plantation. Right now we do not have any water problem for plantations. So the Thabet Stream is like our blood or our vein and the fields or farms that are near the Thabet Stream are like our skins.”<sup>172</sup>*

If the government and corporate companies block the main creeks of the Thabet Stream, it will affect the farmer who plants ricefield/irrigation agriculture, because the second term of irrigation is dependent on the stream and the farmers got more money in the second term than the first term. They have to water their plants for their cultivation. Some rice-field/irrigation plantations which are far from the stream use the canal for watering plants. After blocking the creeks, some farmers will grow just one time in the rainy season for irrigation agriculture. If there is not enough water, it is impossible to grow any kind of

crops in rice-field/irrigation agriculture in winter and summer seasons for the second term of plantations. The farmers will lose their income and face many problems for their families. When questioned about the effects that the blocking of the stream would have, a farmer explained:

*“We grow twice per year in our rice-field/irrigation every year. We depend on those. We did not face any problem. But when I heard that the SPDC and the foreign company plan to block the main creek whose flow into the Thabet Stream then I felt so sad and worried for our future and our future generations. If they block those creeks our family will face huge problems and our children will lose their education. The projects will bring so many troubles to our communities.”<sup>173</sup>*

Those who farm along the stream fear to lose their own lands. Another interviewee shares his concerns regarding the situation:

*“We depend on that stream for our lives and that stream saves our lives by supporting us, not only to water our plantations but also for daily use. When they block the main creeks, the water in the Thabet Stream will decrease and we all will lose the plantations that depend on that stream. We will lose our traditional cultivation.”<sup>174</sup>*



No one wants any projects along the Thabet Stream and on the creeks because they are afraid that it will disturb or destroy their agriculture. They do not want to lose their farms and their properties. Most of the local people are uneducated and have no power even though they do not like the projects and they want the government to stop their plans for mining. Many of them cannot imagine their future without the stream.

*“The Thabet Stream is like our blood in our body. In our body if there is no blood, how can we live? It is also like that, in our plantations, if there is no water how can they grow? If we cannot grow any plantation, how can we earn our living? We do not want any people who want to harm and destroy that stream and we do not need any projects which will destroy that stream. If they destroy and harm that stream it is like they destroy and harm our lives.”<sup>175</sup>*

The project will affect the livelihoods of the communities along the Thabet Stream. The SPDC should consider the benefits of their projects and the potential impacts on the local people instead of only the economics. If they complete and accomplish their projects then the stream will be destroyed and only the government and the companies will get the benefits. The negative impacts will affect the local people who will lose their rice irrigation fields.

## **Effects on Natural Forest and Culture**

A natural vegetables forest is a forest which has many kinds of vegetables that were not planted by humans. These forests grow naturally and in every season. In the areas along the Thabet Stream with wet soil, there are vegetable forests. There are many kinds of trees and plants along the stream. Among them are some we can eat and some we cannot. Edible plants include, and are called, guay tauk, sayit, dayinkauk, marlar, katae, and kinmon. In that area, many people depend on that forest to earn their living.

*“Our family is depending on that vegetable forest. When we go for one day we can get more than 2500 kyats per person. This amount is enough for our family. But when we knew about the government’s projects we felt so worried for our income because we do not have any rice fields or farm. We depend on that forest as our pasture to earn our living. We do not want anyone to destroy it.”<sup>176</sup>*

Most of the informal or odd job workers have no rice fields or farms. They just go to the forest and find some vegetables to sell in the market. In that community there is a market five days a week. People can sell everything at that market three times every five days. So it is easy to create money and there is no need to invest for people who look for vegetables and sell them. If the forest disappears there will be no wood for their future generations. If

no wood, they will be unable to build and the traditional house will disappear. They get firewood from the stream, no need to cut down trees. If the water dries up and the forest disappears, they cannot practice their traditions and culture.

*“In that forest we can get not only the various kinds of vegetables but also various kinds of medicine plants, bees, orchids for traditional medicine, firewood and wood for housing. In our culture, when we are sick we can make medicine ourselves by using natural medicine plants. Our traditional home is made with wood for pillars and cogon grass woven for thatching. Our culture is connected to water, like water festivals; in any ceremony we use a lot of fresh water.”<sup>177</sup>*

## Effects on Fishermen

There are people who earn their living by depending on fishing. In the Thabet Stream, there are so many kinds of fish and other aquatic creatures, including saccobranchus, sturgeon, catfish, carp, eel, sublefish, snakehead fish, prawn, univalve shellfish, frogs, tortoises, and turtles. Many of people, who live along the Thabet stream, earned their lives by fishing on the stream. Most fishermen fish in the Thabet Stream by using hooks with bait or nets; they use traditional ways and local knowledge. For example, at the time that fish lay their eggs, no one fishes for them. They also do not catch all of the turtles in the stream, only the larger ones. One fisherman explained:

**“I fished in that stream since I was a child until when I stand with my family right now. Our family depends on that stream since so many years ago. We just use the sustainable way to fish. We get at least 4000 kyats for one time. We do not have any problem for fishing yet.”<sup>178</sup>**

Most fisherman who live near the Thabet Stream have no farm. They earn their living by fishing every day, but even though they fish daily, the species are not disappearing and their future generations can still depend on fishing because they use sustainable methods. They all live downstream of the two projects. The projects will damage the health and diversity of fish stocks and other species. Therefore, if the government completes their projects and blocks the stream, how will peoples' futures be, and who will solve their problems? Who will take responsibility for their lives?



Photo by PYO

## Additional Impacts

No people can live without water. Water is more important than food, people need fresh water for drinking and daily use for good health. The people who live near the stream use water naturally; there is no need to purify it before use as it is clean. “We used that water for everything in our lives. We do not boil and purify water before we use it. We do not have any health problems from using that water.”<sup>179</sup> If the government blocks the main creeks, the stream flow will change and the water level will decrease and dry. “Lack of access to safe water has a major effect on people’s health. Access to a regular supply of safe water is a basic human right, as is access to unadulterated food.”<sup>180</sup> The people who live along the Thabet Stream are supported by it not only for water needs but also for food, because they use it to water their plantations.

The villagers believe that if the government and companies complete their projects, they will encamp military troops to guard the projects. The villagers already suffer from the soldiers, who steal vegetables and things that they want; confiscate land from the villagers for their own vegetable plantations; commit rape; and use forced labour to work for their plantations, carry water for daily use in the camps, patrol with them, and give them information about what happens in the villages. One monk explained that:

*“The construction of the projects will affect the livelihood of the local people. Their farm and field will be destroying after completed the projects. Not only the social problems but also will have so many security problem from the projects because they will encamp to guard for their mining projects and the villagers would face violations by the soldiers.”<sup>181</sup>*

So if the projects are carried out, there is likely to be an increased military presence. Local people will face many kinds of security problems, and will also face food insecurity. If we see the outcomes of similar projects in other countries and other parts of Burma, we can imagine how the local people might suffer for the projects; how much the SPDC soldiers will violate and abuse the rights of people in the project areas. For example, looking at the Hpakant Valley mining in Kachin State in the north of Burma, in 1994 before the mining there were only 26 Battalions, but by 2006 there were 41 Battalions, and many cases of rape and people being forced into prostitution.<sup>182</sup>



## International Laws

The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are international customary law for all countries which are members of the United Nations (UN) to follow, even if they did not sign those conventions. These UN treaties stem from the Universal Declaration of Human Rights (UDHR) of 1948, which binds all nations. However, Burma, a UN member, does not follow the international human rights law.

The Committee on Economic, Social and Cultural Rights, a body of independent experts established to monitor implementation of the ICESCR, has defined the right to water:

*Water is the essence of life and human dignity. Water is fundamental to poverty reduction, providing people with elements essential to their growth and development. Recently, the Committee on Economic, Social and Cultural Rights, which monitors the implementation of the Covenant, adopted General Comment No. 15 in which water is recognized, not only as a limited natural resource and a public good but also as a human right. The right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water, and it must be enjoyed without discrimination and equally by women and men.*<sup>183</sup>

According to The Ksentini Principles Part II, “(8) All persons have the rights to safe and healthy food and water adequate to their well-being ... (10) All persons have the right to adequate housing, land tenure and living conditions in a secure, healthy and ecologically sound environment.” The SPDC violates both human and environmental rights when they take such action as blocking a creek: local people will lose their water resources which will affect their livelihoods and lives as well as their surroundings.

The SPDC regime has its own relevant domestic law, such as: “No person shall carry out any channel-shifting with the aim to ruin the water resources and rivers and creeks.”<sup>184</sup> The Conservation of Water Resources and Rivers Law in Burma states:

*The aims of this Law are as follows:*

- (a) To conserve and protect the water resources and rivers system for beneficial utilization by the public;*
- (b) To smooth and safety waterways navigation along rivers and creeks;*
- (c) To contribute to the development of State economy through improving water resources and river system;*
- (d) To protect environmental impact.*<sup>185</sup>

When the government blocks the main creeks on the stream, the farmers will lose their farms, and informal workers will lose daily jobs, and then there can be so many problems for their families and future lives. According to the ICCPR and ICESCR, the local people could experience violation of the rights to food, to adequate housing, to gain a living by work, and to take part in cultural life. Under the UDHR, the projects will violate such rights as the right to property, and the right to work. International law experts Trimble and Carter explain that:

*The Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organization of society, keeping this Declaration constantly in mind, shall strive by teaching an education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance ... among the peoples of Member States ...*<sup>186</sup>

Burma should respect, promote and protect rights which are expressed in the UDHR, ICCPR, and ICESCR, because Burma is one of the states in the United Nations. However, as this research shows, the government of Burma does not even follow its own laws, let alone international laws and standards.

## Conclusion

For the people who live in the communities along the Thabet Stream, their livelihoods depend on the stream as did those of their ancestors: farming, vegetable gardening, irrigated cultivation, and fishing are inherited livelihoods and until now have been sustainable. The local people naturally know how to protect the natural resources and environment. When human beings change the environment, as in the government plans for development which deal with dams, mining, and blocking the stream or river, the water flows and levels will change and the impacts effect local people's livelihoods.

The Burma government is cooperating with foreign investors to block the two main creeks that flow into the Thabet Stream and do not let the local people know about the projects plans and participate with them about that. In Burma, there is no free media: the government does not want the people to know what really happened and what will happen. They just focus on their economics and power. They do not care for the livelihoods of the people, whatever they will be. Most human rights abuses happen in local and ethnic communities because of discrimination, and because most local and ethnic people are not educated and have no power or freedom. In this case, people will have to find some other jobs to support their families. The number of informal and odd job workers will be

increased, and then communities will break down because they have to move to another place to find new livings.

Before the SPDC start projects they need to consult with and educate local people. They need to carry out Environment Impact Assessments, Social Impact Assessments, and do other research. The SPDC should consider the potential impacts on local people and the environment, instead of only their economics. If they complete and accomplish their projects, only the government and the companies will get the profit. The effect of the impacts will fall only on the local who will lose everything they need to live.

## **Recommendations**

### **To the foreign companies and investors**

- Respect the livelihoods of local people in downstream communities.
- Follow the international standards of development projects.
- Stop cooperating with Burma's government.

### **To the SPDC**

- Deeply consider about the social and environment impacts on the livelihoods of communities downstream.
- Recognize the local people to participate in decision-making on any development projects.
- Practice the UDHR and ratify Human Rights Conventions like ICCPR and ICESCR.
- Stop all human rights abuses.

### **To the international community and NGOs who work for Burma**

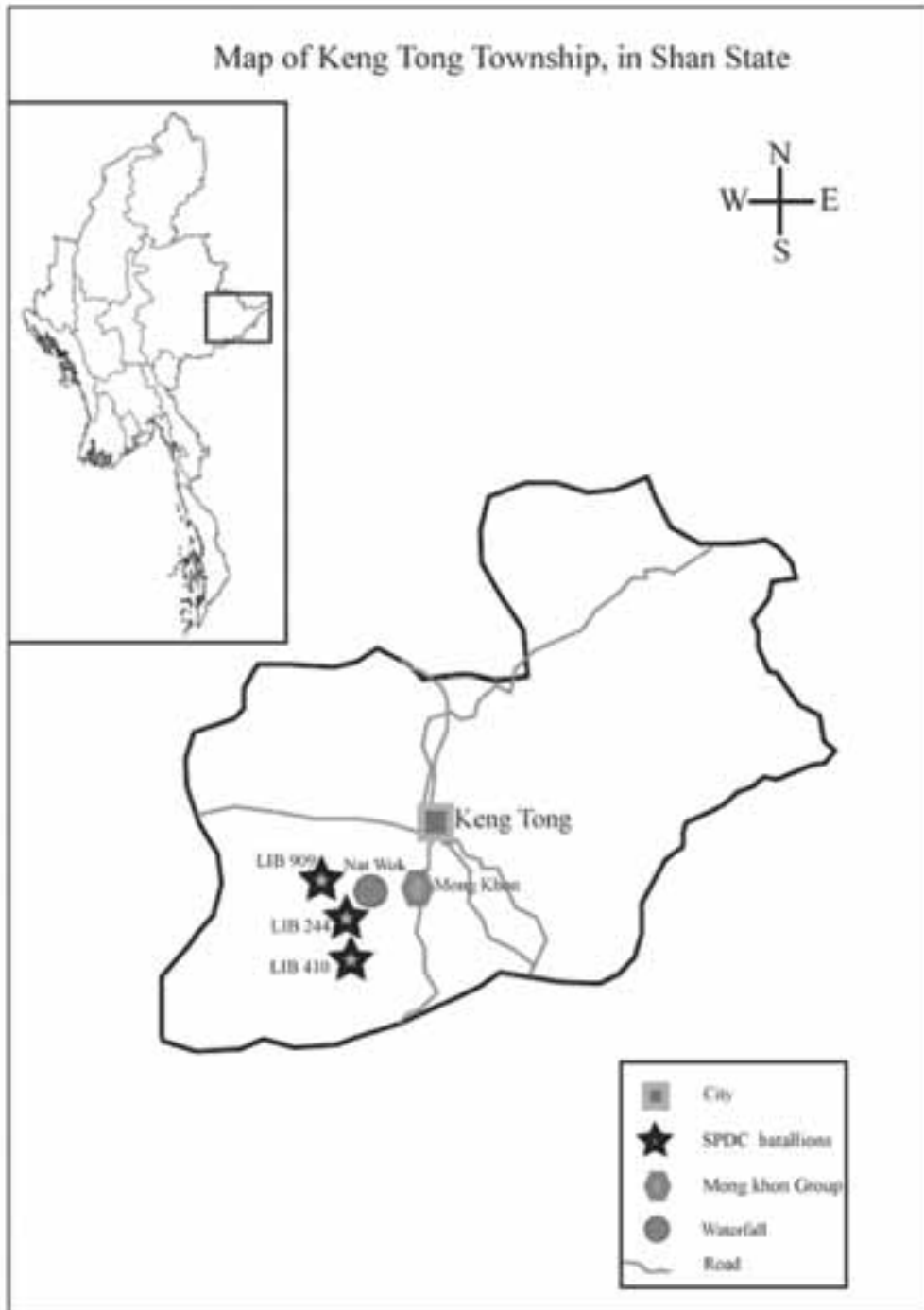
- Pressure the SPDC to respect national and international customary laws.
- Pressure the SPDC to practice the UDHR and to ratify the ICCPR and ICESCR.
- Urge government agencies and foreign companies to halt their project plans.
- Research and truthfully document about the projects affecting Thabet Stream.
- Do not consider only profit; deeply consider the livelihoods of local people.

### **To local people**

- Mobilize your support base on the Thabet stream.
- Protect and fight for your rights.
- Share your knowledge, experience, and information to people who do not know what is happening.
- Do research and make documentations about what is happening in your area and let the national and international NGOs know about that.

# Forced Labour and its Negative Impacts on Lahu People in Mong Khon Group, Eastern Shan State

*By Kya Da*



## Introduction

Since 1962, when General Ne Win led a military coup to gain control over Burma, successive military regimes have ruled the country through tactics and intimidation unspeakably brutal. The use by the State Peace and Development Council (SPDC) of forced labour greatly increased after the 1988 uprising for democracy, which it crushed. Forced labour is one of the most common and widespread human rights violations in Burma.

In 1955, the Burmese military regime signed the International Labour Organization (ILO) Convention No. 29 concerning Forced or Compulsory Labour, agreeing to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. The Convention defines forced labour as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily.<sup>187</sup> Between 1990 and 2003, the International Labour Organization (ILO) informed the Burmese military regime to stop the use of forced labour. However, its use has continued as a normal practice in most rural areas of Burma. The use of forced labour for government infrastructure projects has continued in SPDC-controlled areas, especially by army commanders.<sup>188</sup>

According to my experiences in field research, between 1994 and 2008 Lahu people in the Mong Khon Group area of Burma have been facing forced labour by the SPDC in many different ways. Soldiers have forced them to cut down trees or brush, work as porters, build military camps, construct electric-hydropower projects, and undertake castor plant cultivation. This report focuses on the impacts of this forced labour on the Lahu people, which has resulted in livelihood problems, food insecurity, less income, loss of jobs, and health problems.

The purpose of this report is to inform local and international communities about the SPDC and forced labour, in the hope that the information can be used as a tool to free Lahu people from oppression by the SPDC; to stop forced labour in Lahu communities; and to improve and promote living standards, health, education, social, and human rights for such people.

Between 2000 and 2007, four new battalions were introduced into the Mong Khon Group as part of an SPDC military expansion strategy, resulting in land confiscation and forced labour for the construction of these camps and other military infrastructure projects. Porters are also regularly recruited in this area and forced to carry goods, and supplies for the military camps. This research focuses on a small region of Mong Khon Group, in Keng Tong Township, especially Lahu villages. Twelve interviews were conducted with local people living in the SPDC controlled area, including youths, village head, villagers, women, and a teacher.

## Lahu People and Mong Khon Group

The Lahu ethnic group is one of the 135 ethnicities in Burma, and consists of about 463,000 people.<sup>189</sup> The Lahu people have a long story and a strong sense of unique identity. They have their own language and literature, and a distinctive traditional culture such as food, dress, and festivals. The Lahu people were oppressed and now they have lost their land and are scattered everywhere. The Lahu people are found in Lao, Vietnam, China, Thailand, and Burma. In Burma, the majority of the Lahu people currently live in the mountains of Eastern Shan state, in areas such as Keng Tong, Tachilek, Mong Hpyat, Mong Tong, Mong Pin, and Mong Shat. The Lahu people live through hillside cultivation, gardening and farming. They live under the control and suppression of the SPDC, the military government of Burma.<sup>190</sup>

Mong Khon Group is located about twelve miles south of Keng Tong and is an area which combines thirteen villages. The ethnic groups there are Shan, Lahu, Akha, Kachin, and Lisu. They are farmers, and most people are Buddhist, though some are Christian. The road from Keng Tong to Mong Shat runs through Mong Khon Group. Light Infantry Battalion (LIB) Nos. 244, 410, 510 and 909 were stationed in Mong Khon Group by the SPDC from 2000 to 2007.<sup>191</sup>

Before the military camps increased, the forest was so green and also had many plants, animals, and fruits. Some plants are very useful for medicine useful in other ways for the villagers. The Lahu people's lives depend on this forest. Some Lahu people have no farm to grow rice, so they depend on the forest and mountains for their livelihoods.<sup>192</sup> People find fruits and vegetables and sell them to get income for their family every day.

Some Lahu people have one to five acres of fields, and some have tea plantations of similar size. They also have domestic animals such as pigs, chickens, cows, and buffaloes, that fulfill many needs, including earning from trade, and some Lahu women make cloth garments and shoulder bags for their income.

After the increase in the SPDC's military camps in Mong Khon Area, the farmland and forest were lost more and more. Villager-owned land and forest were confiscated by the SPDC, and the forest along the road from Keng Tong to Mong Khon was also affected. SPDC soldiers cut down a lot of trees for fire wood and sold them for their income. The Lahu villagers could not complain because they fear the soldiers.<sup>193</sup>

Now the Lahu people in Mong Khon Group are facing many problems due to the expansion of military camps. Soldiers force them to work for the military. They are restricted more in their movement, and face increased human rights abuses. Some villagers had to give their

motorbikes to military officials, a day per house that has a motorbike, when the officials want to use them and go somewhere.<sup>194</sup>

Some Lahu villagers were forced to become Buddhist, and the authorities gave them the Buddhist idol and forced them to worship it. If they want to celebrate the Buddhist religious festivals, the SPDC provides for them. The Christian Lahu people have to ask the SPDC for permission to celebrate festivals such as Christmas, or to conduct Bible study.

## Forced Labour in Burma

The SPDC military continually uses forced labour for military purposes, and it is accompanied by violations of other human rights. Men and women of all ages are forced to work against their will, including children and elderly people. Villagers are generally forced to provide labour for infrastructure development projects and portering.

Forced labour and donated labour (the latter known as “lot ah pay”) are quite different. Forced labour is demanded by the military armed group and if the villagers do not attend the military will punish them. “Lot ah pay” is requested by a religious leader or the village headman to build a temple, church, school, or widow’s house, and to celebrate festivals. When the religious leader chooses someone to do donated labour, they provide food, tools, and drink.

However, the SPDC considers what they force villagers to do as donated (“lot ah pay”) with the full of consent of civilians for the good of the nation. Sometimes religious people, local authorities, and local people argue that forced labour is a traditional practice of using civilian labour in the construction of temples or palaces in Burma’s society. Yet, in the rural areas people are forced to grow, build infrastructure, and carry equipment for the military; this is not the same thing.<sup>195</sup>

Forced labour is so constant that villagers have to deal with it on a daily basis. They are forced into doing the labour and do not receive any wages. They spend a lot of their time doing work for the SPDC. Some villagers lost their land and tea plantation and gardens, without any compensation, for SPDC development projects.<sup>196</sup>



*Woman carries stones for hydropower project.  
Photo by LNDO*

## Hydropower

Between 1994 and 1996, the SPDC constructed an electric-hydropower project together with a Chinese company in Mong Khon Group, using the existing Nat Wok waterfall, and building a new dam. The construction of the dam required a lot of ground, sand, and clay, so the builders took these materials from the region. The forest area near the construction site was cut down in order to build roads and bridges for easy access, and buildings for labourers to live in and for storing equipment.<sup>197</sup>

According to my interviews, the Lahu villagers have faced various kinds of problems due to construction of Nat Wok hydropower, including forced labour, land confiscation, soil layers falling down in many places, loss of farming land, and deforestation. Meanwhile, the hydropower is used for electricity for Keng Tong city, not locally. But the villagers were forced to work on the Nat Wok project. They were used for building roads, carrying stones and sand, and making fences. They lost valuable time for working on their farmlands.

Of the villagers who live in the Mong Khon area, around 150-200 had to work every day on construction of the hydropower project, victims of forced labour. Although the villagers did not have the time to spare, they had to go to the construction site to build roads and bridges and to carry stones and sand. The village headman ordered villagers to work one person per house per week. If no one could go to do the construction, they had to pay the village headman 2000 kyats to find someone else to work there. One woman said, “My family has three children and they are so young, so they cannot go to work on the hydropower, and I also worked in my field, so I had to pay 2000 kyats because of that.”<sup>198</sup>

When the workers arrived at the site, there was no shelter for sleeping and to live in, and they had to build a place to stay nearby. Some workers had to sleep there without shelter. The worksite was very far from the village, and villagers had to walk without transportation to reach it. One villager said, “When we arrived at the worksite, we did not have shelter to live, so we made our shelter to live.”<sup>199</sup>

They were controlled by military soldiers. They started to work at 8:30am, took a break for lunch, and finished at 5pm. The workers had to bring their own food. Even though the villagers were forced to work many times on this construction, their villages did not benefit from the hydropower. The SPDC took the electricity to nearby military camps and to Keng Tong city.



## Construction

As noted, the military camps have increased from one to five battalions in Mong Khon Group between 2000 and 2007, and land confiscation and other human rights abuses increased as the number of military camps went up. The land of villagers was not only confiscated by SPDC, but also they were forced to build military camps. The military battalion LIB No. 244 was built next to one village. They confiscated the land of the villagers to build their camp, including gardens, tea plantations, and their own land for living. According to one man, 47, “My tea plantation and gardens were confiscated by the SPDC military battalion No. 244 to build their camp, and I was also forced to build fences.”<sup>200</sup>

Other Lahu people in the area were forced to build military battalion frontline camps, cut down bushes or vines, cut down trees, make fences and dig holes. The commanders ordered the village head to send one person from each house to build military camps. They had to start by cleaning the land, and then they had to construct camps using required materials. They also had to dig trenches and bunkers and build fences. They were forced to cut logs and bamboo, make sheets of thatch, and transport them to the military camp. If the villagers could not do these things on time, they were punished. The expansion of military camps resulted in not only increases of forced labour, but also extortion and unofficial taxes. Moreover, as forced labour increased, the villagers were faced with more food problems.

The villagers were also forced to build a police department; again, one person from each house in the village. They had to do the work of constructing the department’s office. The villagers had to bring a small tree and five pieces of bamboo with them for the construction. One villager said, “We had to work for two days until the construction of the police office department had been finished.”<sup>201</sup>

According to the Universal Declaration of Human Rights (UDHR) Article 4, no one should be held in slavery or servitude, and slavery and the slave trade should be prohibited in all their forms.<sup>202</sup> However, in this area of Burma, although people were busy with their own jobs, they had to build military camps three times. The SPDC is also in violation of ILO Article 2 as defined above.<sup>203</sup>

## Portering

People in the villages have to regularly do many kinds of forced labour as ordered by the military units throughout the area. Portering is one of the most common and feared forms of forced labour, which involves carrying rations and supplies to outlying military camps. The soldiers generally carry nothing except weapons and small personal kitbags, while each porter has to carry 30 to 50 kilogram loads. While carrying loads, if porters are slow they are usually kicked, threatened, and beaten to keep them moving. One man said, “I was forced to work as a porter three times; each time I had to carry 30 to 40 kilogram loads. It was very heavy for me.”<sup>204</sup>



*Villagers carry loads for the SPDC.  
Photo by FBR*

The SPDC military forcibly recruits porters from villages. They must often walk long distances carrying this heavy equipment and food. Sometimes villagers fled into the jungle to escape from portering when the soldiers came into a village to round them up. The SPDC troops ordered the village headmen to find porters. Each family had to provide one person to perform this work. According to one villager, “If the villagers could not work as porters, they must give money to the village headman to be replaced by other people, and no one had refusal.”<sup>205</sup>

Villagers had to bring their own food when they went for portering. They sometimes had to go for only one day, but sometimes they had to go for one month. The villagers who went for portering lost their own time that they needed to work in their fields. If they often went for portering, sometimes they got sick and exhausted when they returned. One villager said, “When I returned from portering, I got sick with malaria and could not work my field for about two weeks.”<sup>206</sup>

The SPDC troops abused and tortured the villagers during portering times. They did not give them enough food or take care of porters when they got sick. The women are the ones who take care of children and the house, and prepare food for their family. When only the fathers go to porter, the mothers are left behind to do everything. When one husband went to porter for about three months, his wife could not make enough money for her children to attend school. She took one of her children out of school to help her take care of other children, and another child had to work in the fields instead of going to school. According to one man, “Before I went portering, the village headman told me that you have to go for only a few days, but the soldiers forced me to porter for about three months. I could not work in my fields and make money for my family.”<sup>207</sup>

Forced portering not only constitutes a form of forced labour under international law (ILO Convention No. 29), but is also banned by a Burmese law (Order No. 1/99) dated 14 May 1999, which states that requisition of forced labour is illegal and is an offence under the existing laws of the Union of Myanmar. Local authorities, members of the armed forces, police, and other public services are not meant to requisition work as a service except in emergencies such as fire, flood, storm, earthquakes, epidemic disease, war, famine, and diseases that pose an immediate danger to the general public.<sup>208</sup> Therefore, in using forced porters as a matter of course, the SPDC breaks international conventions as well as laws proclaimed by its own ministers.

## Cultivation

In December 2005, Burma's senior General Than Shwe ordered the start of a nationwide campaign to plant a toxic bush-like tree, *Jatropha curcas*, for biodiesel production. The country had to plant eight million acres within three years. Since 2006, all sectors of Burma's society have been forced to divert funds, farmlands, and labour to growing castor oil plants. Teachers, school children, farmers, nurses, and civil servants have been directed to spend working hours planting along roadsides, at schools, hospitals, offices, religious compounds, and on farmland formerly producing rice or used as grazing lands.<sup>209</sup>

The SPDC ordered the Lahu people to grow castor plants in 2006. They intended to produce castor oil to use in engines. Each house was ordered to grow one acre. If they had no seeds or plants, they had to look for them in the jungle, or buy seeds. According to one woman, "When the village head forced us to grow castor plants, we must buy the castor seeds at a cost of 500 kyats per tin from another village, so we were facing income problems."<sup>210</sup>

Teachers forced children to grow in the school compound during school time. The students went to the jungle to look for the castor plants and they brought them to the school. Students were afraid of their teachers because they would fail their examination if they did not grow the castor plants every Friday afternoon. The SPDC has signed the Convention on the Rights of the Child (CRC), and yet its teachers are using child labour for castor oil cultivation. According to the CRC Article 32, children under the age of eighteen "have a right to be protected from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."<sup>211</sup>



In 2006, Army Artillery Unit 244 and LIB No. 909 ordered villagers in Mong Khon Group to move their cemeteries to another place so that the area could be occupied and used to grow castor plants. Family members were forced to remove the corpses from the tombs. One of the villagers said that, “LIB No. 244’s military leader and the community leader took our land for cemeteries to grow castor plants and we must move them to another place.”<sup>212</sup> The military confiscated an area of about ten acres, which had been the property of the village since ancestral times. After that, the Army ordered them to clear the area and prepare to grow the castor plants. So, before castor oil plantation, the villagers had to go one person from each house and clear the bushes and vines for making the ground. Then, the military leaders and their families came to the village to celebrate the planting of the castor plants. According to a villager, before planting the castor plants, the army said, “This is income for the villages, not for us”. After planting, they said, “This is for our army.”<sup>213</sup>

## Impacts of Forced Labour

The SPDC military ordered the village headman to grow the castor plants in Mong Khon Group, in April 2006. The Lahu villagers had to grow castor plants, one person from each house, and they were also busy with their own work during that season. Especially, they prepared for their hillside cultivation and field farming. They faced many difficulties because they were forced to work when they busy with their own jobs. When they worked for the castor plantation, they did not have enough food and also they could not tend their own lands and plants.<sup>214</sup> While the men went to the field, the women and children were made to work on castor plantation instead of helping with the field paddy as usual. If they could not work in daytime, they had to work in the evening. The Burmese soldiers watched with their guns. So, it caused many problems for the poor, especially widows. This project caused loss of jobs for the villagers. One villager said that, “I had to grow the castor plants from 7pm to 9:30pm, because the military leaders and their families would visit there next day.”<sup>215</sup>

In Mong Khon Group, most Lahu people are poor and they earn for their life day by day. They find vegetables and fruits from the forest and sell them for their house’s income. Some people carry wood from logging sites far from the village for their income. If they do not work for one day, they face debt for one day. So every day is very important to get income for them. Most Lahu people struggle to find enough to eat for one day.<sup>216</sup> Yet if they cannot work for the SPDC on demand, they must find a way to give money to the headman instead. If the SPDC army comes to the village, villagers have to give rice and pork to them. Then, if the villagers had to go to do forced labour for many days, they would also lose their income.

As the military camps increased, forced labour, extortion, and unofficial taxes increased. As forced labour increased, villagers were faced with more food problems. Some are poor, live from hand to mouth, and earn for their family day by day. If they had to do forced labour many times, they lost their working time and could not work for their field farming on time. Their farm was so late for plantation and also lost production of rice. It makes food problems for their family. If they do not work today, they have no food for tomorrow. So they borrow rice from another family.<sup>217</sup>

Additionally, the villagers were forced to purchase seeds, seedlings, and branches of castor oil plants, impacting their household income. Sale is done by various units, either per seedlings, branch or by packet, tin, basket, or kilogram of seeds. The price of these plants and seeds are not the same in towns and in villages. A young plant costs 38-40 kyats in town but 150 kyats in villages. A basket of seeds costs 2,000 kyats in towns but up to 6,000 kyats in villages.<sup>218</sup>



*Lahu woman earns income making bamboo sacks*

The castor plant cultivation caused food problems for villagers. The plant destroys the land by its oil. After it is planted, villagers cannot grow any crops and the land becomes barren. So, castor oil plantation causes loss of farmland and directly impacts food crops. It threatens the food security of farmers.<sup>219</sup> Some villagers in Mong Khon Group had their own land for gardens, tea plantation, hillside cultivation and farming. Some do not have their own land to grow castor oil plants because they are new families in that village. They had to grow castor plants in their house garden with food crops. Some villagers have no land any more to grow castor plants and lost their working time for their field farming. One villager said, “Our family came to this village in 2005, so we have only a farm and do not have more land. We have difficulty to grow castor oil plants in our family.”<sup>220</sup>

As noted, some villagers suffered health problems by portering. They got sick and malarial when they returned from portering, and could not work for their family. If they did not have enough money, they borrowed from another family. If porters are forced to work for a long time without sufficient food, water, or rest, they of course will get sick and exhausted. Sometimes it rains too much and sometimes it is too hot. They did not have enough clothes and mosquito nets to protect them during portering time. They slept sometimes in the jungle without enough food. They did not know how long they would be away from their families. After that, they were not able to keep going, so then they were kicked and punched by soldiers. Some had to run away to escape from that portering. While fleeing in the jungle, they sometimes got wounded feet, and sick. The SPDC do not care or offer any medicine.<sup>221</sup>

## Conclusion

Most Lahu people in Burma live in Eastern Shan State, in areas controlled by the SPDC. They are a small ethnic group and have little development in their lives; they have few educated people. The Lahu have been oppressed by the SPDC economically, socially, and in matters of religion. The Lahu in Mong Khon Group have faced various human rights abuses by the SPDC including forced labour and portering. The SPDC strategically takes forced labour from Lahu people for military and infrastructure development projects, which has resulted in livelihood problems, food insecurity, loss of jobs and income, and health problems. The Lahu people do not know how to defend their rights. Every Lahu person has the right to education, economic stability, to choose their own work, and to be free from the oppression of SPDC, but no way to enforce these rights.

The SPDC is a member of the United Nations and had signed various international human rights and labour conventions. However, the SPDC does not follow these human rights laws and pressures the local people to lose their rights. Local people need the government to respect their human rights and to protect their rights.

## Recommendations

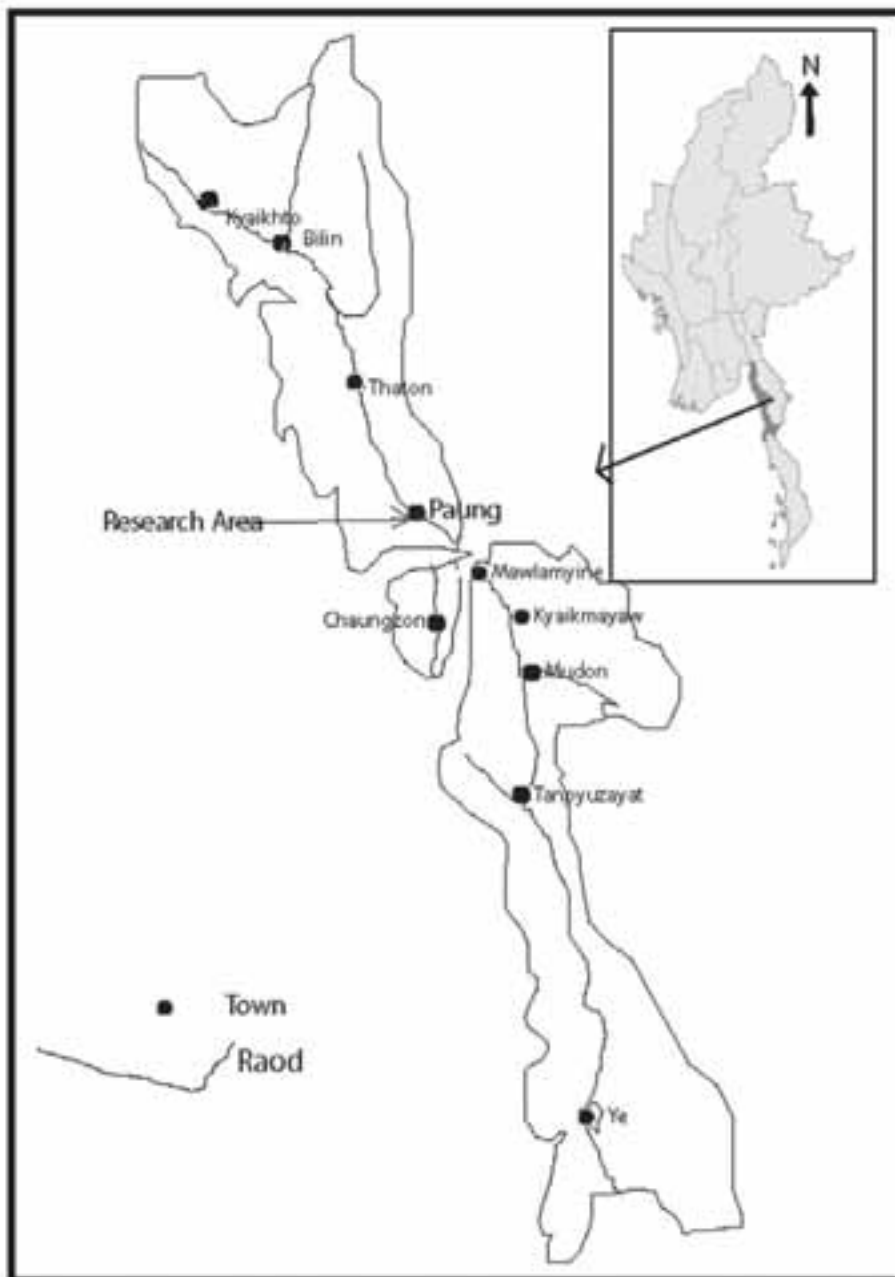
I recommend that the SPDC should stop forced labour (castor oil plant cultivation, construction for military development projects) and forced portering because as a result of these the Lahu people are facing many kind of problems in their families such as food insecurity, loss of jobs and income, and health problems. The SPDC has a responsibility to end the practice of forced labour, and should implement the international Conventions on labour and children's rights to which Burma is a signatory. The SPDC has a responsibility to develop the education, economy, and livelihoods of Lahu people, by creating education and training programs. Additionally, the SPDC should permit free movement.

I recommend to the World Health Organization (WHO) to help the Lahu people in Mong Khon Group, who are suffering health problems, especially malaria, because of forced labour, especially portering; such as medicine and health education training. I request that WHO pressure the SPDC to implement the ILO Convention it has signed, failure to do which has led to many avoidable health problems.

I recommend to the UN's Food and Agriculture Organization to help solve problems for Lahu people who are facing food insecurity in Mong Khon Group because of forced labour by the SPDC for military development projects. I request that the UNFAO pressures the SPDC to stop forced labour, and that the UNFAO should support funds to the Lahu people including for food and for sustainability training.

# The Impacts of Kadaik Dam and Summer Rice Project on Livelihoods in Paung Township, Mon State

*By Mi Mon*



Map of Mon State and Research Area



## Introduction

This report examines a plan by the State Peace and Development Council (SPDC) for a development project in a local community. In early 2001, the SPDC planned a summer rice project in Paung Township, in Mon State. This involves the government forcing local people to grow rice in summer season, although usually people only grow rice during the rainy season, because the weather is not stable in summer and the expenses for summer rice are high. The only way to irrigate easily for summer rice was by building a dam. So at the end of 2001, the government started to build a dam and in doing so confiscated lands and properties of the local community. This continues still, even though the dam construction is finished.

The people who live in the dam area are mostly farmers and gardeners. They are depending on their mountain. The people in the village now have to struggle to earn a living because the things they were depending on were destroyed by the SPDC. From the time that the military regime started to implement their project until now, they are confiscating the farmlands of people who depend on those farms for their livelihoods. So, the government dam project in Kadaik community, Paung Township, in Mon State is seriously harming the livelihoods of the local people.

This report is organized into four parts of information. The first describes the background of Paung Township, and the background of the Kadaik Dam and summer rice growing projects. Part two exposes the main problems of the dam. Part three describes how the dam harmed the villagers' livelihoods. The final part of this report includes the struggle of the villagers and concludes with recommendations. This report is based on primary research, which took place in three villages in Paung Township, Mon State; and some secondary research. Fifteen people were interviewed, including farmers, gardeners, youth leaders, and youths.

## Background

Paung is a Township in Mon State, Burma, located in the Thaton District in the western part of the State. According to Township Peace and Development Council documentation, it has 331,976 households and the estimated population is 1,659,880 people in 54 villages. The ethnic groups are Mon, Karen, Pa-O and Burman. They are mostly Buddhists, but some are Christians. Most are farmers and gardeners.

Paung Township is very pleasant and peaceful with many forests, mountain ranges, farms, and natural resources. Paung Township can produce a lot of rice and is an part of the government's economy. It is famous for its historic pagoda and waterfall. The livelihoods of



*Signpost of the Kadaik dam project.*

the people in Paung Township depend on their land, water, and other natural resources. Some people made a living with hillside cultivation, and others by trading firewood, which they get from the mountain ranges. Nowadays, they cannot do either activity anymore because the mountain ranges were destroyed by the SPDC. The SPDC leveled two mountain ranges and built a dam on 14 November, 2001. Some people in the local community have been jobless ever since.

The SPDC regime has been implementing many so-called national developments around the country. Building dams for electricity and other agriculture projects is one of its strategies, which have negative impacts on local residents. Kadaik Dam is one of the

government's projects which they named a national development plan. However, the government never follows safety standards or alternative settlement programs, which are to protect the local people from harm. If the government confiscates the land of local people, they should pay compensation to them.

In most rural parts of Burma, local people did not have to be worried about their survival in the past. They have their own culture of feeding themselves. They have forests, which produce plenty of food and other facilities for local people. They have rivers, which they can survive with. They have farmlands, which produce more than enough rice for their communities. However, people in Burma are nowadays faced with so many different injustices, which ruin their lives and communities. Kadaik is one affected community.

In November 2001, the government commenced building a small dam in Kadaik community for its cash-oriented agricultural plan for summer rice projects. Kadaik Dam was built by Construction Group 6 of the Irrigation Department under the Ministry of Agriculture and Irrigation in Paung Township, Thaton District, Mon State. They finished the dam on 30 April, 2007.<sup>222</sup> The dam is situated in the upper part of Kadaik village, which is why they called it Kadaik Dam.

The SPDC confiscated the land of the people who live in Kadaik, claiming that the development project was for the local community. The government spent over 7,012 million kyats on construction of the dam. According to the Minister for Agriculture and Irrigation, Major-General Htay Oo, "The dam is 5,200 feet long and 134 feet high and can store over 56,000 acre feet of water. The purpose of building the dam is to irrigate a summer rice project and for development of the local community".<sup>223</sup> But in reality, this dam destroys the livelihoods of the local community.

## Impacts from Dam and Rice Project

Local people in Kadaik community were happy with their traditional way of doing agricultural things. Before the dam, the people did not need to worry for their livelihoods and they could serve their families with the income from the mountain ranges. Most people in that area were dependent on the mountain ranges. They could make money by selling firewood, making thatch, gathering bamboo, and doing hillside cultivation. Since construction of the dam, the people cannot make a living anymore because there are no mountain ranges beside their village. Those mountain ranges were also sources of natural soil and fertilizer for the farmlands nearby.

The SPDC have confiscated the land from the local community beginning in 2001 and continuing still today.<sup>224</sup> Even though the dam construction finished, the SPDC continue to confiscate the land from the local community to implement their summer rice project. Many farms are destroyed because of a new canal built to transfer water from the dam. Local people have no say about land confiscation as they fear punishment from the authority if they oppose them. Local people never get compensation even though their land and property were being confiscated. One of the farmers from Kadaik community said, “Six acres of my farmlands were confiscated by the government authorities. I get no compensation from the authorities at all, and I have no say in their projects even though my lands were being taken.”<sup>225</sup>



*'Kadaik dam'*

When the dam was finished in April 2007, the SPDC started to irrigate water for and forced people to grow rice in summer, although usually the people just grow rice in the rainy season. The local people are not happy about this project because it is against their nature. The people did not want to grow rice in the summer because there are so many expenses for summer rice and the weather is not stable. If they grow, there are no profits for them. If there are rains early, the entire paddies are washed away by rain.<sup>226</sup> However, people who do not grow the summer rice risk losing their land to other people who will grow on their farmland. The authorities warn local farmers that if they are not growing on their farms, they will let other people do so. The authorities not only force them to grow rice but also to sell the product to the government at a very low price.



*Deforestation from dam site.*

The military authority's dam project is also destroying the natural environment and the beauties of the forest. It is causing deforestation for the dam site. The forest served many basic things that the local villagers need. Moreover, the local villagers have traditional knowledge and conservation the forest. When the government implemented their project, the forest was gone very quickly. They cleaned up and destroyed it in a short time.

Beside the deforestation, there are many problems for the livelihoods of the local villagers. First of all, local people are losing their jobs. They cannot do hillside cultivation, they cannot find firewood. They cannot fish in the stream that flows through the forest because the dam took place at the stream.

## **Confiscation**

One of the biggest problems is forcible and illegal land confiscation by the government authorities. Land confiscation is against the Universal Declaration of Human Rights Article 17, which states that everyone has the right to own property, and that no one should be arbitrarily deprived of it.<sup>227</sup> In light of this, the military regime is abusing human rights in Paung Township, Mon State.

The construction of the dam has made life and livelihoods difficult for the villagers around the construction site. Before the dam, not only the villagers in the dam site but also the other communities were gathering firewood, food, and wood for building their houses, and they used the product from the mountain for many kinds of facilities that they needed. The villagers usually go to the forest once a year. When they have collected things they need, they and their families can survive easily.<sup>228</sup>

Land confiscation for Dam site.



When the government starts to build a dam, they confiscate the land without any prior notification to the local villagers in the community. It is very simple that the authorities came in and ordered the local villagers who lived in the dam site, and the people had to relocate their homes without getting any compensation. One local farmer said, “The authorities took my land as soon as they planned building the dam. I was not able to say anything.”<sup>229</sup> Local people’s lives were simply being destroyed by the authorities. The list of confiscated farmland for the canal to transfer water from the dam and for roads for more truck in Kadaik Community is as follows:<sup>230</sup>

No.	Age	Sex	Occupation	Acres of land confiscated
1.	34	F	Farmer	6
2.	73	M	Farmer	10
3.	64	M	Farmer	35
4.	58	M	Farmer	4
5.	24	F	Farmer	2
6.	57	M	Farmer	20
7.	62	M	Farmer	16
8.	80	F	Farmer	20
9.	70	F	Farmer	20
10.	80	M	Farmer	40
11.	60	M	Farmer	3
12.	62	M	Farmer	6
13.	52	M	Farmer	3
14.	41	M	Farmer	6
			Total	191 acres

Peoples' lives in the Kadaik community are very simple and harmonious with nature. They have a stream which can provide water and fish for the local residents. But now that stream is gone along with two mountain ranges, in the name of the development projects of the regime. People were moved out from the place where the dam was going to be built. The SPDC authorities confiscated the farmland and garden land, even though some were ripe. They did not notify anything about their project to the local people. One villager said,

*“My farms were blooming when they confiscated it. They did not notify me about the project at all. They came in and took my farm. If they notified me, I would have probably got my fruits from my garden. They cut down all the fruit trees, even if they were still blooming.”<sup>231</sup>*

The local community is making a living by depending on their land. Land confiscation brought them a misery that they have to work in other places to earn enough money for their family. Rubber plantation is the biggest garden in that area. There are also many fruit plantations such as durian, pineapple, mango, coconut, and so on. Some of the local farmers have invested most of their money in the rubber plantation because the rubber price is high at that time. When the authorities started their dam construction, they did not care whatever the mountain has and how the mountain serves for the local community. They cleaned up all the mountain range. The people who invested their money in rubber plantation face a serious misery. They lost their land, and their land is their life.

## Summer Rice Project

“The order to grow summer rice is a continuation of Burma’s decades old “two crops policy,” which began in 1962. The program, which was started at the behest of then top general Ne Win, was designed to increase Burma’s flagging rice production. In 2002, the policy became mandatory in parts of Mon State, and farmers began being forced to cultivate summer rice. The program has been, by most measures, an utter disaster in Mon State. Rice production has failed to increase, while farmers have become mired in debt cycles; summer crops lose money, which thin rainy season profit margins can not always pay for.”<sup>232</sup>

Since the government forced the local people to start growing summer rice they were met with many kinds of difficulties. The local people find it risky and a high expense, as the farmers are not familiar with the project. They have to invest their money from the rainy season crop’s profit for the summer rice. Some people do not have enough bullocks and enough labour. So they have to hire the people to work in their farm for summer rice. One local farmer said, “The people do not want to grow rice in summer, but they have to, even if they know that they are going to lose most of their investment. If they are not growing, the authorities will let other people grow in their farm.”<sup>233</sup>



*Unsuccessful summer rice field.*

Growing rice in summer needs special techniques. The farmers have to buy or rent water pumps in order for them to get water in their farm. These kinds of facilities are very expensive in Burma. Even if they hired it from someone, they have to give lots of money. Even though Burma has lots of natural oil and gas the fuel price is sky high. So with the combination of these two main investments (oil and water pump), the farmers are not able to save money for their next year season. Not only this problem, but also they face losing their entire rice field in early rainy season's heavy rains. According to one farmer

***"In order to grow rice in summer, I had to buy a water pump. I had to buy fuel for it and I was not able to save any money for my next season. One biggest problem is the weather. If the rain comes early and before harvest time, our paddy fields are destroyed, flooded under water."***<sup>234</sup>

The government is ignoring the suffering of the people and they just care for their power coming into force and their project to be done. They do not care whatever the local community would suffer from their project. The government said they implement the project for development of the rural community. In fact it is creating a lot of problems. Moreover, it was a little profit, and the problem is more in their summer rice project. According to one local farmer, "There is profit for those who grow summer rice too but I want to say that 30% is profit and 70% is losing money and make us busy by summer rice project for the farmers."<sup>235</sup> The government should compare the profit and the negative impacts from their project.

## Human Rights Violations

The military regimes just order people to grow summer rice and do not take responsibility for their activity. They make canal to transfer water from the dam to grow summer rice. There are human rights abuses in their activity, like land confiscation. Land confiscation is illegal under international human rights law. However, the government in Burma does not care about civil development; they just do as they want to do. The military government did not notify anything about their project and they make blind eyes to the suffering of the local community. The military government gives pressure to the local community in any way and they bully the local people. If people oppose them about their land being confiscated, they just say that all the properties are owned by the state. One farmers said, "Because of their new canal, they do not pay any compensation for that. They said that it is their land, their place; they do as they want to do. All properties are owned by the state. We cannot defy them."<sup>236</sup>

The people are living under the authority like puppets and they cannot say what they want to say to the government. The government is using their power, oppressing the local people and not care for the citizens. If people defied the government, they would meet with trouble. One of the local people said,



*New canal for summer rice project.*



*“One of my Dad’s friends, he said to the people who make a canal because of his farmland separate three, four parts for the canal, what the authority said is, ‘Let sign in the paper and will put you in jail. For saying about the land had been confiscated.’”<sup>237</sup>*

## **Flooding the Fields**

The dam not only created human rights abuses but also created natural impacts.



*The upper and lower parts of the water gate.*

“Damming a river disrupts crucial natural flood cycles. This can lead to widespread damage to ecosystems affecting flora, fauna, the regional economy, and food production of the people who depend on the river and its flood cycles. Seasonal flooding is essential for re-fertilizing banks and surrounding flood plains. A dam will decrease the water flow and change the rate, duration, and timing of flooding.”<sup>238</sup>

The farmers who live near the water gate met with trouble because the people who are supposed to take responsibility for the water gate were not taking it. The water gate blocks the way of the water and separates it into two parts.<sup>239</sup> The one part is the part from the dam and part two is from the river. When the tide from the river comes it carries the sludge from the ocean everyday. The sludge remains in the water gate, and when the tide ebbed all the sludge from the ocean combined and stayed at the gate. The people who take responsibility for the dam have not opened the water gate recently. Therefore, the water gate was blocked with sludge and cannot be opened anymore. “If the water gate could not open, in the lower part of the water gate could dry and could create flooding in the upper part of the water gate. The entire field would flood with water.”<sup>240</sup>



*Sludge from the ocean behind the water gate.*

The people who have responsibility for the water gate just care for their people (the government service) because when the chairmen of the village need the water they released it and then close the water gate. The local people are worrying for the disaster caused by the dam, like flooding. One farmer spoke out her feeling that,

*“The government officers do not do their job. In reality, people and machines need to clean up the sludge from the river day by day. What happens now is that we cannot open the lock and the farmers are suffering from that. If we cannot open the water gate, cannot clean up the sludge beside the door, and if there is rain day by day, our village will gone with the water.”<sup>241</sup>*

## Financial Impacts

Many farmers reap their crop in October. For the summer rice project, the regime has to irrigate in this month too. The entire river and canal would fill with the water from the dam. The entire fields are white with the water. In this situation the people who grow rainy crops are met with trouble because they have to use more money, energy to block the water so it cannot flow to their farm. The farmers hire people to work in their farm. So, they could not save their money anymore. They have to carry their crops home by the water way because the whole cow wagon road would be destroyed by the water from the dam reservoir.<sup>242</sup> The farmers are having to invest more money for carrying crops. If they can use their own bullock they could probably save their money. So now they have to spend more money for transportation.

The farmers faced not only money problem but also they are losing natural fertilizer in their farm because of the summer rice project. The farmers now are growing rice in summers and they cannot be transformed into the natural fertilizer as it has very short time.<sup>243</sup> When the authorities forced the local community to grow the summer rice, the farmers had no machine to cut all the hay remaining from the rainy season crop. To buy machine they have no money. If they grow the summer rice they have to clean up all the hay in the farm to grow summer rice by people energy. They have to use labour again. They have to spend more money than rainy crops because there are rains in rainy season, so they do not need to put the water to their farm for rainy rice. But, in summer season, if they grow rice they have to put water to their field until the crop will reap. As for the lower part of the field, if it is near by the canal from the dam, they will meet a lot of problems because the water from the canal always flows into the field. So, again they have to take out the water from the field.

Summer rice had to put a lot of fertilizer to produce as a rainy crop. But there is still loss in the rice production even though a lot of fertilizer. One of the farmers expresses his feeling

that, “If we put a lot of fertilizer in our farm for summer rice, we need to put in rainy rice too. If we do not put the fertilizer, I worry my land will be destroyed; in the place that we can use our land in long term, we can use just a short time.”<sup>244</sup> Farmers also have the difficulty that if there is summer rice all over the farm, they cannot release their bullocks freely on the farm. They have to take time and look after their bullocks. Before the summer rice project, they can release their bullocks freely without worry. If the farmers release their bullocks without care, the animals would destroy other people’s summer crops. They have ruled that if someone’s bullocks eat or destroy another’s rice field they have to pay a fine for them. The people have to worry a lot because of the authority’s summer rice project.

## Conclusion

The local community was depending on the mountain ranges for their livelihood. The military regime cleaned up the mountain and relocated all the people, confiscated their land and their properties without paying any compensation. The military government abuses human rights in Burma, they just do what they want to do. So, the people have lost jobs, homes, land, food, properties, and their livelihoods.

The beauties of the natural environment were also destroyed by the governmental Kadaik Dam project. Moreover, the local people suffered from many difficult things due to this project, such as difficulty in finding jobs to support their families. Furthermore, the military government did not inform about their project, nor allowed the local people to participate in their project. When the dam was finished, the local people suffered again when the government forced them to grow summer rice.

The local authority do not take responsibility for their project; because of lack of their responsibility, the farm community face troubles, such as land confiscation, relocation, and flooding. The local government did not care for their people’s livelihoods. Therefore, some people have gone to other countries in order to help the survival of their families. So, the government dam project and summer rice project have given the local people troubles in many different ways.

If the government will build any development project for the local community in the future, the government has to compare the benefit and cost for the local community. The government has to have accountability in their action and in their development project. The government has to allow the local people’s participation. Development should mean to promote the lives of the people, not to destroy the people’s lives. Development projects should benefit the people and not harm their lives.

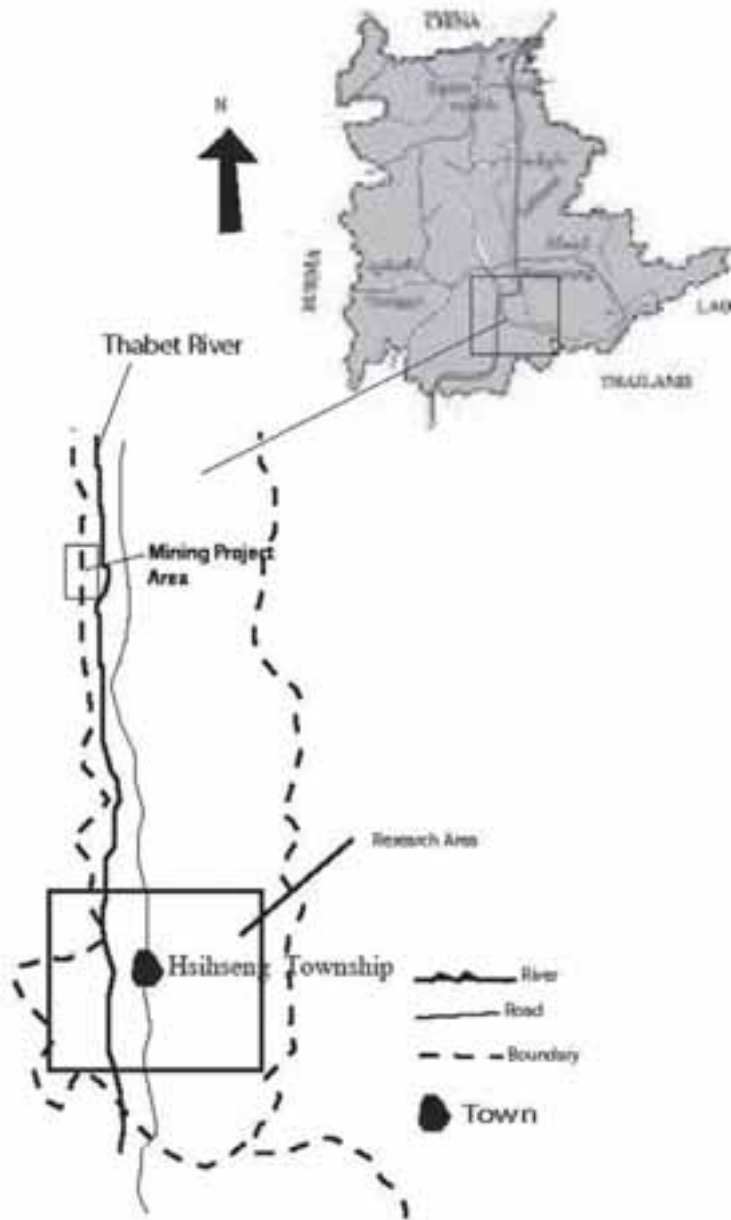
## Recommendations

The State Peace and Development Council should pay fair compensation to the farmers whose lands were confiscated in the Kadaik Dam project. Moreover, the SPDC has responsibility to review its development policies and respect the international human rights and environmental laws they have signed, such as the CRC and Convention on Biodiversity. It should set up training programs on agricultural projects for grassroots farmers, and has responsibility to allow the local people of Burma to participate in development projects and decision making.

The United Nations Food and Agriculture Organization (UNFAO), as an international agricultural organization operating in Burma, should set up practical trainings on summer agriculture projects for the farmers in Kadaik community, in cooperation with the SPDC. UN development organizations, which are working on agricultural projects in Burma, also have responsibility to take certain actions in order to develop or do away with the summer rice projects in Burma.

# The Impact of Mining and Blocked Water Ways by the SPDC and Tyzarhpromexport on Hsihseng Township, Southern Shan State

*By Nang Rak Kham*



Map of Shan State and Resear Area

## Introduction

Is it possible to have harmless and sustainable development projects that are in the best interests of both local people and the elite under a military dictatorship rule? Or will military regimes always act in their own economic self interest? The State Peace and Development Council (SPDC), and Tyzarhpromexport (TPE), a Russian company, started a mining project in 2004 on the Thabet River in Hopone Town, Southern Shan State, Burma. The SPDC blocked the Thabet River upstream for this project. The SPDC and TPE are mining iron and ore near the Thabet River. They blocked the river to store water for mining iron and ore because the mining project needs water.

Due to Burma being under a dictatorship, there is a lack of democracy, corruption, and lack of the rule of law and lack of education. The Thabet River is an indispensable source of local livelihood. Local communities that reside along the river fish from the river for their income and use the river for fields' water supply and gardens. Water from the Thabet River also has many social uses, such as in households for washing and drinking, and in traditional festivals. As a consequence of the SPDC and TPE mining project, the communities downstream do not get enough for use. Less water in downstream due to the blocking also causes water pollution, loss of species and ruins the agriculture.

The purpose of this report is to inform international and local communities about the impacts of mining blocking Thabet River on the communities in downstream area, in Hopone Town. I want international communities to pressure the SPDC, for example to enforce international environment laws in order to protect environments and respect the rights stated in the Universal Declaration of Human Rights (UDHR). We must save the Thabet River before the mining project does more serious damage.

There are five parts to this report. The first is the background of Hsihseng Township; information on the relationship between Pa-O (one of ethnic groups of Burma) and the SPDC; and background information on the mining company and impacts of the mining project. The second part outlines consequences to the environment due to the mining project. The third part examines the root causes of the failure and harm in Hsihseng Township of the iron and ore mining development project. The final parts are the conclusion and recommendations.

This research was done through eight in-depth interviews in May 2009 with members of different local communities who depend on the Thabet River, and conversations with different communities on the river such as farmers, fishermen, villagers, and women. The interviews were conducted in Pa-O and Shan Languages.

## Background

Hsihseng Township is located south of Hopone town and Taunggyi, Southern Shan State, and north of Karenni state. Hsihseng has the beautiful Thabet River which flows from Hopone and Honam to the Shan-Karenni border of Southern Shan State, which stretch is 100 miles long Hsihseng has natural resources such as limestone and teak trees and many other kinds of trees. There are many different communities and ethnicities in Hsihseng Township, including Pa-O, Shan, Burmese, Kayan, and Lisu. The Pa-O People have their own language, literature, traditional dress, traditional foods and musical instruments, and a strong and famous history in Hsihseng Township. The Pa-O population there is estimated to be around 61,510.

Pa-O people in Hsihseng Township live in both highland and lowland areas. They depend on the forest for their livelihood. Most are farmers and live peacefully on their own lands. The environment is important for them because it provides food as well as bamboo and wood, which they use for building houses. The lowland-dwelling Pa-O people do simple business, such as plantation and cultivation of such crops as garlic, paddy, sesame, soy bean, sugar cane, and other vegetables. Most local people in the lowland area depend on the Thabet River. They have fields along it; use water from it to farm their fields; and for domestic and social uses. Their livelihoods totally depend on the river. There are 100 villages with around 35,000 people residing along the river.

The Pa-O National Organization (PNO) is the main armed resistance force among the Pa-O. In 1991 the PNO arranged a ceasefire with the State Law and Order Restoration Council (SLORC), now known as the State Peace and Development Council (SPDC). Nowadays the SPDC has extended its control over the areas which were controlled by the PNO. The PNO is cooperating with the government in different regional development programs.

Burma planned to extract iron and ore on a commercial scale upon the discovery of deposits in Taunggyi, Southern Shan State, in 1951. In 1997, according to the latest official statistics, foreign investment in the mining sector in Burma amounted to about 498 million US dollars in 42 projects at the end of March that year.<sup>245</sup> In 2004, TPE started to do a mining project. TPE agreed to provide material for the project which is worth about 150 million dollars US. The project is located between Taunggyi and Hopone Township, Southern Shan State, on the Thabet River. The mining resources are iron and ore. The SPDC is also involved with TPE, such as providing safeguards for the project's security, and confiscating the lands for the project.

In 2007-2008 the SPDC blocked the Thabet River upstream for the mining project. The Thabet River is from two streams: one stream from Phar Loe and another from Honam.



The SPDC blocked the stream from Pha Loe and now they plan to block more water ways from Honam because they need more water for the project. In 2008, another company mining project south of Hopone Township extracted manganese, the company involved being called East Asia Power (EAP). In the same way this manganese mining also blocked the water way flow from Honam into the Thabet River.

## Impacts of TPE and SPDC Mining Project

Nowadays, the level of water downstream is getting lower and lower because the SPDC blocked water ways upstream for their mining project with TPE. In summer local people are suffering water supply problems, and in the rainy season they are suffering from environment damage such as flooding and water pollution. Moreover people will face hardship for drinking water because bad water is released into the Thabet River after they wash iron and ore mining; people in downstream use this river for drinking.



*Photo by Pa-O Youth Organization*

The Thabet River has great diversity with over twenty kinds of species. There are catfish, snakehead fish, carp, sturgeon, climbing perch, feather back and scarp. There are many kinds of aquatic creatures living in the Thabet River, such as tortoise, crocodile, shrimp, big crabs, and many kinds of small insects. The insects are useful for fishermen to catch the fish. In the rainy season the fish come up to lay their eggs at the same time there is flooding, so their eggs have been destroyed. Some species are disappearing due to loss of habitat by lower levels of water or seasonal flooding.<sup>246</sup> The water level is so much lower now that one can even see the roots of trees. Moreover, the species will be poisoned after the bad water is released from washing iron and ore mining upstream.<sup>247</sup>

Local people are good at critical thinking in their own traditional way. The water is getting lower and lower so they can walk on the stones in the river. They used to cut the stones from the river to build houses on the farms or in villages. One woman said, "I always see the fish dead flow from river and incredible smell when I use the water."<sup>248</sup> The fishermen cannot provide incomes for their family. Some fishermen do not have any other job and no farm. They have to run day by day.<sup>249</sup> The river becomes dead water.

The government is abusing its own environmental law in Burma. The Fisheries Act, Section 12, says that "No person shall make any canal or channel which may affect any fishery either by reducing or increasing the quantity of water, or changing the quality of the water, or by the introduction of silt."<sup>250</sup> Because of reducing water and changing water color, local people on the Thabet River in Hsihseng Township are suffering from water pollution, lost species, and ruined agriculture. Now the level of water is low and not flowing strongly. The fishermen used to use it for the annual water festival. On 24 April 2009, the local authorities gave an order to stop using it this way, and sent guards for the river.<sup>251</sup>

North of Hsihseng Township, communities on the Thabet River used to be forested with rich biodiversity, beautiful mountains, and many different kinds of trees. Many communities have their own farms and fields along the river because they depend on this river for agriculture. The local environment was balanced. In summer season, farmers have to be ready to deliver water onto their farms. They cannot plough their farms without water or wet land. Some farmers who are rich can plough with technical equipment. Nowadays farmers can deliver water onto their farms but it is not enough for everyone at one time. Everybody has to wait for each other and make schedules for their turn.<sup>252</sup>

Every farmer grows paddy and vegetables in the landscape. In the summer they block their river to get water and some parts of farm are getting flood in the rainy season. Some farmers make a step for growing and cannot reach when there is flood but it still flood. The flood covers all the paddy and some paddy are gone by flooding.

Due to this situation some farmers are facing problems. They cannot get anything back when the floods come. They cannot get their capital even not net income work in a year. One man said that, “I don’t get back my capital from my paddy field already in one year and my family are facing income problems so I already sold my field paddy last year.”<sup>253</sup> Another man said that, “I am really disappointed in my farm because I gave my enforced time in the beginning of growing so now I cannot get anything back.”<sup>254</sup> There are no big trees to absorb the water for their farms. Some people can protect their farm, but it effects those in the lower part of the river more. They can still do some small economy in the end of harvest time. Some farmers continue to grow watermelon and some vegetables for quick income. They have to give more time and they do not need to be disappointed. One woman said that, “If the river gets destroyed I cannot imagine how our life will be.”<sup>255</sup>

Farmers and local people who depend on the Thabet River have to find another new land for farming to provide income for their families. Some local people work in daily income such as fishing and get vegetable to sell to market. It is difficult for them now. The sustainable income for them is working on the farm. If they work in field, they need water to supply for agriculture so they increase new farming. The forest is full with new farming and the mountain is becoming bald because some local people do not have enough farming due to big families. Some local people lost jobs and have income problems so need to do new farming. Some parts of new farming have to pay tax to the authority. One man said,

*“How can we provide our livelihood for long terms without farming? I need to think for children’s’ future. I used to be fishermen before and now I can not do this because the river is getting lower and authority does not allow using things that harmful to species.”<sup>256</sup>*

Moreover, the animals are disappearing and losing habitats because of new farming and hunting. Hunters are not following their own traditional rules. Small private companies increasingly take wood by cutting trees from the forest. The populations also grow bigger and experience difficulties to get income because the river gets destroyed due to the impacts of blocked water ways for iron ore mining.

## **Water Pollution and Health**

The Thabet River used to flow freely and loudly from Hopone region to nearly the end of Hsihseng Township. There is no strong emotional voice and flow now. In some parts the water color is green, with too many insects. Sometimes the water smells too bad when dead fish float in it. Some fishermen use chemicals and bombing for fishing. It is very easy for them to get income and easy to get fish. They just let it flow into the river. The downstream of the river has to deal with these troubles.<sup>257</sup>



In the rainy season there are floods, so the water is more difficult for people living along and using the river. The water is dirty and some other waste comes from upstream. They get malaria, skin disease and cholera by drinking water and using it. “We don’t realize ourselves by drinking this water and we don’t cook before we drink. Sometimes my children get malaria and cholera.”<sup>258</sup>

According to Article 24(c) of the Convention on the Rights of the Child, states should combat disease and malnutrition through, among other things, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution.<sup>259</sup> The government of Burma abuses the CRC. It does not enforce the laws it signed. The government should protect and respect what they promised to the international community and its own people.

## Root Causes of Failure and Harm

Democracy means rule by the people or the government is by the people. In a democratic system, the public can participate in decision making and development in the country. Sometimes the governments provide education, health care, communication and infrastructure by agreement with the people in the country. The government has to be transparent to the public, such as through free media.

A dictatorship is when the government is ruled by an individual and not ruled by the people. Clearly, Burma is not a democratic country. Burma's democratic rule ended in 1962 after Ne Win led a coup. Today the government rules people by armed force. The country's armed forces are known as the Tatmadaw, which numbers 488,000 soldiers.<sup>260</sup> The people do not have much power and the military is influential in the country. The government does not have transparency, and people in Burma are not allowed free access to information about the government through TV, radio, newspaper, and other media. There is poor communication between government and people because the governments does not allow input from the people. The country is under extended dictatorship so the government can do whatever they want because there is no people power inside the country. All people are controlled by armed forces, which also have control over natural resources.

The government in Burma is alive with corruption in the trade of natural resources, politics, and business. The government wants to corrupt more of the life of the local people under military rule. The corruption benefits go through into military troops to maintain the power of government for the long term. Most percentage of corruption goes to the military and less education, health, infrastructure, and the economy. The government is delighted when foreign corporations come to do projects in the country. The corporation gets agreement from the evil government by paying a large amount of money. With every mining project in Burma, there is no Environment Impact Assessment (EIA). The government always makes decisions and never gets agreement from local people.

The investing corporations from other countries allow the SPDC to maintain power. They are cooperating together for their own benefit and doing nothing for the people or environment of the country. The government and corporation only look for their own benefits and never look back at the people effected by their benefits. In the iron and ore mining project in Hopone Township in Shan State, local lands are being confiscated without compensation. The SPDC does not care about livelihoods along the Thabet River, or ruined agriculture, lost species, and water pollution.

Burma is party to several international treaties which concern the environment. Some international treaties require that the countries that signed them must take specific actions. This is not the case with most of the environment treaties Burma has signed, as these are not very strong and do not require Burma to do anything. By signing the treaties the junta hopes to get international recognition as a government that cares about the environment.<sup>261</sup> Environmental law in Burma under the current military regime is actually very weak. The government lacks concern for human rights and the environment. The junta's environmental practices have significantly harmed the health and quality of life of the ethnic people, particularly women and children.

The government does not let people in the country know and explain about the treaties it has signed, such as the Convention on the Rights of the Child (CRC) and Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Women in both rural and urban communities do not know that they and their children have rights under CEDAW and the CRC.

In Burma, the government does not widely provide free education. Educated people try to change the government system but they have to go to jail before they can change anything. So the new generation never gets out from the dark. There is no training on environment issues or human rights from the government. Local people do not understand about environment problems, so the government can do whatever they want to their land. Local people do not know how to protect their environment from the impact of blocked water ways that cause water pollution, lost species and ruined agriculture. Most people do not understand the importance of or give time for learning. In the mining project area, the level of local people's education is as low as the river has become.

## Conclusion

In the final analysis the SPDC and TPE are seriously changing communities' livelihood and environment along the Thabet River. Local communities are suffering water pollution, damaged agriculture, extinct species, and harmed forest along that river. Due to the mining project there are economic crises for local people. And what will happen to them if the poisonous water is released into Thabet River from the mining? How can people provide for their livelihoods without clean water? Our communities do not know until now what is going on with the Thabet River. They just know the result: a water level lower and lower, and how it affects them.

We want international organizations to put more pressure on Burma's government to have transparency with local people. Otherwise the local people will lose their own rights and environmental property. We want international communities to give more attention and care to how Burma's government does projects in local communities that harm human rights and the environment.

## Recommendations

I urge the SPDC government to follow and review the treaties that they signed such as the UDHR, CRC and CEDAW, because the government has abused these laws in relation to local people in Hsihseng Township.

The national and local government should release information about the mining project on TV, radio, and in newspapers, because local people have been suffering relocation and taking of their land without compensation.

The local government should call a meeting to explain information about the project village by village, to get local people involved in project area decisions and get agreement between the local people and national government.

The national government and TPE should have an Environment Impact Assessment (EIA) regarding this project area.

The national government should accept responsibility for the livelihoods of local people and the environment damaged by what the state has done:

- Pay compensation for land confiscation.
- Resettlement for displaced people.
- Provision of free health care and free education for children and women.

The Pa-O National Organization (PNO) should preserve its own land and natural resources, set an example by not destroying the environment, and castigating those who do. It should also take responsibility for local people by giving awareness training and workshops for local people on human rights and on environmental issues such as deforestation, water pollution, and endangered species.

The Russian corporation TPE must respect the rules of environment law in Burma and take full responsibility for its project. The project must not harm environments and human rights in the project area, so there needs to be an Environment Impact Assessment (EIA). TPE must pay compensation for the price of land that was confiscated for its benefit; and must resettle displaced people to new land and build new communities for local people.

As for local people, fishermen should not use dangerous methods for fishing such as bombing, chemicals, and other kind of methods that are harmful to the environment, because the environment along the Thabet River should stand for a long time and they do their job depending on the river for a long time. Local people should protect their environment by not cutting trees if unnecessary, and should replant the trees.

# 3



## *Human "Development"*

For people who live in Burma, the earth rights abuses exposed in these reports are shown to have many negative impacts on their lives. Sometimes the best way for some to find better chances for themselves and their families is to leave the country; too often, they must start their lives again in a nearby country whose languages they may not speak, such as Thailand, Malaysia, Bangladesh, India, or China. As difficult as life in a second country is, there can be new opportunities to study subjects such as human rights and the environment: without these, we ERSB students could not have shown you the problems in this book and asked you, the reader, to help find solutions. Hopefully, someday soon, all people in Burma will reach their dreams without having to leave homes and loved ones behind.



# The Situation of Higher and Post-Ten Education for Karenni Youth in Refugee Camp #1 on the Thai-Burma Border

*By Paul*

## Introduction

A refugee is a person who is in search of a refuge, a safe place, in a country other than his or her own birth land. People become refugees in order to get away from persecution, war, terrorism, extreme poverty, famines, and natural disaster. Today there are two refugee camps for Karenni people in Mae Hong Son province on the northern Thailand-Burma border. The current Camp #1 population is around 18,000, over half of whom are school-aged. This report focuses on the lives of people in Camp #1, and the situation of higher and post-ten education for young Karenni people there.

The refugee camp provides education to many students, but this faces challenges from Thai authorities, resettlement, under-qualified teachers, security issues, and problems of space and money. Karenni refugees in Thailand are considered illegal immigrants by Thai authorities and are vulnerable to arrest and deportation if they are outside the camps, so the freedom of movement for youth in the camp is very restricted; they cannot leave, yet there is little to no opportunity for them inside the camp, especially in the realm of education. Some leave for third countries through the UN resettlement program, but the remaining people face negative impacts from such resettlement. These are the main problems facing education in the camp, and all create further problems for the Karenni people's political, cultural, economic, and social development in the future.

This report aims to put information regarding these problems on websites, including the Karenni Student Union site ([karennisu.org](http://karennisu.org)), in order to show our feelings to the world, and in the hopes of attracting more funding to improve education for youth in the camp. It is also hoped that data on the current education situation in Camp #1 will convince Thai authorities to open or allow more post-ten and higher level education centres in camps. Additionally, there are hopes to increase access to foreign teachers, which in the past have been provided by the United Nations High Commissioner for Refugees (UNHCR), but supply of whom is restricted for reasons explained below.

This report proceeds as follows: the first part explains the Karenni refugee background, and the general situation of camps and of education in them. Then education conditions under the Thai authorities and the challenges faced are examined. Next it looks at the

# Map of Thai-Burma Border and Karenni Refugee Camp 1



quality and quantity of educators and negative impacts of resettlement, followed by conclusion and recommendations. This research was conducted in high and post-ten schools in Karenni Refugee Camp #1 through interviews with 21 people including students, teachers, headmasters, the Deputy Director of Education, subject coordinators, and the Minister of Education; and also draws on some secondary sources.

## Background

Karenni State is located in eastern Burma and is bordered to the north by Shan State, to the east by Thailand's Mae Hong Son province, and to the south by Karen State. The capital city of Karenni State is Loikaw. The state is divided into four districts: Bawlakhe, Kantharawaddy, Kyebogyi, and Moby. These are further divided into seven townships. The Karenni people are also known as the "red Karen" and are a sub-tribe of the Karen people. There are seven main Karenni sub-tribal groups, including the Kayah and the Paku, within which are sub-divisions. Each group has its own language and customs, but all are ethnically connected. Most Karenni rely on forest resources for their livelihoods; hunting, fishing and farming. There are many rich resources available in Karenni State.

"Karenni people have claimed that their territory is an independent state from Burma, according to an agreement that their territory signed in 1875 with the Burmese King Mindo which officially acknowledged the independence of the western Karenni region. This independent status was never altered throughout British rule and maps of the Indian Empire always marked the Karenni state as outside British Burma. Under Burma's 1947 constitution, the Karenni state was granted the right of succession after a ten-year trial period."<sup>262</sup>

However, before Burma gained independence from the British in 1948, on 9 August 1947, the Burman Anti-Fascist People's Freedom League (AFPFL) military police attacked the headquarters of the Karenni National Organization, because they wanted the Karenni to join the union of Burma. Pro-independence groups were already active in the area and formed the Karenni National Progressive Party (KNPP), backed by the Karenni army. The central government has been abusing the human rights and destroying the literature of Karenni people ever since. Several waves of forced relocation by the Burmese regime have taken place in the State. The SPDC uses many strategies to control the Karenni, who have never ceased fighting to regain their lost independence. Because of the brutal military forces of the junta, about 20,000 Karenni people have fled to Thailand, where they live in three refugee camps in Mae Hong Son province.

Relocations of camps have been frequent, partly because of invasion by SPDC militaries – which attack the bases of Karenni armies who protect the people in camps – and for other

reasons. For example, Camp #2 has moved six times since 1989, due to security threats but also because local (Thai) authorities have not wanted to provide land for use by refugees. Relocations are sometimes carried out with force. It is estimated that 40 to 50 people died because of one relocation. Camp #1 is the location of this research.<sup>263</sup>

The Thai Ministry of the Interior (MOI) governs refugee camps in cooperation with on-site refugee camp committees; this includes the education functions.<sup>264</sup> The Jesuit Refugee Service (JRS) has also been working in partnership with the Karenni Education Department (KnED) to implement and deliver education services and training in the camp.<sup>265</sup> Zionist Organization of America (ZOA) Refugee Care, World Education, and JRS have provided training to teachers recruited from within the camp population, from inside Burma, or from Thailand-based training programs for people from Burma such as the Intensive College Foundation Course (ICFC).<sup>266</sup> According to UNHCR and the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT), the greatest problem for education is the retention of qualified teachers since they are paid less than refugees working in other sectors. They also highlight the impact of resettlement of large numbers of people with experience in the education sector.



*High School in Karenni Refugee Camp #1.*

When refugees finish high school, some have an opportunity to continue their education at post-ten schools but, for many, that is where their formal education ends. Post-ten schools can only accommodate around 95 students a year because they have difficulties in raising funds to run the schools, in part because Thai Authorities do not allow camp residents to leave, which makes it difficult to find and communicate with donors.

According to the Universal Declaration of Human Rights (UDHR) Article 26, everyone has “the right to education and education shall be free. Additionally, Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.”<sup>267</sup> Furthermore, the Convention Relating to the Status of Refugees Article 22, on ‘Public Education’, states that refugees “should get the same treatment as is accorded to nationals with respect to elementary education, and treatment as favorable as possible – not less than that accorded to aliens generally – with respect to other education, including the award of scholarships.”<sup>268</sup> However, these principles are not followed in Karenni Refugee Camp #1.

## **Camp Conditions and Impact on Education**

Most students in the camp were born there, though some are from inside Karenni State. So most have no experience of life outside of the camp, and many of their parents endure chronic anxiety and depression. They face problems finding money for their families because of life in the camp. Because of limited access to post-ten or higher education and employment training opportunities, most have no meaningful occupation.

There are some security rules that impact on study in the camp, made by the Thai authorities that work with the camp’s administration. The rules say that no one can move around the camp after 9pm unless there is an emergency, and no one is allowed to make a noise or use electricity or lights after this time. If someone breaks this curfew, they can be arrested and even beaten by the Thai security officers. These rules can prevent students from going to classes or meeting for group study in the evenings. Some students like to study with their friends as they learn things more easily this way. This can mean that students may not have enough time to study or do their homework.

Thai security rules state that every refugee has to live in a particular part of the camp, and cannot visit other areas without a pass nor, as has been stated, may they leave the camp as a whole and enter Thailand-proper. Some students do get an opportunity outside for attending training or other schools, but this is difficult. Application forms cannot be gotten easily because communication is not good and there is no internet in the camp. A teacher at the Karenni Social Development Center (KSDC) said, “We have some problems in our school. Firstly internet problems, we need some information and news from the internet for

teaching. We want to teach students about what is currently happening in the world but we cannot get it in camp. It's also difficult to communicate with donors. We need to go to Mae Hong Son to do that because of no connection and network. But we do not have any Thai passport. That's why so it's difficult for us and that's a problem for our school."<sup>269</sup> A student who finished post-ten education said, "Our education is limited by the Thai authorities so the highest education level is post-ten. After we finished that, we cannot continue education in other schools."<sup>270</sup> Thai Authorities do not want refugees to leave the camp, which limits their schooling opportunities, but also do not provide higher education schools for the students in the camp.

In 2008, some Thai security ('Or Sor') forces were meddling and interfering in day to day camp life. A few are known to have persuaded sexual relations with female students under sixteen years old. Some students in the camp feel that they have been abused by the Thai securities. There has also been an infamous fatal incident in the camp recently, involving a young man.

*"On 16 December 2007, the Thai security authorities conflicted with students in camp. One of Karenni students was killed by the Or Sor. After that some students became angry and demanded 'no Or Sor and camp commander Whachirch in camp.' Even though they demanded that, other groups of Or Sor are still living in the camp."*<sup>271</sup>

Thai authorities have also interfered with refugees who want to resettle to third countries. A first country is a person's place of origin; the second country is the one to which they arrive after fleeing the first; and a third country is the one where they finally resettle. Authorities have refused to let Kayah ("long neck") people resettle because the Kayah are popular among tourists due to the many coils they wear around their necks. Kayah cannot become refugees because tourists cannot see them inside a sealed camp, and the Thai tourism industry will suffer. Thai authorities are now suggesting that Kayah are economic refugees rather than political ones, and ask them to take off their coils if they can get into a camp. Some Kayah ladies do not want to take off the coils as that is their culture. One Kayah woman who did take off her coils to live in the camp said,

*"Before I came to stay in the camp, the Thai authorities made money from tourists with us but I do not like that. I do not want to earn money from other people. I want to get my own education, work by myself and own by myself. I took off my rings so they allowed me to live in the camp and they will let me go to a third country."*<sup>272</sup>

Most people need to be able to see the future for themselves in order to live a good life. A Minister at the KnED said, “I cannot say what will happen or change in the coming years. I cannot make any plan to run our education in the future. We depend on NGOs and political situations.”<sup>273</sup> Instead of dreaming of a big future, many youth in the camp are getting married at a young age: at middle, high, or post-ten school age. After they marry, they stop schooling and do not want to continue their studies. Therefore many of them will not get high-paying jobs and they will face many difficulties in their families.

## Structural Challenges in Education

In the Karenni refugee camp every year over 350 students finish grade ten, but most will not have an opportunity to carry on to post-ten education because there are not enough places for every student who wishes to continue their education. As noted, the numbers of places in the camp education system are limited. In 2008 there were four post-ten schools in Camp #1. In 2009, there are only two: one called the Karenni Leadership Management course (KLMC), and one called Karenni Post Ten (KnPT), an art and sciences school. Both together can only accommodate around 60 students a year. Each has a defined focus, such as human rights and leadership skills. They accept students not only from camps, but also some who finished ‘ten standards’ inside Burma.

Another two schools that used to be post-ten are called the Karenni Social Development Center (KnSDC) and Karenni Women’s Study Program (KnWSP). These can only accept around 50 students, and in 2008 began including even students who did not finish high school. One teacher of KnWSP said,

*“Last year, our school was one of the post-ten. Our curriculum is a post-ten level. We just accepted the students who finished high school or ten standards and we improved their English skills, and foreign teachers also came and taught them. According to evaluation reasons, they suggested that women who did not pass ten standards could also attend this school. So this year we accepted them to attend. In my opinion, our school level is not the same as post-ten in camps because we also accept students who do not pass ten standards ... in the English class, we will divide them into two groups.”<sup>274</sup>*

There are a lot of students in high school, but few teachers there. The situation in the camps is constantly changing. For example, some donors or NGOs stopped their projects and funding for supporting post-ten schools. This makes it very difficult to plan ahead and the schools are facing a shortage of qualified teachers and materials. The headmaster of KnPT said,

*“I cannot write any future plans because we need to depend on the donor or funds and situation of politics. I just think how I will run our school next year. We did not change our curriculum and policies. But we lost half of the funding that we got in the past. Firstly, we are trying to find donors who can support us. Secondly, we are trying to get foreign teachers for our school. They are the most important to us.”<sup>275</sup>*

In addition to there not being enough places or stability, students who apply for resettlement are not allowed to attend higher schools because they may be going to leave the camp. Therefore, some students do not know what to do or where to go after they finish high school. Some youths feel very upset and despairing because they do not have opportunities to attend higher levels or university. One post-ten student said, “I would like to continue my education in other outside schools, in Chiang Mai [Thai city]. I hope that I can use the internet and get more knowledge about outside schools.”<sup>276</sup>

Some youth want to attend computer class or medical school but cannot do this in the camp. There is no room for youth to fulfil their dreams to pursue their interests and develop their skills further. They become disappointed and wish to leave the school or camp to find jobs elsewhere. However, they have no legal right to leave camp except via resettlement. That is why some of them are arrested by the Thai police. Some sneak out to find work once they have finished high school, and do not return to studies.

## Quality and Quantity of Teaching Staff

If the KnED want Karenni education to be better and/or of a higher level, they need to promote teacher training. Most teachers in the Karenni Refugee Camps come from post-ten and high school, and some are even middle school students. They do not have any teaching experience, do not know how to make lesson plans or rules for students. “I have been a teacher in middle school for over two years, but I still cannot write lesson plans and teaching records. I think new teachers who come from high school cannot either. So I want KnED and JRS to promote and give time for training.”<sup>277</sup>

Most camp teachers are hard-working. They want their students to improve their education, to get out of the camp and continue schooling. However, Thai policy does not give youth the right to go outside and study. So it is difficult for teachers to take responsibility for them. The Deputy Director of the Karenni Education Department said,

*“In the beginning of this year, we reduced some teacher training and we have been abolishing the Karenni Teacher Training Center (KnTTC) ... We do not have any pre-preserve training any more. We only have in-service training for*



*teachers. We need to produce more teachers among the young generation in the coming years because most teachers are applying for a third country.”<sup>278</sup>*

In the earlier days of high and post-ten schools in the camp, most teachers had received higher level education, and some were foreign teachers from UNHCR. However, today there are fewer and fewer teachers who have a higher education in the community because they have resettled to western countries or are looking for better-paying jobs. Today there are many problems in KnED because of the scarcity of teachers in camp. Most of the teachers are inexperienced and lack materials. One teacher said, “We do not have enough text books in our school but we have a lot of students. So if we want to give students a homework assignment, we have to write it down on the board.”<sup>279</sup> One teacher of a Karenni high school said,

*“Everything is not enough for us. In our school, we do not have enough teachers. We need teachers who finished post-ten or other school to come to high school because high school is a very important and basic education for youth in the future. After that we need to teach teaching techniques in high school. Because most of the teachers in middle school come from high school. Some students who could not apply to other schools are teaching in middle. They did not have any experience to teach. That’s why we need to teach teaching techniques and psychology in high school.”<sup>280</sup>*

*“Some teachers do not want to be teachers. They said that they are getting a low salary. I agree with them. It’s not enough for me too, because everything is expensive in the camp. We asked the KnED and JRS for more salary many times but they did not reply with anything.”<sup>281</sup>*

Most teachers are paid less than refugees working in other sectors. Most of the teachers said that their salary is not enough to support their family. This shows that the education system and education level in the camp is very poor. One teacher said,

*“Most of the teachers said that I do not want to do my work as well as I can because of the salary. They agreed to petition to KnED for getting more salary. They presented a petition with 376 signatures to the KnED and JRS on 9 December, 2008 ... and sent it to KnED on 5 January, 2009. The KnED invited all teachers to attend a meeting for discussing the problem [on the following two days]. JRS said that we cannot reform it here. We have to inform headquarters and we will try to find more funds for you, but they did not give a promise. Even though the Minister of Education and JRS said they would try for us, the Director of Education disagreed with them. He said, “If you do not want to teach, I will stop and close the schools.””<sup>282</sup>*

Another teacher said,

*“Most of the people who finished high level school do not want to work in KnED because they are getting lower salary in this department than other departments. I do not want to say anything about the salary but it’s not enough for me. I have four children. If they are sick, I cannot find any money to buy milk or orange juice for them. They are all students. That’s why they need candles for reading or studying. So it’s not enough for supporting my family.”<sup>283</sup>*

In the past, foreign teachers have come to teach in the schools, but now it is very difficult to get foreign teachers because of the political situation and Thai authorities. They do not usually allow foreign teachers to come and teach in the camps, and even if they manage to arrive, they do not have a chance to teach students and cannot spend a long time living in the camp. One student of a Karenni post-ten school said,

*“In the past, the people who finished post-ten schools can speak English well. At this time teachers for UNHCR came and taught them. They also have good communication with foreign teachers. If they want something from school, they can get it. But today we do not have any chance the same like this because of limits by the Thai authorities. They did not allow foreign teachers to come here. If the foreign teacher comes and teaches us we will get more experience, listening skills, and speaking.”<sup>284</sup>*

The Headmaster of a Karenni post-ten school said,

*“My students need higher quality teachers who have much experience and a higher education level. They need a foreign teacher to practice their English skill. But Thai authorities do not want students to become of a higher education level in camp. They do not want to see students speak English in camp so they do not allow foreigners to come to the camp.”<sup>285</sup>*

The KnED needs to coordinate with UNHCR to obtain educated staff who can change the curriculum for the better for students, and find more funds for resources for all teachers and students. In addition, it should find a way to train new and existing teachers more. JRS also needs to organize some NGOs to help improve services for KnED, and give support for more materials more funds for teacher training.

## Negative Impact of Resettlement

The Chairman of the Karenni Refugee Camp Committee said, “We can say it is hopeless to stay in the camp as refugees because we are like being on the way to nowhere. We are not Thai nationalities and we are not defined as Myanmar nationalities either. Our children were born here stateless.”<sup>286</sup>



Camp life is tedious and standards of living are very basic. Refugees have lost everything in their homeland, carry sad and painful memories, with a limited space and few resources. That is why refugees want to escape. They hope that resettlement programs are going to make their lives better by having safer surroundings and a better future for their children. However, this program also breaks down the social fabric of the community and the cohesion of their family lives. The UN resettlement program affects Karenni Society positively and negatively. Since the program was introduced into the Karenni refugee camps in 2005, many people became excited to go to third countries, including teachers and students. This program is a door to see the world and change refugee's lives. It is a good chance for the youth to gain more education opportunities.

The process can happen very fast. According to UNHCR, about 13,600 refugees in Camp 1 have applied to resettle in America so far. According to the Karenni Education Center, 6,383 students and 497 teaching staff applied to resettle, plus 166 medical staff and examiners.<sup>287</sup> According to one coordinator, “In my opinion, it will good there for my children in the future because we do not have a chance to live or study in the camp.”<sup>288</sup>

However, this program cannot accept all of the people in the camp. The cream is skimmed from the top. Community-based organizations and camp departments face a problem because they have to recruit new staff, especially teachers. A Headmaster said,

*“I have lost 4 teachers from my school. They went to third countries. Even though I tried and found some teachers for replacing, I could not replace them all. Last year, teachers left from school more than students left. When teachers went to interview for resettlement, they could not go to school. When students had in a class without teachers, they said that we did not have teacher and our teachers did not come to school for teaching us and we will go back home. Therefore, it’s a problem and impacts on students.”<sup>289</sup>*

Some students really liked their teachers who left, and become less interested in studying than before. Some new teachers do not have teaching experience and they are not strict with the students. One Headmaster of a middle school said,

*“Some people said that students are getting lower and lower. If we look at teachers in school, most could not control students. They have the same age as students and the students did not listen to or respect them. When students broke the rules, they did not come to school and teach them. They did not want to solve their problems. If they have conflict with students, they left the school. I have had to reconcile them.”<sup>290</sup>*

Some students do not respect new teachers, and do not study well as a result. Some whose parents applied for a third country also do not apply themselves to their studies or their culture even though they have not gone yet, because they believe they will be leaving. One teacher said, “Some students said that I will go to America so I do not want to go to school, and do not want to learn Karenni and Burmese subjects anymore, because I will not use Karenni and Burmese Languages in America.”<sup>291</sup>

## Conclusion

People around in the world want their individual rights of free education, freedom of movement, the right to do what they can for their livelihood. Many people have their rights during the age of globalization. They want to improve themselves with education and technology. They believe that the education can change everything for them and make their life bright like the stars in the sky to other people. Without education, people will not develop and cannot have any thoughts on how to create a healthy environment, because they cannot read or write what others say or know how to teach their children. They also have no knowledge about politics and must live as their leaders dictate.

While knowledge and education are spreading around the world, the people who live in refugee camps have limited access to education. The people who live in Karenni Refugee Camp #1 do not have guarantees or an easy life. Living in camp, they look like birds in a

cage; they are like birds without wings who cannot escape because every thing is controlled by the Thai authorities. This is a challenge to the politics, culture, economy and labour force of our community. Even though Camp #1 is organized by the UNHCR, refugees remain threatened by Thai securities, under the rule of the Thai authorities, and cannot go out to study. Many Karenni youth said that they want to continue their education at college or university. One student of KnPT said, “I have no stable objective. If I finish post-ten, I will be made a teacher but if I have opportunities for study in a further way, I want to continue my education at another school.”<sup>292</sup>

The Thai authorities should understand and follow the UDHR and the Convention on Refugees; should allow Karenni refugees to build the higher level schools in camp, and grant refugees increased freedom of movement and more job opportunities outside the camps with passes. Refugees are human beings. As humans they have rights as laid out in the UDHR. But in this current situation, Karenni youth do not have hope and cannot see a good future. Some youth want to work on behalf of their people to become united and free. They do not want to see their people in trouble anymore. Many youth in Karenni refugee camps have great dreams for their people but they are not sure how to bring about this change and they cannot say what will happen in the future.

Today these youth need to start thinking of ways to take responsibility for the future generation. They need more leaders to create more opportunities for the youth. They need the parents and community leaders to support or encourage the youth with more education. Most people in Karenni refugee camps need the youth to try hard and speak out about their feelings and needs to the world. Most of them need the Thai Authorities to understand that the youths from the refugee camps need higher-level educations and need to be allowed freedom of movement. They do not want others to support or feed and help them all the time. They want to stand by themselves peacefully and need freedom to develop themselves. Some youth know education is important for them and Karenni State. One student who finished post-ten education said,

*“Education is important for Karenni youth because if we look at the parents’ situation in the past, the Karenni have an independent state but they did not administer their own state. The Burmese government collected the revenue and owns the country. Why? Because our leaders were illiterate. They did not have an education, they did not know how to communicate effectively and they did not have any skills to manage and lead their people. That’s why the Karenni people have to leave their state and become refugees. Today education is important for Karenni youth. Although all people have a talent, they do need education. They know education is a light for these who find it, so the Karenni youth should have education because one day the Karenni youth have to lead the people and the country.”<sup>293</sup>*

# The Education of Shan Migrant Children and Youth in Chiang Mai, Thailand

*By Jan Tip*



## Introduction

This report describes the situation of Shan migrant children and youth with no access to education in Thailand. 'Migrant' means a person who goes from place to place looking for work. The reasons for the large Shan migration include the tragic inter-ethnic fighting, political instability, and economic disparity found in Burma. Most Shan people flee into Thailand, where many of their children have no chance to study, because most Shan migrants do not have any identity documents. Most migrant parents are afraid of the police and cannot go out of the working areas. Most Shan migrants work part-time and do not get paid full wages. They only get wages from 110-140 baht (3-4 \$US) per day. All the profits from the workers' efforts are just for Thailand.<sup>294</sup> The Thai authorities should be more sympathetic to the workers whom they get profits from.

According to the Universal Declaration of Human Rights Article 26,

"Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit."<sup>295</sup>

The government of Thailand made a policy commitment to implement free, universal education for all children in its territory. This was supported by a cabinet resolution on 5 July 2005 that provided for access to the public school system for stateless and migrant children. In practice the policies are weak and often ignored.<sup>296</sup> Some parents can support their children to go to Thai schools, and have identity documents, but they are discriminated against by Thai teachers and students because they are poor. Even though some Shan migrant children and youth have identity papers and can study at the university, they cannot get a certificate, because they are not Thai citizens. For those who finished university and want to apply to other schools or find work, it is difficult for them. Thai government policy must end discrimination against Shan migrants and effectively promote the education of migrant children and youth. Thai people must stop the discrimination against Shan migrants in Thailand. The Royal Thai government needs to respect human rights as Thailand is a democratic country.

Some NGOs try to fill the gaps by opening schools for migrant children. Humanitarian organizations are working with education projects to support those who otherwise have no opportunity to study. Migrant children could not receive good education in their home country as well as in Thailand. So some NGOs are working in the region to give them an opportunity for study, and therefore for better life prospects.

This report is based on research conducted with Shan migrants in Chiang Mai, Thailand. I

interviewed some Shan migrant parents, the directors of NGO schools, and Shan migrant children and youth who work in construction, gardening, restaurants, and as domestic workers. Some information is from secondary sources like books and websites. This report describes the background of migration; economic security and impact on education; Thai government policy on migrant education; education support from NGOs; discrimination against the rights of children; and recommendations for reform.

## Background of Migration

Basic education was affected after the 1962 military coup in Burma. The military controlled the education department and did not support education. School costs were so expensive for many that they could not afford to go to school. Due to the political instability and state budget the whole of the education system became infected by military corruption. These factors drove the children into work sites, war conflict, and the streets of the cities.<sup>297</sup> The quality of any remaining childhood education was poor.

As for the present, UNICEF reports indicate that in Burma almost 38 percent of children between the ages of five and nine do not enrol in school, and almost 75 percent of students fail to complete secondary school. According to an All Burma Federation of Student Unions 2004 education report, only 1.6 percent of ethnic populations attended school, while 32.7 percent of ethnic people were school-aged. Discriminatory policy prohibits teaching of all minority ethnic languages, affecting millions of ethnic children who are now not capable to learn their in native language.<sup>298</sup>

Shan is one of the ethnic groups living in Burma, and has its own state, language, literature, and traditional culture. Shan State is largely rural, with only three cities of significant size: Lashio, Kengtung, and the capital city of Taunggyi. The global Shan population is estimated as being between 6 to 10 million.<sup>299</sup> Most Shan people in Burma live in the hills. The most common occupation is agriculture. Shan State lost all its autonomy through the Burmese military coup in 1962 and is now ruled by the Burmese SPDC (State Peace and Development Council) regime.

So Shan people have suffered from the SPDC dictatorship over Shan State for 47 years. There is a lot of corruption under the SPDC. The government takes a lot of taxes from the public. When SPDC soldiers go to the villages, they are killing the chickens and cows and taking vegetables from the villagers. What they want they take, all things; they do not make requests to the owners before they take it. From 1996-1998 the SPDC forced relocation in central Shan State on over 1,400 villages. Over 300,000 people were ordered to move.<sup>300</sup> The SPDC gave the villagers only a few days to move their villages.



*“The military asked us to move within 7 days but before 7 days the military came to my village and burned all the houses. In my village there were over 300 households. My family did not have an oxcart and went to rent the neighbour’s horses. We did not have money to live and we fled into Thailand. I am very afraid of the Burmese military.”<sup>301</sup>*

After the SPDC relocated the villagers, livelihoods became difficult. Even though some Shan people did not live under the SPDC regime and did not have to move, they found income difficulties and could not supply their families. Their lack of food and security led them to flee to Thailand. It is estimated that over 80,000 Shan fled into Thailand during 1996 to 1998.<sup>302</sup> After 1998 the number of Shan that fled into Thailand is unknown. So, the reasons that most Shan people came into Thailand are: SPDC-forced relocation; economic crisis; because in Burma the education is poor; and to seek jobs. Even though most Shan migrant children came with their parents, they have no opportunity to study. Most are in the country illegally, and so have insecure work situations. Some Shan migrant workers have to change their work place very often; depending on the situation.



*Shan migrants in Thailand*

Even though some Shan migrants have a work permit card, they cannot go outside their living areas. The cards limit the areas of their living or their work. So it is difficult to send their children to Thai school because some can be living very far from schools. Some workers do not earn enough to support their children to attend Thai school. But nor can they return to Burma. “If I go back to Burma, I am afraid that the Burmese military will oppress us like before, collecting a lot of taxes or forcing us to be soldiers, or many other bad things. Though in Thailand we also face many difficulties.”<sup>303</sup>

The current Thai policy refuses Shan people the right to receive humanitarian assistance. They survive as illegal migrants into Thailand. Most Shan migrant workers are working with the Thai industry, manufacturing, including fisheries, construction, restaurant and agriculture. Ten of thousands of Shan migrants live in Thailand, but they are not allowed by the Thai government to live in refugee camps. Shan are the largest group of migrant workers in Chiang Mai province, in the northwest of Thailand.

## Economic Security and Impact on Education

Migrant parents have to do every kind of work, usually in ‘three Ds’ jobs. ‘Three Ds’ mean dirty, dangerous, and demeaning; their children are sometimes also working at these jobs. Shan migrants who work garden plantations can get contaminants in their blood as well as skin diseases from chemicals used in the chili, flowers, and vegetable cultivation. Those in contact with chemicals feel body aches, headache, and burning eyes, and sometimes become diseased. Even though they suffer with the diseases or problems, they continue to do work because it is the only income for them to survive.



Migrants remain in these plantations to get their livelihood and to support their children to attend school. Some people I interviewed sometimes do not have enough money to eat. They must borrow money from the garden owner. When the time comes to pick flowers, they can repay the garden owner. “The difficult thing concerning income is that sometimes we do not have money to survive. If we did not have flowers, we do not have money either. We have to grow the flowers in every season to have money.”<sup>304</sup>

Some Shan migrant people have many children, and cannot send all of their children to school because they do not have enough money. Some children are illiterate, but it is difficult to find income to improve their education.

*“I have three children. One of the elder daughters I can support to attend Thai school, but my twin babies stay home. I also want to send my twin babies to nursery school, but for one month I have to pay about 400-500 baht (11-14 US\$). I cannot support both of them to go to nursery school. If I send three of my children to school I have to pay the school fees and snacks fees for them. I do not have money to send all of them.”<sup>305</sup>*

Some Shan migrants are working in restaurants. If the restaurant is open from morning until late afternoon, their work hours begin around 5am and end around 6pm. Some restaurants open only in the evening, from 5:30pm to 11:30pm; then most employees end their workday around midnight. The migrants have to cook, sometimes are required to serve as waiters as well if the restaurant is short staffed, and vice versa – waiters, sometimes help out in the kitchen if there are too many customers. Most Shan food workers do not have their own time and have no chance to study because every day. Many Shan youth migrants are working in a restaurant and, if they have time, also studying outside school. But they do not have much time or energy left to study.

Shan migrants are often working several jobs. Unfortunately, some workers face a bad owner, who does not give the salary to workers regularly. Workers also have no holiday time, so if workers take a holiday the owner cuts their salary.

*“When I took holiday the restaurant owner cut my salary 500 baht for one day. Some of the workers have to pay money to return to work in the restaurant because they took holiday for 3 or 4 days. Last month, I went to attend training, and the restaurant owner cut my salary over 700 baht. This month I lost from my salary over 1000 baht. I thought the knowledge and education were more valuable, so I went to attend training.”<sup>306</sup>*

The age of Shan migrant construction and agriculture workers usually ranges from 13 to 49.<sup>307</sup> I interviewed eight Shan migrants who have been working in construction for more than three or four years, indicating that the extreme poverty and conditions under the SPDC in Burma are very bad. Children as young as ten years old are leaving Shan State and becoming migrant workers to help support their family. Migrant parents working in construction cannot earn enough. Some did not encourage their children’s education and the children had to leave school, not only for financial reasons but also safety.

*“I could not support my daughter to attend school because I do not have enough money to pay for her school fee. But I want her to be educated because she is the only daughter I have. I hear that there is free education at a King’s school. But I worry for her security, so she decided to leave the school.”<sup>308</sup>*

Most Shan migrants who work as domestic workers fear violence by the house owner in their work place. They face many problems and do not have time to relax. They must get up early, and sleep around midnight. Some Shan domestic workers cannot go outside because the house owners do not allow it. They do not have freedom to go because they live under the house owner’s orders. Their domestic work includes babysitting, washing, cooking, and cleaning many kinds of things; usually girls or women do it. So some workers cannot go outside and do not have time to learn.

*“My jobs are babysitting and cleaning inside and outside of the house. The difficult thing in my mind is that when I go to visit, I have to get permission from the house owners. They limit the time to come back. If I am late the house owners yell at me and I feel like I do not have freedom. When they yell at me, I have to have patience and do my work. I am working and also studying. Every Sunday I went to study outside school and am learning Thai. I can read and write a little bit, but now I do not study because I have to go back to Burma. I miss my parents so much and I want to see them. I also miss my hometown.”<sup>309</sup>*

## Thai Government Policy

Thailand ratified the Convention on the Rights of the Child (CRC) in 1992. Article 2 says,

“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status ... States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.”<sup>310</sup>

Even though every child should have equal rights, in practice there are a lot of problems. It is difficult to receive education. Although Thai public schools support free education, migrant parents have difficulty buying school uniforms, materials, snacks fees, and the cost of transportation for the children. Some Shan migrants cannot support all of their children to study because it is difficult to seek income. So those who have to drop out of school are the eldest brothers or sisters. Those children have to help their parent’s work

and look after their younger siblings. If children have free time, the parents force them to work because their livelihood cannot support the whole family.

There are high illiteracy rates in Thailand among migrants from Burma: in Chiang Mai Province, 38% of females and 12% of males had never received any schooling.<sup>311</sup> On 13 June 2009 Chaiwut Bannawat, Thailand's Deputy Education Minister said,

“The government will introduce a new policy of providing equal educational opportunities to all children in the Kingdom including over 100,000 stateless and migrant children. The Kingdom has strived to provide possible education opportunities to all children, but there remain a large number of children who have failed to receive education. Following the international education agreement of United Nations Educational, Scientific and Cultural Organization (UNESCO) and in the future we will be providing higher education, which ought to be provided in respect of their human rights.”<sup>312</sup>

This policy is very important because many Shan migrant children are stateless. If the Thai government will practice this policy, it is a good opportunity for Shan migrant children in the future. There are other policies which should be improved and implemented. According the *Thailand Law Journal* in 2009, Thai schools are required by law to offer basic education to migrants for twelve years. Shan migrant children born in Thailand cannot obtain a birth record or get official registration of their births so that both Thai and Burmese citizenship are unavailable to them.<sup>313</sup> Shan migrant children become stateless. Thailand is only legally bound to give birth records for children with legal parents. The government should ensure that all ‘alien’ children born in Thailand receive a birth certificate and are registered.

Articles 23(3), 28, and 29 of the CRC spell out the right to equal educational opportunities. Primary and higher level education is to be developed and made more accessible. Thai regulations now grant access to civil registration documents. The regulation allows school to admit children without proper documentation by having their parents be legal guardians. The Thai Ministry of Education is said to have widely circulated the regulation to all parties concerned, including provincial governor's officers throughout Thailand, and they can inform the schools of the regulation.

Article 32 of the CRC is about protecting children from economic exploitation and work that will interfere with the child's education and social development.<sup>314</sup> The Thai government has also ratified two ILO conventions concerning children. First, ILO Convention No. 29 concerning Forced Labour protection, prohibiting the use of violence against the child, on 18 April 1973. The second, ILO Convention No. 127 on Maximum Weight, on 26 February 1988, Articles 3 and 4 of which prohibit children between 13 and 16 from lifting and carrying objects weighing over 10 kg. Thai Labour laws, which apply to Burmese



including Shan children, state that children between 13 and 18 must not work more than eight hours a day. Other Thai laws concerning minimum wages, safety, and social security apply equally to children.<sup>315</sup> In reality, all of these laws are weak because many Shan migrant children are working over eight hours a day, and just as all children do not get equal education, so too with their wages.

## Education Support from NGOs

Humanitarian NGOs are opening opportunities for migrants' children. Most of the children are from Burma. I interviewed some NGOs who are working with migrant children's projects. They encourage and promote education for all migrant children. Some NGOs give opportunities for the Shan migrant children who do not have enough money and whose parents do not have any identity cards. Many Shan migrant children and youth are unable to read or write, so some NGOs aim to prevent that.

I interviewed two of the organizations opening 20-30 schools for over 600 pupils. The aim is to provide migrant children and youth with opportunities to learn vocational education and higher education for the future, including critical thinking skills. The teachers in Burma teach the children to follow everything they say. They do not teach the students literacy, or to ask questions. So, humanitarian organizations are opening students' minds.

They teach Basic and Intermediate English, then basic and advanced Thai, Mathematics, Shan, and the basics of computers. All humanitarian organizations are opening schools regardless of gender, age, race, language, education, religion, political belief, or social background. It is a chance for the migrant children: if they know other languages and know about computers they can communicate with others easily. Humanitarian schools are free, and also give support for school materials such as books and pencils. Some of the organizations support lunch, and supply snacks to the children. It is encouraging the young students to try hard and come to school regularly.

*“The people with less education are like blind people and the people who have education can find work easily and can improve work quickly. The people can receive an education whether they are old or young. But time does not wait for you. People need to find time for education. The people who have education improve more and more. If you have education what you want will be easy to get. If you have the time, do not lose your time. Try to read books or find education and knowledge. I want to tell everybody that; it will improve your life.”<sup>316</sup>*



Shan migrant school in Chiang Mai.

Some reasons that Shan migrant children and youth lack education are limited opportunity and low family income. Another reason is the challenging living conditions of illegal migrant communities, continuously threatened with arrest and deportation. Consequently, people are afraid to send their children to Thai schools because of the low level of communication between Thai schools and migrant communities. By lack of consistent government policy, many parents do not know that their children are now allowed to attend Thai school. Thai people who have duties to spread this news of free education did not arrive to some migrant living communities. Some Shan migrant parents are uneducated and they do not understand the need to send their children to school, and/or perhaps do not have identity cards. It can be difficult for NGOs to fight past these problems and deliver their services.

*“For one week, I went to school for two or three days. I want to go to school regularly but I have to help my parents work and take care of my younger brother. Class time starts at 8am but sometimes I arrive at school after 9am. I have to help my parents work first, and after I am finished, I walk to school every day. This year I should attend Grade 5 but I cannot continue to study because I have to work.”<sup>317</sup>*

## Discrimination

Those who lose opportunities and lose their home town are so many in the world. When people leave their home town flee to live in a host country, they face many more problems. One of those is that some people in the host country look down on them. This is just as true for Shan migrants in Thailand. Even though they live in Thailand, they do not have freedom of movement, any more than they did in Burma. It is impossible for Shan migrants to be repatriated in Burma due to human right abuses. They cannot go back, yet by living in Thailand they also have difficult living situations.

I interviewed some Shan migrant children who attend Thai school. They face problems there. They do not receive the same rights for education like Thai students because they are poor. Every year the humanitarian people came to donate money to the students; Thai teachers gave this to Thai and half-Thai students more than to students who are not Thai. Sometimes migrant students did not get any. The Thai teachers should give equally to all of the students, not only donated funds but also education itself. “A doctor in Thailand donated some money to students in my school. Depending on the ethnicity of the students, we get different amounts. Thai students get more than us. For example, if they get 1,000 baht, we get 200-300 baht.”<sup>318</sup>



Some Thai students also discriminate against Shan migrant students. Some Shan migrants could not understand the Thai language at first, or other subjects, as their education level was different. Most Shan migrants children and youth did not receive a good education in their home country, because the government of Burma does not care the education of most children there, especially ethnic children. Some Thai students look down on Shan migrant students, their families, and their abilities. “Sometimes I did not understand my lessons. I went to ask some of my Thai friends, but they did not explain to me because my parents work in construction, so they look down on me.”<sup>319</sup>

The Director of the Office of Human Rights Studies and Social Development at Mahidol University in Thailand has addressed the issue of discrimination against migrant workers. Most migrants have no rights and can not obtain citizenship. And then, according to a study in the newspaper *The Nation* between 25 November and 1 December 2006, 56.6% of 4128 Thai respondents thought migrant workers should not have the right to apply for jobs in Thailand. 50.3% thought migrant workers should not be given legal status and should not have the same ability to seek employment as Thai citizens.<sup>320</sup> So this problem can start for migrants when young, but will continue through their lives.

## Conclusion

Shan migrant workers in Thailand face many problems because they have to find income to support their families. Their children do not have freedom to study and travel. Most Shan migrants have lost their houses and agricultural land in their homelands and carry with them painful memories. The life of migrants and standards of living are very basic indeed. In reality the situation of Shan migrant workers and their children is very restricted, and they face many difficult life experiences inside both Burma and Thailand.

In Burma most Shan people have limited access to education; only people who live in the cities and who have money can get a good education. The poor children of low family income suffer illiteracy in Thailand, and policy discriminates against Shan migrants. Thai policy must stop treating people differently; the country must promote education of migrant children and youth. Thai people must end discrimination against Shan migrants in Thailand.

Some Shan migrant parents did not encourage the education of their children. They are not thinking of the future generations of children, what will happen to them in the future. But some parents do understand about suffering illiteracy, and how other people look down on them. So they want their children to become literate and send their children to school. They rightly believe that without education, it will be more and more difficult to seek decent incomes and to improve the lives of their children and communities.

## Recommendations

According to my research the Thai government is failing to protect migrant workers in Thailand. The Thai government has a responsibility under the Universal Declaration of Human Rights to protect Shan migrants in Chiang Mai and elsewhere in Thailand from being exploited in the workplace and discriminated against in education. Additionally, the Thai government should set up a migrant education program for Shan migrant children in Chiang Mai. Doing so would be in line with the Thai government's ratification of the Convention on the Rights of the Child; while benefiting from Shan labour, Thailand should provide strong and comprehensive education programs for the children and youth of Shan migrant workers.

The International Organization for Migration (IOM) should also take responsibility for providing education and training for Shan migrant children in Chiang Mai. (IOM is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental, and non-governmental partners to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems, and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people). Shan workers are in difficult situations and cannot send children to school because they cannot afford it and do not have necessary documentation. Therefore, the help of an influential international organization is critical.

Finally, all teachers in Thailand's government schools should give equal education, including educational opportunity, to Shan children as they do to Thai children. Qualified Shan migrant youth should be admitted to universities and should not be denied higher education based on their ethnicity or economic status. Thailand should pass anti-discrimination laws and teachers should be trained in how to create non-oppressive classrooms. Thai children should also stop discriminating against Shan migrant children. They should be taught by their teachers to respect all people and respect human rights and should understand the situation of Shan migrant children and how they have suffered a lot because of problems in their home country. Relationships should be developed between Shan migrant and Thai children that can continuously be developed and strengthened into a more positive future for both groups.

# The Effect of the Political Situations on the Social and Economic Lives of Karen People in Burma and Thailand

*By Kwar Poe*



## Introduction

There are millions of Karen people living in Burma and Thailand. Karen from Burma are well-known as refugees and Internally Displaced People (IDPs). In Thailand, Karen are well-known as a unique 'hill tribe'. Most Karen people face a lot of hardship and live under the poverty line. Karen should not suffer from military oppression and become refugees and IDPs or isolated hill tribes simply because they are a minority. In this report, I would like to describe the human rights abuses that majority populations in both countries use to oppress the Karen people. All information in this report is based on interviews with 15 Karen migrant workers from Burma living in Thailand, and 8 Karen hill tribe people in Thailand who live in mountainous areas. It also includes information from the internet, books, and my own experience.

In the past Karen lived peacefully in the Himalayan and Irrawaddy Delta regions. They hold their own culture, language, and history. Throughout that history Karen felt hardship from Mon and Burmese rulers who invaded, ruled over, and enslaved them. When the British and Thai established the Burma and Thailand nation states and defined border lines, even though the Karen had every essential quality of one nation, they forced the Karen to become two minorities in two different countries. Some became one of the main minorities in Burma, while some became the largest hill tribe in Thailand.

Because they have a different culture from the majority, it is impossible for Karen to be well-integrated; they are always seen as different by the majority. Karen become second class citizens in both countries and so face many problems. In Burma, Karen have been seen as the strongest enemy by the Burmese government, and suffer many oppressions such as land confiscation, torture, forced relocation, arbitrary arrest, illegal taxation, and forced labour. In Thailand, Karen are classified as hill tribe people, and looked down on. Karen people are blamed for environmental problems because they use a system of rotation agriculture over a large area of land, and they use the slash-and-burn system when they clean plots for farmland. Therefore, their traditional way of rotational farming is forbidden by the Thai government.

Long-term oppression and discrimination greatly affect the social and economic lives of Karen people, and nowadays Karen are left behind others in many fields. It appears that the Karen are predestined to be poor and oppressed. Without equal rights there will not be any good future for Karen people. The Karen must have basic human rights and an opportunity to determine their own future, to recover their glorious identity.

## Background

The Karen people are one of the indigenous ethnic groups historically living in the region now known as Thailand and Burma. Approximately 7 million Karen live in Burma and about 400,000 in Thailand.<sup>321</sup> Most Karen people traditionally earn their living by doing agriculture in southern Burma and western Thailand. They want to live peacefully by themselves. Although there are a lot of Karen people, they have not always been united. Therefore, throughout history Karen fell under different rulers, experience many hardships, and were left out from development processes.

After the British colonized Burma (1886-1948), they made an agreement with Thai kingdom about border lines, based on mountain and river placement, without any consideration of the indigenous people who had lived there for centuries.<sup>322</sup> Under their agreement, the majority of Karen people fell under British rule in Burma and a minority into the territory of Thailand. Since that time, Karen on the Thai side became no more than 'hill

tribe' people. Karen on the Burma side were loyal to the British government and played an important role for the British administration until 1948. During colonization, Karen had equal rights with Burmans and developed in every field. Since that time, Burmans saw Karen as enemies, and took revenge when Japan invaded Burma. Hate between majority Burmans and Karen therefore grew throughout history.<sup>323</sup>

When the brutal dictator, Ne Win, took control of Burma after its independence, he began 'ethnic cleansing' practices, ("referring to the harassment through imprisonment, exclusion, or killing of members of an ethnic minority by a local majority to achieve ethnic homogeneity in majority-controlled territory"<sup>324</sup>) in Burma, to rid himself of the Karen minority that he saw as his strongest enemy. Since that time, the Burmese junta has systematically worked to destroy the Karen. Hundreds of thousands of Karen people have been displaced by burning of their villages, and murdered and raped by military.

Unfortunately, this kind of abuse continues. The most recent military regime, which is known as the State Peace and Development Council (SPDC), continues to abuse many basic human rights of Karen people, rights said in the Universal Declaration of Human Rights to be for all human beings. Under the rule of the military junta, economic breakdown and serious human rights abuses force some Karen people to migrate from their hometowns and find a better life in neighbouring countries, while others hide in forests as IDPs, and some live in refugee camps at the Thai-Burma borders.

## **Burma's Political Situation**

After Burma gained independence, narrow nationalism and military dictatorship took control of Burma and oppressed all minority ethnic groups. Many ethnic groups took up arms and fought for their freedom. The Karen are one of the largest ethnic groups that did so, and have continuously opposed the military government for over sixty years.

There are a lot of natural resources in the Karen State of Burma, including teak trees. The military government needs financial assistance to support its administrative mechanisms and pay its armies. One way they get money is to sell all natural resources. Therefore, they try to get rid of all rebellion groups and take control of those natural resources. The Karen National Liberation Army (KNLA) is the military branch of the Karen National Union (KNU). It controls many regions in Karen state; therefore, the military carries out operations against the KNLA to get control of resources in those areas. During fighting with the KNLA, they try to cut down food, funds, intelligence, and recruitment (known as 'the four cuts') of the KNLA, in order to weaken its strength. They have destroyed many villages where the KNLA could get support. They burn villages and farms, and put landmines around villages to make sure that villagers cannot come back. Soldiers arrest, torture, kill,

and rape whoever they want in armed conflict areas, because those areas are not under the control of state but of insurgency groups.<sup>325</sup> They also use villagers as porters in military operations, which is very hard and dangerous work. Porters need to carry very heavy things, and when battle happens no one can guarantee their lives. Villagers have been forced to pay taxes to the military. These strategies ruin the lives of innocent villagers in armed conflict areas. One man, a father of Karen migrant workers in Thailand, explained his bitter experience of ‘the four cuts’ operations and how he lost all of his property:

*“I had to run away from the military my whole life. If they caught us they asked us to be a porter. I have been caught once and I had to work for one month as a porter. I carried food and bullets for soldiers. In our village we grew food but when we heard soldiers coming we had to hide and we could not pick our food. We had to risk our lives to collect our own food from our farms, as if they saw us they shot at us, and they put many landmines around our farms after we had been forced to relocate. Twice I lost all of my belongings.”*



*Karen villagers flee Burma army troops who attacked their village. Photo by Free Burma Rangers*



*Forced labour. Photo by Free Burma Rangers.*

Karen people who live in armed conflict areas meet with a lot of hardship and need to move from their village and resettle in new places; some people do not know where to go and have to hide in the forest their whole lives. Some arrive at the Thailand border and live in refugee camps. Others resettle near towns and cities, but they lost all of their property and need to start their lives again with a lot of challenges.<sup>326</sup>

The economic situation in Burma is very bad and most people need to work hard every day to earn their living. The military asks people to work for them without pay many times. So the people do not have their free time to earn for their lives, and the only way to get money is to take loans from rich people. Among many kinds of forced labour in Burma, being a porter for military operations is the worst because it is very hard; people need to carry very heavy things and the military does not give enough food to porters. One migrant woman said that her family decided to move from their village because of forced labour in their town.

*“I had to go porter three times because there is no man in my family. It was very hard and dangerous to be a porter. Armed opposition groups warn that they will not guarantee the life of a porter who works for the military. I thought we shouldn’t live there anymore so my family moved to get a better life, while some of my friends went to refugee camps.”*

If villagers do not want to go portering, they need to rent men to substitute in their place. The price is very high, because no one wants to risk their life this way. “It cost 20,000 kyats at that time. I had to go portering two times and it was very hard. No one wants to so the cost of hiring men gets higher and higher,” said one migrant worker. Although Burma is a member of the International Labour Organization, it uses forced labour a lot, and its new constitution, passed by the SPDC in 2008 and very broadly worded, opens a way for the government to continue to use forced labour, using the justification of “the interest of the public”.<sup>327</sup>

In Burma there are a lot of people arrested without evidence that they are guilty of any crime. There are a lot of political prisoners in Burma. The military junta arrests everyone they suspect of participation in the political movement. One of my friend’s father was arrested because the government suspected him of spreading a political rumour, just because he was interested in talking about political things. After he was released the government suspected him again of participation in a political movement, and his whole family needed to flee from their home and live in a refugee camp.

There are a lot of innocent Karen villagers arrested because they fail to inform the military of the movement of the Karen National Liberation Army (KNLA) in their village, and some are suspected of connections with the KNLA. Some villagers were arrested, tortured, and killed just because they had been suspected by the military of being connected with rebel groups. Those detained did not have a trial, they do not know how long they will need to live in jail and, sadly, no one knows or cares about them day to day. Their family cannot visit them regularly because they are poor and their wives need to struggle for life so hard. If one family member is arrested, the rest of the family meets with social and economic problems. The situation in Burma’s prisons, such as food and basic health care for prisoners, is really bad.<sup>328</sup>

Burma’s new constitution, at Article 376, states:

*No person shall, except matters on precautionary measures taken for the security of the Union or prevalence of law and order, peace and tranquillity in accord with the law in the interest of the public, or the matters permitted according to an existing law, be held in custody for more than 24 hours without the remand of a competent magistrate.*



In this article, we can see phrases such as ‘the security of the Union’ and ‘the interest of the public’. These phrases are so wide and tricky to define, and it also says ‘according to an existing law’. We cannot know whether the government will declare law that allows arbitrary arrest in some cases. If the government sets a law that allows the arrest of someone for more than 24 hours if they are suspected to be a rebel, Karen people from armed conflict areas would suffer from arbitrary arrest for indefinable periods of time.

## Property Rights

In Burma people do not have any property rights. The military government confiscates land and property from citizens for many reasons. In the past, Karen in the Maw Chee area lived happily and worthily because they owned mines and could earn money easily by selling minerals. However, they are not educated and did not prepare for the unseen future, they just enjoyed life. They could simply collect minerals, wash and sell them.

The cash-poor military government does everything it can to find finance. It saw a lot of benefits from the Maw Chee mine and they simply confiscated mine fields from private owners. Then the lives of Karen there suddenly changed, they did not know what to do. They had done mining work their whole lives. They did not own land to do farming and anyway Maw Chee land is not very good for agriculture. In the mining area the prices of goods are very high because people easily got money from the mine. When Karen lost their mining they could no longer afford the high price of local goods. Finally, they became workers at what was now a state-owned mine enterprise. The situation of mine workers also changed when the state took control of mine operations. At the time of private ownership, mine workers could take handfuls of lead to sell and use for themselves, but when the government started managing mine work it did not allow workers to take anything for themselves. Local Karen now have to work the whole day instead of at their own convenience and need, to get salary from the government. If they do not work for one day they cannot eat, so they need to work every day under poor and unsafe work conditions. The health situation of mine workers is poor; men have died early because of breathing in a lot of mine waste. Many women became widows and their children needed to quit school and work in mines for their family.

Nowadays a lot of Karen people from Maw Chee went to Thailand to get a better life. “The government confiscated our family mine and we suddenly became mine workers for the government,” said the mother of a migrant worker. One migrant worker said their family’s garden had been confiscated by the military and became an income generator for a military family. The government gave substitute land to them but that land was very bad for agriculture and it was hard to get water. Finally they needed to leave their home town and migrate to Thailand illegally. “When the family of soldiers grew crops for household income

on our land, the crops were really good. But we had substitute land where the ground is very bad for growing plants.”

In Burma every natural resource is under the control of the state. In Tharbourg, the government forbade villagers from cutting bamboo while giving permission to the Chinese pulp industry to cut thousands of tons of bamboo every day. The income of villagers had depended on bamboo; they made fish traps, hats, and other things that can be sold. After cutting and using bamboo become illegal, it had a great effect on family incomes. According to the new constitution of Burma, the state is the ultimate owner of natural resources, and it does not mention anything about the participation of local people in decision-making processes regarding natural resources.<sup>329</sup>

Burma is one of the most corrupt countries in the world. For whatever you do you need to pay taxes, and some are not legal taxes, but collected by top military officers. If you need to do business you should build good relations with military officers and give them bribes.<sup>330</sup> It is hard for ethnic people to get high positions in the military, and especially for Karen. Therefore, it is hard for Karen people to get connections with military officers and do business in Burma. In the countryside, illegal taxes are more common than in urban areas. Karen people mostly live in rural areas, so they experience more suffering from illegal taxes. The military continually collects taxes from villagers in armed conflict areas. Villagers cannot use what they earn with their labour. After some armed groups make ceasefire with the government, they also collect taxes, so local people need to pay taxes to both state military and other armed groups. One man now working as an elephant trainer in Thailand said, “I grew crops by myself on my own land, but when I sold it I needed to pay tax to all the armed groups. Life is not very good here but we can use all we earn, in Burma we always had to give money to the military.”

## Impacts on Karen People from Burma

All the kinds of hardship mentioned above forced some Karen people to become refugees, which is defined as “a person who flees to escape conflict, persecution or natural disaster”.<sup>331</sup> Some stay in Burma and become IDPs, which can be defined as:

*Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.*<sup>332</sup>

Some people resettle their lives near towns and cities. They get a slightly better life than IDP and refugee people, but they lost all their property and need to struggle a lot. Their children do not have enough education and need to work during early childhood. Many such people eventually leave their place and seek work in Thailand.

Nowadays, a lot of Karen youth go to Thailand to find a better life. However, getting a work permit in Thailand is expensive, so most of them enter Thailand illegally because they do not have money to enter as legal workers. Working illegally in another country is hard and it is difficult to find jobs. Salaries of illegal workers are usually lower than for legal workers. When Karen enter Thailand illegally they become criminals. They always need to worry for their security, cannot travel freely, cannot get good health care, and can only get low-paying jobs. One such person, a domestic worker, said:

*“Living without documents is quite hard, it is hard to find a job, and if we are caught we have to pay a lot of money. The police arrested me once and I had to pay 12,000 baht. My son was also arrested and he needed to pay 13,000 baht. When I first arrived to Thailand I worked in one house and my boss didn’t pay me because she knew I didn’t have documents or speak Thai. My son also experienced working for two months without pay.”*

It is important to note that the experiences of migrant workers to Thailand are not always and totally negative. For example, one interviewee told me as an aside that he is proud of his work of being an elephant trainer, and that he can support his whole family. They know that it is not very good to work as migrants, but they are happy and proud of what they are doing for their family.

## **Karen ‘Hill Tribe’ People in Thailand**

Being divided by a foreign-imposed borderline, some Karen became Thailand-based and isolated hill tribe groups who were not well integrated into the mainstream of Thai administration and development. Karen people from the same background have been divided, trapped on different sides of border lines and among different nationalities. If we compare general development such as transportation, communication, and infrastructure of Thailand and Burma, Thailand is more developed than Burma, but the living standards of hill tribe Karen in Thailand are not much better than for those in Burma. Poor transportation and communication cut them off from many development processes and the benefits of wider society in that country.



*Karen hill tribe girl in Thailand.*

Although in Thailand compulsory education lasts for nine years, most Karen children there do not have the opportunity to get that much formal education because only government schools up to the sixth grade are available in their villages. Depending on the family economic background, it can be very hard for children to go to towns for secondary education. Therefore, most Karen children quit school early and work on their family farm. Usually, they marry early and live simply. One hill tribe woman said, “Children here have very little chance to continue study after 6 standard and many girls get married at the age of fourteen.” Most of the Karen hill tribe people do not know about the benefits of formal education and they do not try to send their children to school. A hill tribe woman said, “I did not attend school. I cannot read or write any literature. My parent asked me to work since I can hold a knife.”

As a result, if they migrate to more urban areas to find a job, they usually have to work as a cleaner, at a fuel station, as a waiter, or in domestic work, and some become sex workers. The Thai government should promote education opportunities for Karen hill tribe people by building schools in and supplying teachers to remote mountain areas, and pressuring Karen people to send their children to school.

Some Karen do not have a complete citizen card, although they have lived in Thailand since birth. Thailand has four colours of identity cards, and only white card holders can enjoy full rights of citizenship. Many Karen do not have a white citizen card because it is very hard to access immigration officers, and because the Citizenship Act 1965 made most hill tribe people aliens.<sup>333</sup> In the past, Karen people did not know what a citizen card was because they lived in remote areas and did not need them. Because of the Citizenship Act, although Karen children nowadays want to get citizen cards they cannot do it, because their parents did not have citizen cards when they were born:

*A person born within the Thai Kingdom of alien parents does not acquire Thai nationality if at the time of his birth, his lawful father or his father who did not marry his mother, or his mother was: (1) the person having been given leniency for temporary residence in Kingdom as a special case; (2) the person having been permitted to stay temporarily in the Kingdom; and (3) the person having entered and resided in the Thai Kingdom without permission under the law on immigration.*

Under this Act many Karen hill tribe people become aliens. As many Karen in Thailand cannot speak the Thai language, and have no formal documents, it is difficult to prove that they and their ancestors have already lived there for hundreds of years, even before it became Thailand. According to my research, some do not know how important an identity card is. They rarely go to towns and cities, so they do not need a citizen card, but if they want to go and work in an urban area they must be able to produce one.<sup>334</sup> One Karen man from Mae Hong Son province said, “Usually our villagers have an identity card. But most villagers from my wife’s village do not have identity cards.”

Although most Karen hill tribe people are farmers, they do not have any papers documenting their farm ownership. They have been earning their living on their land with traditional methods since many centuries ago. They do farming in one place for two or three years, and when the soil is exhausted they move to a new place to farm and leave the former place alone for seven to ten years to recover naturally again. It is their way to protect the environment and farm sustainably. However, the Thai government does not try to understand it and they complain that Karen people burn a lot of trees to clear their farm plots, thereby destroying the forest. The government wants Karen and other hill tribes to stop rotation farming, without proposing alternatives. On mountainsides, if people farm in one place for many years, the product yield will fall, and they need to use chemical fertilizers. Such land is not good for sustainable long-term farming. But Karen do not have power against government orders, or control of their own land, and cannot fight for their traditional way of environmental protection. “We do not have any documents for our farmland and even our house is state property. We are also being looked down on,” said one interviewee.

Karen people do not have a role in decision-making processes, although the Thai constitution mentions promote of participation of indigenous people. For example, when the government tries to form a forest conservation area, they do not consider that the area was inhabited by hill tribe people for many centuries. When they declare environmental protection law, they do not give Karen people a chance to show and discuss about their traditions and ideas of environmental protection. If Karen cannot do rotation farming, then they need to find jobs in urban areas, but for that they need identity cards and a high level of formal education, neither of which they have. Then they will end up doing difficult and low paying jobs, like migrant workers. This kind of situation can create a bad future for Karen hill tribe people generally.

## Conclusion

In Burma, Karen people suffer terribly from oppression by military forces, including such human rights abuses as torture, forced relocation, forced labour, land confiscation, arbitrary arrest, and illegal taxation. The State Peace and Development Council should show they respect the Universal Declaration of Human Rights by no longer practicing annihilation, absorption, and assimilation against the Karen. However, this development is unlikely, even in order to remove international business sanctions on Burma. It is hoped that this report and others like it might increase international public support and awareness, at least.

As for Thailand, Karen people long resident there are often looked down on and classified as 'hill tribe' people. They do not have enough education which is the fundamental foundation of development. They do not have important roles to participate in the decision-making process that greatly affect their lives. Although they earn their living with agriculture they do not have legal documents for their farmland. There are restrictions on Karen people getting citizen cards, so they cannot enjoy full rights of citizenship. The Thai government should promote participatory rights of hill tribe Karen who live in remote areas, by calling meetings with hill tribe people before making decisions that will affect their communities. Thailand should guarantee citizenship rights and land use rights to the Karen people who have lived there since before memory. The Thai Government should promote these rights in order to fulfil their obligations to the international legal conventions that the country has signed.<sup>335</sup>

Karen are a minority in both Burma and Thailand, and both countries' government policies on minorities make the lives of Karen people hard. Being a member of a minority does not mean that they cannot have equal rights with the majority. According to the Universal Declaration of Human Rights, Article 1, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act

towards one another in a spirit of brotherhood.” Every country must have a law that guarantees the rights of minority people and must practice that law. Because of the violence and oppression in Burma, Karen people are now spread all over the world, divided by borders, distance and, increasingly, experience. All Karen people need to pull together and work to make their rights real.

# Food Insecurity Due to SPDC Military Operations in Lu Thaw Township, Northern Karen State, Burma

*by Saw Eh Ka Lu Moo*





## Introduction

Burma is a country ruled by a military junta known as the State Peace and Development Council (SPDC). There are more one hundred different ethnic groups and sub-groups in Burma,<sup>336</sup> including Shan, Karen, Rohingya, Arakanese, Kachin, Chin, Mon, and many other smaller indigenous groups that altogether form about 30% of the population.<sup>337</sup> The majority people are ethnic Burman. Since Burma gained independence from the British in 1948, the minority ethnic groups have been oppressed by the SPDC military junta which violently controls the country. Therefore, some minority ethnic groups have continued to pick up their weapons and fight against the SPDC in order to protect the rights of their people. The Karen National Union (KNU) is one such opposition group that has been fighting against the SPDC for nearly 60 years.

The KNU was founded and mandated in 1947 to lead in the Karen people's struggle for the right to decide their own destiny, for equal rights and self-determination.<sup>338</sup> The Karen National Liberation Army (KNLA) is the military branch of the KNU, and operate in each of the seven districts in Karen State. For over thirty years, the SPDC and variously named governments that preceded it have tried to destroy the KNLA and other opposition armies by destroying "the ability of the civilians to support them. This approach gave rise to the official Four Cuts policy, intended to deprive opposition groups of food, funds, recruits and intelligence."<sup>339</sup>

After 1975, the SPDC entered Mudraw District in Northern Karen State and began to practice their 'four cuts' policy to eliminate KNLA Brigade 5 which controlled the district.<sup>340</sup> In this conflict between the SPDC troops and the KNLA, the villagers were forced to relocate and lost their homes, families, crops, and fields. As a consequence of this 'four cut' policy, food insecurity and its impact on environment and social life are the major problem for the villagers in Lu Thaw Township, Mudraw District.

Food security exists when all people have access to sufficient, safe, and nutritious food to maintain a healthy and active life.<sup>341</sup> Food security does not happen when people do not have enough food or nutrition and are consistently hungry. If the availability of food sources such as the forest or land for agriculture is not enough or is destroyed, food security cannot happen. Even if it is available, food security does not happen if the people cannot maintain these food sources freely and safely. This report puts forward the claim that food insecurity and its impact on the villagers in Lu Thaw Township, Mudraw District are the consequences of the SPDC operation to eliminate the KNU/KNLA in their area.

There are five parts to this report. Part 1 gives some basic background information about the focus area including the general geography, the political situation, and the livelihood of the villagers. Part 2 describes SPDC troop movements in Lu Thaw, the cause of food

insecurity. Part 3 explains the impact of food insecurity on the environment and social life of the area. Part 4 summarizes the findings and draws conclusions. Part 5 puts recommendations forward to the government, armed groups, local NGOs and the international community, for how to make the situation better. It is hoped that, from this report, local Burma advocacy and humanitarian organizations as well as international organizations will gain a better understanding of the serious plight of the Karen People who are currently facing a food security crisis, and that they will work to help solve this problem with the people of Burma.

Data in this report was collected from 20 interviewees including KNLA soldiers and leaders, women, youth, and some NGOs. All of those interviewees are suffering from the food security crisis today. This research was done in Mudraw District, Northern Karen State. Some information is from secondary sources such as the internet and books.

## Background

In Burma there are seven states, including Karen State. In Karen State, there are seven districts defined by the KNU and Mudraw District is one of these. It is located in the northern part of Karen State. In Mudraw District, there are three main groups of villages and among these, Lu Thaw, my focus area, is a 'black zone'. A black zone is a war zone, an area that the SPDC is trying to get control of. There are three different zones defined by the SPDC, the opposition groups and villagers: black, brown, and white. Black zones are controlled by armed opposition groups (in Karen State, this means the KNU); the brown zone is where neither the KNU nor the SPDC has been able to take full control and where both are active in military operations; and the white zone is controlled by the SPDC.<sup>342</sup> Since Lu Thaw Township is a black zone, and therefore not controlled by the SPDC, it is in a current state of conflict.

The livelihood of the villagers in Lu Thaw Township is mainly farming and shifting cultivation. Shifting cultivation means people go around different areas after each year to cultivate their crops. For example, they grow their crop in one field this year. The next year, they move to another field to grow their crop. When they come back to the field in which they first grew their crops, seven or ten years have passed because they need at least this long for the land to rest. This field is ready to grow crops on again.

Most villagers grow rice in their farm and hillside field. Rice is the main food for the villagers in Lu Thaw Township. They get enough rice from their fields because they have good enough land to practice their agriculture. They usually get 200 tins of grain of rice in each year if they grow 15 or 20 tins of rice. This is enough to pass the whole year. They could share their grains of rice if someone needs it. They did not sell it. The amount of

population and area of land are balanced to practice their farming and shifting cultivation when some people are depending on farming and some are depending on shifting cultivation. This is before the SPDC enter this township.

Moreover, everyone raised their own animals, such as pigs, chickens, goats, cows, and buffalo. because they had enough rice to feed them. When they had enough rice, they could eat their animals, too, or could sell their rice and animals to buy some other things that they needed. They went to the forest to search for vegetables, and fished in the river. They could go to the forest safely anytime. They met with food security when they had enough and good land to practice their cultivation, when they could move freely without any fear to maintain their fields on time, and when they had a safe forest in which to search for other food.

## **SPDC Operations and Food Insecurity**

Through the 1950s and 1960s, more and more ethnic armed groups in Burma rose up against the regime.<sup>343</sup> Since 1970, Burma's military government started to practice its four cuts policy to eliminate these armed groups. After 1975, the SPDC entered Lu Thaw Township and started practicing their policy in order to eliminate the KNU/KNLA which had taken control of this area. To complete their mission, the SPDC troops destroyed the villages, crop fields, and animals belonging to the villagers by burning, mortar firing, and shooting. They forced the villagers to flee and even killed some of the villagers. They wanted the villagers get away from the KNU and go to the SPDC-controlled area. They wanted to cut off the connection between the villagers and the rebel soldiers.

The KNLA was protecting the villagers from the violation of the SPDC troops. So the villagers were supported the KNLA and KNU with their food, such as rice. According to a woman in this township, without the Karen soldiers, the villagers could not live. Likewise, without the villagers, the Karen soldiers could not survive.<sup>344</sup> Thus the SPDC tried to force the villagers away. Under these conditions, it was easier for the SPDC to eliminate the KNU/KNLA. This SPDC mission led to four main causes of food insecurity for the villagers: burning by SPDC troops, mortar fire, destruction of animals, and forced relocation.

Since the military entered this township area, many villages were burned by the SPDC troops. From 1975 to 2009, ten villages in the Kyaw Mu Plaw Villages Tract were burned by the soldiers. In 1997 alone, five villages in the Yeh Mu Plaw Village Tract and eight villages in the Pla Ko Villages Tract were burned. In 2007, two villages in Kay Pu Village Tract were burned. Twenty-five villages in four village tracts were burned by the Burmese soldiers from 1975 to 2007.<sup>345</sup> During their attacks, the SPDC troops also burned the rice barns of the villagers, and not only the rice stores in villages, but also those that the

villagers had hidden in the forest.<sup>346</sup> Since rice is the main food for the villagers, it was difficult for them to survive this physically, and of course it was terribly upsetting.

*“The soldiers burned my rice store that I hid in the forest. In that store, I had 220 tins of rice. I only kept one tin in my house to grow in my farm. But later, I ate it because I didn’t have any other rice. I ate rice soup until I could grow my rice and get it from my farm again. I fed my child rice soup the whole year.”<sup>347</sup>*

Rice soup is a kind of food which is cooked by a mixing a lot of water, some kinds of vegetables, and a very small amount of rice. When the villagers and their children have to eat rice soup twice a day for a long time, they lose substantial nutrition and energy. It is one kind of food insecurity for the villagers in Lu Thaw Township.

Most SPDC military camps are on the mountain. Therefore, they can see the movement of the villagers very well. They fire mortars into the villages and at the villager’s fields when they are working, in order to destroy these resources. For example, on 30 April 2007, the SPDC fired twelve mortars into Kay Pu Village and suspected hiding places nearby.<sup>348</sup> In a village of the Yeh Mu Plaw Village Tract, they fired their mortars when one family and their friends were working in their farm.<sup>349</sup> For this reason, the villagers did not dare to go to their fields. They cannot maintain their fields or protect them from wild animals. They are afraid of the SPDC. They only went to their field very early in the morning or at night time when the soldiers could not see them very clearly, in order to collect their rice. One interviewee said “At that time, we had to steal our own rice.”

*“They fired their mortar into our farm when I and my family and friends were tending our paddy. Others told me “run quickly ... run quickly” but the soil was too muddy. My skirt is long and made me fall again and again. The bullets were falling near my feet. At that time, I thought I would die but I am still alive.”<sup>350</sup>*

Some farms are directly damaged in attacks by SPDC soldiers. From 1975 to 2009, with only five village tracts in this township area, there were around 370 farms and 1210 hillside fields damaged and abandoned by villagers due to destruction by the SPDC.<sup>351</sup>

The villagers who lost their crops and farms went to other people who still had good farms and worked for those people to get some rice. There are many villagers who went to someone and asked for work like this. Therefore, the farm owners were unable to give a lot of rice to everyone for their services. They could give only very small amounts of rice to everyone. They could help each other just enough to be alive. That is another reason for food insecurity in this township due to the SPDC troops’ mortar firing.

*“We worked for the people who still had a good rice field and we got very few amounts of rice. They could not give us enough rice because there are so many people like us who went to those people for help. They could help us just not to die. We cooked some kind of vegetables and a lot of water with the rice that we got from those people. We had to eat that kind of food every day but only two times a day. It was not enough for us and it could not solve our hunger.”<sup>352</sup>*

When the SPDC troops entered villages and destroyed them in Lu Thaw Township, the villagers had to flee to the forest. They could not take their animals with them. They could bring only one or two chickens, to eat during the hiding time. Animals such as pigs are not easy to travel and hide with because it is a danger for security, since the animals move slowly and sometimes make noise. When the SPDC troops destroyed the villages, they also shoot, ate, and took the animals which belonged to the villagers and had been left behind. The SPDC also need to feed their soldiers. These animals helped the villagers when they needed to eat meat. They got nutrition from their animals. They could sell them and buy other things they needed. They lost their rice and animals at the same time, leading to food insecurity.

In 1975, the SPDC troops under Division 77 burned through Yeh Mu Plaw Village tract, killing over fifty buffalo.<sup>353</sup> The buffalo were the main support for farmers; without them it was extremely difficult to plough their paddy fields in rainy season.<sup>354</sup> The villagers who lost buffalo had shared their farms with other people, who were lucky and still had buffalo. Some buffalo owners did not have farms, but just had hillside fields. So they shared their buffalo with the villagers who lost theirs and had farm land. These villagers worked together on the same farm. After they harvested the rice, they shared the grains, so the farm owners who lost buffalo did not get the amount of rice that they usually would in that harvest. This was another cause of food insecurity related to the destruction of animals by the SPDC troops.

## **Forced Migration**

Burning of villages and rice stores, destruction of animals, and mortar fire are causes of forced migration. There are also other causes, such as unlawful killing and gun shooting of villagers who have not committed any crime. This is done by the SPDC forces if they suspect that the villagers are actually KNLA soldiers. The villagers are innocent because they did not fight with the SPDC troops and did not commit any crime.

In 2007, SPDC troops under Division 88 went from their camp to a village in Naw Yo Ta Village Tract to fire mortar into that village. On the way there, they shot a man and his wife who were working in their field.<sup>355</sup> After that, they fired mortar into the village. In this

attack, eight villagers including three women, and five men were injured, five seriously, but no one died.<sup>356</sup> Villagers have often had to flee from shooting while searching for forest foods.<sup>357</sup> “The SPDC soldiers shot at us with their guns when they found us as we were searching for food in the forest. I think they could capture us if they wanted but they just shot at us. We had to run very hard to escape.”<sup>358</sup>

According to villagers in Yeh Mu Plaw Village Tract, as they remember, there were twelve innocent villagers who were killed by the Burmese soldiers.<sup>359</sup> They were not KNLA soldiers and did not commit any crime for which they should be killed. Some of them were killed by gun shot, and some were beaten until they died.

For those reasons, the villagers could no longer live in their villages. They fled and relocated to different places, although they did not want to move. There are twenty-five villages in four village tracts that have relocated themselves due to destruction such as burning, mortar fire, and killing by SPDC soldiers from 1975 to 2009. The population of relocated people has increased year by year since the SPDC operations started.

When different people from different places came and lived together in the same place, it was difficult for them to practice their agriculture. For example, there were twenty-eight villages in Pla Koh Village Tract in the past. Now there are only six main places in which people live, because the people from the villages migrated, combined with each other, and congregated in the same place.<sup>360</sup> Therefore, the needs of land area for agriculture and the population are not balanced. The native people had to share their land with relocated people. They could not rotate their cultivation enough, only in three to five year cycles instead of seven to ten years. Therefore, the period of time for the soil to recover itself into good soil again was not enough. The quality of the soil is extremely decreased when people grow their paddy in it again and again in only a few years. At first, their crops look green and beautiful, but later they become dry and yellow, and die. “In the past, I got 200 tins of rice if I grew fourteen tins. We could give some to other people if they did not have enough rice. But now I only get forty.”<sup>361</sup> The production of rice from the fields has decreased as the population of relocated people has increased. There are many villages that have very little rice to pass the whole year; some do not even have enough left to grow it in their field for the next year. “Now, we just have six tins of rice left. We have to wait many months to get rice from our field. We do not know what we should do.”<sup>362</sup>

## Earth Rights Violations

The Universal Declaration of Human Rights (UDHR) includes Article 3, the right to life; Article 17, the right to property; Article 25, the right to food; and Article 13, the right to freedom of movement, as key aspects of universal human rights. All member states of the



United Nations (UN) have agreed to honour the UDHR in signing the UN charter. The Burma military junta is a member of the UN, and should follow the UDHR because they agreed to follow it by signing the UN Charter. They should protect the life, livelihood, and property of their own people. Instead, as demonstrated above, they are engaged in the destruction of the livelihoods, properties, and lives of the villagers in Lu Thaw Township and other areas, forcing them to relocate and live without food security. The SPDC has killed villagers without first proving that these people have committed crimes. The atrocities committed by SPDC troops completely violate the rights to food, property, freedom of movement, and life of the people in Lu Thaw Township. The environment of the area has also been violated.

In the past, villagers rotated their agriculture from field to field during seven or ten year cycles, when everyone could live in their own places, before the SPDC troop operations. They did not go to any other area. They avoided some places such as upstream and near the village. It is part of their culture. They understood that their river will have less water in the summer, and that there could even be drought if they cut down the forest in the upstream area. Now, the rice production from their hillside fields is reduced due to the quality of the soil decreasing. Villagers are cutting down the forest in upstream areas when they need more land for hillside fields. The forests around the village and upstream areas are almost gone. The villagers cannot avoid it anymore since many people from different

places came and live together in the same area. They could not go very far from their village to practice agriculture because SPDC troops took control in many areas of in this Township. These conditions have directly led to deforestation. “In the past if we look at our upstream area, it is full with forest. Now, it is already gone.”<sup>363</sup>

This deforestation is likely to worsen because the villagers will keep cutting down the forest around their area to practice their shifting cultivation if they cannot go to other areas. These conditions are leading to climate change such as drought in summer. Agriculture is depending on the rain water. If there is no rain at the right time of year, the villagers will not maintain their agriculture anymore. At the same time this food insecurity will get worse and the villagers will have less chance to survive.

In the rainy season, the rain water has to pass so many trees in the forest to flow down into the river, when forest is available. Due to the forest in the upstream area and around the river being cut down by villagers, there are no trees to slow down the flowing speed of rain water. Therefore, the rain water directly flows into the river at high speed and creates flooding. During the last few years of rainy seasons, flooding has happened. One river in this township area flows through villages, and many farms are located along its banks. The river erased some parts of farmlands in the rainy season. There is flooding even after a little rain. It is the consequence of deforestation that is itself related to the food insecurity issue. All combine to threaten the villagers, who depend for their livelihoods on farming. “In the past, ten years ago, we had never seen flooding and erosion in rainy season like we have today. I think it is because the forest upstream is cut down by villagers. In the past these forests were full of green leaves.”<sup>364</sup>

If this erosion gets worse, it will be difficult for the villagers who practice farming. There are so many farms on the river side. They will have to change their livelihood from farming to shifting cultivation if their farms are erased. These people are not familiar with shifting cultivation and it will be difficult for them to do it. Moreover, the more people who practice shifting cultivation, the more they will have to cut down the forest and it will probably make current deforestation even worse.

## Education

When the villagers do not have enough rice, they have to work in their fields very hard. They need more rice to grow rice. In this situation, they want their children to help them in their work of farming and household tasks. Those children who could not do farming stay in the house and look after their young siblings when their parents are working in the fields.<sup>365</sup> The children want to study at school but they cannot do anything when their parents have to struggle to get enough rice.



Among the people who face food problems, the teachers are also involved. Teachers are also villagers. Since they teach in the school, they have less time to work in their fields. They get food or some amount of money from the student's parents for their service. They are unable to teach at school anymore when the student's parents cannot support them due to food insecurity.<sup>366</sup> Therefore, they have to work in their farm to get their own food rather than teaching at school.

Food and nutrition is important for children in their studies. When people could not have access sufficient and nutritious food, the quality of study also decreases. Even if they go to school, children cannot study very well because they are hungry. Children who are hungry have short attention spans and do not do as well in school as they could.<sup>367</sup> This is a threat to the education of children in Lu Thaw Township related to food insecurity.

## Conclusion

The people in Lu Thaw Township, Mudraw District, are mostly farmers. They had enough land to practice their agriculture; they had their livestock, river, and forests. They had access to sufficient and nutritious food from their agriculture, livestock, rivers and forests. In the past, they did not have to worry about food. It was when the available food resources were sufficient, and their life was safe and free to maintain their livelihood. It was before the SPDC operations to eliminate the KNU/KNLA started.

When SPDC operations began, the main food resources of the villagers such as farms and hillside fields were damaged through the destruction of the military forces. Local people had to leave their land and flee into different areas. When they entered other area, enough of the land needed to practice agriculture was not available for both relocated people and native people. Shifting cultivation needs long periods of time so land can recover itself, but villagers could not leave land long enough because the population increased and needs for land increased with them. Therefore, the quality of the soil has decreased and the rice production of the fields has of course also decreased.

So now, force, deforestation, erosion, and social impacts such as threats to education have all led to food insecurity in the area. The violations committed by SPDC troops such as destruction of property, forcing villagers to relocate, and unlawful killing, are unlawful, breach their obligations under international law, and result in many negative impacts on human rights and the environment.

Villagers want anyone, including NGO, the international community, and the UN to know how much they are in trouble because of the Burma Government, and to help them expose and solve their problems. The villagers just want their village back so they can practice

their farming and shifting cultivation in sustainable ways and have enough to eat. They want the SPDC troops to withdraw their camps, and have sympathy for and empathy with their people. “I don’t know when these horrible things will be over and when will I die. To be alive in this earth is enough for me.”<sup>368</sup>

## Recommendations

The KNU can help the hunger of the villagers in some way by collecting rice from other districts in Karen State each year. After that, they can give it to the villagers who are having food security problems.

The KNU can record how many people need food in Lu Thaw Township, Mudraw District and why they need food. It needs to be detailed. They can use this information and ask for help from some organizations such as the Karen Emergency Relief Fund, and World Food Program (WFP) to get food aid for the villagers.

The KNU can cooperate with some organizations such as the Karen Human Rights Group, and other local NGOs. They can do research about how the Karen People are oppressed by the SPDC military junta. They can show it to the UN Security Council through the help of local NGOs. It can help the Security Council to reduce human right violations against ethnic minority groups: the more the Security Council has evidence, the more it will help them to pressure the Burma military government.

I request that the UN Security Council will use any human rights violation documentation to pressure the Burma government to promote the fundamental rights of its people by public shaming. The UN Security Council can do this in their member state meetings. I expect that the Security Council will urge all its member states to pressure the SPDC government to promote basic rights for the people and not to violate the rights of their own people by implementing the international convention that they have signed. It can be successful if all member states point to the SPDC and pressure them to do it at the same time during their member state meeting.

I expect that the UN Security Council will do more research about how the Burma government violates the rights of non-dominant people in rural areas, by sending their members into Burma or through the border. They can cooperate with organizations based in Thailand to go through the rural areas of Burma.

As the Karen Emergency Relief Fund’s (KERF) purpose is to “provide humanitarian assistance, including food, shelter, medical and health supplies, and to provide educational and self-help projects for the Karen people”, I request that this organization will provide

some aid for the villagers in Lu Thaw Township, Karen State. I expect that this organization will provide at least rice and seed (rice) for these people because rice is very important for the villagers in their current situation.

I expect that the KERF will provide some mosquito nets, medical and health supplies for these people if they can because this area does not have a clinic or hospital. People need to be careful of their health when they have less food, to get more energy to prevent any diseases.

I expect that the KERF will educate these people about food security and food insecurity issues by giving short or long trainings. It is needed for these villagers because they need to educate themselves and help themselves in order to eliminate this food insecurity forever in the future. To educate these people, you can open training in refugee camps based in Thailand and invite them to attend.

If there are problems accessing this area (Lu Thaw Township), you can cooperate with some local NGOs such as the Karen Human Right Group (KHRG) or Karen Environmental and Social Action Network (KESAN) to provide humanitarian assistance. These two organizations are currently active in the area. There are other organizations which can help too.

To “Save lives and protect livelihoods in emergencies,” is the objective of the United Nations World Food Program, so I expect that this organization will consider the villagers in Lu Thaw Township, Mudraw District. Their lives are threatened due to food insecurity. This means they are in an emergency condition. Therefore, I hope this organization will draw up some plan to help these people by cooperating with individuals or any local organizations based in Thailand.

I request that this organization will provide food aid because it is very important, especially for children and women. The women need to be healthy, to look after their child, home, husband, when they are pregnant, and to run away from SPDC troops too. The children also need to have nutrition and enough food because they are too young and they do not have much resistance to prevent them from getting disease. They need more energy to stay alive and to study.

I expect that this organization will spread this information to any other organizations which provide humanitarian assistance for suffering people around the world by sending them this report, or uploading this report to their website.

To the Karen Environmental and Social Action Network, I request that this organization will educate people about the environment and food security by giving them short trainings.

It is needed because the villagers will use chemical fertilizer in the future if they keep facing this food insecurity problem. Moreover, the villagers are now cutting down the forest in the upstream area and around the river. This has led to deforestation and soil erosion.

I hope that the SPDC government will reduce their human violations against the villagers in Lu Thaw Township, and cooperate with them. You can encourage and attract them to move into SPDC-controlled areas with non-violations. This way will be more effective because they will like you more when you do not violate them. It will then be easier for you to eliminate the KNU/KNLA when all villagers come into your area and the KNU does not have support.

I hope that the SPDC government will promote the fundamental rights of their citizens by implementing any conventions that they have signed such as the UDHR, the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). It is important because they will get more recognition and support from their own citizens. Then, they will get more power from their people.

# Trafficking of Palaung Women in Muse and Namkham Townships, Northern Shan State

*By Pe Ya Dar*



## Introduction

Human trafficking is one of many problems that people face in Burma. According to organizations that work on this issue, women, children, and men are being trafficked, mainly for forced labour, forced prostitution, and sexual exploitation. The People's Republic of China, Thailand, and India are the main receiving countries of people trafficked from Burma. "Women are trafficked for commercial sexual exploitation to other countries and some women are trafficked to P.R.C as forced brides. The most trafficking and forced labour prostitution may occur in ethnic border areas outside the central government control."<sup>369</sup>

This research aims to understand the situation of Palaung women who are being trafficked from Muse and Namkham Townships in Northern Shan State. There are many variables that contribute to human trafficking. According to the Palaung Women's Organization (PWO), lack of education and jobs and poverty are contributing to women and girls from these townships' involvement. Some parents force their daughters to marry Chinese men and company bosses because they need money. Some fathers will sell their land, property, and also their children when they need money to buy drugs.<sup>370</sup>

The purpose of this research is to protect and reduce the numbers of people who are victims of trafficking; to let people (international, national, and local) know how many women suffer from trafficking and are becoming brides or sex workers along the China-Burma border. I hope to publish this report at international levels and show what is happening in the community, and that the SPDC (State Peace and Development Council) military government does not take responsibility; how they ignore this problem. I hope this research will help my campaign and my organization in the future.

This report is organized in five parts. The first describes the background of Palaung people. Part two relates the current situation of Palaung women. Part three details trafficking in Palaung areas in Northern Shan state. In part four, the process of trafficking and how it affects communities and creates social impacts for women is examined. In part five, I describe the reasons women are trafficked. Part six is about the struggle for women's voices, and includes recommendations.<sup>2</sup>

These findings are based on primary field research that took place in villages of Muse and Namkham Townships. Thirteen people were interviewed, including elderly women, victims, and victims' parents. Some secondary research, opinion, and knowledge from my own experience is included, and forms a basis of comparison to the current situation.

## Background of Palaung People

The Palaung (Ta'ang) people are one of the indigenous nationalities within the multi-national Union of Burma. There are about one million Palaung people, and most live between the mountains in north-western Shan state. However, large numbers also live in towns throughout southern and eastern Shan State.

The Palaung descended from the Mon-Khmer from Mongolia who passed through China to Burma. The Palaung people have a long history and a strong sense of their unique identity. They have their own language and literature, a distinctive traditional culture, their own territory, and a self-sufficient economy. The Palaung are predominantly Buddhist, with less than ten percent being animist and Christian. The main economy is growing tea and Palaung tea is famous in Burma for its high quality; that is grown on highland farms. They also grow a variety of temperate climate fruit crops such as apples, plums, avocados, pears, lemon, and jackfruit, which are highly valued in the lowland areas, to provide for their livelihoods.<sup>371</sup>



*Living standard of Palaung people*

In the past Palaung people enjoyed their own territory and self-sufficient economy. They have an army called the Palaung State liberation Army (PSLA), formed on 12 February 1976. The PSLA fought against the Burmese military to get autonomy, then signed a ceasefire in 1991. However, the SPDC forced the PSLA to fully surrender on 29 April 2005 and took all of their weapons at that time.

Research for this report was conducted in Muse and Namkham Townships, located in Northern Shan State. The area is bordered by China and by Shan State. There are twenty and thirty-five villages respectively in Namkham and Muse Townships. There are many ethnic groups including Chinese, Kachin, Burman, Palaung, and Shan. The main exports are tea and rice. Some people collect food and other things from the forest.

Before the PSLA signed the ceasefire, the local people grew tea and farmed rice every year for their income. They had enough income to survive and support their families. After the ceasefire some villagers became migrant workers in other countries like China and Thailand because the Burmese military controlled the tea industry, so the tea prices had become lower and people could not get enough income as they had before. A lot of human rights violations such as trafficking, forced labour, forced relocation, corruption, and drug problems have increased in the area.<sup>372</sup>

## **Palaung Girls and Women**

*“A daughter is like a bag  
Hanging on the wall;  
She can be removed from  
The house at any time.”*  
**- Traditional Palaung saying.**

Most Palaung women marry young, at the age of 15 or 16, and then move into their husband’s homes. They are responsible for doing all the household work and taking care of their children, as well as helping their husbands work in their farms during the day. Husbands are regarded as the head of the family, and women are expected to respect and obey them all the time. Women are not expected to play any community roles, besides cooking at festivals or organizing fund-raising. All community leaders are men.<sup>373</sup>

Palaung customary law states that husbands hold legal title to all property, and family inheritances are shared among sons. Because their parents believe that men will be the main providers for their families, the education of sons is prioritized over that of daughters. If money for education is limited, it is the daughters who will be taken out of school first and must work to support their brother’s education.



Palaung customary law also dictates that women cannot divorce without their husband's permission. Even if the husband allows the divorce, the wife is not allowed any of the family property, and loses custody of any children. The income rates in Palaung areas are not the same for men and women: although they do the same work, men are usually paid 1500 kyats for a day's work on a tea farm, while women are paid 1000 kyats. Decades of civil war and the perpetuation of traditional gender roles in Palaung areas by the military have led to many human rights abuses against Palaung women, including trafficking and sex work, forced relocation, forced labour, and sexual violence.<sup>374</sup> Accounting to villagers, "the wages from a day's hard work cannot be enough for the next day. The prices of rice and things are very expensive. They do not have farm to grow rice and tea. Those struggles are making them decide to leave home."<sup>375</sup> Our country has economic mismanagement by the junta, and most people are facing difficulties to survive their life. There is not enough to eat because pay is so low; when they work one day, it is not enough for a good life for their family.

There are few schools in rural Palaung areas. Only one in every three or four villages has a primary school. If students want to continue their education after finishing primary school they have to go to another village or town which is often very far from their own. Many students do not even complete primary school. One reason is that parents are poor and cannot support their children to go to school. Another reason is the distance of the school from their homes and the lack of transportation. The schools are also very small and cannot accept all the children, and the school fees are very expensive.

Girls often drop out early from school, then find it too hard to pay for private tuition fees. Parents from rural areas also find it hard to pay for the rising school fees, and the different costs such as for books and stationery, sports fees, and necessary "donations" for different ceremony fees. As noted, girls are not considered as important as boys. Families need them to help at home; they rely on their daughters more than sons to work at home. So the girls do not get enough experience and knowledge to travel and to work to support their lives.<sup>376</sup>

## Gender Roles

As women start working outside their home to support their families a double burden is created for them; they are expected to do the housework and earn money for the household. Both husband and wives should be able to work outside the house to get income for survival of their family and do housework together when they come back, so that it will be equal. But this is not the case, and women are always expected to do all the household work. One woman explains this situation:



*Palaung women working on a tea farm.*

*“I go to pick tea everyday from 8am to 6 or 6:30pm, but when I came back I must cook for everyone. My husband’s job is to look after our children at home. Sometimes I ask him to cook and he said that to me cooking is not a man’s job, cooking in the kitchen is only women’s work. The men are just staying at home without getting income, but he always said he is the head of the family.”<sup>377</sup>*

Most Palaung women have to do domestic work, meanwhile the levels of drug addiction among men are rising. This situation has created yet more responsibility for women to work for their families. Women’s traditional role as care-givers within families creates a strong sense of duty for daughters to support their parents and siblings. Most villagers report that women have to work hard and take responsibility to support their families. Many have to struggle for their families and to feed their children and husbands because their husbands are drug addicts, they ignore their families. If their husbands get income they only buy drugs. Their wives have to carry charcoal, pick tea, and do domestic work to support their families, pay their children’s school fee, and so on.<sup>378</sup>

When the girls are growing up, they do not want to do housework and stay at home anymore. They feel ennui and depression. Some decide to leave home and find work in another place to get money. This makes them an easy target for traffickers. Palaung

women are expected to be chaste before marriage, and premarital sex is considered an act bringing shame on the whole community. As economic conditions have continued to worsen in parts of the State, increasing numbers of women have migrated to work in Karaoke bars and massage parlours serving the logging communities. The booming sex trade and high rate of drug addiction in these areas, as well as at the border trade crossings, has caused the rapid increase of HIV/AIDS.<sup>379</sup>

## Trafficking at Borders

In Palaung culture they give priority more to men than women. Men can do and go anywhere and women get less opportunity than men; if the men get ten opportunities, then women can get only one. Palaung women are always losing their chance to study and satisfying work because of discrimination against women.

*“I am 13 years old. I really want to go to school but my parents said to me, you are a girl and you are the eldest of your siblings. So you have two younger brothers, you need to give a chance to them because they are boys. In the future they will get a good job if they can study very well. I asked my father, school fees are very expensive but if can I learn how to sew I can support our family, but my father said that it is also expensive. At the same time I am so sad because I do not have an opportunity to study and to work for my life.”<sup>380</sup>*

After this girl left school, she did not want to stay at home and she decided to leave, after which she was sold by her uncle to China. It is easy to lure girls then to traffic them. Because of discrimination against women, they do not have any knowledge and experience of life outside their strict routine. In my opinion, I think that the first discrimination against women begins in the home, from parents. The parents discriminate between their daughters and sons. After that it becomes a stereotype that follows on into small groups and the community, then the government. This discrimination might be a cause of women and girls deciding to leave home to seek jobs.

Before the ceasefire and the civil war in Burma, the Palaung lived peacefully and they did not have trafficking in Palaung areas. In Namkham and Muse there were no traditions of trafficking amongst the Palaung. The villagers grew good quality tea and used their income from tea cultivation to support their families. At that time the tea price was good and the people were able to earn enough income to survive. The only trafficking took place on the China-Burma border.<sup>381</sup> Trafficking is increasing in Palaung areas because of poverty and low tea prices, and the price of rice is very high. Palaung people are now becoming migrant workers and have been sold as sex workers, to look after children, work in guesthouses, work without payment, and become brides of Chinese men.<sup>382</sup>



Girls work at a restaurant in China. Photo by Shar.

Because of these economic problems, some Palaung people went to work cutting sugar-cane in a village in China. When they worked there they got a lot of money from the Chinese boss. Many Palaung young women and girls were going to work in China, and latterly they were also sold by their mothers, friends, and relatives.

*“Yy is a girl of 18 years old. She had no father. So she lives with her mother. They have no farm and do not know what to do in their village. One day, she followed her mother to cut sugar-cane in China. When they arrived there, her mother forced her to marry their boss, a Chinese man. She was sold by her mother for about 50,000 yuan. Her mother said that if you marry a Chinese man we will get a lot of money and your life will be happier than if you marry a Palaung man. Most Palaung men are drug users. They are poor and need to struggle for their lives.”<sup>383</sup>*

According to the report *Driven Away*, since 1962 with decades of civil war and isolation,

*[T]here was little border trade between China and Burma. In 1988 as part of the regime’s new “open-door” economic policies, after ceasefire agreements that began in 1989, things changed dramatically. A boom in trade along the northern Shan State border began, with huge amounts of timber pouring out of northern Shan State to fulfil China’s increasing demands for wood products.”<sup>384</sup>*

At the same time manufactured Chinese goods were flowing into Burma. Similar developments took place on the Burma-China border following the PSLA ceasefire in 1991, with not only large amounts of tea and wood being exported to China, but also mining land being given to Chinese companies. Most ethnic people in northern Shan State who were growing tea would trade it, for their traditional livelihoods. But nowadays, they not only trade goods or products, but also trade people to China, because the tea price went down and their income is not enough to support their family pay school fees. The increase in border trade has led to a swelling of population at border crossings such as the northern Shan town of Muse, linked by road to Mandalay in the central Burma plains. Many Women from different parts of Burma have migrated to these border sites in search of employment. While some work is available at restaurants, shops, or guesthouses, the biggest demand is for sex workers.

There is also increased trafficking at the Burma-China border because of the lack of control of the movement of people in this area. In that area it is very easy to traffic women from poor families because are Burma and China separated only by a fence. When they pass the fence between the borders it is already part of China. Passage at the border gates is not checked carefully. If people arrive at that gate they will give money and the police will make them a card to pass across the border easily. The police, when they get money from people, will allow the people to do anything they want.

*“On 16.8.2007, Xxx came to my house to lure me and my daughter to work with them at an alcohol factory in China. Xxx is her Aunty so I trusted and believed her and I allowed my daughter to follow her, but she was a trafficker. I heard that Xxx was cooperating with Yyy, they sold my daughter and her friend for 57,000 yuan each. When Xxx came back, she gave me just 9,000 yuan and said do not worry about them, they are happy there.”<sup>385</sup>*

The problems of trafficking and prostitution are caused by the cooperation between traders and companies, lack of jobs, lack of education, and the corruption of the police at border gates. Those negative impacts can impact on women. If the women are not employed, they can earn income but only by entering a dangerous situation. Meanwhile, the SPDC does not prevent it, does not provide for and but abuses women’s rights.<sup>386</sup>



*Palaung women are becoming brides of Chinese men.  
Photo by Shar.’*

An interviewee explained this situation. They did not have a citizen card, but the trafficker gave a large amount of money to the police at the Burma-China border gate. Then the police made a card to pass through the border without a Burma citizen card. In reality, legally, one cannot make the passport without the citizen card.

*“I had never left my parents and my hometown before because I do not have a citizen card. I always do housework. We do not have a farm so I followed my friend and relatives to grow paddy, carry charcoal, and pick tea to get income. I do not have a relaxed time anymore in my life. My father uses drugs and he ignores our family, only my mother works to support us. I thought I would help support her and I decided to leave and work in China.”<sup>387</sup>*

## Trafficking and Gender

The reproduction of traditional gender roles plays an important part in trafficking of women. The interviews carried out reflect the situation of Palaung women and how this contributes to trafficking. In many cases women were forced to drop out of school by their parents when their father became a drug user. Their father stopped supporting their family. So their mother had to work to do so. They needed people to look after the children who were still young. Most parents who decided to their children out of school chose the girls, because the family relied on them more than the boys. They believe that the girls must sacrifice more than boys. They must do domestic work at home and also work with their mother to support the family. This gives girls an idea about their place.

*“Zzz is the third daughter in her family. Her father started to use drugs when she had attended two standards, that why she left the school. They had no money to support her to continue to attend school. She looked after her oldest sister and worked in their house. Her oldest sister’s brain is not good. Zzz wants to attend the school but she did not have an opportunity to attend anymore.”<sup>388</sup>*

After she left the school, she did not want to stay at home; she decided to leave from home and she was sold by her friend in China. Women and girls from Palaung areas have less opportunity to work, to study, or to travel, and less experience about the wider world. When they go outside without friends or parents, the SPDC soldiers and strange men can try to rape them or try to do other bad things to their bodies. When they go out from home, they are always nervous or worried that their lives are not safe.

Most women and girl workers from Palaung areas have very limited work opportunities in their host country. They are always working in ‘3Ds’ jobs (dirty, dangerous, and demeaning) for little income.

*“My daughter phoned to me that she was sold by her aunty Xxx. Now she was married with a Chinese man. When I heard that news I was crying everyday for two months because I worried that the Chinese man would sell my daughter to another place. I was almost crazy but I kept in my mind, I do not want another person to know about my daughter. My daughter had never been in China. Xxx lured me and my daughter with a good job in China.”<sup>389</sup>*

## Abuses

The UN Protocol To Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children, defines trafficking as follows:

*‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.<sup>390</sup>*

Physical abuse is one of the main problems women face once they are trafficked. This includes physical force or violence that results in physical injury, pain, or impairment. According to one interviewee, “when they arrive in China, the trafficker beats them or hurts their cheek because they do not want to married with the old Chinese men, the persons that the traffickers show them to be married. They are often very old.”<sup>391</sup> Trafficking itself is of course a form of violence, through which women can experience mental problems affecting their health, and can create social problems in their future.

When women who have been trafficked come back to their villages they do not want to participate in public areas, society, and festivals. They feel depressed, shy, and afraid that people will ask about them. Their family might discriminate against her and not want her to stay at home because they think she will bring shame on them. They do not want the neighbours to know about her. Also, they do not have enough money to get medicines. They are afraid that a kind of disease will infect them. If someone has been trafficked and comes back to the village infected with the AIDS virus, the villagers do not allow them to live there.<sup>392</sup> When a woman gets disease from trafficking and sex work, people from the Palaung community will discriminate against her and not want her to participate in the community because they are afraid the disease will infect them. The women also do not want to go to the clinic and meet with the doctor because they feel so ashamed, and because the cost of medical care is very expensive.<sup>393</sup>

According to the Convention on the Elimination of all forms of Discrimination Against Women, Article 6, States Parties should take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation or prostitution of women. The government of Burma is a party to this treaty, but its commitment is absent. Equally, the Universal Declaration of Human Rights (UDHR) Article 16 explains says that no one can force you to marry without your agreement, and that marriage shall be entered into only with the free and full consent of the intending spouses. All members of the UN including Burma and China are supposed to honour such provisions.

## Conclusion

Poverty is both a cause and consequence of trafficking and sex work. There are many families in Palaung communities facing poverty because the tea prices went down and the price of rice and other things is very expensive. So women and girls are becoming trafficked brides and sex workers. The impacts of disease, mental stress, lack of health care and physical abuse from trafficking and sex work are growing. Most people in the Palaung community are afraid of trafficked people and loathe the diseases they risk. This is not a positive sign for the Palaung people in the future, and is a terrible blight on the lives of women and girls who have been trafficked.

## Recommendations

### To the SPDC

- Stop the trafficking inside Burma and punish the traffickers.
- Punishment the police who have participated in corruption on trafficking issues.
- Respect and follow international laws such as the UDHR and CEDAW.
- Protect women's rights and do not allow discrimination against women.
- Promote equal rights for women, including rights to equal pay.

### To parents in Burma

- Send all girls under eighteen to school because they have a right to education.
- Do not force women and girls to drop out of school.
- Give girls time to study because knowledge and experience are essential for their future.
- Do not discriminate between women and men; give equal rights to work and study.

### To women's organizations

- Give some awareness trainings so more people know about the impacts of trafficking.
- Work with women not only in urban but also rural areas, including conflict areas.
- Encourage the women to participate equally and in society and community.



# The Impacts of Drug Addiction on Kachin Youth in Namkham Township, Northern Shan State

*By M. Lung Tsit Pan*



## Introduction

*"I have two sons. The elder one died because of using drugs. He used drug since he was eighteen years old. I myself as his father had put him into jail in the hope he'd be a good son, but after he was released from jail he used drugs again. We had conflict between us everyday because of his drug use. Finally, he left the family and died somewhere away from home after a few months. The second son is also a drug addict. Now he is not with us. He is away from home because he does not like me because I scold him everyday about how he uses drugs. We don't know where he is living now and whether he is still alive or dead. It is not easy to control and guide the youth living in this community. I feel hopeless and do not dare to participate in society. I feel very sad if I see young people the same age as my sons."*<sup>394</sup>

The SPDC (the State Peace and Development Council) allowed local people to cultivate opium from 1997 to 2001 in northern Shan State.<sup>395</sup> Some Kachin people in Shan State grow opium and are involved in trading heroin (it is made from raw opium and is a white powder). As a result, many have become addicted to drugs. The use of opium among the Kachin people has had a particularly negative impact on the future of Kachin youth in Namkham Township. In order to reduce the consumption of drugs, the Myanmar Strategic Programme Framework claimed that heroin production could be reduced 50% in the northern Shan State by 2005, but today the number of drug users is still increasing in the Kachin area.<sup>396</sup>

This report puts forward the argument that the SPDC government's refusal to seriously act against drug addiction and corruption between local government officials and drug producers is seriously harming the future of Kachin youth in Namkham Township. Kachin



youth are becoming increasingly addicted to drugs because of living in communities which offer easy access to opium, and furthermore because of the influence of older drug addicts. As a result, Kachin youth are losing their education, suffer serious health problems such as depression and HIV, and are rejected by their community. Therefore they are losing their Kachin identity and ability to contribute to Kachin society.

*Man who has two drug addict sons.*

In my personal experience, as someone who grew up among the drug addiction community, I want to express my feelings, for the Kachin people who are suffering from the drug addiction and for the youth who are influenced by the drug addicts. I want the community and the youth to get away from the drug addiction. I hope that this report will be one of the main parts for my dream to come true.

This report is organized in four parts. The first part describes the background and general history of the opium and background of Kachin people in Namkham Township. Part two describes the causes of youth becoming drug addicts. Part three describes the economic and social impacts of drug addiction, and part four concludes the study of the impact of opium addiction in Namkham Township and makes recommendations. Most of the information for this report is from a village in Namkham Township. Fifteen people were interviewed including youth, old people, women, drug users, and a church leader. Some information is from secondary research sources such as internet and books.

## Opium

Opium cultivation came to Namkham Township from Lashio (the capital city of northern Shan State) in British times.<sup>397</sup> Opium has been grown in small amounts on local people's land since their ancestors' time. In the past, they could grow the opium around their home compound or in their farms freely with other crops. Burmese military poppy cutting operations started in the area around 1985.<sup>398</sup> At that time there was no tradition of opium cultivation among the Kachin people. Rather than growing opium, the villagers grew rice and tea in their farms. They also did hillside cultivation and raised livestock for their survival and to support their families. According my interviews with older Kachin people, drug use was rare among the Kachin youth in the past.<sup>399</sup> There were few people who used raw opium among the older people.

Opium cultivation, drug trafficking, and drug addiction have increased since the ceasefire<sup>400</sup> took place in Namkham Township. The ceasefire group called Tha Ka Sa Pha is led by Pan Say Kyaw Myint.<sup>401</sup> He is an ethnic Chinese man who lives in the area. He controls the south-eastern Namkham area. He was given that power by the SPDC. Most of the ethnic Chinese people are living on the high hill of Namkham Township. The main traditional cultivation of ethnic Chinese people is opium. The weather is cold almost all the time and it is suitable for growing poppies.<sup>402</sup> They cannot grow rice because in that area the weather is not good for rice cultivation.

The militia groups give protection to the growers and traders and in return they tax the growers. They give the profits to the local government or SPDC. Some Kachin people grow poppies but not so much as ethnic Chinese people. They cannot afford to pay taxes to the

militia groups. They also grow other crops but it is not easy for them to get the amount of money like Chinese people. They also grow other crops but it is not easy for them to get the amount of money like they could get from the opium cultivation.<sup>403</sup>

Shan State is the biggest opium producing area in Southeast Asia and the second largest in the world after Afghanistan.<sup>404</sup> In 2005, according to SPDC records, there were 1,800 drug addicts in Namkham Township. In 2000-2001 there were 38 acres of illegal poppy plantations in Namkham Township during the opium growing season.<sup>405</sup> Namkham Township was included in the list of the most opium production last year and until this year.<sup>406</sup> After heroin came to the area the amount of the drug addiction has increased, especially among the youth. It not only affects the men but also the women.

The people who do not have jobs and poor people work in the poppy farms to get money. They get 3-5000 kyats per day. While they are growing opium, the farm owners sometimes provide workers with opium or give them opium instead of money for their services. In the current situation, the local authorities encourage the villagers to grow opium illegally and they collect taxes from the growers. Sometimes the Burmese military's poppy cutting operations come to the area and destroy the poppy farms but they are very corrupt. The grower gives bribes to the police for growing poppies. One of the villagers said sometimes the police asked for a motorbike from the grower as a bribe.<sup>407</sup> The SPDC destroys a small amount of opium farms every year to get legitimacy from the international community. The police just destroy some poppy farms near the village and leave the other farms that people cannot see easily, and then they take bribes. Sometimes the police ask the chief of the village to collect taxes from the grower for them. The police take bribes from the traders also. The police come to the village and arrest people who sell heroin and users, but sometimes they release them if the sellers can pay money. The police arrest if they can extort from the sellers or users.

This report mostly focuses on one village, near to the China border. Shan, Palaung, Kachin, and ethnic Chinese people are living together in the area. The number of the Kachin people is less than the other ethnic people, after ethnic Chinese people. Kachin people have been living in the area for many years in the footsteps of their ancestors. Their lives are very simple. Most of them are poor. Their livelihood depends on rice farming, tea farming, hillside cultivation, and livestock.



*A drug user using raw opium.*

Some of them collect vegetables from their farms or forest and sell them in the market in the town for their income. Before the ceasefire they had enough income from their tea and rice farms, but after ceasefire the tea price went down and some of them started to grow and trade opium.

## Causes of Drug Addiction

Most of the people growing among the community are using drugs so they also become drug users by the influence of the other drug users. Most of the people who cannot control their mind become drug users. They start to use with their friends or learned from those who already use drugs. Most drug addicts use heroin because it is easy to use. One interviewee said, “I do not dare to stay in the village and work usually because I’m afraid that I can’t control myself from being a drug addict.”

Most of the Kachin people have to struggle for their survival, they are poor. It is not easy to find work which can provide enough support for their family. So they go to work in the poppy farms and become drug addicts. Some grow opium in their farms and some trade opium. It is an easy way to get money. In the village it is very easy to get heroin. Even the children know how to use drugs and where they can get them. One of the drug users said,

*“I grew up among drug users. I became a drug user after I tested the taste of opium. Then I travelled together with heroin traders to trade heroin. I got married and have two children. My wife divorced me because I use drugs and she got married to another man. My children are staying with my old parents. Now I have no ability to support them. I do any kind of work if I will get enough money for my drug costs. I just only think about how to get drugs.”<sup>408</sup>*

There is one clinic and a nurse in the village for medical care. They do not have enough medicine in the clinic. Most of the villagers go to the hospital in town when they are seriously sick. Poor people who cannot go to the hospital cure illness with traditional treatments, which use opium. This is another cause of local drug addiction. They use drugs when they are sick or feel tired from working very hard. One of the old men suffered from dysentery when he was young. They had no medicine to cure it and he had no money to go to the hospital. So he cured it by a traditional treatment which uses raw opium. He became a drug user at that time. When he asked a woman to marry him, he lied that he was not a drug user. Some women are involved in drug addiction because their sons and husbands are drug users. They face many problems within their family for their survival and feel depress, so finally they use drug. Some grow opium for their personal use; if they got opium more than enough for their own use, then they sell it. The youth, if they have raw opium, exchange it for heroin.<sup>409</sup>



*Drying tea in the sun.*

They have only a secondary school in the village.<sup>410</sup> Some students cannot afford to continue to attend high school after they finished the secondary. They leave school and help their families. Most of the youth who could not continue education after they finished the secondary school will become drug addicts. Some left school and work in logging areas far away from home, and become addicts because they are not educated, feel depressed, and cannot protect their mind from the influence of the drug addicts. According to a woman in the village, most youth started to use drugs when they were 18 years old.<sup>411</sup> They stay with their parents until they are fifteen or sixteen years old and their parents can guide them. After becoming eighteen, it is very difficult to guide them because they can work for their own income and have more friends than before.<sup>412</sup>

It is very difficult to give up the habit of using drugs after they become drug users if they are still living in the area where they can get heroin. They use again after they give up, again and again, because they could not control themselves by living in this community. Some family sell drugs and also use them. "It is not difficult to stop using drugs. The main point is the mind. There is only one thing which can defeat that mind. It is a G3 bullet."<sup>413</sup>

## Economic and Social Impacts of Addiction

Kachin people are facing economic and social problems such as negative health impacts and education problems because of drug addiction. In the village the number of the people who use drugs has been increasing year by year. There are many community and family problems in the village now.

The drug addicted families are facing economic problems. It is very easy to lose the property of a family if one of the members of the family becomes a drug user. When they become drug users they are not interested in working, only in using drugs. They waste their time and property just only for themselves, buying and using drugs. Sometimes the drug user or trader from a family is arrested and put into prison; their family tries to take out them from the prison with a lot of money by pawning their land, farm, or house. So, some lose their properties and are getting poorer and poorer. Some took out loans so they have to struggle to pay them back. In the community most of the Kachin families are poor because of opium. They lost their properties because of drugs. Some drug addicts became beggars. They have no shame when they are hungry for drugs. The families have to pay back debts that the user has with the money lenders.

In the village, there are few educated people among the youth, mostly they are girls.<sup>414</sup> Most of the men lose their education because of being drug addicts. They are not interested in education after they become addicted. Another reason is most of the sons have to drop out of school to help their family because of their father using drugs.<sup>415</sup> The children from drug addict families have no chance to continue high school after they finish the secondary school in the village. There is no high school in the rural area where the Kachin people live. School fees are very expensive for them in the town.

The parents, even if they want to support their children's education, they cannot because they are poor. Most are people who could not continue education in the town themselves. In some families none of the children can attend the high school. The elder leave the school and help their mother to support the others to attend the school.

Most of the drug users inject heroin into the vein and they share the syringe with each other. This is a very easy way to get HIV/AIDS. Many people died because of using drugs. The users contract HIV/AIDS and it spreads to their wives and children. There are some children who are suffering HIV/AIDS got it their parents.<sup>416</sup> Every family had a sad story that concerns drug addiction. As in my personal experience and some interviews, there were a lot of Kachin men who died because of drug addiction. "Kachin men died because of drugs more than from Revolution."<sup>417</sup>



*Injection of heroin into the vein with syringe.*

## **Further Impacts of Addiction**

“Father, if you still use drugs and don’t give it up I won’t live in the house and I will leave you,” a young girl said.<sup>418</sup> In some families both the father and mother are drug users and their children are drug addicts. The children become orphans after their parents die. No one could take care of and guide them, especially as their futures are hopeless. They are living in their relative’s house. They are not interested in education. They waste their lives by having meaningless and hopeless spirits. In a family, if one of the members is a drug addict, the impacts mostly effect the wife and daughters. They have to struggle for their family’s survival. There are more and more widows in the village because of drugs, because their husbands became drug users and died. Intelligent persons were ruined by using drugs.



In the past there were fewer crimes in the village, but after the heroin came and as the number of drug users has been increasing, crimes such as theft have been increasing. Drug users steal things, whatever they can sell and exchange for drugs, from their homes and those of others. The people do not dare to leave their home without anybody in the home because they are afraid that the drug users will steal something while they are away. Drug users steal even crops from the farms. Sometimes the users themselves do not want to steal but they must do it for using drugs. Some sell the land or farm or other properties of their family secretly. Their future and their mental features are ruined after they become drug users. "I must steal when I am hungry for drugs, even though I don't want to."<sup>419</sup>

"One of my friends, after he became a drug user, he does not want to make friendship with me like before. He avoids me."<sup>420</sup> The community does not trust the person when they become a drug user. Most of the addicts do not want to participate in the community work. It is very difficult for them to find a good job if they want to work as no one trusts them. They are far away from being loved by themselves or others. Nowadays the parents, especially those who have sons, worry for the future of their children.<sup>421</sup> They worry that their sons will become drug users by living in this kind of community. Before the heroin came into the area the young people were very helpful for the family and community. The young people were very clever.<sup>422</sup> The young boys participated actively in the church or community works. In Kachin tradition the only child who inherits his father's generation and who can get legacy from the parents is the son and not the daughter. He is respected and obeyed by his family when he gets married. So the son is very important for the new generation of the family, not only for the family but also for the community. If they become drug users, they destroy inheritance.

Now there are fewer numbers of people who participate in the church among the men. In Kachin society, the man is regarded as the traditional head of family. But after the use of heroin began taking place in the area, the youth became disinterested in anything except using drugs. They only think about how to get money to buy drugs. They do not want to work anymore. They ask for money from their parent for drugs. Sometimes they steal if the parents cannot give them money. They became thieves. They no longer care about their future. They have no meaning in their lives. According to a girl in the church, among the youth if they want to sing a song to worship at service it is very difficult for them to find a boy who will play guitar for them. "Now in the village, it is very difficult to choose a leader for the church or community, because of drug addiction. There are rare people who have ability or education and who we can trust to be a leader."<sup>423</sup>

## Conclusion

Burma continues to be the main opium producer in Southeast Asia and the second largest opium producer in the world. Burma had 21% of the world's opium production in 2005.<sup>424</sup> Opium is continuing to be grown in almost every township of Shan State, with Burmese military personnel involved at all levels of opium production and trafficking, from providing loans to farmers to grow opium, taxation of opium, providing security for refineries, to storage and transportation of heroin.<sup>425</sup>

There are many drug users among the Kachin people in Namkham Township because the SPDC allowed local people to grow opium in the past and continues to do unofficially now, and there is a lot of corruption between local police and opium traders and growers. The SPDC does not take care seriously on the drug trafficking and corruption between the local police and traders. They use drugs as a weapon to control the Kachin community easily. They ignore the community which is being destroyed by drug addiction. They do not try to solve the situation. The local police are just concerned about how much money they will get from the growers and traders. Even though the SPDC said they will try to stop opium production in Burma, there is still much opium production and they still collect taxes from the poppy growers and drug traffickers.

Kachin people are poor. They have to do hard work for their survival everyday. Wives and children have to work hard for the family because of drug addiction. The children have to drop out from school. The young people who are hungry for education and wish to become educated persons have to stop studying even though they do not want to, because of poverty. The community faces economic and social problems such as a lack of health care, little or no access to education, and crime. Not only the Kachin people but also other ethnic groups who are living in that area suffer these troubles. Lack of proper education, poverty, and the influence of older drug addicts are among the factors that lead youth to be involved in drug use and trade in that area. The community loses the young people who are clever and useful for them. The morals and the health of the young people are deteriorating because of drugs. Family and community problems are increasing. The family members of the drug addict feel sad, miserable, and depressed.

Youth are the future leaders of the community and nation. If this problem still happens among the Kachin community, there will be no one who can lead the community in future. If the SPDC and local police accomplished the policy, followed the laws, and took care of this problem, the situation might change to be good. The SPDC joined with the United Nations against drugs in July 1963 and also signed the amended 1972 Protocol in 1991.<sup>426</sup> According to this convention, at Article 38, State Parties must give special attention to the abuse of drugs for prevention. The SPDC does not follow this and they do not care about it. They just care about collecting taxes from the opium growers and traders.

## Recommendations

The SPDC should take action seriously on the corruption between local police officials and the opium traders, by giving strong punishment to the local police and arresting the trader and putting them in jail. They should support the farmers and replace the opium with the other crops and give training about knowledge of agriculture.

The ceasefire group, Tha Ka Sa Hpa, should stop collecting taxes from the growers and set up a rehabilitation camp for the drug users to help them to give up using drugs and give them awareness about drug addiction.

The opium field owners should stop growing poppies and try to grow other crops instead.

The local people should unite and organize each other to defend against opium among the community.

Parents should try to guide the children not to deal with drugs by telling them the terrible impacts of the drug addiction since they were young. They should encourage the education and try to support the children as much as they can. They should respect the future of the youth.

The United Nations Office on Drug and Crime (UNODC) should pressure the SPDC to reduce opium production in Burma by shaming them in the state members meeting.

# Endnotes

- <sup>1</sup> <http://www.unholywars.org/entry/new-capital-of-Burma-burma/>
- <sup>2</sup> *Drowning the Green Ghosts of Kayanland*, Burma Rivers Network, June 2008. [www.salweenwatch.org](http://www.salweenwatch.org)
- <sup>3</sup> Interview 2, with a Kayan youth leader.
- <sup>4</sup> <http://en.wikipedia.org/wiki/Naypyidaw>
- <sup>5</sup> Interview 3, with a farmer.
- <sup>6</sup> Interview 2, with the head of a village 2.
- <sup>7</sup> *Displacement and Dispossession: Forced Migration and Land Rights in Burma* (2007), Ashley South, Centre on Housing Rights and Evictions (COHRE), Geneva.
- <sup>8</sup> International Labour Organization (ILO) Convention No. 29, Article 2(1)(a).
- <sup>9</sup> <http://www.geocities.com/monforum2003/brief.html>
- <sup>10</sup> "Free labor" and "voluntary service" are translated from Burmese.
- <sup>11</sup> Interview 2, with a village headman. Djenkok is a bean, with a horrible smell, also called "Da Nying Thee".
- <sup>12</sup> Interview with a local Kayan villager.
- <sup>13</sup> Interview 2, with a village headman.
- <sup>14</sup> Interview with a villager from the Kayan region.
- <sup>15</sup> Interview with an elderly woman.
- <sup>16</sup> Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Article 14. Burma is a signatory to that Convention.
- <sup>17</sup> Interview with a villager in the Kayan region.
- <sup>18</sup> Interview with a Kayan youth.
- <sup>19</sup> Interview with a youth from the Kayan region.
- <sup>20</sup> <http://www.freeburmarangers.org>; <http://www.backpackteam.org>
- <sup>21</sup> Interview with a nurse from the Kayan region.
- <sup>22</sup> [http://en.wikipedia.org/wiki/Essar\\_Group](http://en.wikipedia.org/wiki/Essar_Group)
- <sup>23</sup> <http://www.financialexpress.com/news/essar-oil-signs-2-production-sharing-deals-with-myanmar/134211/>
- <sup>24</sup> [http://en.wikipedia.org/wiki/Rakhine\\_State](http://en.wikipedia.org/wiki/Rakhine_State)
- <sup>25</sup> Interview: 42 years old, a farmer.
- <sup>26</sup> Interview: local farmer.
- <sup>27</sup> Interview: local fisherman.
- <sup>28</sup> [http://weltvertrag.org/e375/e719/e1008/UnitedNations\\_ger.pdf](http://weltvertrag.org/e375/e719/e1008/UnitedNations_ger.pdf)
- <sup>29</sup> [www.environmentandhumanrights.org/resources/](http://www.environmentandhumanrights.org/resources/)
- <sup>30</sup> Interview: 39 years old, a farmer.
- <sup>31</sup> Interview: 27 years old, a laborer.
- <sup>32</sup> Interview: 38 years old, a sub-contractor.
- <sup>33</sup> Interview: 45 years old, a farmer who lost the land.

- <sup>34</sup> Union of Myanmar Ya Zatat Gyi, property law, Chapter 14, Article 268.
- <sup>35</sup> <http://www.un.org/en/documents/udhr/>
- <sup>36</sup> Interview: a fisherman, 47 years old, who lost farmland.
- <sup>37</sup> Interview: a farmer, 40 years old, who lost the land.
- <sup>38</sup> Interview: a farmer, 39 years old, who lost the land.
- <sup>39</sup> Interview: 45 years old, a farmer.
- <sup>40</sup> <http://www.ilo.org/ilolex/english/convdisp1.htm>
- <sup>41</sup> Interview: 27 year old woman, laborer.
- <sup>42</sup> [http://www2.ohchr.org/english/law/docs/Case3\\_2004.pdf](http://www2.ohchr.org/english/law/docs/Case3_2004.pdf)
- <sup>43</sup> Interview: 38 years old, a sub-contractor.
- <sup>44</sup> Interview: a laborer.
- <sup>45</sup> <http://www.narinjara.com/details.asp?id=2234>
- <sup>46</sup> Interview 5, youth leader, 32 years old.
- <sup>47</sup> Interview 2, 28 years old, farmer.
- <sup>48</sup> Interview 9, 42 years old, factory owner, victim.
- <sup>49</sup> [http://en.wikipedia.org/wiki/Kayah\\_State](http://en.wikipedia.org/wiki/Kayah_State)
- <sup>50</sup> Interview 11, 45 year old farmer.
- <sup>51</sup> Interview 6, 35 year old man, victim.
- <sup>52</sup> Interview 5, youth leader, 32 years old.
- <sup>53</sup> Interview 11, 32 year old man, victim.
- <sup>54</sup> Interview, two farmers, 32 and 35 years old.
- <sup>55</sup> <http://www.un.org/en/documents/udhr/>
- <sup>56</sup> Interview 4, 41 years old.
- <sup>57</sup> Interview 5, youth leader, 32 years old.
- <sup>58</sup> <http://www.un.org/en/documents/udhr/>
- <sup>59</sup> Interview 2, 28 years old, farmer.
- <sup>60</sup> Interview 4, 41 years old, factory owner.
- <sup>61</sup> Interview 8, community leader, 50 years old.
- <sup>62</sup> Interview 5, youth leader, 32 years old.
- <sup>63</sup> Interview 3, 28 years old, NGO.
- <sup>64</sup> Interview, woman in Loikaw, 27 years old.
- <sup>65</sup> Interview 2, 28 years old, farmer.
- <sup>66</sup> <http://www.burmaissues.org/En/Ighealth.html>
- <sup>67</sup> Interview 2, 28 years old, farmer.
- <sup>68</sup> Interview 6, 55 year old man.
- <sup>69</sup> Ibid.
- <sup>70</sup> [http://en.wikipedia.org/wiki/Tanintharyi\\_Division](http://en.wikipedia.org/wiki/Tanintharyi_Division)
- <sup>71</sup> <http://www.myanmars.net/myanmar/tanintharyi-division.htm>
- <sup>72</sup> Interview 6, 55 year old man.
- <sup>73</sup> Interview 4, a 70 year old woman.
- <sup>74</sup> Interview 6, 55 year old man.

- <sup>75</sup> Interview 1, 50 year old man.
- <sup>76</sup> Interview 5, 49 year old woman.
- <sup>77</sup> Interview 2, 50 year old man.
- <sup>78</sup> Interview 6, 55 year old woman.
- <sup>79</sup> Asia World Company, *Annual Report* 2008.
- <sup>80</sup> [http://www.irrawaddy.org/article.php?art\\_id=14151&page=2](http://www.irrawaddy.org/article.php?art_id=14151&page=2)
- <sup>81</sup> Interview 1.
- <sup>82</sup> [http://atimes01.atimes.com/atimes/Southeast\\_Asia/IK02Ae01.html](http://atimes01.atimes.com/atimes/Southeast_Asia/IK02Ae01.html)
- <sup>83</sup> Ibid.
- <sup>84</sup> [http://www.irrawaddy.org/article.php?art\\_id=14151&page=2](http://www.irrawaddy.org/article.php?art_id=14151&page=2)
- <sup>85</sup> [http://atimes01.atimes.com/atimes/Southeast\\_Asia/IK02Ae01.html](http://atimes01.atimes.com/atimes/Southeast_Asia/IK02Ae01.html)
- <sup>86</sup> <http://www.absoluteastronomy.com/meaning/Confiscation>
- <sup>87</sup> Report by the students of the EarthRights School of Burma Class of 2008.
- <sup>88</sup> Union of Myanmar ya zatat gyi, property law (April 1963), Chapter 14, Article 268.
- <sup>89</sup> Interview 3.
- <sup>90</sup> Interview 3.
- <sup>91</sup> Interview 3.
- <sup>92</sup> [http://en.wikipedia.org/wiki/Unfree\\_labour](http://en.wikipedia.org/wiki/Unfree_labour)
- <sup>93</sup> Interview 2.
- <sup>94</sup> Interview 3.
- <sup>95</sup> <http://www.answers.com/topic/open-pit-mining>
- <sup>96</sup> <http://rainforests.mongabay.com/0808.htm>
- <sup>97</sup> Interview 5.
- <sup>98</sup> Interview 3.
- <sup>99</sup> Interview 3.
- <sup>100</sup> [http://www.forest-trends.org/documents/publications/Kahrl\\_Navigating%20the%20Border\\_final.pdf](http://www.forest-trends.org/documents/publications/Kahrl_Navigating%20the%20Border_final.pdf)
- <sup>101</sup> *A choice for China*, Global Witness, 2005, page 30.
- <sup>102</sup> Ibid.
- <sup>103</sup> For security reasons the original village name has had to be changed. In this report, I use 'Kagyi village' instead of the real name.
- <sup>104</sup> [http://en.wikipedia.org/wiki/Kachin\\_State](http://en.wikipedia.org/wiki/Kachin_State)
- <sup>105</sup> [http://www.forest-trends.org/documents/publications/Kahrl\\_Navigating%20the%20Border\\_final.pdf](http://www.forest-trends.org/documents/publications/Kahrl_Navigating%20the%20Border_final.pdf)
- <sup>106</sup> *A choice for China*, Global Witness, October 2005, page 9.
- <sup>107</sup> Ibid.
- <sup>108</sup> An old man in Kagyi village.
- <sup>109</sup> Interview 5, an old men who lived in Kagyi village for a long time.
- <sup>110</sup> Ibid.
- <sup>111</sup> Interview 9, a man from Kagyi village who is working for timber.
- <sup>112</sup> Interview 6, a religious leader of Kagyi village; and some villagers.

- <sup>113</sup> Interview 4, a woman who lives in Kagyi village.
- <sup>114</sup> Interview 15, a woman who lives in Kagyi village whose husband was arrested because of a timber case.
- <sup>115</sup> Interview 19, a man who is a timber carrier and lives in Kagyi village.
- <sup>116</sup> Illegal taxes: carriers have to pay them to SPDC soldiers.
- <sup>117</sup> Interview 19, a man who is a timber carrier and lives in Kagyi village.
- <sup>118</sup> Interview 20, timber worker living in Myitkyina.
- <sup>119</sup> Tablets containing a mix of methamphetamine and caffeine. 'Yaba' means 'crazy medicine' in Thai.
- <sup>120</sup> Interview 10, a woman who lives in Kagyi village and works with timber.
- <sup>121</sup> Interview 7, a woman who lives in Kagyi village and whose husband works with timber.
- <sup>122</sup> Interview 1, old man who is a head of Kagyi village and has lived there for a long time.
- <sup>123</sup> Interview 3, an old woman who has lived in Kagyi village for a long time.
- <sup>124</sup> Interview 12, a religious leader of Kagyi village.
- <sup>125</sup> Interview 1, an old man who is a head of Kagyi village.
- <sup>126</sup> Interview 6, a religious leader of Kagyi village.
- <sup>127</sup> Interview 19, a man who is a timber carrier and lives in Kagyi village.
- <sup>128</sup> <http://www.worldwildlife.org/wildworld/profiles/terrestrial/im/im0402-full.htm>
- <sup>129</sup> A Kagyi villager.
- <sup>130</sup> Interview 1, an old man who is a head of Kagyi village.
- <sup>131</sup> Interview 8, a woman who lives in Kagyi village and whose husband is working with timber.
- <sup>132</sup> <http://burmalibrary.org/docs/Legal%20Issues%20on%20Burma%20Journal%209.pdf>, page 9. SLORC Law No.8/92, section 3(a).
- <sup>133</sup> <http://www.worldpolicy.org/projects/globalrights/environment/envright.html>
- <sup>134</sup> Interview 5, old man from Kagyi village.
- <sup>135</sup> Taken from a dam instruction chart; for security purposes the source will not be identified.
- <sup>136</sup> [http://nobelprize.org/nobel\\_prizes/peace/laureates/1991/kyi-bio.html](http://nobelprize.org/nobel_prizes/peace/laureates/1991/kyi-bio.html), Biography of Aung Sun Suu Kyi.
- <sup>137</sup> [http://en.wikipedia.org/wiki/Politics\\_of\\_Myanmar](http://en.wikipedia.org/wiki/Politics_of_Myanmar), government of Burma (new constitution).
- <sup>138</sup> [http://nobelprize.org/nobel\\_prizes/peace/laureates/1991/kyi-bio.html](http://nobelprize.org/nobel_prizes/peace/laureates/1991/kyi-bio.html).
- <sup>139</sup> <http://www.khrg.org/khrg2009/khrg09f6.html>, [www.burmariversnetwork.org/key-concerns/mining.html](http://www.burmariversnetwork.org/key-concerns/mining.html)
- <sup>140</sup> Mon history, Mon Buddhist Culture and Literature Committee, Monland, 2001.
- <sup>141</sup> See *No Land To Farm*, Human Rights Foundation of Monland (HURFOM), October 2003, page 12.
- <sup>142</sup> A village tract is the combination of two or three small villages and one large village.
- <sup>143</sup> Township Peace and Development Council's documentation, 2008.
- <sup>144</sup> Ibid.
- <sup>145</sup> Taken from dam instruction chart. See endnote 135.
- <sup>146</sup> The Kyat is Myanmar's official currency and one is equal to 0.001 US\$ as at 19/06/2009. Dam chart.

- 147 Interview with a 50 year old woman, a rubber plantation owner and worker.
- 148 *No Land To Farm*, Human Rights Foundation of Monland (HURFOM), October 2003, page 61.
- 149 An arm span is a measure in Burmese and is equal to 6 feet.
- 150 Interview with a monk.
- 151 <http://monnews-imna.com/newsupdate.php?ID=1278>, *Farmers in Mudon forced to purchase seeds for unsuitable crops*, Friday 26 December 2008. Author: Arka.
- 152 A bowl is the Burmese measurement for grain and is equal to 3.114 lbs.
- 153 As endnote 151. 'Paddy' is used by people from Burma to mean 'rice' (not 'field').
- 154 <http://rehmonnya.org>, Human Rights Foundation of Monland (HURFOM), *File Under Monthly Report*.
- 155 Interview with one farmer.
- 156 Interview with youth leader.
- 157 Interview with 35 year old farmer.
- 158 *A two crops policy that barely yields one: the failed Winphanon Dam project*, 31 January 2008, <http://rehmonnya.org/archives/69>
- 159 Interview with 65 year old farmer.
- 160 As endnote 158.
- 161 Interview with 40 year old farmer.
- 162 [http://en.wikipedia.org/wiki/Human\\_rights\\_law](http://en.wikipedia.org/wiki/Human_rights_law)
- 163 Interview with 45 year old farmer.
- 164 Interview 15, 33 year old man.
- 165 <http://www.bookrags.com/research/pao-national-organization-ema-04/>
- 166 Interview 1, 75 year old man.
- 167 Interview 2, 65 year old farmer.
- 168 [www.burmalibrary.org/docs07/Robbing\\_the\\_Future\(en\).pdf](http://www.burmalibrary.org/docs07/Robbing_the_Future(en).pdf), *Robbing the Future*, Pa-O Youth Organisation, June 2009.
- 169 Interview 1, a 75 year old man.
- 170 *Earth Rights: Linking the quests for Human Rights and Environmental Protection*, EarthRights International, page 67.
- 171 *The Right to Water*, 2003, [www.who.int/water\\_sanitation\\_health/rightowater/en/](http://www.who.int/water_sanitation_health/rightowater/en/)
- 172 Interview 3, 45 year old farmer.
- 173 Interview 2, 65 year old farmer.
- 174 Interview 8, 56 year farmer.
- 175 Interview 11, 50 year old farmer.
- 176 Interview 9, 44 year old person looking for vegetables in the forest.
- 177 Interview 5, 58 year old monk, village leader.
- 178 Interview 7, 43 year old fisherman.
- 179 Interview 6, 45 year old local health worker.
- 180 As endnote 171, page 7.
- 181 Interview 12, 53 year old monk.
- 182 *Valley of Darkness: Gold Mining and Militarization in Burma's Hugawng Valley*, Kachin



Development Networking Group, 2007.

<sup>183</sup> [http://www.unhcr.ch/html/menu2/6/who\\_ohchr.pdf](http://www.unhcr.ch/html/menu2/6/who_ohchr.pdf), 11,6,09

<sup>184</sup> The Union of Myanmar, The Conservation of Water Resources and Rivers Law (SPDC Law No. 8/2006), the 11th Waxing Day of Thadingyut, 1368 ME (2 October 2006), Chapter V (8)(a).

<sup>185</sup> Ibid. See [www.burmariversnetwork.org/images/stories/documents/the\\_conservation\\_of\\_water\\_resources\\_andriverslaw.pdf](http://www.burmariversnetwork.org/images/stories/documents/the_conservation_of_water_resources_andriverslaw.pdf)

<sup>186</sup> *Gaining Ground: Earth Rights Abuses in Burma Exposed*, EarthRights School of Burma Class of 2008, EarthRights International, pages 209-210.

<sup>187</sup> <http://www.burmaissues.org/en/reports/>

<sup>188</sup> The Mon News Agency, online article, 5 August 2008 - <http://rehmonnya.org/archives/137>

<sup>189</sup> Sawlu, History of Lahu, Jubilee, Mae Sai, Thailand, 2008, page 23.

<sup>190</sup> [http://en.wikipedia.org/wiki/Lahu\\_people](http://en.wikipedia.org/wiki/Lahu_people)

<sup>191</sup> Interview 2, teacher, 27 years old.

<sup>192</sup> Interview 1, man, 45 years old.

<sup>193</sup> Ibid.

<sup>194</sup> Interview 6, man, 46 years old.

<sup>195</sup> [http://www.apheda.org.au/campaigns/burma\\_campaign/resources/1067568160\\_29942.html](http://www.apheda.org.au/campaigns/burma_campaign/resources/1067568160_29942.html)

<sup>196</sup> Interviews 4 and 5, villagers.

<sup>197</sup> Interview 2, teacher, 27 years old.

<sup>198</sup> Interview 12, man, 32 years old.

<sup>199</sup> Interview 8, man, 38 years old.

<sup>200</sup> Interview 4, man, 52 years old.

<sup>201</sup> Interview 4, man, 52 years old.

<sup>202</sup> Universal Declaration of Human Rights, Article 4.

<sup>203</sup> Convention concerning Forced or Compulsory Labour (ILO No. 29).

<sup>204</sup> Interview 7, 42 years old, villager.

<sup>205</sup> Interview 11, 35 year old man.

<sup>206</sup> Interview 7, 42 year old man.

<sup>207</sup> Ibid.

<sup>208</sup> Union of Myanmar Home Affairs, prohibiting requisition of forced labour, page 11.

<sup>209</sup> *Unmasking Burma's Bio-energy Fiasco*, Ethnic Community Development Forum, 2008.

<sup>210</sup> Interview 9, Woman, 40.

<sup>211</sup> Convention on the Rights of the Child, Article 32.

<sup>212</sup> Interview 1, 45 year old man.

<sup>213</sup> Interview 1, 27 year old teacher.

<sup>214</sup> Interview 3, village headman, 48 years old.

<sup>215</sup> Interviews 2 and 9, with villagers.

<sup>216</sup> Interview 4, man, 50 years old.

<sup>217</sup> Interviews 3 and 5, with villagers.

<sup>218</sup> *Unmasking Burma's Bio-energy Fiasco*, Ethnic Community Development Forum, 2008, page 27.

<sup>219</sup> Ibid, page 33.

- 220 Interview 9, 40 year old woman.
- 221 Interviews 7 and 11, with villagers.
- 222 The New Light of Myanmar: <http://missions.itu.int/~myanmar/07nlm/n070502.htm>
- 223 Ibid.
- 224 Interviews 9 and 10, 21 year old gardeners.
- 225 Interview 2, 34 year old farmer.
- 226 Interview 12, 61 year old farmer.
- 227 United Nations, the Universal Declaration of Human Rights, <http://www.un.org/en/documents/udhr/>
- 228 Interview 12, 61 year old farmer.
- 229 Interview 9, 21 year old gardener.
- 230 Interview 15, 55 year old farmer.
- 231 Interview 9, 21 year old gardener.
- 232 <http://rehmonnya.org/archives/490>, Human Rights Foundation of Monland, 15 November 2008.
- 233 Interview 13, 61 year old farmer.
- 234 Interview 15, 55 year old farmer.
- 235 Ibid.
- 236 Interview 12, 44 year old gardener.
- 237 Interview 13, 24 year old woman.
- 238 <http://www.salweenwatch.org>
- 239 Interview 2, 34 year old woman.
- 240 Interview 8, 32 year old farmer.
- 241 Interview 2, 34 year old woman.
- 242 Interview 6, 59 year old woman.
- 243 Interview 12, 61 year old farmer.
- 244 Interview 15, 55 year old farmer.
- 245 <http://www.myanmarlibrary.org/reg.burma/archives/199705/msg00177.html>, Xinhua News Agency.
- 246 Fisherman and farmer, 22 years old.
- 247 Fisherman, 30 years old.
- 248 Farmer, 28 old woman.
- 249 Fisherman, 26 years old.
- 250 [http://www.burmalibrary.org/docs/LIOB09-environment\\_and\\_law\\_in\\_burma.htm](http://www.burmalibrary.org/docs/LIOB09-environment_and_law_in_burma.htm)
- 251 Fisherman and farmer, 22 years old.
- 252 Farmer, 27 years old.
- 253 Farmer, 30 year old man.
- 254 Farmer, 25 year old man.
- 255 Woman, 26 years old.
- 256 Farmer, 30 years old.
- 257 Conversation with different local people along the Thabet River.

- <sup>258</sup> Farmer, 28 old woman.
- <sup>259</sup> <http://www.unhcr.ch/html/menu3/b/k2crc.htm>, 28 June 2009.
- <sup>260</sup> [http://en.wikipedia.org/wiki/Burma#Foreign\\_relations\\_and\\_military](http://en.wikipedia.org/wiki/Burma#Foreign_relations_and_military), 25 June 2009.
- <sup>261</sup> [http://www.burmalibrary.org/docs/LIOB09-environment\\_and\\_law\\_in\\_burma.htm](http://www.burmalibrary.org/docs/LIOB09-environment_and_law_in_burma.htm)
- <sup>262</sup> <http://www.refugees.org>
- <sup>263</sup> <http://www.ahrchk.net/ua/mainfile.php/2002/281/>
- <sup>264</sup> <http://www.refugees.org>
- <sup>265</sup> <http://www.ahrchk.net/ua/mainfile.php/2002/281/>
- <sup>266</sup> <http://www.refugees.org>
- <sup>267</sup> <http://www.un.org/en/documents/udhr/>
- <sup>268</sup> <http://www2.ohchr.org/English/law/refugees.htm>
- <sup>269</sup> Interview 18, 15.5.09.
- <sup>270</sup> <http://karennisu.org/student-stories/>
- <sup>271</sup> Interview 1, 17.4.09.
- <sup>272</sup> Alumni report.
- <sup>273</sup> Interview 7, 28.4.09.
- <sup>274</sup> Interview 18, teacher from KnWSP.
- <sup>275</sup> Interview 6, 24.4.09.
- <sup>276</sup> Interview 2, 17.4.09.
- <sup>277</sup> Interview 9, 27.4.09.
- <sup>278</sup> Interview 5, 20.4.09.
- <sup>279</sup> Interview 1, 17.4.09.
- <sup>280</sup> Interview 8, 18.4.09.
- <sup>281</sup> Interview 1, 17.4.09. Middle school teacher.
- <sup>282</sup> Interview 16, 13.5.09.
- <sup>283</sup> Interview 8, 18.4.09.
- <sup>284</sup> Interview 10, 27.4.09.
- <sup>285</sup> Interview 6, 24.4.09.
- <sup>286</sup> <http://www.ktmes.org/en/34-kantarawaddy-news/63-13600-karenni-reufgee-apply-to-resettle-in-usa.htm>
- <sup>287</sup> Ibid.
- <sup>288</sup> Interview 11, 30.4.09.
- <sup>289</sup> Interview 13, 2.5.09.
- <sup>290</sup> Interview 13, 2.5.09.
- <sup>291</sup> Interview 3, 17.4.09.
- <sup>292</sup> Interview 2, 17.4.09.
- <sup>293</sup> <http://karennisu.org/student-stories/>
- <sup>294</sup> Interview 9, 45 year old woman and 38 year old woman.
- <sup>295</sup> <http://www.un.org/en/documents/udhr/>
- <sup>296</sup> [http://www.tacdburmese.org/education\\_burmese%20child%20worker.html](http://www.tacdburmese.org/education_burmese%20child%20worker.html)
- <sup>297</sup> [http://www.asiantribune.com/oldsite/show\\_article.php?id=850](http://www.asiantribune.com/oldsite/show_article.php?id=850)

- <sup>298</sup> <http://www.scribd.com/doc/7689546/215-Project-Background-Reading-Education>
- <sup>299</sup> [http://www.shaninform.org/tai\\_webs.php](http://www.shaninform.org/tai_webs.php)
- <sup>300</sup> *Dispossessed: Forced Relocation and Extrajudicial killings in Shan State*, Shan Human Right Foundation, April 1998.
- <sup>301</sup> Interview 9, 45 year-old woman working in agriculture.
- <sup>302</sup> *Dispossessed, Forced Relocation and Extrajudicial Killings in Shan State*, the Shan Human Right Foundation, April 1998.
- <sup>303</sup> Interview 9.
- <sup>304</sup> Interview 17, 28 year old woman working in a garden.
- <sup>305</sup> Interview 16.
- <sup>306</sup> Interview 15, 22 year old woman working in a restaurant.
- <sup>307</sup> *Caught Between Two Hells*, Burmese Women's Union, 2007.
- <sup>308</sup> Interview 9.
- <sup>309</sup> Interview 20, 25 year old woman.
- <sup>310</sup> <http://www.unhchr.ch/html/menu3/b/k2crc.htm>
- <sup>311</sup> *The Lives of Migrant Children and Youth Along the Borders of China, Myanmar and Thailand*, Therese M. Caouette, Save the Children UK, 2000.
- <sup>312</sup> <http://mizzima.com/news/regional/2297-thailand-promises-equal-education-to-all-children.html>
- <sup>313</sup> *Life and Death Away from the Golden Land*, Bryant Yuan Fu Yang, *Thailand Law Journal*, Spring 2009, Volume 12, Issue 1.
- <sup>314</sup> <http://www.unhchr.ch/html/menu3/b/k2crc.htm>
- <sup>315</sup> *Legal Issues*, Burma Lawyers' Council, No. 10, December 2001.
- <sup>316</sup> Interview 8, 50 year old Shan teacher.
- <sup>317</sup> Interview 19, 15 year old girl.
- <sup>318</sup> Interview 17, 15 year old male, and interview 19, 15 year old female.
- <sup>319</sup> Interview 14, 14 year old male.
- <sup>320</sup> <http://www.prachatai.net/english/node/400>
- <sup>321</sup> [http://en.wikipedia.org/wiki/Karen\\_people](http://en.wikipedia.org/wiki/Karen_people)
- <sup>322</sup> Department of State, international boundary study No. 63, 1 February 1996.
- <sup>323</sup> *Burma and the Karens*, Dr. San C.PO, C.B.E., with introduction by Christina Finke. First published in London, 1928.
- <sup>324</sup> [http://en.wikipedia.org/wiki/Ethnic\\_cleansing](http://en.wikipedia.org/wiki/Ethnic_cleansing)
- <sup>325</sup> <http://news.bbc.co.uk/2/hi/asia-pacific/4987224.stm>
- <sup>326</sup> <http://www.khrg.org/khrg2009/khrg09b7.html>
- <sup>327</sup> Myanmar's new constitution, Article 359. "The Union prohibits forced labor except hard labor as a punishment for crime duly convicted and duties assigned by the Union in accord with the law in the interest of the public."
- <sup>328</sup> <http://www.amnesty.org/en/library/>
- <sup>329</sup> Myanmar's new constitution, Article 37. "The Union: (a) is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the Union."

- <sup>330</sup> [www.transparency.org/](http://www.transparency.org/) and <http://burmadigest.wordpress.com/2006/04/23/spdc-corruption/>. The Transparency International CPI measures perceived levels of public-sector corruption in a given country, drawing on different expert and business surveys. The 2008 CPI scores 180 countries from zero (highly corrupt) to ten (highly clean). Myanmar scored 1.3, tying it with Iraq as the 2nd most corrupt in the world.
- <sup>331</sup> <http://en.wikipedia.org/wiki/Refugee>
- <sup>332</sup> [http://en.wikipedia.org/wiki/Internally\\_displaced\\_person#cite\\_note-Deng\\_1998-1](http://en.wikipedia.org/wiki/Internally_displaced_person#cite_note-Deng_1998-1)
- <sup>333</sup> <http://www.achrweb.org/Review/2005/81-05.htm>
- <sup>334</sup> <http://www.achrweb.org/Review/2005/81-05.htm>
- <sup>335</sup> Thailand has signed the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). Burma has signed only the CEDAW and the CRC.
- <sup>336</sup> <http://www.burmaissues.org/En/ethnicgroups1.html> (2 July 2009).
- <sup>337</sup> <http://www.hobohideout.com/burma> (2 July 2009).
- <sup>338</sup> KNU Statement on the 57th Anniversary of Its Founding, 5 February 2004, [www.burmatoday.net/](http://www.burmatoday.net/)
- <sup>339</sup> [http://www.khrg.org/background\\_on\\_burma.html](http://www.khrg.org/background_on_burma.html)
- <sup>340</sup> Interview 10, KNU Leader in Mudraw District.
- <sup>341</sup> <http://www.usaid.gov/policy/ads/200/pd19.pdf> (Definition of food security, PD-19, 13 April 1992, page 2).
- <sup>342</sup> [www.burmaissues.org/En/Newsletter/BINews2007-09-01.html](http://www.burmaissues.org/En/Newsletter/BINews2007-09-01.html) (Vol. 17, No. 9, September 2007).
- <sup>343</sup> [http://www.khrg.org/background\\_on\\_burma.html](http://www.khrg.org/background_on_burma.html)
- <sup>344</sup> Interview 7, a woman of around 50 years old.
- <sup>345</sup> Interview 10, KNU leader in Mudraw District.
- <sup>346</sup> Interview 7, woman of around 50 years old.
- <sup>347</sup> Ibid.
- <sup>348</sup> Free Burma Rangers, 3 May 2007 (<http://www.freeburmarangers.org/Reports/2007/20070503.html>)
- <sup>349</sup> Interview 3, young woman and her father.
- <sup>350</sup> Ibid.
- <sup>351</sup> Interview 10, KNU leader in Mudraw District.
- <sup>352</sup> Interview 3, young woman.
- <sup>353</sup> Interview 10, KNU leader in Mudraw District.
- <sup>354</sup> *Villagers displaced*, 16 May 2006. (<http://www.khrg.org/khrg2006/khrg06b4.html>)
- <sup>355</sup> Interview 10, KNU leader in Mudraw District.
- <sup>356</sup> Ibid.
- <sup>357</sup> Interview 2, a woman who left her village and is living in another village tract.
- <sup>358</sup> Ibid.

359 Interview 3, a man who was a chief of animist religious belief.  
360 Interview 10, KNU leader in Mudraw District.  
361 Interview 6, a man and his wife.  
362 Ibid.  
363 Interview 7, a woman of around 50 years old.  
364 Interview 1, a woman.  
365 *Growing up under militarization*, KHRG, April 2008, page 43.  
366 Ibid., page 44.  
367 <http://www.fao.org/docrep/007/y5740e/y5740e0b.htm> (29 June 2009).  
368 Interview 7, a women of around 50 years old.  
369 <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>. U.S Department of State, Diplomacy In Action.  
370 Interview with 26 year old from Palaung Women’s Organization PWO).  
371 <http://palaungland.org/palaung-history#c3>  
372 Anniversary of the (Ta’ang) Palaung National revolution Day, PSLF, pages 50-53.  
373 *Poisoned Flowers*.  
374 Interview with 49 year old woman.  
375 Interview with villagers in Palaung community.  
376 Interview with women from PWO organization.  
377 Interview with 35 year old woman from Palaung community.  
378 Interview with 32 year old woman.  
379 Interview with women from Palaung areas and PWO.  
380 Interview with 13 year old girl.  
381 Interview with leader from Ta’ang Students and Youth Organization (TSYO);  
[www.Palaungland.org](http://www.Palaungland.org)  
382 Interview with women from Palaung community.  
383 Interview with 26 year old woman from PWO on the China side.  
384 *Driven Away*, Report on Trafficking of Kachin women on the China-Burma border, KWAT.  
385 Interview with 51 year old woman.  
386 Interview with 40 year old woman.  
387 Interview with 24 year old woman.  
388 Interview with 26 year old woman.  
389 Interview with 40 year old woman.  
390 <http://www.bayswan.org/traffick/deftraffickUN.html>  
391 Interview with 23 year old victim.  
392 <http://ezinearticles.com/?Mental-Abuse—The-7-Most-Important-Things-To-Know&id=60849>  
393 Interview with 45 year old woman and woman from PWO office.  
394 Interview 12, an old man.  
395 *Gaining Ground: Earth Rights Abuses in Burma Exposed*, EarthRights International, 2008, page 137.  
396 Ibid.

- <sup>397</sup> <http://en.wikipedia.org/wiki/Namkham>
- <sup>398</sup> Interview 8, a leader.
- <sup>399</sup> Interview 1, an old woman.
- <sup>400</sup> A militia group formed by the local people for the security of the village from the rebels.
- <sup>401</sup> *Poisoned Flowers*, page 26.
- <sup>402</sup> Interview 3, a man.
- <sup>403</sup> Interview 9, a man.
- <sup>404</sup> <http://www.shanland.org/>
- <sup>405</sup> <http://www.myanmar-narcotic.net/heroin/new2001/illegal.html>
- <sup>406</sup> [http://www.unodc.org/documents/crop-monitoring/East\\_Asia\\_Opium\\_report\\_2008.pdf](http://www.unodc.org/documents/crop-monitoring/East_Asia_Opium_report_2008.pdf)
- <sup>407</sup> Ibid.
- <sup>408</sup> Interview 7, a drug user.
- <sup>409</sup> Interview 3, a man 53 years old.
- <sup>410</sup> Interview 10, a teacher from the village.
- <sup>411</sup> Interview 11, a woman 45 years old.
- <sup>412</sup> Interview 1, a young man.
- <sup>413</sup> Interview 12, a man 70 years old.
- <sup>414</sup> Interview 8, a man 45 years old.
- <sup>415</sup> Interview 4, a young man.
- <sup>416</sup> Interview 11, a woman 45 years old.
- <sup>417</sup> Interview 2, a woman 50 years old.
- <sup>418</sup> Interview 12, a man 70 years old.
- <sup>419</sup> Interview 7, a drug user.
- <sup>420</sup> Interview 1, a young man.
- <sup>421</sup> Interview 13, a church leader who has five sons.
- <sup>422</sup> Interview 12, a man 70 years old.
- <sup>423</sup> Interview 13, a church leader.
- <sup>424</sup> <http://www.altsean.org/key%20Issues/keyIssuesDrugs.htm>
- <sup>425</sup> <http://www.burmalibrary.org/show.php?cat=37&10=d&s1=0>
- <sup>426</sup> *Gaining Ground: Earth Rights Abuses in Burma Exposed*, EarthRights International, 2008, page 159.







"I did not attend school. I cannot read or write any literature. My parent asked me to work since I can hold a knife."



"My skirt is long and made me fall again and again. The bullets were falling near my feet."



"It is not difficult to stop using drugs. The main point is the mind. There is only one thing which can defeat the mind. It is a G3 bullet."

"At that time, we had to steal our own rice."

**EACH YEAR THE STUDENTS OF THE EARTHRIGHTS SCHOOL OF BURMA COLLECT INFORMATION ABOUT THE HUMAN RIGHTS AND ENVIRONMENTAL ISSUES THEY ENCOUNTER. WHILE THIS PROVIDES PRACTICE IN USEFUL SKILLS SUCH AS INTERVIEWING, MAP-MAKING, REPORT WRITING, AND RESEARCH PLANNING, IT ALSO - PERHAPS MOST IMPORTANTLY OF ALL - ALLOWS THE VOICES OF LOCAL PEOPLE IN BURMA TO BE HEARD GLOBALLY: VOICES WHICH SPEAK OF LAND CONFISCATION, THE PERILS OF DAMS AND MINES, AND OTHER EARTH RIGHTS ABUSES WHICH MIGHT OTHERWISE REMAIN INVISIBLE.**

*These are true stories.*