

Losing Ground:

Land conflicts and collective action in eastern Myanmar



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The Karen Human Rights Group
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Front cover photo: Over 400 villagers from Shwegyin and Kyauk Kyi Townships gathered together on March 12th 2012 to protest the Kyauk N'Ga Dam on the Shwegyin River in in eastern Bago Region. The community member who took this photo told KHRG that villagers chanted three requests of the Government in Burmese: *"No continuation of the dam construction. Compensation for lost farmland flooded by the dam. Let the water flow naturally."* [Photo: KHRG]

Back cover photo: Villagers protest ongoing construction of the Toh Boh Dam in a tributary of the Day Loh River on September 25th 2012, upstream from the Dam site in Tantabin Township in northwest Kayin State. The community member who took this photo told KHRG that, if the Toh Boh Dam is closed, upstream areas will flood, destroying villagers' plantations and restricting their ability to travel freely. [Photo: KHRG]

The Karen Human Rights Group (KHRG) was founded in 1992 and documents the situation of villagers and townspeople in rural Burma through their direct testimonies, supported by photographic and other evidence. KHRG operates independently and is not affiliated with any political or other organisation. Examples of our work can be seen online at www.khrg.org, or printed copies of our reports may be obtained subject to approval and availability by sending a request to khrg@khrg.org.

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Preface

Analysis of KHRG's field information gathered between January 2011 and November 2012 in seven geographic research areas indicates that natural resource extraction, industry and development projects resulted in land confiscation and forced displacement and were implemented without consulting, compensating, or, often, notifying project-affected communities. These projects included hydropower dam, infrastructure development, logging, mining and commercial plantation agriculture that were undertaken or facilitated by various civil and military State authorities, foreign and domestic companies and armed ethnic groups. Villagers consistently reported that their perspectives are excluded from the planning and implementation of these projects, which often provide little or no benefit to the local community or result in substantial, often irreversible, harm. Key findings in this report were drawn based upon analysis of four trends, including: Lack of consultation; Land confiscation; Disputed compensation; and Development-induced displacement and resettlement, as well as four collective action strategies, including: Reporting to authorities; Organizing a committee or protest; Negotiation; and Non-compliance, and six consequences on communities, including: Negative impacts on livelihoods; Environmental impacts; Physical security threats; Forced labour and exploitative demands; Denial of access to humanitarian goods and services; and Migration.

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Figure 1: Projects under observation in locally-defined Karen districts (Kayin and Mon States; Bago Region)



Figure 2: Projects under observation in locally-defined Karen districts (Tanintharyi Region)



Terms and abbreviations

BPHWT	Backpack Health Worker Team
BGF	Border Guard Force
CBO	Community-based organisation
CFC	Community Forest Certificate
DIDR	Development-induced displacement and resettlement
DKBA	Democratic Karen Buddhist Army
FBR	Free Burma Rangers
FPIC	Free, Prior and Informed Consent
FSWG	Food Security Working Group
FUG	Forest User Groups
HRW	Human Rights Watch
IB	Infantry Battalion of the Tatmadaw
ITD	Italian-Thai Development Company
IDP	Internally-displaced person
ICRC	International Committee of the Red Cross
ILO	International Labour Organisation
KDHW	Karen Department of Health and Welfare
KHRG	Karen Human Rights Group
KNLA	Karen National Liberation Army
KNDO	Karen National Defence Organisation
KNU	Karen National Union
KPF	Karen Peace Force
LCG	Land Core Group
LIB	Light Infantry Battalion of the Tatmadaw
LID	Light Infantry Division of the Tatmadaw
MOAI	Ministry of Agriculture and Irrigation
MOC	Military Operations Command of the Tatmadaw
MOU	Memorandum of Understanding
MTC	Mae Tao Clinic
SLORC	State Law and Order Restoration Council
SLRD	Settlement and Land Records Department
SPDC	State Peace and Development Council
USDP	Union Solidarity and Development Party
VPDC	Village Peace and Development Council

Currency and measurements

baht	Thai currency; US \$1 equals approximately 30 baht at market rate (March 2012)
basket	Unit of volume used to measure paddy, husked rice and seeds; one basket of paddy equals 20.9 kg. / 45.08 lb. in weight; one basket of husked rice equals 32 kg./ 70.4 lb. in weight.
big tin	Unit of volume used to measure paddy, husked rice and seeds; one big tin of paddy equals 10.45 kg. / 23.04 lb. in weight; one big tin of husked rice equals 16 kg./ 35.2 lb. in weight.
kyat	Myanmar currency; as of February 8 th 2013, all conversion estimates of the Kyat in this report are based on the official market rate of 857 kyat to the US \$1.
viss	Standard unit of weight measure; one viss equals 1.6 kg / 3.5 lb.

Burmese language terms

<i>Amyotha Hluttaw</i>	House of Nationalities of the Assembly of the Union of Myanmar
<i>Bo Hmu</i>	'Major', referring to the rank of a Tatmadaw officer
<i>Bo Gyi</i>	'Captain', referring to the rank of a Tatmadaw officer
<i>La Na 39</i>	Shorthand for Article 39 of the Land Nationalisation Act 1953
<i>Longyi</i>	Sheet of cloth widely-worn by men in Myanmar, wrapped around the waist or sewn into a cylindrical tube; worn by women, it is called a <i>htamein</i>
<i>Pyithu Hluttaw</i>	House of Representatives of the Assembly of the Union of Myanmar
<i>Pyidaungsu Hluttaw</i>	Assembly of the Union of Myanmar
<i>Tatmadaw</i>	Collective term used to refer to the Myanmar government armed forces
<i>Taungya</i>	Shifting swidden cultivation that requires leaving areas of land uncultivated for years at a time to restore soil fertility
<i>U Paing</i>	Permanent land use rights

Karen language terms

<i>gher der</i>	'Home guard' groups organised by local villagers to undertake armed self protection activities; may cooperate with KNLA forces but not under their direct command.
<i>Thara/ Tharamu</i>	'Teacher', a term of respect use for a man or woman, respectively.

I. Introduction

“They came and made rubber plantations. The company owner cooperated with the [Tatmadaw] General. They came to the villages and looked for the place where villagers have not done [anything with the land] yet, and then they said it is uncultivated land. Then they started [planting rubber trees]. Later, step-by-step, they started buying peoples’ lands ... There are some villagers who lack knowledge, so they sold their land. Currently, there are only companies’ lands. It causes a problem for the villagers, even to find firewood.”

Situation update written by a community member, Thaton Township, Thaton District/ Northern Mon State (Received in June 2012)¹

Throughout 2012, villagers in eastern Myanmar described land confiscation and forced displacement occurring without consultation, compensation, or, often, notification. Such displacements have taken place most frequently around natural resource extraction, industry and development projects. These include hydropower dam construction, infrastructure development, logging, mining and plantation agriculture projects that are undertaken or facilitated by various civil and military State authorities, foreign and domestic companies and armed ethnic groups. Villagers consistently report that their perspectives are excluded from the planning and implementation of these projects, which often provide little or no benefit to the local community or result in substantial, often irreversible, harm.

Business and development projects have increased substantially in the wake of Myanmar government reforms and the ceasefire signed with the Karen National Union (KNU).² While the cessation of armed conflict has made the area more accessible to investment and commercial interests, eastern Myanmar remains a highly militarized environment.³ In this context, where abundant resources provide lucrative opportunities for many, and a culture of coercion and impunity is entrenched after decades of war, villagers understand that demand for land carries an implicit threat.

Displacement and barriers to land access arising from these projects present major challenges at the local level. Where land is forcibly taken, fenced-in, flooded, polluted, planted or built upon, the obstacles to effective local-level response are often insurmountable. Even where villagers manage to overcome barriers to organizing a response, current legislation does not provide any easily accessible mechanism to allow their complaints to be heard.

Despite this, villagers employ forms of collective action that provide viable avenues to gain representation, compensation and to forestall expropriation. Villagers' ability to navigate local power dynamics and negotiate for unofficial remedies, championed in some cases by an increasingly active domestic media, is forging new and promising avenues for collective action and association.⁴

This report draws on villagers' interviews and testimony, as well as other forms of documentation including photographs, film and audio recordings, collected by community members⁵ who have been trained by KHRG to report on the local human rights situation. The documentation received has been analysed for cases in which villagers' access to and use of land has been disrupted, highlights trends of abuse, and details obstructions to the formal channels of complaint or redress that villagers face. The report closes by outlining the serious consequences created by such abuses and the lack of meaningful inclusion of villagers in the making of decisions, which affect them so fundamentally.

The objective of this report is to foster a better understanding of the dynamics and impacts of natural resource extraction and development projects on the ground by presenting a substantial and recent dataset of villagers' testimonies in eastern Myanmar. This report aims to broadcast the perspectives of villagers in eastern Myanmar to actors throughout the country and the international community. The complaints recorded in this report are important, and deserve attention, first and foremost because they represent the lived experience of villagers who are being directly affected by the actions of myriad actors in a rapidly changing Myanmar. It is intended to assist all stakeholders, including Myanmar government officials, business actors, potential and current investors, and local and international non-profit organisations, as they work to: (1) acknowledge and avoid the potential for abuse caused directly or in complicity with other actors; (2) further investigate, verify and respond to allegations of abuse; (3) address the obstacles that prevent rural communities from engaging with protective frameworks; and (4) take more effective steps to ensure sustainable, community-driven development that will not destabilize efforts for peace and ethnic inclusion.

¹ See Appendix 1: Source document/ThatonPlantationAgriculture/2012/2.

² The data analysed for this report was received by KHRG from January 2011-November 2012 but covers a range of development projects occurring from 1999 onwards. The increase is demonstrated in the detail provided in *Section VI: Projects Under Observation*, which shows that incoming business, particularly by private companies, surpassed numbers in the previous years, corresponding to new opportunities presented by the November 2010 general election and Myanmar government-KNU ceasefire. Of the 99 documents that raised issues related to natural resource extraction and business or state-led development projects, 60 raised incidents occurring after November 2010 and 34 raised incidents occurring since January 2012.

³ The KNU and Government of Myanmar agreed to a ceasefire on 12 January 2012. Since then they have held several rounds of dialogue but this has not yet resulted in a concrete code of conduct or in resolution of political demands by the KNU. KHRG has published two commentaries considering villagers' perspectives on the ceasefire, and opportunities that it presents to address outstanding issues of the conflict, see "Safeguarding human rights in a post-ceasefire eastern Burma," KHRG, January 2012 and "Steps towards peace: Local participation in the Karen ceasefire process," KHRG, November 2012.

⁴ Public protests against unilaterally-implemented natural resource extraction projects have been covered by the domestic media in Myanmar as well as the international media, including for example the halting of the controversial Myitsone dam on the Irrawaddy River, "Activists celebrate Myitsone dam victory," *Myanmar Times*, October 2011 and large-scale public protests at a copper mine in Monywa; see: "Peaceful demonstrations and the 'access to remedy' vacuum," *Myanmar Observer*, October 2nd 2012. Coverage of issues in ethnic areas is more limited, outside of ethnic media sources, for example: "Mine pollutions kills villager's plantations – government fails to act," *Karen News*, March 15th 2012. Media groups are encouraged to expand their coverage to ensure similar support for collective action across the country.

⁵ KHRG trains 'community members' in eastern Myanmar to document individual human rights abuses using a standardised reporting format; conduct interviews with other villagers; and write general updates on the situation in areas with which they are familiar. When writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area. For additional information, see *Methodology* below.

Executive summary

Findings in this report are based upon analysis of KHRG's field information received between January 2011 and November 2012 across seven research areas, encompassing all or part of Kayin and Mon States and Bago and Tanintharyi Regions. For the purposes of this report, nine KHRG staff analysed 809 oral testimonies and written pieces of documentation received during the reporting period, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or development projects in eastern Myanmar, including: hydropower dam construction, infrastructure development, logging, mining and plantation agriculture. These projects were undertaken or facilitated by various civil and military State authorities, armed ethnic groups and foreign and domestic companies.

Section II: Current Context reviews recent developments in Myanmar's laws and politics, and analyses how recent reforms by the Government and opening to the outside world could facilitate human rights abuse, as well as identifying potential opportunities to protect the rights of villagers in eastern Myanmar afforded by the changing situation. This section concludes by arguing that the rights identified as essential by villagers in eastern Myanmar closely track the rights protected under international law.

Section III: Trends of abuse in project implementation sets out four trends that are apparent based on the information received from villagers: lack of consultation; land confiscation; disputed compensation; and development-induced displacement. *Section IV: Collective action*, provides analysis of four collective action strategies described by villagers, adopted in response to the trends identified, which are: reporting to authorities; organizing a committee or protest; negotiation; and non-compliance. Further, six consequences on communities of natural resource extraction and development projects are analysed in the report in *Section V: Consequences*, namely, negative impacts on livelihoods; environmental impacts; physical security threats; forced labour and exploitative demands; denial of access to humanitarian goods and services; and migration.

Section VI: Projects under observation includes a table with summaries of the 99 pieces of information received by KHRG during the reporting period, and details abuses related to natural resource extraction, business and development projects impacting communities which, as a result, community-members working with KHRG are monitoring and documenting. The table is organized by project-type, including: hydropower dam projects, infrastructure development, logging, mining and commercial plantation agriculture. The full text of all 99 of these documents, also organized by project-type, is included in *Appendix 1: Raw Data*.⁶

⁶ *Appendix 1: Raw Data* is available on KHRG's website, <http://www.khrg.org>.

Key findings

During the reporting period, villagers across all seven research areas described natural resource extraction and development projects implemented unilaterally without engaging or informing project-affected villagers. Villagers reported that they were not consulted or informed before a project began, nor given an opportunity to enter into dialogue or request additional information. In some cases, villagers said that only village leaders were consulted or that partial information was provided about the realities of the project and how it would affect their land or livelihoods. (*Section III: A*)

During the reporting period, villagers across all seven research areas described land confiscation or obstacles to land use or access directly resulting from natural resource extraction or development projects. Villagers described land confiscation as a result of the project expansion and encroachment onto land adjacent to the project site, as well as the confiscation of land belonging to refugees and internally-displaced persons (IDPs). Villagers in some cases received explicit information from military or civilian officials that their land would be confiscated, that they would no longer be permitted to use it as they had previously, or that decisions regarding the use of their land had already been made in meetings between State or non-state authorities and companies to which the villagers were not invited. In other cases, villagers learned of the confiscation of their land only when construction workers arrived to survey and mark the project site. (*Section III: B*)

During the reporting period, villagers across all seven research areas described obstacles to securing fair compensation for losses or damages incurred during or after project implementation. Villagers described not being offered compensation, nor provided with an opportunity to negotiate for compensation, following development-based destruction of their land. Villagers also described undue pressure to accept compensation offered and negotiations during which development actors committed to compensation that was never paid or only partially paid. Villagers also described other obstacles to seeking redress, including an inability to afford and a lack of awareness about formal legal remedies. (*Section III: C*)

During the reporting period, villagers across six out of seven research areas described development-induced displacement or resettlement as a direct result of natural resource extraction and development projects. Villagers described explicit orders issued by military and civilian government officials for communities to relocate from targeted project areas, such as those to be developed for agri-business, infrastructure development or dams, and said that such orders were frequently accompanied by threats of violence for non-compliance. Other villagers described being forced of necessity to relocate due to the destruction of livelihoods and environmental degradation in or near project sites. (*Section III: D*)

During the reporting period, villagers across all seven research areas described communities' active attempts to prevent or mitigate negative impacts to their land and livelihoods in response to business and development projects. Forms of collective action described include: writing complaint letters to Myanmar government bodies, to the KNU or to private companies, in some cases including a list of damaged land or crops and quantifying the amount of compensation that should be given; organising public protests; forming committees to submit complaints and strengthen collective bargaining ability during negotiations with authorities; directly negotiating with company representatives, government officials or members of an armed group; or

refusing to comply with verbal or written orders, in most cases related to a refusal to leave their land, or a refusal to sign away land claimed by authorities (*Section IV: A - D*).

During the reporting period, villagers across all seven research areas described serious negative consequences on communities' land, livelihoods and physical security due to natural resource extraction and development projects. Villagers describe destruction of agricultural activities and a lack of alternative livelihood options. Dam projects resulted in permanent flooding, logging led to deforestation and soil erosion, and agricultural or mining projects caused water contamination, posing health risks for villagers and livestock. Physical security threats were also described to occur around project sites, where local military authorities often had a financial stake in the project in question. Villagers described coercion to accept terms of compensation for confiscated land, and threats of physical harm for refusing or trying to negotiate the amount of compensation. Villagers described forced labour at project sites or providing money to pay for the project itself. In some cases, new projects have led to a denial of humanitarian access, where schools and hospitals were destroyed by new construction or closed in advance due to direct orders or threats of relocation. Villagers also described how some villagers have migrated to larger cities or across international borders, or sent their children to do so, in search of alternative employment opportunities. (*Section V: A - F*)

Serious obstacles undermine communities attempting to respond to business and development projects and limit their ability to prevent and mitigate negative impacts. The exclusion of local voices from development planning constrains rural communities' ability to raise concerns through engagement, or seek redress for damages through negotiation. Local communities lack knowledge of both details and impacts of projects and of the law, limiting their ability to negotiate or take action, and increasing their vulnerability to manipulation. Explicit and implicit threats of violence deter communities from proactively engaging authorities, particularly armed actors and private companies partnering with these actors for access to the area. Fear of violence is worsened by recent memories of violence and abuse related to decades of militarization, armed conflict and counter-insurgency.

Recommendations

Consultation and consent

- Villagers are best placed to assess their own interests and the impact of development on their livelihoods. Their perspectives must be included in all decision-making.
- All development actors must carry out environmental, health and human rights impact assessments prior to project implementation. These assessments should be carried out independently of the actor's interests, in consultation with project-affected communities and made publicly available in all local languages.
- Development projects should be planned in consultation with local communities, with full disclosure of information relating to how the projects could affect their lands and livelihoods. Communities should participate in decisions regarding size, scope, compensation, and means of project implementation.

Customary land rights and usage

- Government should protect existing land use practices and tenure rights, and acknowledge that local communities may recognise land title granted by multiple sources, including customary, colonial and local administrations.
- Policy reforms should ascertain and respect the land rights of communities and individuals displaced by conflict.

Support for community solutions

- Development actors should seek out and engage with local, broad-based, independent associations of villagers formed to address land issues, as well as local community-based organizations.
- Domestic civil society should promote knowledge-sharing among and give support to independent associations across the country.
- Media should expand their coverage of land conflicts in rural eastern Myanmar.
- The Government and civil society should provide communities with training and educational resources about domestic complaint and adjudication bodies.

Ceasefire context

- Business and development actors should ensure they do not become complicit in human rights abuses by carrying out good faith due diligence to ensure that their partners do not compromise the rights and security of local communities.

Methodology

Field Research

KHRG has gathered testimony and documented individual incidents of human rights violations in eastern Myanmar since 1992. Research for this report was conducted by a research network of community members working with KHRG, trained and equipped to employ KHRG's documentation methodology, including to:⁷

- Gather oral testimony, by conducting audio-recorded interviews with villagers living in eastern Myanmar. When conducting interviews, local people working with KHRG are trained to use loose question guidelines, but also to encourage interviewees to speak freely about recent events, raise issues that they consider important and share their opinions or perspectives on abuse and other local dynamics.
- Document individual incidents of abuse using a standardised reporting format. When writing or gathering incident reports, local people working with KHRG are encouraged to document incidents of abuse that they consider important, by verifying information from multiple sources, assessing for potential biases and comparing incidents to local trends of abuse.
- Write general updates on the situation in areas with which they are familiar. When writing situation updates, local people working with KHRG are encouraged to summarise recent events, raise issues that they consider important, and present their opinions or perspectives on abuse and other local dynamics in their area.
- Gather photographs and video footage. Local people are trained by KHRG to take photographs or video footage of incidents as they happen when it is safe to do so or, because this is rarely possible, of victims, witnesses, evidence or the aftermath of incidents. Local people are also encouraged to take photographs or video footage of other things they consider important, including everyday life in rural areas, cultural activities and the long-term consequences of abuse.
- Collect other forms of evidence where available, such as letters written by military commanders ordering forced labour or forced relocation.

While some community members draw salary and others material support, and some working as volunteers, KHRG trains local people from all walks of life and a variety of backgrounds to document the issues that affect their community. KHRG's recruitment policy does not discriminate on the basis of ethnic, religious or personal background, political affiliation or occupation. We train anyone who has local knowledge, is motivated to improve the human rights situation in their own community and is known to and respected by members of their local communities. Recognising that in all cases, no one is truly 'neutral' and everyone has competing viewpoints and interests, KHRG seeks always to filter every report through those interests and to present evidence from as many sources and perspectives as possible.

Verification

KHRG trains community members to follow a verification policy that includes gathering different types of information or reports from multiple sources, assessing the credibility of sources, and comparing the information with their own understanding of local trends. KHRG information-processing procedure additionally involves the assessment of each individual piece of information prior to translation in order to determine quality and facilitate follow-up with community members where necessary.

This report does not seek to quantify a total number of development-project-related incidents across research areas; where provided, figures indicate only those occurrences that were described in KHRG field documentation. KHRG reporting is designed primarily to share the perspectives of individuals and communities, rather than

to focus on incident-based reporting or to quantify a number of confirmed incidents. Rather, emphasis is placed on locating concerns raised by communities, rather than seeking to disqualify testimony, because community members may not always articulate things clearly or keep exact records of development-project-related incidents. In many cases, villagers raised concerns about issues not tied to a specific time or place, or described events that were not discussed elsewhere in KHRG documentation. This report seeks to emphasise the cumulative weight of the large data set analysed for this report, and the consistency with which development-related concerns were raised by communities across a wide geographic area.

Every piece of information in this report is based directly upon testimony articulated by villagers during the reporting period or by documentation and analysis written by other community members living and working in the same area. In order to make this information transparent and verifiable, all examples have been footnoted to 99 source documents, which are available in *Appendix 1: Raw Data* on the KHRG website. These 99 source documents are also summarized in *Section VI: Projects under observation*. Wherever possible, this report includes excerpts of testimony and documentation to illustrate examples highlighted by KHRG. In all cases, the testimony comes from people who have themselves directly experienced issues including land confiscation and forced relocation arising from natural resource extraction and development projects in eastern Myanmar.

Analysis for this report

This report focuses on a dataset of field information received during a reporting period from January 2011 to November 2012. Between January 2012 and November 2012 alone, community members working with KHRG collected a total of 1,264 oral testimonies, sets of images and documentation written by villagers, including: 517 audio-recorded interviews, 220 incident reports, 82 situation updates, 124 other documents written by villagers, 119 sets of photos and video amounting to a total of 12,352 images, and 207 written orders issued by civilian and military officials. During 2011, community members working with KHRG collected a total of 1,270 oral testimonies, sets of images and documentation written by villagers, including: 523 audio-recorded interviews, 220 incident reports, 84 situation updates, 125 other documents written by villagers, 111 sets of photos and video amounting to a total of 12,517 images, and 207 written orders issued by civilian and military officials. Interviewees included both village leaders and persons not in positions of leadership, as well as men, women and youths. KHRG is committed to interviewing villagers from all ethnic groups within its research areas. The majority of villagers interviewed belong to different sub-ethnicities of Karen, however, interviews were also conducted with other ethnic groups, including Burman, Pa'O, Mon, Chin, Karenni, Arakan and Shan villagers.

In order to systematically analyse data and draw conclusions regarding the trends of abuse, collective action strategies employed by villagers to resist such abuse and the consequences these projects have on communities in eastern Myanmar, nine KHRG staff analysed English translations of a total of 809 oral testimonies and pieces of written human rights documentation received between January 2011 and November 2012, as well as 209 sets of images.⁸ Of the total documents received in 2011 and 2012, 78 documents and photo notes described events, raised concerns or dealt with issues related to the implementation of natural resource extraction or development projects in eastern Myanmar. KHRG staff analysed for issues related to hydropower dam construction, infrastructure development, logging, mining and plantation agriculture projects that resulted in land confiscation. Across the 78 documents, villagers raised concerns about one or more of these five types of projects 99 times, which represents

the total dataset. The full text of each of these documents is included in *Appendix 1: Raw Data*, duplicated when issues raised relate to multiple projects. A summary of each of the documents is included in *Section VI: Projects under observation*.

KHRG analysed these documents for four trends of abuse, four collective action strategies and six consequences on project-affected communities related to development projects. The four trends analysed for in *Section III: Trends* include: lack of consultation; land confiscation; disputed compensation; and development-induced displacement. The four collective action strategies analysed for in *Section IV: Collective action* include: reporting to authorities; organizing a committee or protest; negotiation; and non-compliance. The six consequences on analysed for in *Section V: Consequences* include: negative impacts on livelihoods; environmental impacts; physical security threats; forced labour and exploitative demands; denial of access to humanitarian goods and services; and migration.

Research areas

In order to classify information geographically, KHRG organised development project-related information according to seven research areas: Thaton, Toungoo, Nyaunglebin, Tenasserim (Mergui-Tavoy), Papun, Doooplaya and Hpa-an. These seven research areas are commonly referred to as “districts” and are used by the Karen National Union (KNU), as well as many local Karen organisations, both those affiliated and unaffiliated with the KNU.

KHRG’s use of the district designations to reference our research areas represents no political affiliation; rather, it is rooted in KHRG’s historical practice, due to the fact that villagers interviewed by KHRG, as well as local organisations with whom KHRG seeks to cooperate commonly use these designations.

The seven districts do not correspond to any demarcations used by Myanmar’s central government, but cover all or parts of two government-delineated states and two regions. Toungoo District includes all of northwestern Kayin State and a small portion of eastern Bago Region, while Nyaunglebin District covers a significant portion of eastern Bago Region. Papun, Hpa-an and Doooplaya districts correspond to all of northern, central and southern Kayin State, respectively. Thaton District corresponds to northern Mon State, and Tennasserim (Mergui-Tavoy District) corresponds to Tanintharyi Region.

In order to make information in this report intelligible to all stakeholders, including those who use the locally-defined Karen districts and those who are familiar with Myanmar government designations for these areas, the maps in *Figure 1* and *Figure 2* include both the government demarcation system of states and regions, and the seven research areas, or “districts,” used when referencing information in this report.

When transcribing Karen village names, KHRG utilizes a Karen language transliteration system that was developed in January 2012 in cooperation with fourteen other local Karen community-based organisations (CBOs) and non-governmental organization (NGOs) to ensure the consistent spelling of place names.⁹

Censoring of names, locations and other details

Where quotes or references include identifying information that KHRG has reason to believe could put villagers in danger, particularly the names of individuals or villages, this information has been censored, and the original name has been replaced by a random letter or pair of letters. The censored code names do not correspond to the actual names in the relevant language or to coding used by KHRG in previous reports, with the exception of excerpts taken from previously published KHRG reports. All names and locations censored according to this system correspond to actual names and locations

on file with KHRG. Thus, censoring should not be interpreted as the absence of information. In many cases, further details have been withheld for the security of villagers and KHRG researchers. Note also that names given by villagers have been transliterated directly, and may include relational epithets, such as mother, father, as well as terms that imply familiarity but are not necessarily indicative of a familial relationship, such as uncle or aunt.

Independence, obstacles to research and selection bias

Though KHRG often operates in or through areas controlled by armed forces and groups including the Tatmadaw, Tatmadaw Border Guard battalions and armed ethnic groups, KHRG is independent and unaffiliated. Access to certain contexts has sometimes been facilitated by the Karen National Liberation Army (KNLA), particularly in cases where documentation activities required crossing vehicle roads or entering villages that the Tatmadaw had burned or were likely to be mined. Other groups were not willing to facilitate research by KHRG; Tatmadaw, Tatmadaw Border Guard and Democratic Karen Buddhist Army (DKBA) forces were the chief obstacles to safely conducting research in eastern Myanmar during the reporting period. Local people documenting human rights abuses did so with the understanding that they risked potential arrest or execution should perpetrators of abuse learn of their activities.

Because of the obstacles described above, it has only previously been possible for local people collecting testimony to interview civilians who are not likely to report documentation activities to authorities in a way that would place those people in danger. This does not represent a research constraint in areas where whole communities are in hiding, view authorities perpetrating abuse as a threat, and as such are likely to flee rather than risk encountering them. In other areas, however, security considerations mean that interviews cannot always be conducted openly. Civilians most likely to compromise the security of those working with KHRG may also be those who are most likely to present a positive view of the Tatmadaw, and express critical opinions of armed ethnic groups that have been in conflict with Myanmar's central government.

It is important to acknowledge that these limitations have restricted KHRG's ability to make conclusions about all aspects of operations by opposition armed ethnic groups or about potentially positive activities conducted by government actors. For this reason, this report avoids making conclusions that would be unsupported by the data set, including practices of government actors in areas where research was not conducted. Instead, this report focuses on sharing concerns raised by villagers that relate to events they experienced during the reporting period, and analysing those experiences in light of patterns previously identified by KHRG.

It is equally important to acknowledge that these research limitations do not call into question the veracity of documentation regarding practices by the Tatmadaw or other groups. While there is always a risk that individuals interviewed by KHRG might hold personal biases that cause them to provide exaggerated or inaccurate information, the verification practices described above are designed to prevent such inaccuracies from being reported by KHRG. Furthermore, the sheer volume and consistency of information gathered by KHRG during the reporting period, as well as over the last 20 years, minimises the potential for inaccurate or incorrectly identified patterns. Ultimately, the constraints faced by KHRG mean that there are unanswered questions about issues not present in the data set, on which further research needs to be conducted.

⁷ See the *KHRG Field Documentation Philosophy*, available on request or accessed on KHRG's new website in early 2013.

⁸ Due to the volume of information received by KHRG, an additional 1,725 documents were received by KHRG in the reporting period but have not yet been processed and translated from the original Karen and so were not included in analysis for this report. KHRG information-processing involves the assessment of each individual piece of information prior to translation in order to determine quality and facilitate follow-up with community members where necessary.

⁹ Note that this transliteration system differs from the previous system used by KHRG, and as such the spelling of location names may be different. Note also that organisations developing the system agreed to continue using the spellings in common-usage for districts and townships, even where they do not match the new transliteration system.

II. Current context

Since the inception of a quasi-civilian government in 2011, political and economic reforms taken by the Myanmar government have been widely lauded by the international community. Western governments have responded by suspending or lifting the majority of sanctions on trade and investment.¹⁰ International financial institutions and agencies for international development followed the lead and have begun to re-engage with Myanmar, with some resuming lending in the second part of 2012.¹¹ Newly-introduced domestic legislation encourages foreign investment,¹² while the abundance of key commodities, including energy resources, minerals and land for commercial agriculture, and opportunities for large-scale infrastructure development, is generating significant business opportunities.

Western governments and multi-lateral institutions driving increased development have attributed their re-engagement to the reformist efforts of Myanmar's government, including the release of political prisoners; the initiation of dialogue with political opponents and armed ethnic groups for the purpose of establishing ceasefires; the increasing of media freedom; and nascent efforts to address persistent human rights abuses.¹³ Legislative reforms have included the passing of new laws that allow peaceful public assembly,¹⁴ labour rights,¹⁵ and political participation.¹⁶ While these represent positive trends, greater interest in investment and economic development has engendered disputes over land acquisition and rights.

Myanmar's land is currently governed by a patchwork of overlapping, and sometimes contradictory, land laws. A series of recent laws passed by the Government provide some clarity in the law relating to individual land and property rights,¹⁷ while nonetheless retaining substantial Government authority to expropriate land.¹⁸ The new framework also fails to take into account traditional land tenure systems, implemented and mediated at the community level according to local customs and by traditional leaders. In some areas, local authorities implement a system that incorporates traditional land tenure practices into a regional registration system;¹⁹ communities may rely heavily on such existing frameworks to mediate property disputes.²⁰

In this context of multiple authorities and competing land protection praxes, individuals and communities face uncertainty as to how they can protect their land in a way that will be recognised vis-à-vis external actors. Villagers who do attempt to register land title within the new system face institutional corruption, insurmountable expense and a complicated system that fails to reflect accurately the local realities of land use.²¹ These factors conspire to deny villagers' land and livelihood rights, while facilitating land confiscation, rural displacement and investment that frequently has no benefit for the local community.

Ceasefire negotiations between Government and KNU have not yet resulted in sufficient land rights protection

During this time of transition in Myanmar, institutions remain weak and governance structures are in flux. Eastern Myanmar faces added uncertainty as it transitions out of a protracted armed conflict. The preliminary ceasefire agreement between the Myanmar government and the KNU acknowledges the need "to provide solutions to settle land rights issue."²² Under this agreement, signed in January 2012, the Myanmar government and the KNU agreed, as a matter of principle, to end many common abuses.²³ The

parties also agreed to “support the basic needs of the people and ensure that development projects have the full participation and support of local villagers.”²⁴

The ongoing process of political negotiation presents opportunities to establish land use systems that would support locally-determined interests and be consistent with international human rights norms.²⁵ At the same time, the current vacuum allows private entities, acting in concert with State civilian and military officials or non-state actors, to pursue their operations without regard for the consequences on local communities,²⁶ and with impunity for acts of coercion or other human rights abuses.²⁷ Institutions associated with centralised governance remain weak and subordinate to the executive and the military,²⁸ and do not provide a necessary check to prevent exploitative land expropriation.

Since the ceasefire, the pace of land acquisitions, by a wide variety of local and foreign actors, has intensified. As this report demonstrates, these acquisitions are often exploitative. While ceasefire negotiations are ongoing, investors and other development actors should proceed with extreme caution. Until outstanding claims, including those of a currently dislocated population of IDPs and refugees, have been resolved and an integrated, community-centered system of land tenure applied, actors should recognize that even if they make diligent, good-faith efforts to identify and fairly compensate landowners, they could still be faced with legitimate claims to the same land in the future.

In addition to the ongoing peace process, the Myanmar government has begun to address land complaints. Recent developments include the creation of a Land Investigation Commission by the *Pyidaungsu Hluttaw* (Lower House of Parliament) to investigate land disputes in cases of confiscated land.²⁹ The commission came to Hpa-an and Thandaung Townships at the end of September and early October 2012. Members of parliament have expressed encouragement and willingness to receive complaints.³⁰ This is a potentially important step, but, so far, the investigative committee lacks a mandate to follow-up on complaints.

The Rule of Law and Stabilisation Committee has also received hundreds of complaints that deal with land.³¹ The Land Allotment Scrutiny Committee provides information to Parliament on the social and environmental impact of investment sites, and is tasked to review the national land-use policy and make recommendations to the central government.³² These initiatives demonstrate, at a minimum, the desire by powerful government actors to appear to be addressing land complaints; this itself can create an opportunity for meaningful reform.

The ultimate aim of any land-governance reforms should be to protect the property rights of people in Myanmar, while providing an environment that allows for sustainable economic development for their benefit. Communities are best placed to make decisions about local development in accordance with their priorities and needs, including handling dispute resolution and managing resource revenue for the benefit of the community. Domestic legal standards are necessary, but they will be inadequate if the protection they purport to provide is inaccessible, inappropriate to affected communities or flouted in practice. The more opportunities at the local, national and international levels for villagers in eastern Myanmar to respond to unjust land practices, the greater the chance that such issues will be addressed and practices reformed for the benefit of all actors involved.

International law

The rights identified by villagers in eastern Myanmar closely track rights recognised under international law. Villagers consistently demand that they be consulted before any projects go forward; that land expropriations not take place without a just and transparent decision making system; that particular care be paid to the property rights of refugees and displaced persons; and that any development projects undertaken not threaten their livelihoods.

Consultation

Under emerging principles of international law, any actor wishing to initiate a development project must consult with all communities who will be affected by the project to understand the human rights and livelihood impacts of the proposed project.³³ Corporate actors have an obligation to overcome barriers to engagement with project-affected communities.³⁴ States must hold business enterprises accountable through effective policies and regulations³⁵ for identifying potential adverse human rights impacts and avoiding and/or mitigating such impacts.³⁶ There is an even greater obligation to consult when “projects involve the intensive use of land or water”.³⁷ In all cases, development actors have an obligation to initiate effective interactive dialogue and to act in good faith.³⁸

Land expropriation

Under international law, takings of property by government actors are permissible only when they: (1) serve a **public purpose**; (2) are executed through **due process** of the law; and (3) include the payment of **equitable compensation**.³⁹

Villagers in eastern Myanmar have consistently reported that they have been deprived of their land through non-inclusive processes or by natural resource extraction and development projects that do not benefit them.⁴⁰ Many have also demanded that landowners be compensated for any land expropriated by the government, private actors, or any other development actor.⁴¹ Crucially, villagers also describe a lack of legal certainty with regard to land laws.⁴² This is caused by a combination of conflicting laws, and inadequate access to information about existing laws. There is a growing recognition that this lack of legal certainty alone violates the human rights of villagers in eastern Myanmar.⁴³ It also renders lawful expropriation impossible because, without clear, non-discriminatory and widely disseminated laws, the government cannot meet its obligation to provide due process; without due process, land cannot be expropriated lawfully.⁴⁴

Property rights of refugees and displaced persons

The reports that KHRG has received during the reporting period⁴⁵ indicate that villagers in eastern Myanmar are particularly concerned for the property rights of displaced individuals. The real and movable property of displaced persons is particularly vulnerable to expropriation because owners are absent. Under international law, refugees are entitled to a full return of their real and movable property⁴⁶ and, independently, a right to compensation for the loss of such property.⁴⁷

Right to livelihoods

In many cases, natural resource and development projects threaten the means of livelihood of villagers in eastern Myanmar, through displacement and destruction of agricultural land. Under accepted principles of international law, active destruction of an individual's means of livelihood is considered an impermissible violation of that individual's right to life.⁴⁸

The rights that villagers in eastern Myanmar are demanding are not controversial in international law. The task of the Myanmar government, international actors, development actors, armed actors, and local non-state authorities such as the KNU is to support villagers in eastern Myanmar in realising these rights.

Domestic law

Preserving the Government's right to expropriate land

Myanmar's laws allow the government wide authority to expropriate land. According to Myanmar's Constitution, the government is the sole owner of all land.⁴⁹ In March 2012, Myanmar's Parliament passed the "Vacant Fallow and Virgin Lands Management Law" and the "Farmland Law".⁵⁰ These laws allow farmers the right to obtain a certificate granting permanent land use rights to sell, transfer, mortgage or lease agricultural land. These laws also codify a broad government right to expropriate⁵¹ and/or reallocate designated "farmland".⁵² The laws allow the government to reallocate "wasteland" to private companies⁵³ for the purpose of agricultural production, livestock farming and aquaculture, mining and other purposes deemed to be in the long term national interest of the State or the public,⁵⁴ without any requirement to consult local communities in the project area.⁵⁵ Furthermore, land is defined as "fallow" and subject to expropriation, if it is left vacant for any reason, which may include land left vacant as a phase of rotational cropping.⁵⁶

Insufficient opportunities for redress

The Myanmar Constitution predates the Government's recent political reforms, and, because it mandates army control of the legislature, is widely viewed as an obstacle to comprehensive reform.⁵⁷ Nonetheless, it is worth noting that the Constitution requires the government to "enact necessary laws to protect the rights of the peasants and to obtain equitable value of agricultural produce", providing a normative justification for rights claims by rural villagers.⁵⁸

Myanmar's recent policy changes also contain language that could increase opportunities for redress. The 2012 Farmland Law confirms that "farmer organization[s]" can legally organize, which provides a potential opportunity for local collective action.⁵⁹ The 2012 Foreign Investment Law lists classes of "restricted or prohibited business", which require specific approval of the Myanmar Investment Commission. These include projects, which may negatively affect public health, the environment, or the cultural rights of ethnic minorities.⁶⁰ The Foreign Investment Law details procedures for appointing members of the Investment Commission. However, despite this nominal oversight, there is no procedure for project-affected communities to participate in the selection of members of the Commission.⁶¹ In addition, the Foreign Investment Law contains no requirement that the Investment Commission consult with project-affected communities before deciding whether to approve a project, nor is the Investment Commission required to hold public hearings before approving a project; the authority to hold hearings is not even listed as one of the Commission's powers.⁶² These provisions do not provide sufficient safeguards of the rights of project-affected communities.

¹⁰ The U.S. government lifted most sanctions in July 2012, as did Australia and the European Union suspended nearly all of its sanctions for one year. United States State Dept., *Administration Eases Financial and Investment Sanctions on Burma*, July 11th 2012; Australia Department of Foreign Affairs and Trade *Autonomous Sanctions (Designated and Declared Persons – Burma) Revocation 2012 (No. 1)* Council of the European Union *Burma/Myanmar: EU Sanctions Suspended* 9626/12 Presse 195, May 14th 2012.

¹¹ For example, see The World Bank, *Myanmar Overview*, November 15th 2012.

¹² The Union of Myanmar Foreign Investment Law November 2nd 2012; for analysis of the foreign investment law, see “Myanmar ends foreign investor law delay,” *Financial Times*, November 4th 2012; see also “Myanmar’s investment law: temper applause with caution,” *Bangkok Post*, December 3rd 2012.

¹³ In addition to increasing access for international actors including the UN Special Rapporteur on Myanmar and the International Committee of the Red Cross, the government has also signed a number of action plans to address persistent human rights abuses, including on forced labour with the International Labour Organisation, on child soldiers with the UN Country Task Force and the Office of the Special Representative to the Secretary General, and the United States-Myanmar Joint Action Plan on Trafficking in Persons. Tomas Ojea Quintana, *Press Conference by Special Rapporteur on Human Rights in Myanmar* October 25th 2012; International Committee of the Red Cross, *The ICRC in Myanmar* January 7th 2013; International Labour Organization, *ILO Lifts Restrictions on Myanmar* June 13th 2012; Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Myanmar*, April 26th 2012; US Department of State Office of the Spokesperson, *United States-Myanmar Joint Action Plan on Trafficking in Persons* November 18th 2012.

¹⁴ The Law Relating to Peaceful Assembly and Peaceful Procession (December 2nd 2011), which rejects the previous ban on demonstrations; for analysis of this law, see “Burma: New Law on Demonstrations Falls Short,” Human Rights Watch, March 15th 2012.

¹⁵ The Labour Organization Law (October 11th 2011) gives workers the right to strike and negotiate with owners; for analysis and concerns related to this law see Myo Thant, “Gov’t must put new Labour Organization Law into practice: opposition,” Mizzima, October 13th 2011; for concerns raised by U Maung Maung, general secretary of the Federal Trade Unions of Burma (FTUB), see “Changes in Labor Law in Burma, and What That Really Means,” AFL-CIO, November 10th 2011.

¹⁶ This perception is reiterated, for example by the Australian government, Asian Development Bank and Asia Society; see “Myanmar country brief,” Australian Department of Foreign Affairs and Trade, official website, updated November 2012; see also Asian Development Bank, “Myanmar in Transition, Opportunities and Challenges,” August 2012, p. 16 and Asia Society, “Advancing Myanmar’s Transition: A Way Forward for US Policy,” February 16th 2012.

¹⁷ For example, see the Vacant, Fallow and Virgin Lands (Myey Lut Myey Let Nint Myey Yaing Mya) Management Law, Pyidaungsu Hluttaw, November 10th 2012; see also the Farmland Law (Leya Myey) Law, Pyidaungsu Hluttaw, November 11th 2012.

¹⁸ See the Vacant, Fallow and Virgin Lands (Myey Lut Myey Let Nint Myey Yaing Mya) Management Law, Pyidaungsu Hluttaw, November 10th 2012; Farmland (Leya Myey) Law, Pyidaungsu Hluttaw, November 11th 2012.

¹⁹ For example, the Karen National Union developed a Land Policy (2009) and attempts to implement it in areas under its influence; this document is available on the Karen Environmental and Social Action Network (KESAN) website www.ksan.asia in S’gaw Karen and Burmese languages.

²⁰ See e.g., Source document/ANYahHpayhdam/2012/3, Complaint letter written by Village and Public Sustainable Development

²¹ Obstacles to land registration, including cost, changes to land classification, and a lack of community-level awareness of registration processes, are detailed in the report: *Land tenure security in Myanmar’s uplands*, Food Security Working Group (FSWG), 2012.

²² See “Govt, KNU sign ceasefire,” *Myanmar Times*, January 16th-22nd 2012; “KNU, Govt Reach Historic Agreement,” *The Irrawaddy*, January 12th 2012.

²³ See “Govt, KNU sign ceasefire,” *Myanmar Times*, January 16th-22nd 2012; “KNU, Govt Reach Historic Agreement,” *The Irrawaddy*, January 12th 2012. Two months after the ceasefire, in March 2012, the Union Government committed itself to the complete elimination of forced labour by 2015. For the full text of the 2012 Memorandum of Understanding between the ILO and the RUM, see “ILO Governing Body ‘Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention,’ 1930 (No. 29)” Geneva, 313th Session, GB.313/INS/6 (Add.), March 2012, Appendix 2. The Government has not yet fulfilled its commitment to end forced labour. For an example of forced labour subsequent to this agreement, see “Forced Labour in Bilin Township,” KHRG, May 2012. A follow-up report, detailing another incident of forced labour in Bilin Township was received by KHRG on January 24th 2013.

²⁴ Paul Keenan “Burma’s Ethnic Ceasefire Agreements” Burma Centre for Ethnic Studies, Peace and Reconciliation, January 2012, p.5.

²⁵ See Ashley South, “Prospects for Peace in Myanmar,” Peace Research Institute Oslo, No. 31, 2012 (Suggesting the establishment of Government of Myanmar-KNU working groups to discuss relationships between KNU “para state structures” related to, inter alia, land registration and government structures).

²⁶ For documentation of negative impacts on livelihoods, physical security threats, migration and other consequences of natural resource extraction and business development projects, received by KHRG in 2011 and 2012, see *Section IV: Consequences*.

²⁷ While the 2008 Constitution stipulates that the Union “shall enact necessary laws to supervise extraction and utilization of State-owned natural resources,” no legislation establishing specific state duties to protect against human rights abuses during project implementation has been passed. United Nations’ former special representative on business and human rights has warned western companies not to rush into Myanmar, despite the political reforms there; see: “‘Don’t rush into Burma’ warns Ruggie,” *CorporateRegister.com*, September 3rd 2012.

²⁸ Under the current legal structure, the President nominates the Chief Justice of the Supreme Court and regularly consults with this office-holder to propose the remaining Supreme Court judges; the Chief Justice has been U Tun Tun Ooo, a retired Lieutenant-Colonel since February 2012; for analysis of the current legal structure in Myanmar, see *The Rule of Law in Myanmar: Challenges and Prospects*, International Bar Association’s Human Rights Institute (IBAHRI), December 2012, specifically Chapter 8: The Judicial Sphere (I): Courts and Judges, pp. 56-60.

²⁹ Soe Than Lynn “Reps Ignore Ministry on Land Grab Committee” *The Myanmar Times*, vol 32 no. 637 July 30th-August 5th 2012.

³⁰ Such abuses include forced labour, arbitrary taxation and extortion imposed on villagers. See Lawi Weng “Land Grab Probe Travels Across Burma” *The Irrawaddy* September 26th 2012 (Quoting MP Phyo Min Thein saying “*The political situation has changed and people should not be afraid. We will be the first persons who go to prison if the authorities make problems so do not be afraid to complain*”).

³¹ See ‘Rule of Law committee receiving complaints,’ *Mizzima News*, October 22nd 2012.

³² “Third day session of the second Planning Commission,” *The Republic of the Union of Myanmar*, President’s Office, August 15th 2012.

³³ John Ruggie, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”, para 18 (2011). (Summarizing the current state of international law as (1) direct consultation is necessary to understand human rights impacts; that (2) corporate actors have an obligation to overcome “language and other barriers to effective engagement”; and that (3) assessment, based on direct consultation, ought to inform each subsequent step.)

³⁴ Id. (Corporate actors have an obligation to overcome “language, and other barriers to effective engagement”; and an assessment, based on direct consultation, ought to inform each subsequent step.)

³⁵ Id. (States have a duty to take “appropriate steps to prevent, investigate, punish and redress” human rights abuse “through effective policies, legislation, regulations and adjudication” though the normative content or nature of these policies is subject to state discretion.)

³⁶ Id. at Commentary on para 17 (Business enterprises must be held to a standard of “due diligence” by the host state. “Due diligence” includes a process for identifying potential adverse human rights impacts, tools for preventing and/or mitigating such impacts, and providing remediation for any adverse impacts that have occurred). See also De Schutter, O., Ramasastry, A., Taylor, M. B., Thompson, R. C., *Human Rights Due Diligence: The Role of States*, International Corporate Accountability Roundtable (ICAR), December 2012. (Due diligence is “neither a creation of the United Nations Human Rights Council nor a voluntary measure for corporate social responsibility” but rather “originates from legal tools that States are already using to ensure that business behaviour meets social expectations,” chief of which is an expectation of prior consultation).

³⁷ OECD Guidelines for Multinational Enterprises (OECD Guidelines), para 25.

³⁸ Id. (“stakeholder engagement involves interactive processes of engagement with relevant stakeholders, through, for example, meetings, hearings or consultation proceedings. Effective stakeholder engagement is characterised by two-way communication and depends on the good faith of the participants on both sides.”) See also The International Land Coalition “Tirana Declaration”, Commitment 44, May 27th 2011. (Impermissible “‘Land grabs’ are (ii) not based on free, prior and informed consent of the affected land-users; ... (iv) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and; (v) not based on effective democratic planning, independent oversight and meaningful participation.”) This “Free, Prior, and Informed Consent” of all affected people may represent a stricter standard than that endorsed by the other documents cited. This standard is imported from international discourse related to indigenous peoples, where the risk of cultural destruction justifies a broad standard, which may at times provide too much protection to stubborn individuals. Many community members in eastern Myanmar have used the language of this standard when they reported their desire to be consulted during projects.

³⁹ See for example Food and Agriculture Organization, “Voluntary Guidelines On The Responsible Governance Of Tenure Of Land, Fisheries And Forests In The Context Of National Food Security, 4.3, March 2012.

(Tenure rights may be superseded by government action taken for a public purpose); OECD “Expropriation Laws and Review Processes” Policy Framework for Investment (“In certain circumstances, governments have a legitimate... to take property for public purposes...The right to fair compensation and due process is uncontested.”)

⁴⁰ See *Section III: A and B* of this report for KHRG documentation of natural resource extraction and development projects, implemented unilaterally by development stakeholders and leading to land confiscation.

⁴¹ See *Section III: C* of this report for KHRG documentation of compensation issues related to natural resource extraction and development projects.

⁴² For an example of KHRG documentation in which a villager explains a lack of knowledge and understanding of the domestic laws related to land tenure and use; see Appendix 1: Source document/ShwegyinDam/2011/5.

⁴³ See Ruggie “Principles”, Section I.A.1 (In order to facilitate business respect for human rights, “[s]tates...have a duty to...provid[e]...legal certainty and procedural and legal transparency.”); Food and Agriculture Organization, Voluntary Guidelines On The Responsible Governance Of Tenure Of Land, Fisheries And Forests In The Context Of National Food Security, p 3-4, March 2012.

⁴⁴ OECD “Expropriation Laws and Review Processes” Policy Framework for Investment (Expropriation decisions must be “guided by transparent rules that define the situations in which expropriations are justified and the process by which compensation is to be determined”); Food and Agriculture Organization, Voluntary Guidelines On The Responsible Governance Of Tenure Of Land, Fisheries And Forests In The Context Of National Food Security, 4.4, March 2012 (emphasizing the need for consistent and accessible land tenure systems). One note: The purpose of this section is to highlight the current legal situation makes lawful expropriation impossible. This should not be read as a call for the immediate expansion of government legal control over eastern Myanmar. While the Union Government is obliged to establish a system of non-discriminatory laws, establishing government control before fair and non-discriminatory laws are drafted and systems are put in place to ensure their fair and non-discriminatory implementation is likely to have a negative effect on the people of eastern Myanmar. See *Id. At 22-23* (Endorsing a comprehensive, participatory review of existing land-tenure rights and interests, involving all affected people, before commencing major development projects.)

⁴⁵ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. A summary of each report is included in *Section VI: Projects under observation* and the full text of all of these documents is included in *Appendix 1: Raw Data*.

⁴⁶ The Pinheiro Principles: United Nations Principles On Housing And Property Restitution For Refugees And Displaced Persons, Principle 2.1 December 1st 2005.

⁴⁷ *Id* at Principle 2.2.

⁴⁸ See *Olga Tellis v. Bombay Municipal Corporation*, 1985 SCR Supl. (2) 51, 55, (S.Ct India 1985)(Holding that Bombay slum dwellers could challenge a slum-clearing plan under the constitutionally guaranteed right to life because the plan would destroy their means of livelihood.) *Yakye Axa Indigenous Community v. Paraguay*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 125 (June 17th 2005)(Holding that government moves to force tribal peoples off of their lands could be challenged as violations of the right to life because such a move threatened the tribal peoples’ means of livelihood); *Sesana and Others v Attorney General* Section H.14.4 & D.i.12 (52/2002) [2006] BWHC 1 (Botswana High Court December 13th 2006) (The cessation government services to a community constituted a breach of the right to life because it made conditions of life impossible, forcing relocation. The revocation of special game licences, which had allowed citizens dependent upon hunting for livelihood to hunt in a game reserve, also violated the right to life).

⁴⁹ See Constitution of the Republic of the Union of Myanmar, Chapter I, Article 37 (a). (September 2008)(The government “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”).

⁵⁰ Vacant, Fallow and Virgin Lands Management Law (*Myeylut Myeylet nint Myeyyaingmya U P'Dey*), *Pyidaungsu Hluttaw*, No. 10, 2012 (March 2012).

⁵¹ See The Republic of the Union of Myanmar President Office “Designating the Date of Coming into Force of Farm Land Law” Chapter 10, Article 98 Notification No 62/2012 (August 31st 2012) (Mandating

that “*The Union Government shall requisition [...] farmland*” for the implementation of government agricultural projects, at the discretion of government committees).

⁵² Id. Chapter 8, articles 91-94 (Establishing that “*the Central farm management committee shall confiscate [farm]land*” that is not being used for its officially approved purpose).

⁵³ Vacant, Fallow and Virgin Lands Management Law (*Myeylut Myeylet nint Myeyyaingmya U P'Dey*), *Pyidaungsu Hluttaw*, No. 10, 2012 (March 2012) Chapter 2, Article 3 (d)(e) (allowing the allocation of “vacant” lands to foreign investors).

⁵⁴ See the Vacant, Fallow and Virgin Lands Management Law (*Myeylut Myeylet nint Myeyyaingmya U P'Dey*), *Pyidaungsu Hluttaw*, No. 10 2012 Chapter 2, Article 20; Farmland Law (*Leyamyey U P'Dey*), *Pyidaungsu Hluttaw*, No. 11 2012.

⁵⁵ See The Republic of the Union of Myanmar President Office “Designating the Date of Coming into Force of Farm Land Law” Chapter 3 Notification No 62/2012 (August 31st 2012) (Detailing the procedures for allocating requisitioned land, including the role of “farmland management committees” without any requirement that representatives of local communities be included on the committees).

⁵⁶ See “Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin Land Management Law,” Food Security Working Group’s Land Core Group, November 2012, p 15.

⁵⁷ See International Bar Association “The Rule of Law in Myanmar: Challenges and Prospects”, p 21-22 (December 2012).

⁵⁸ Constitution of the Republic of the Union of Myanmar, Chapter 1, Article 23, (September 2008).

⁵⁹ See The Republic of the Union of Myanmar President Office “Designating the Date of Coming into Force of Farm Land Law” Chapter 13, Article 113 Notification No 62/2012 (August 31st 2012) The Farmland Law also provides for a poorly-defined grievance mechanism for individuals whose farmland has been requisitioned. Id. Chapter 8, article 64.

⁶⁰ The Foreign Investment Law (*Pyidaungsu Hluttaw*) Chapter 2, Art 4(a) No. 21/2012 (November 2012). The law does not refer to “ethnic minorities”, but to “National Races”. This term appears throughout Myanmar’s Constitution, without ever being defined. Context reveals that it refers to all identifiable ethnic groups within Myanmar. See Constitution of the Republic of the Union of Myanmar, (September 2008).

⁶¹ See The Foreign Investment Law (*Pyidaungsu Hluttaw*) Chapter 7 No. 21/2012 (November 2012).

⁶² See *id.* Chapter 7 Article 13.

III. Trends of abuse in project implementation

“The companies came to mine metal and confiscated a lot of the villagers’ lands that they had used for agriculture and plantations for their livelihoods. Furthermore, the companies built up a dam for hydroelectric power, which damaged many villagers’ land. They didn’t give any compensation to the villagers. Even though people call it development, there’s no advantage to the villagers.”

Situation update written by a community member, Ler Doh Soh Township, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region
(Received in June 2012)⁶³

A. Lack of consultation

In 62 out of 99 pieces of information received by KHRG during the reporting period,⁶⁴ villagers in all seven geographic research areas described natural resource extraction and development projects implemented unilaterally, without engaging or informing project-affected villagers.⁶⁵

“The company came to construct the dam here, and they did not discuss it with the local people, moreover, they already damaged lands owned by five villagers.”

Complaint letter written by villagers in A’Nya Hpyah area, Ler Doh Soh Township, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region (Written in April 2011)⁶⁶

KHRG’s 2012 documentation displayed a sharp increase in lack of consultation, described in 40 pieces of information received in 2012, in comparison to 22 received in 2011. In those 62 documents, consultation concerns were raised in regard to a range of different types of projects, including dam construction,⁶⁷ infrastructure development,⁶⁸ logging,⁶⁹ mining,⁷⁰ and plantation agriculture.⁷¹ In 24 of these documents, projects were attributed⁷² to a domestic company⁷³ and seven to a foreign company,⁷⁴ while 20 involved Tatmadaw or Tatmadaw Border Guard troops,⁷⁵ and one involved DKBA troops.⁷⁶ Seven incidents in which local people were not consulted before a development project was approved involved the Myanmar government,⁷⁷ while the KNU was mentioned in three instances, working together with the Thai government on the projects.⁷⁸

KHRG documented the following trends in the way development, industry and private businesses proceeded without local engagement. In 29 of the 62 documents that raised the issue of consultation, villagers reported they were not consulted or informed before a project began.⁷⁹ In 37 of the same 62 documents, villagers said they were consulted, but described serious flaws in the consultation process, including: consultation with only the village head or a village elder;⁸⁰ villagers being provided with inadequate or partial information about the realities of the project and how it was going to affect their communities;⁸¹ or that villagers were approached after land confiscation began, only to sign documents affirming the loss of land or regarding potential compensation.⁸²

Initiatives were typically planned unilaterally, without input from local communities. As a result, villagers’ concerns about how projects would affect their land and livelihoods were not taken into account.⁸³ Villagers also complained that they were not given an opportunity to request further information about the project planned for their area. Villagers described the construction of a military camp near a development project site, followed by the arrival of the company and construction workers,⁸⁴ as well as

partnerships between private companies and armed ethnic groups to expropriate land, and the implementation of projects without the engagement of the local community.⁸⁵ Villagers also described how representatives of companies claimed to have purchased privately owned land from the government, and that foreign companies arrived at project sites together with domestic government representatives, and began implementing a project, including marking the construction area or testing the soil for minerals.⁸⁶

“They didn’t inform us regarding the dam construction. We just knew they would construct the dam when we saw that they [construction workers] transported materials. After they constructed it, they informed us about how much lands would be flooded. It was in the period when they had nearly finished the dam construction.”

Saw B--- (male, 55), D--- village, Hsaw Htee/ Shwegyin Township, Nyaunglebin District/ Eastern Bago Region (Interviewed in March 2011)⁸⁷

“We didn’t sign. Only the village head signed. Not the landowner. The landowner knew nothing. Only the chairperson and the secretary signed. After [the village head signed], they [a company] came and planted rubber. They planted rubber and, after a year the battalion commander was transferred.”

Naw L--- (female, 54), T--- village, T’Nay Hsah Township, Hpa-an District/ Central Kayin (Interviewed in June 2012)⁸⁸

“The buildings they built in Toh Boh village [near the dam construction site] for the government ministers are very beautiful. There is a big office. They stick [signs] in front of the office, like how much this building will cost. ... They don’t write in Burmese. They write in Chinese and English. The workers who work there see what they write down, but they don’t understand the language because they have no education. Even if they see it, they don’t understand.”

Saw H--- (male, 37), B--- village, Tantabin Township, Toungoo District/ Northwest Kayin (Interviewed in April 2011)⁸⁹

B. Land confiscation

In 54 out of 99 pieces of information received by KHRG during the reporting period,⁹⁰ villagers in all seven geographic research areas described the way in which natural resource extraction and development projects resulted in land confiscation or blocked villagers’ land use and access in their communities.⁹¹

“Since [Tatmadaw] Battalion #549 came and based here, my properties are gone and no one has pity on me. One thing starts to belong to the battalion, then two things belong to the battalion. You go back to your plantation and they ask, “What kind of paper [land title] do you have? This is military land. It all belongs to the military.”

Naw L--- (female, 54), T--- village, T’Nay Hsah Township, Hpa-an District/ Central Kayin State (Interviewed in June 2012)⁹²

KHRG’s 2012 documentation displayed a sharp increase in reports of land confiscation, with 39 pieces of information received in 2012, in comparison to 15 received in 2011. Those 54 documents described land confiscation related to a range of different types of projects, including plantation agriculture,⁹³ logging,⁹⁴ dam construction,⁹⁵ mining⁹⁶ and infrastructure development.⁹⁷ Out of the 54 documents that reported land confiscation,⁹⁸ 22 were attributed to⁹⁹ a domestic company¹⁰⁰ and two to a foreign company;¹⁰¹ 20 documents described land confiscation by Tatmadaw troops,¹⁰² nine by Tatmadaw

Border Guard troops,¹⁰³ four by Myanmar government officials,¹⁰⁴ while two involved the KNU¹⁰⁵ and one the DKBA.¹⁰⁶

KHRG documented the following trends in the way development, industry and private business activities resulted in land confiscation and blocked villagers' land use and access. Villagers report that, during initial planning stages, the registration and survey of land at project sites is often accompanied by increased militarization, followed by a notification to villagers that land will be used for another purpose or that they will no longer be able to use it as it was previously used.¹⁰⁷ Land confiscation for a project is often followed by confiscation of land adjacent to the project site, where unilateral development of militarized zones, road-building, infrastructure and agricultural projects to support the initial project provide the impetus for additional confiscation, backed by implicit or explicit military threats preventing local complaint.¹⁰⁸

During implementation, inadequate or no compensation is offered for loss of land, or for land under agricultural cultivation, including crops and natural fauna from which livelihoods may be derived.¹⁰⁹ Even where land is purchased, villagers report limited opportunity to negotiate or refuse compensation compounded by the fear, instilled by years of experience, that resistance to or non-compliance with military orders will be met with violence.¹¹⁰ Villagers may also be forbidden from accessing land by the issuance of explicit threats of violence or arrest, or through the imposition of movement restrictions that prevent villagers from entering land by fencing, barbed wire or armed guards.¹¹¹

Villagers' testimonies suggest that there have been changes in the patterns of development in recent years, including more systematic land confiscation, perpetrators taking advantage of land vacated by armed conflict and an increase in companies building relationships with regional authorities to facilitate access to the area. Villagers who fled armed conflict have been told that their land will be confiscated if they do not return to claim it. Community members have also described an increase in the number of companies that have been granted permission by the KNU to mine across Kyaikto, Hpa-an and Thaton Townships in Thaton District.¹¹²

"The two [Tatmadaw] battalions built their camps and confiscated all T--- villagers' lands. Not only T--- villagers, M---, W--- and N--- as well. They didn't confiscate the land systematically in the past. We did farming and could pay them a percentage. In 2012, they will completely confiscate the land. They asked us to sign it away. We don't want to sign and we are against them. They said it belongs to them. It belongs to the State. T--- villagers have no rights."

Saw N--- (male, 60), T--- village, T'Nay Hsah Township, Hpa-an District/ Central Kayin (Interviewed in June 2012)¹¹³

"The Myanmar authorities gave an order to the villagers who had fled over the border to Thailand during fighting between the Tatmadaw and the DKBA in 2010, that if they do not come back and start living in their homes, then they would be forfeiting the ownership of the properties in question to the government. Some people have returned, others have asked other villagers to occupy their dwellings, whereas some are yet to return. In 2010, villagers fled to the Thai side, then, most of them came back in late 2011 and early 2012. If the government takes over the houses, they will also confiscate the land on which they are built."

Situation update written by a community member, Kawkareik and Kya In townships, Doooplaya District/ South Kayin (Received in June 2012)¹¹⁴

“Another change we have seen is that more companies have come to build relationships with regional [KNU/KNLA] leaders for permission to do natural resource [extraction], such as for gold and different kinds of minerals. Recently, companies have entered Hpa-an, Thaton and Kyaikto Townships and have forced villagers to sell their land for mining; [these instances have] become more and more frequent. This can threaten villagers’ future occupation and livelihood options.”

Situation update written by a community member, Bilin and Kyaikto townships, Thaton District/ Northern Mon State (Received in July 2011)¹¹⁵

During the reporting period, villagers also described being given permission to continue using land as they had used it prior to confiscation in exchange for signing land titles. In essence, legal claims to the land are being foreclosed before they can be raised, and thus villagers have no land tenure security. The quotes below show the ways in which this new risk to land tenure occurs, such as through taxes or confiscation.

“Along the border, people mostly farm corn plantations, do logging or sell goods. Those who farm corn plantations encounter many obstacles. Firstly, they have to pay a tax for the plantation. ... The plantation tax is paid only to the Ko Per Baw [DKBA].¹¹⁶ As for the corn tax, this has to be paid to three groups: the KNLA, Ko Per Baw and the Tatmadaw. The Ko Per Baw collects 10 baht per big tin of corn, whereas the KNLA take three baht for one big tin of corn. Villagers have to pay too much tax.”

Situation update written by a community member, Kawkareik and Kya In townships, Dooplaya District/ South Kayin State (Received in June 2012)¹¹⁷

“The lands that the Myanmar Government confiscated are in Meh Klaw village tract; the lands were not regained by the owners. A representative of the villagers mentioned that a [Tatmadaw] Battalion Commander from IB #19 said that, if they have to give the land back to the owner, they [the owners] would have to pay 5,000 kyat (US \$5.83) for one field.”

Situation Update written by community member, Bu Tho Township, Papun District/ North Kayin State (Received in June 2012)¹¹⁸

“This year, the Government armies plans to take land permanently. To purchase the land, they created a ‘signed document’ for the villager to ‘sign.’”

Situation Update written by a community member, T’Nay Hsah Township, Hpa-an District/ Central Kayin State (Received in July 2012)¹¹⁹

C. Disputed or lack of compensation

In 70 out of 99 pieces of information analysed by KHRG during the reporting period,¹²⁰ villagers across all seven geographic research areas described no or inadequate compensation and/or a lack of opportunities for securing redress during the implementation of natural resource extraction and development projects in their areas.¹²¹

“If their lands, houses and their places are really going to be destroyed, I think they should get [help]. ... Nowadays, we can’t find places to stay and our food [supply] has also become less and less. If we look to the past, like last year, the Kyit Lay Myeh [Love Forest] Company mined for gold and destroyed a lot of peoples’ dogfruit orchards. They didn’t give anything for this. So the villagers have a lot of troubles, as their dogfruit and betelnut orchards were all destroyed.”

Saw Th--- (male, 26), B--- village, Dweh Loh Township, Papun District/ North Kayin State (Interviewed in April 2011)¹²²

KHRG's 2012 documentation displayed a sharp increase in reports of disputed compensation, with 44 pieces of information received in 2012, in comparison to 26 received in 2011. These 70 documents described disputes surrounding compensation during a range of different types of projects, including the construction of hydropower dams,¹²³ infrastructure development,¹²⁴ mining,¹²⁵ logging,¹²⁶ and plantation agriculture.¹²⁷ Of the 70 pieces of field documentation that described issues of compensation, 23 are attributable to¹²⁸ a domestic company¹²⁹ and 11 a foreign company.¹³⁰ 20 of these documents attributed this dispute to Tatmadaw soldiers,¹³¹ five to the Tatmadaw Border Guard,¹³² six to the Myanmar government¹³³ and three to the KNU.¹³⁴

KHRG documented the following trends in the way development, industry and private businesses failed to provide access to remedy for project-affected villagers. Villagers reported that development actors did not allow them to raise concerns or seek compensation before development projects were implemented, or while they were ongoing. After the implementation of development projects led to the destruction of villagers' land and livelihoods, domestic and foreign development actors sometimes agreed to pay compensation, but, even then, villagers reported that the amount of compensation promised did not equal the value of the land taken. Even this inadequate compensation was sometimes not paid or paid only in part.¹³⁵

"The place where they built the buildings and ploughed is in the villagers' land and damaged villagers' coconut trees; over 40 coconut trees, and also pomelo and jackfruit trees. The places where they ploughed include villagers' homes. If villagers had planted paddy, the villagers asked the village head to help them with the cost of the damage. So, the village head helped them by negotiating [with Tatmadaw in charge]; then, they said they would support. Until now they have not given any compensation."

Situation update written by a community member, Kawkareik Township, Dooplaya District/ South Kayin (Received in August 2012)¹³⁶

"The Myanmar Pongpipat Company (MPC) dammed the water [lake] to mine for metal in the agricultural land, which was owned by my father, U D---. The water level rose more and more, and the plants were destroyed. For the damages, the company promised to pay compensation. Later they paid only 500,000 kyat (\$US 583.53) to us. After that, they didn't pay anymore."

Complaint letter written by a villager, T--- village, Kyauk Me Taung village tract, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region (Written in March 2012)¹³⁷

Lack of local engagement is a particular concern for projects affecting rural, and particularly ethnic communities. Villagers frequently do not have access to, cannot afford or lack awareness of formal legal remedies. This is often compounded by pressure from development actors, who may be armed, to agree in principle to compensation without specifying an amount.¹³⁸ Fear or intimidation often prevents villagers from seeking to obtain theoretically available means of redress.

"We want to report it [destruction of land and plantations] but we dare not report it, and we can't because we don't have any knowledge regarding laws. We haven't reported it due to being afraid. We want to keep working on our old lands and we will be happy to work on them even if we won't be rich."

Saw B--- (male, 55), D---village, Shwegyin Township, Nyaunglebin District/ Eastern Bago Region (Interviewed in March 2011)¹³⁹

“[On March 28th 2011], Myitta Township coordinator and ITD [Italian-Thai Development Company] coordinator asked villagers whose lands were damaged when the vehicle road was repaired, to meet with them and sign for the list of vegetation that was damaged. We, basic committees, gathered ourselves and called out 40 villagers to meet when people were signing. Myitta Township coordinator U Kyaw Shwe ordered people to sign, but the villagers did not want to sign. He said that this has caused damage not only in Ph--- [village]. There are also many places that would be damaged. And some villagers asked how he would arrange [compensation] for the damage and he said: “I’m a governor and I guarantee for you. Why do you not sign?” The villagers asked when they would get the money from damages and how much it would be. And U Kyaw Shwe said that we have not determined the price yet. Then, the villagers asked “Will you pay us after the road is successful? ... On October 1st 2012 ... They [villagers] asked people who came and survey how they will take responsibility, but they [ITD] could not answer. They did not report anything about when they will pay and how much they will pay.”

Complaint letter written by the Village and Public Sustainable Development Committee, K’Moo Thway village tract, Ler Doh Soh Township, Tenasserim (Mergui-Tavoy)/ Tanintharyi (Written in December 2011)¹⁴⁰

D. Development-induced displacement and resettlement

In 31 out of 99 pieces of information received by KHRG during the reporting period,¹⁴¹ villagers in six out of seven geographic research¹⁴² areas described the way natural resource extraction and development projects have resulted in development-induced displacement or resettlement.

KHRG received approximately the same amount of documentation on this issue in the past two years, with 16 pieces of information received in 2012, in comparison to 15 received in 2011. These 31 documents described forced relocation or displacement occurring during a range of different types of projects, including dam construction,¹⁴³ infrastructure development,¹⁴⁴ plantation agriculture¹⁴⁵ and mining.¹⁴⁶

Of the 31 documents describing development-induced displacement or resettlement, ten attributed¹⁴⁷ the displacement to a domestic company¹⁴⁸ and one attributed the displacement to a foreign company.¹⁴⁹ 13 of these documents involved the Tatmadaw,¹⁵⁰ and two of those also involved Tatmadaw Border Guard troops;¹⁵¹ three involved Myanmar government officials,¹⁵² one of which also involved the government of China;¹⁵³ and one resulted from a project implemented by the KNU and the governments of Thailand and China.¹⁵⁴

KHRG documented the following trends in the way development, industry and private business activities resulted in forced relocation or displacement. Villagers described being ordered to relocate their homes and families to a new place or are pushed off their land to an-unspecified alternative location.¹⁵⁵ This may, but does not always, accompany cases of land confiscation.¹⁵⁶ During initial planning stages, the registration and survey of land at project sites is often accompanied by increased militarization,¹⁵⁷ followed by an order to villagers’ to vacate land or to relocate to a specific location.¹⁵⁸ Villagers are forced to relocate *out of* targeted areas, such as those to be developed for agribusiness, built upon or flooded by dams, either by information given to village heads or at township meetings, or by implicit or explicit threats of violence for non-compliance.

"Starting from the building of the dam, they [Tatmadaw LID #77] took over places everywhere. They built their camps everywhere. Yes, they had a plan. They decreased the villagers' lands and they relocated the people."

Saw H--- (male, 52), N--- village, Hsaw Htee/ Shwegyin Township, Nyaunglebin District/ Eastern Bago Region (Interviewed in April 2011)¹⁵⁹

"After the lands were confiscated, [Tatmadaw] LIB #547, 548 and 549 forced Karen and Muslim villagers to leave their lands; the villagers had no land to carry out livelihoods to be able to have enough food for their families. When the monks allowed homeless and landless villagers to relocate to the N--- Monastery, over 30 households relocated there, and numerous villagers relocated to other villages. A T--- villager said, "We had to leave in our village. They stayed in the house. They did it in this way and they built their camp [in the village]."

Situation update written by a community member, T'Nay Hsah Township, Hpa-an District/ Central Kayin (Received in May 2012)¹⁶⁰

"Toh Boh villagers were ordered to live downriver from Noh K'Maw village. They had to set up their new village there. [Villagers from] two villages, Toh Boh and Law Hsaw Loh were not allowed to come back. People in charge from the Tantabin [Township] office met with local people. They said: "Toh Boh village is located in the project area, so you can't come back to live [there]. Your properties, crops, plantations and land are in the project area. All of your properties will be destroyed when their [the company's] project starts."

Saw H--- (male, 37), B--- village, Tantabin Township, Toungoo District/ Northwest Kayin State (Interviewed in April 2011)¹⁶¹



The above photos, taken on May 5th 2012, show two different views of Tatmadaw Light Infantry Battalion (LIB) #434 army barracks in Bu Tho Township, Papun District. According to the community member working with KHRG who took these photos, the rice plantations surrounding the camp, visible in the right photo, were confiscated from Day Wah tract villagers by the resident Tatmadaw battalion without consultation.¹⁶² [Photos: KHRG]



The above photo was taken on July 10th 2012 and shows villagers former homes in T'Nay Hsah Township, Hpa-an District. According to the community member who took this photo, over 30 households were ordered to relocate by Tatmadaw LIBs #547, #548 and #549. Reportedly, monks in a nearby monastery took in around 100 villagers evicted from their homes by the Tatmadaw, who claimed their right to confiscate villagers' land on the basis that it was 'unlicensed and uncultivated'.¹⁶³ [Photo: KHRG]



The above photo was taken by a community member on July 10th 2012 and shows farmland confiscated from villagers in T--- village, T'Nay Hsah Township, Hpa-an District by Tatmadaw LIBs #547, #548 and #549. According to the community member who took this photo, a new law instituted by the Myanmar government in 2012 has led to such cases, with villagers being forced or coerced into signing over their land to military troops.¹⁶⁴ [Photo: KHRG]



The above photos were taken on October 4th 2012 and show a residential area established by the Myanmar government in Ta Kreh Township, Hpa-an District. According to the community member who took these photos, the area is referred to by villagers as “a place for refugees,” and the new housing, as well as the cost of land was funded by the Norwegian Government, though no funds were allocated directly to villagers. The housing development was build upon what was villagers’ communal farming area, and the construction of the road in the left photo has rendered the land insufficient to sustain the needs of the community; villagers now are only able to cultivate crops in the small spaces beside their homes.¹⁶⁵ [Photos: KHRG]



The above two photos, taken on October 27th 2012 in Tantabin Township, Toungoo District show wooden long tail boats used for transport across the Day Loh River after a bridge previously used to cross the river became submerged by flooding caused by Toh Doh Dam operations. As can be seen in the right photo, villagers’ connected the boats to transport a motorbike across the river and, according to the community member who spoke with villagers in the area, the motor on one of the boats was provided by a company involved with the dam project, referred to locally as ‘Zet.’ Villagers also explained that travel to nearby towns, such as Toungoo Town, has become more difficult, as they must now wait for the boat to become available.¹⁶⁶ [Photos: KHRG]



The above photos were taken on October 10th 2012 and show a man mining for gold, platinum, brass and white gold in the Day Loh Mu Nu area, Than Daung Township. According to the community member who took these photos, wealthy businessmen arrived in A--- village and began mining activities without consulting the local community. The community member also reported that damage had been done to villagers' lands as a result of the mining.¹⁶⁷ [Photos: KHRG]



The above photo of the Shwegyin (Kyauk N'Ga) Dam on the Shwegyin River was taken on July 15th 2012 in Ler Doh Township, Nyaunglebin District. According to the community member who took this photo, this dam caused villagers homes and lime plantations to be flooded, forcing villagers to relocate and resulting in the closure of several schools.¹⁶⁸ [Photo: KHRG]



The above photo was taken on August 1st 2012 and shows an active construction site in the Toh Boh area, Tantabin Township, Toungoo District, run by the Shwe Swan In Company. According to villagers in the area, the Toh Boh Dam operations, including the construction of large buildings to house hydropower generators in Toh Boh village, have resulted in the displacement of villagers.¹⁶⁹ [Photo: KHRG]

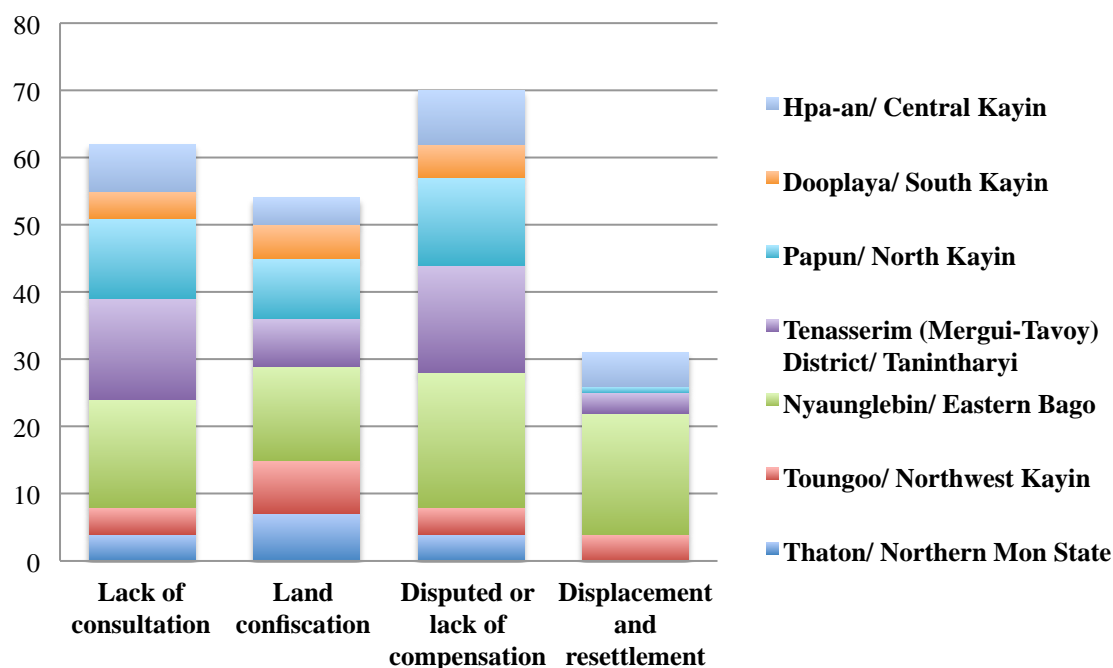


The above photo was taken on August 9th 2012 and shows the flooding of villagers' homes in Let Kauk Wa village, Nyaunglebin District. The community member who took these photos reports that the flooding was caused by the Shwegyin Dam.¹⁷⁰ [Photo: KHRG]



The above photo was taken on August 7th 2012 and shows the flooding of Pa Deh Kaw High School in Nyaunglebin District. According to the community member who took the photo, flooding can be attributed to Shwegyin dam operations and resulted in the closure of the school for over one month.¹⁷¹ [Photo: KHRG]

Table 1: Geographic spread of Trends of abuse in project implementation



⁶³ See Appendix 1: Source document/ANYahHpayhDam/2012/2.

⁶⁴ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. A summary of each report is included in *Section VI: Projects under observation* and the full text of all of these documents is included in *Appendix 1: Raw Data*.

⁶⁵ For examples of KHRG documentation in which villagers described a lack of consultation, across the seven districts, see Appendix 1: Source document/ThatonBilinRiverLogging/2011(Thaton District); Source document/TohBohDam/2011/2 (Toungoo District); Source document/ShwegyinDam/2011/3 (Nyaunglebin

District); Source document/ANyahHpayhDam/2012/1 (Tenasserim); Source document/K'TerHteeCampDevelopment/2012/1 (Papun District); Source document/DooPlayaInfrastructureDevelopment/2011 (DooPlaya District); and Source document/LuPlehLogging/2011 (Hpa-an District).

⁶⁶ See Appendix 1: Source document/ANyahHpayhDam/2012/3.

⁶⁷ See Appendix 1: Source document/BlawHsehDam/2011 (describing issues with the consultation process during the implementation of a dam project).

⁶⁸ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3 (describing issues with the consultation process during the implementation of an infrastructure development project).

⁶⁹ See Appendix 1: Source document/KhooThooHtaLogging/2012 (describing issues with the consultation process during the implementation of a logging project).

⁷⁰ See Appendix 1: Source document/LerDohMining/2012/1 (describing issues with the consultation process during the implementation of a mining project).

⁷¹ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/1 (describing issues with the consultation process during plantation agriculture).

⁷² For the purposes of this report, KHRG considers human rights violations attributable to the actor who committed them, and to any identified partners of that actor in the actions that led to the abuse.

⁷³ See Appendix 1: Source document/ThatonBilinRiverMining/2011/1 (describing insufficient consultation in the implementation of a development project by a domestic company).

⁷⁴ See Appendix 1: Source document/HatgyiDam/2012 (describing a foreign company's involvement in a project in which villagers raised the issue of consultation).

⁷⁵ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/1 (describing the Tatamadaw's involvement in a project that lacked consultation); See Appendix 1: Source document/NohPawHteeDam/2012 (describing the Tatmadaw and Border Guard's involvement in a project that lacked consultation).

⁷⁶ See Appendix 1: Source document/PapunBilinRivermining/2011/3 (describing the DKBA's involvement in a project that lacked consultation).

⁷⁷ See Appendix 1: Source document/LerDohMining/2012/1 (describing a lack of consultation by Myanmar government officials).

⁷⁸ See Appendix 1: Source document/KhooThooHtaLogging/2012 (describing the KNU's involvement in a project that lacked consultation); see Source document/HatgyiDam/2012 (describing the KNU and a Thai project).

⁷⁹ See Appendix 1: Source document/KhooThooHtaLogging/2012; see also: Source document/TavoyInfrastructureDevelopment/2012/1; see also: Source document/ShwegyinDam/2011/2.

⁸⁰ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/4 (describing how only the village head was informed and signed documents to confirm the confiscation of land).

⁸¹ See Appendix 1: Source document/PapunBilinRiverMining/2012.

⁸² See Appendix 1: Source document/K'TerHteeCampDevelopment/2012/3.

⁸³ See Appendix 1: Source document/ANyahHpayhDam/2012/3.

⁸⁴ See Appendix 1: Source document/TohBohDam/2011/2.

⁸⁵ See Appendix 1: Source document/TohBohDam/2011/2.

⁸⁶ See Appendix 1: Source document/HatgyiDam/2012 (describing the arrival of Thai government officials with Myanmar government officials to mark the Hatgyi dam project area for construction).

⁸⁷ See Appendix 1: Source document/ShwegyinDam/2011/5.

⁸⁸ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/4.

⁸⁹ See Appendix 1: Source document/TohBohDam/2011/2.

⁹⁰ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

⁹¹ For examples of KHRG documentation in which project-affected villagers described land confiscation, across all seven districts, see Appendix 1: Source document/ThatonPlantationAgriculture/2012/1(Thaton District); Source- document/ThandaungInfrastructureDevelopment/2012/2 (Toungoo District); (Nyaunglebin District) Source document/ShwegyinPlantationAgriculture/2012; Source document/TavoyLogging/2012 (Tenasserim); Source document/KhooThooHtaLogging/2012 (Papun District); Source document/DooPlayaInfrastructureDevelopment/2012 (DooPlaya District); and Source document/T’NayHsahPlantationAgriculture/2012/3 (Hpa-an District).

⁹² See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/4 (for the full text of Naw L---’s interview).

⁹³ For example, see Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/3 (describing land confiscation related to plantation agriculture).

⁹⁴ For example, see Appendix 1: Source document/KhooThooHtaLogging/2012 (describing land confiscation related to logging).

⁹⁵ For example, see Appendix 1: Source document/ANyahHpayhDam/2012/2 (describing land confiscation related to the building of a dam).

⁹⁶ For example, see Appendix 1: Source document/TavoyMining/2012/5 (describing land confiscation relating to a mining project).

⁹⁷ For example, see Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3 (describing land confiscation related to infrastructure development).

⁹⁸ The following numbers add up to 60, as opposed to 54, as some documents mention more than one actor.

⁹⁹ For the purposes of this report, KHRG considers human rights violations attributable to the actor who committed them, and to any identified partners of that actor in the actions that led to the abuse.

¹⁰⁰ See Appendix 1: Source document/TohBohDam/2011/2 (describing domestic companies involvement in a project that resulted in land confiscation).

¹⁰¹ See Appendix 1:Source document/TavoyInfrastructureDevelopment/2012/2 (describing the Italian-Thai Development Company’s involved a project that resulted in land confiscation).

¹⁰² See Appendix 1:Source document/BuThoPlantationAgriculture/2012/1.

¹⁰³ See Appendix 1:Source document/K’TerHteeCampDevelopment/2012/1.

¹⁰⁴ See Appendix 1:Source document/DooPlayaPlantationAgriculture/2011/2.

¹⁰⁵ See Appendix 1: Source document/KhooThooHtaLogging/2012.

¹⁰⁶ See Appendix 1:Source document/ThatonPlantationAgriculture/2012/4.

¹⁰⁷ See Appendix 1:See Source document/T’NayHsahPlantationAgriculture/2012/5 (describing the confiscation of villagers’ land for use by Tatmadaw soldiers).

¹⁰⁸ *Development by Decree*, KHRG, April 2007, p. 37.

¹⁰⁹ See *Section III: C: Disputed compensation*.

¹¹⁰ See *Section III: A: Lack of consultation* (for descriptions of coercive appropriation of land).

¹¹¹ See Appendix 1: Source document/PapunBilinRiverMining/2011/2 (describing the DKBA placing landmines in villagers’ agricultural land to protect gold mining areas which prevented villagers from access to their land).

¹¹² See Appendix 1: Source document/ThatonBilinRiverMining/2012/2.

¹¹³ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/5.

¹¹⁴ See Appendix 1: Source document/DooPlayaPlantationAgriculture/2012/2.

¹¹⁵ See Appendix 1: Source document/ThatonBilinRiverMining/2011/2.

¹¹⁶ *Ko Per Baw* or “Yellow Scarves” is a term commonly used by villagers to denote the DKBA, in reference to the yellow scarves that form part of their uniform.

¹¹⁷ See Appendix 1: Source document/DooPlayaPlantationAgriculture/2012/2.

¹¹⁸ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/1 (the community reported that 111 acres of villagers’ land was confiscated by the Tatmadaw, which includes two schools).

¹¹⁹ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/3 (the community member also reported that some villagers sent their children to Bangkok in order to send money to support the family rather than sign, while others signed the documents because the time was close to when the fields needed to be ploughed).

¹²⁰ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

¹²¹ For examples of KHRG documentation in which project-affected villagers described issues with compensation, across all seven districts, see Appendix 1: Source document/ThatonPlantationAgriculture/2012/2 (Thaton District); Source document/TohBohDam/2011/2 (Toungoo District); Source document/ShwegyinDam/2011/2 (Nyaunglebin District); Source document/ANYahHpayhDam/2012/1 (Tenasserim); Source document/DooPlayaInfrastructureDevelopment/2012 (DooPlaya District); and Source document/T’NayHsahPlantationAgriculture/2012/3 (Hpa-an District).

¹²² See Appendix 1: Source document/PapunBilinRiverDam/2011.

¹²³ See Appendix 1: Source document/ShwegyinDam/2011/11 (describing no compensation for villagers’ hill field farms destroyed by dam construction).

¹²⁴ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3 (describing Tatmadaw refusal to pay compensation for the destruction of a cardamom plantation).

¹²⁵ See Appendix 1: Source document/PapunBilinRiverMining/2011/1 (describing villagers’ agricultural land being destroyed because of gold mining without any compensation).

¹²⁶ See Appendix 1: Source document/TavoyLogging/2012 (describing the confiscation of land by a logging company without compensation).

¹²⁷ See Appendix 1: Source document/ThayetchaungPlantationAgriculture/2012 (describing negotiations between a palm oil company and township office for future compensation to villagers’ for 700 acres of land that had already been deforested for the purpose of cultivating palm oil).

¹²⁸ For the purposes of this report, KHRG considers human rights violations attributable to the actor who committed them, and to any identified partners of that actor in the actions that led to the abuse.

¹²⁹ See Appendix 1: Source document/PapunBilinRiverMining/2011/2 (describing mining by domestic companies that led to the destruction of land and contamination of water, without compensation).

¹³⁰ See Appendix 1: Source document/TavoyMining/2012/2 (describing no compensation for the destruction of a road and pollution of water from mining activities by a Thai company).

¹³¹ For example, see Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/4 (describing the confiscation of villagers’ land by Tatmadaw troops without compensation, followed by orders that villagers pay taxes on that land).

¹³² For example, see Appendix 1: Source document/NohPawHteeDam/2012 (describing the confiscation of villagers’ land for the purpose of constructing a dam by Border Guard troops without compensation).

¹³³ For example, see Appendix 1: Source document/NaThaKwayInfrastructureDevelopment/2012 (describing the confiscation of villagers’ land by Myanmar government officials, followed by forced relocation, without compensation for the purpose of building a bridge).

¹³⁴ For example, see Appendix 1: Source document/PapunBilinRiverMining/2012 (describing the involvement of the KNU in giving access to villagers’ land for logging and mining with insufficient compensation, according to villagers in the area).

¹³⁵ See Appendix 1: Source document/TavoyMining/2012/1 (describing insufficient compensation for the ongoing flooding of land from mining activities); Source document/TavoyInfrastructureDevelopment/2012/1, unpublished (describing a lack of compensation for agricultural land and crops, despite promises from the company for such payment).

¹³⁶ See Appendix 1: Source document/DooPlayaInfrastructureDevelopment/2012.

¹³⁷ See Appendix 1: Source document/TavoyMining/2012/1.

¹³⁸ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/2 (describing negotiations for compensation for damages to land due to road construction between the Township Committee and the Italian-Thai Development Company).

¹³⁹ See Appendix 1: Source document/ShwegyinDam/2011/5.

¹⁴⁰ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/4; see also Source document/TavoyInfrastructureDevelopment/2012/2.

¹⁴¹ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

¹⁴² For examples of KHRG documentation in which villagers described development-induced displacement, across six districts, see Appendix 1: Source document/TohBohDam/2011/2 (Toungoo District); Source document/NaThaKwayInfrastructureDevelopment/2012 (Nyaunglebin District); Source document/TavoyMining/2012/5 (Tenasserim); Source document/NohPawHteeDam/2012 (Papun District); Source document/DooPlayaPlantationAgriculture/2012/2 (DooPlaya); and Source document/T’NayHsahPlantationAgriculture/2012/4 (Hpa-an District).

- ¹⁴³ See Appendix 1: Source document/BlawHsehDam/2011 (describing villagers' plans to move after learning of the flooding of their plantations by the dam, one it became operational).
- ¹⁴⁴ See Appendix 1: Source document/NaThaKwayInfrastructureDevelopment/2012 (describing forced relocation resulting from the construction of a bridge on the Sittaung River).
- ¹⁴⁵ See Appendix 1: Source document/SittaungRiverValleyPlantationAgriculture/2012.
- ¹⁴⁶ See Appendix 1: Source document/TavoyMining/2012/4.
- ¹⁴⁷ For the purposes of this report, KHRG considers human rights violations attributable to the actor who committed them, and to any identified partners of that actor in the actions that led to the abuse.
- ¹⁴⁸ See Appendix 1: Source document/SittaungRiverValleyPlantationAgriculture/2012; see also Source document/ANYahHpayhDam/2012/1.
- ¹⁴⁹ See Appendix 1: Source document/HatgyiDam/2012.
- ¹⁵⁰ See Appendix 1: Source document/SittaungRiverValleyPlantationAgriculture/2012; see also Source document/ANYahHpayhDam/2012/1.
- ¹⁵¹ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/1.
- ¹⁵² See Appendix 1: Source document/NaThaKwayInfrastructureDevelopment/2012.
- ¹⁵³ See Appendix 1: Source document/ShwegyinDam/2011/15.
- ¹⁵⁴ See Appendix 1: Source document/HatgyiDam/2012.
- ¹⁵⁵ See Appendix 1: Source document/HatgyiDam/2012 (describing a meeting in which villagers are informed they would need to move to nearby villages when the dam is constructed); see Source document/TohBohDam/2011/2 (describing how villagers were informed they needed to relocate to a non-specific area, downriver of their current village, which they did and set up a new village in this area).
- ¹⁵⁶ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/1.
- ¹⁵⁷ See Appendix 1: Source document/ShwegyinDam/2011/2 (describing the construction of army camps in the project area, which decreased villagers' access to land prior to the construction of Shwegyin dam).
- ¹⁵⁸ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/3 (describing the forced relocation of villagers to a monastery by Tatmadaw soldiers); see also Source document/HatgyiDam/2012 (describing a meeting with Myanmar government officials and Tatmadaw soldiers, during which villagers are instructed to relocate due to the construction of a dam).
- ¹⁵⁹ See Appendix 1: Source document/ShwegyinDam/2011/2.
- ¹⁶⁰ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/1.
- ¹⁶¹ See Appendix 1: Source document/TohBohDam/2011/2.
- ¹⁶² These photos were received in June 2012 along with other information from Papun District, including ten incident reports, ten interviews, one situation update and 34 other photographs.
- ¹⁶³ This photo was received in July 2012 along with other information from Hpa-an District, including ten interviews and 44 other photographs. For the one interview received at this time, see Source document/T'NayHsahPlantationAgriculture/2012/4.
- ¹⁶⁴ This photo was received in July 2012 along with other information other from Hpa-an District, including ten interviews and 44 other photographs and video clips.
- ¹⁶⁵ This photo was received in July 2012 along with other information from Hpa-an District, including ten interviews and 44 other photographs. For the one interview received at this time, see Source document/T'NayHsahPlantationAgriculture/2012/4.
- ¹⁶⁶ These photos were received in November 2012 along with other information from Toungoo District, including 258 other photographs and 22 video clips.
- ¹⁶⁷ These photos were received in November 2012 along with other information from Toungoo District, including three interviews, 223 other photographs and three video clips.
- ¹⁶⁸ This photo was received in September 2012 along with other information from Nyaunglebin District, including 3 interviews, 392 other photographs and one situation update.
- ¹⁶⁹ This photo was received in November 2012 along with other information from Toungoo District, including nine interviews, 259 other photographs and 22 video clips.
- ¹⁷⁰ This photo was received in September 2012 along with other information from Nyaunglebin District, including interviews, other photographs and video clips.
- ¹⁷¹ This photo was received in September 2012 along with other information from Nyaunglebin District, including interviews, other photographs and video clips.

IV. Collective action

Collective action refers to endeavours pursued by villagers that are undertaken collectively, in common support toward an agreed-upon objective. This can be done through village-level committees or community advocacy organizations that seek compensation for damage to land, livelihoods, or both. This method has been used by some villagers in eastern Myanmar when they are threatened with general harm to a community, or when many people agree on a particular strategy for realising the rights of a larger group. Villagers in all seven geographic research areas described how communities actively respond to business and development projects in order to prevent or mitigate negative impact on their land and livelihoods. However, serious obstacles undermine communities' attempts to respond.

"I want to say that our minds shouldn't change because of a company that came and mined for gold. Maybe the company tricked us into selling a lot of our land and orchards by telling us about a dam to make us afraid. They said that they will build the dam and, villagers who have their land close by became afraid, and they wanted to sell all of their properties and go to mine gold. ... If the citizens really try to stand stable in their place, I think they can. If they are in fear, if there are a lot of soldiers confronting them, they won't have enough energy to protest."

Saw Th--- (male, 26), B--- village, Dweh Loh Township, Papun District/ North Kayin State (Interviewed in April 2011)¹⁷²

A. Reporting to authorities

Reporting to authorities includes any action whereby villagers have either individually or collectively complained to any authority regarding natural resource extraction or development projects in their area. Complaints usually take the form of written complaint letters, which are a more formal action, after having complaints made in person ignored.

In 26 out of 99 pieces of information received by KHRG during the reporting period,¹⁷³ villagers across all seven geographic research areas described villagers reporting abuse related to a natural resource or development project.¹⁷⁴ KHRG's 2012 documentation displayed an increase in reports of complaints to authorities, with 16 pieces of information received in 2012, compared to 10 received in 2011. Complaints to authorities were made in response to infrastructure development projects,¹⁷⁵ the construction of dams,¹⁷⁶ plantation agriculture,¹⁷⁷ and mining.¹⁷⁸

During the reporting period, most written complaints to authorities were submitted by a committee of villagers, formed to advocate on behalf of affected communities,¹⁷⁹ but were also written by individual villagers.¹⁸⁰ These written complaints sometimes included a general description of damage to land, or a list quantifying acres of land confiscated or the number or value of crops destroyed¹⁸¹ so as to demand compensation for that particular property.¹⁸² In one instance, a community committee sent a pre-emptive complaint letter to multiple governmental bodies in order to prevent a project from arriving in the area. In support of its position, the committee included a tally of the compensation that individual villagers would need in order to address the prospective damage.¹⁸³

Villagers also collectively decided to report land conflicts and problems to the KNU, for several reasons. The most common reason was due to the belief that their request would be ignored or that they would face harassment if they reported to Myanmar government officials.¹⁸⁴ When villagers did report land conflicts to non-state actors or

companies, complaints were sometimes ignored or development actors responded with non-negotiable offers. Below are three examples, which demonstrate different reactions villagers could receive to reports of development-related abuses.

"We can't [report to the Myanmar government]. Never. If we report it, we could not be sure whether we would die or go to jail. They don't understand these things [issues related to compensation] and they never accept it. Therefore, we civilians only reported it to the KNU. We dare not report this [to the Government] because they confiscated all of the land. They took the land and destroyed people's properties. If we look at the help, the KNU helps us with the flat land and with money. Presently, the Karen military leaders [KNLA] reported [to the government] but we haven't gotten help yet."

Saw U--- (male, 73), V--- village, Shwegyin Township, Nyaunglebin District/ Eastern Bago Region (Interviewed in February 2011)¹⁸⁵

"They [a logging company] said they would pay per acre depending on how many acres. If the villagers report ten acres, they will pay for ten acres. They don't pay more than that."

Saw K--- (male, 40), G--- village, Ler Mu Lah Township, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region (Interviewed in April 2012)¹⁸⁶

"The one who causes difficulties came through the responsible persons from KNU because they asked permission from [the authorities], and they do [these things] when they get permission. They did not discuss with the villagers assuredly and we also know that they did not give any payment for the villagers' possessions and their crops."

Situation update written by a community member, Thaton District/ Northern Mon State (Received in June 2012)¹⁸⁷

While some villagers do submit complaints or requests to government authorities, self-censorship was also reported to KHRG during the reporting period. As mentioned above, fear of the consequences was the primary reason. Another commonly reported reason was that some villagers did not believe in the efficacy of reporting to the government.¹⁸⁸

"If you go and tell them, they will arrest us, put people in the stocks and threaten us. They mistreated people. Before, they would build their camp, many lives disappeared. People who witnessed this didn't dare to say anything. If you said something, they used their power. We saw many things in the past. Many lives disappeared before the army camps were set up. They shot [villagers] and they said they were nga bway [KNLA soldier]. So no one dared to do anything, [such as] when you report things to them they didn't agree with."

Saw D--- (male, 60), W--- village, T'Nay Hsah Township, Hpa-an District/ Central Kayin State (Interviewed in June 2012)¹⁸⁹

"They didn't report anything, because they [villagers] were afraid of them [Tatmadaw]. We were not even allowed to go close to them, so how could we go and report. They would prosecute you if you go and report to them. We dare not raise this issue, even though our lands were totally flooded; we just have to stay quietly. ... We are just normal people. For them, they have guns, so we are afraid. They are not the same ethnic [people] like us. You have to say quiet when they come and say something to you. You can't oppose them. We are already trembling when we heard about the Tatmadaw."

Saw K--- (male, 52), Shwegyin Township, Nyaunglebin District/ Eastern Bago Region (March 2012)¹⁹⁰

“They destroyed the entire cardamom tree [plantation] in C---. Because of that, the C--- village head asked for compensation on behalf of the village. However, the SPDC Army [Tatmadaw] said that they didn’t want to give it to them, and if the villagers wanted to report it to someone, they could report it. [Tatmadaw soldiers said:] ‘Because the Government ordered us to do it, we aren’t worried. Even though you have asked for compensation, I will never give it to you.’”

Saw H--- (male, 35), P--- village, Than Daung Township, Toungoo District/
Northwest Kayin State (Interviewed in December 2011)¹⁹¹

B. Organizing a committee or protest

In 23 out of 99 pieces of information received by KHRG during the reporting period,¹⁹² villagers in six out of seven geographic research areas described villagers organizing committees or protests in response to abuse resulting from natural resource extraction or development projects, or their exclusion from the decision-making process for those projects.¹⁹³

KHRG’s 2012 documentation displayed a sharp increase in reports of committee formation, with 20 pieces of information received in 2012, compared to three received in 2011. These committees were formed in response to problems related to the implementation of infrastructure development projects,¹⁹⁴ the construction of dams,¹⁹⁵ plantation agriculture,¹⁹⁶ mining¹⁹⁷ and logging.¹⁹⁸

KHRG documented the following trends in the way villagers organized a committee or a protest to ensure project-affected villagers’ voices were represented in development planning, and to mitigate the negative impacts of natural resource extraction and development projects. Villagers formed committees for the purpose of discussing the impacts of development projects among affected villages, and to develop strategies for mitigating negative impacts.¹⁹⁹ Villagers formed committees in order to maximize the impacts of complaints and provide a better platform for negotiation.²⁰⁰ In some instances more formal committees, such as the Village and Public Basic Stability and Development Committee,²⁰¹ designed complaint letters addressed to local authorities.²⁰²

Some committees are highly organized and structured, meeting once a month to provide an opportunity for villagers in the area to discuss strategies for resisting land confiscation. In some cases, these committees started in one village, with a limited number of villagers, but then quickly expanded and joined with other organizations or committees.²⁰³ Community members also describe how committees can provide the space to develop collective claims to land,²⁰⁴ as many villagers coordinate and use these claims to approach the companies in person.²⁰⁵

Villagers also formed informal committees or associations to respond to problems or needs as they arise. Such responses include coordinating a petition for compensation to follow up on a prior agreement for compensation for confiscated land²⁰⁶ or for monitoring the implementation of a natural resource extraction project.²⁰⁷

“The committee holds monthly meetings in every committee members’ village. In the meeting, they discuss the village strategies; how to protect [against] the damage of the development project and land confiscation; participation [in the process]; and human rights. The purpose of the Village and Public Basic Stability and Development Committee is to stand by and struggle to protect the villagers’ heritage opportunities and native peoples’ opportunities.”

Situation Update written by a community member, Ler Doh Soh Township, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region (Received in June 2012)²⁰⁸

"They said they will give compensation for land or plantations, but later, the people in charge from Tantabin didn't send anything, and said nothing. There was no answer, so the local people formed a committee with 30 people. These 30 people signed [a petition] to receive compensation. They formed a committee with 30 people. They went to the Tantabin office and the people in charge said, 'This is not a Tantabin project. The project comes from headquarters, so we can't do anything. If you want compensation, you have to go to the Division. If you go to Division, I will tell you: this project is run by the military government. Even if you go to them, they won't give you [compensation]. Furthermore, they will arrest you and put you in prison.'"

Saw H--- (male, 37), B--- village, Tantabin Township, Toungoo District/ Northwest Kayin State (Interviewed in April 2011)²⁰⁹

"We, the local people here, decided ourselves strongly that we do not want to leave our places. Even dead or alive we will live in our places eternally because we can say that this dam means destruction, eternal loss for us."

Complaint Letter written by the Village and Public Sustainable Development Committee, A'Nya Pya village tract, Ler Doh Soh Township, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region (Written in April 2011)²¹⁰

In one instance, in Nyaunglebin District, collective association took the form of a public protest against development, when four hundred villagers protested the ongoing construction of a dam. They chanted three demands that they wanted the authorities to address. In a different instance, in Thaton District, villagers joined together in front of the District office to demand that a unilaterally implemented logging project be stopped.

"On March 12th 2012, over 400 villagers from A---, M---, H---, T--- and N--- villages gathered together and protested Kyauk N'Ga Dam on the Shwegyin River in N--- area, Hsaw Htee Township and Ler Doh Township, Nyaunglebin District. There were three slogans that the villagers called out: 'No continuation of the dam construction, compensation for losing lands and let the water flow naturally'. The villagers made these requests but there was no response from the government until now. They behaved like nothing concerned them."

Situation Update written by a community member, Moo, Ler Doh and Hsaw Htee townships, Nyaunglebin District/ Eastern Bago Region (Received in July 2012)²¹¹

"Authorized leaders from Thaton District have done the logging by their own decision. Therefore, to protect deforestation, W--- villagers went and gathered in front of the Thaton Office in Kwee Lay village and called on the District Chairperson to stop the logging the forest."

Incident report writing by a community member in Bilin Township, Thaton District/ Northern Mon State (Received in November 2011)²¹²

The coordination between different powerful actors serves to intimidate and instill fear in local communities. Fear of military actors and the exclusion from decision-making often works to prevent collective action. Nevertheless, in instances where village heads have been informed that land owners would lose land claims if they did not return from Thailand, affected villagers have arranged with others to occupy their land, so as to avoid having it confiscated.²¹³

"We are just the villagers and for them, they have guns. So we were afraid. And we are also different in ethnicity. You have to stay quiet when they come and say something to you. You can't oppose them. We are already trembling when we hear about the Tatmadaw. ... I have not heard of anyone [complaining to the government]. The villagers just move and find work in other places. No one asks [for any redress]. People are afraid and dare not to ask. We go around and pan for gold. The companies came and bought a hundred acres of land. They find you and when they see you panning for gold on their land, they oust you. They do not allow you to come again. So you have to go to another place. They block you when they know the way you go. You can't go panning gold anymore."

Saw K--- (male, 52), Shwegyin Township, Nyaunglebin District/ Eastern Bago Region (Interviewed in March 2011)²¹⁴

C. Negotiation

In 12 out of 99 pieces of information received by KHRG during the reporting period,²¹⁵ villagers in four research areas described villagers' attempts to negotiate with individuals or groups in response to abuse resulting from a development project or their exclusion from the decision-making process.²¹⁶ KHRG's 2012 documentation displayed a sharp increase in reports of negotiation, with all 12 pieces of information received in 2012, and none received in 2011. Negotiation was used to deal with problems related to infrastructure development projects,²¹⁷ plantation agriculture²¹⁸ and mining.²¹⁹

Attempts to negotiate are similar to reports to authorities, as discussed in *Section IV: A*, and were often in the form of written letters. Villagers reported that they formed collective petitions to negotiate terms, but also that individuals acted on their own. Other villagers chose to negotiate through in-person meetings with a company representative, a public official or with a member of an armed group. The role of the village head or a village committee is often key in mediations between government or non-state actors and villagers. Fear of Tatmadaw reaction is a commonly reported reason that negotiation did not take place.²²⁰

"Since 2011, the Myanmar government has been building a city in K--- village. Currently, there are 40 buildings. The place where they built the buildings was in the villagers' land and damaged over 40 coconut trees, and also pomelo and jackfruit trees. The villagers asked the village head to help them [receive compensation] for the cost of the damages. So, the village head helped them by negotiating [with Government officials]; then, they said they would support [provide compensation]. Until now they haven't given any compensation."

Situation Update written by a community member, Kawkareik Township, Dooplaya District/ South Kayin State (Received in August 2012)²²¹

"Myitta Township Coordinator U Kyaw Shwe ordered people to sign but the villagers did not want to sign. Some villagers asked how they would arrange [compensation] for the damage, and he said: 'I'm a governor and I guarantee for you. Why do not you sign your signature?' The villagers asked when they would we get the fine money for the damage, and how much. U Kyaw Shwe told [the villagers] that: 'We have not set a limit for the price yet.' Then, the villagers asked: 'Will you pay us after the road is successful?'"

Complaint letter written by the Village and Public Sustainable Development Committee, K'Moo Thway village tract, Ler Doh Soh Township, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region (Written in April 2011)²²²

“Because Hkay Ta Ser Poo (Hin Da Mine) uses the Hkay Ta River, villagers met with the company by themselves and informed the company that, “Because these cases happen, we do not have income to spend for the family. Because we do not have money to send our children to the school, our children can not study anymore. It also causes a big problem to eat day-by-day.” The company owner replied: “If it causes problem for you, then come work for us.” Even though he reported it to the company owner, they did not arrange anything or consider the consequences for him. With hope, he asked advice of the village head and the village head helped him by writing a letter and reported it to the Burmese military government two times, but he did not receive any answer.”

Situation Update written by community member Ler Doh Soh Township, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region (Received in June 2012)²²³

D. Non-compliance

Non-compliance, unlike complaints or negotiation attempts, takes the form of actions that constitute ignoring or refusing to act according to a verbal or written order. In most cases below, this relates to a refusal to leave, or sign away land that authorities claim is to be used for a different purpose.

In 13 out of 99 pieces of information received by KHRG during the reporting period,²²⁴ villagers in five out of seven geographic research areas described the use of non-compliance as a form of collection action against abuse resulting from a natural resource or development project.²²⁵ KHRG received less information describing the occurrence of non-compliance in 2012, with five pieces of information received in 2012 and eight received in 2011. Non-compliance was used in response to demands made on villagers in the context of the construction of dams,²²⁶ plantation agriculture²²⁷ and logging.²²⁸

Villagers describe refusing to sign agreements affirming the confiscation of their land, even in the face of strong pressure to do so, including threats that villagers will be reported to armed ethnic groups in the area,²²⁹ or in spite of claims that land has already been transferred to the government²³⁰ or an armed ethnic group.²³¹

“We only worked on Burmese [Tatmadaw] land, but we had to give them a percentage. This year, they will completely confiscate the land and ask us to sign it away. Here you see, they type the words as if they are the landowner. They ask us to sign but we didn’t sign. We discussed this and we think we will never sign. Now, they pressure us and they said, if we don’t sign, they would report us to the police, DKBA and Peace Council who will arrest the villagers. Some of the women said if they want to arrest us, they can arrest us. We have nothing.”

Saw N--- (male, 60), T--- village, T’Nay Hsah Township, Hpa-an District/ Central Kayin State (Interviewed in June 2012)²³²

“The battalion [Tatmadaw] commander came to my house. He said: “We have confiscated all this land. You can’t own the land anymore.” We asked him: “If the Battalion confiscates our land, then where are we going to live?” He said that, the leaders from the State gave orders: “You villagers have to leave. You have to sign.” I told him: “We will not sign because the battalion will confiscate our land and we will not get it back, so we will not sign.” He said: “You can’t refuse to sign. The battalion owns the land, so you have to sign,” but we did not sign. He said: “This does not belong to you anymore. We own everything.” They cut down the trees and I told them not to cut them.”

Naw L--- (female, 54), T--- village, T’Nay Hsah Township, Hpa-an District/ Central Kayin State (Interviewed in June 2012)²³³

Villagers also refused to comply with orders to cease protest of development projects that were impacting the natural environment in their area, even when offered money to remain silent.²³⁴ Villagers even described refusing to purchase government land, specifically because it is government land, which they do not wish to own or pay taxes on, despite not having enough food to eat.²³⁵ In other cases, however, villagers were not able to respond with non-compliance or refusal, citing concerns regarding the likelihood of violence or other negative consequences.²³⁶

“Authorized leaders from Thaton District have done the logging by their own decision. Therefore, to protect deforestation, W--- villagers went and gathered in the Thaton District Office in Kwee Lay village and requested the District Chairperson stop logging in the forest. The logging was not stopped. The District Chairperson ordered P’Doh Min Thein [Thaton District Forest Officer] to distribute 30,000 kyat (US \$35) to each household in W--- village. After, they [W--- villagers] said that, stopping deforestation and logging is what they needed, the villagers sent back 1,200,000 kyat (US \$1,400.23) to the District Chairperson with the list of villagers’ names who did not want to take money.”

Incident report written by community member, Bilin Township, Thaton District/
Northern Mon State (Received in November 2011)²³⁷

“From 2010 to 2012, there have been changes because the Myanmar military [Tatmadaw] doesn’t come anymore, and their demands have also decreased. In the past, they confiscated the peoples’ farms, and they haven’t returned them yet. In Z--- village, the Burmese government confiscated the land of: (1) Naw H--- (five acres) [and] (2) Naw T--- (six acres), and the land is under the region controlled by LIB #434 [Tatmadaw]. These people can’t do anything related to this case, because the Myanmar government uses its authority and violence.”

Incident report written by community member, V--- village, Bu Tho Township,
Papun District/ North Kayin State (Written in May 2012)²³⁸



The photos above were taken on March 12th 2012 and show villagers from five villages who assembled in protest against the Kyauk N’Ga Dam on the Shwegyin River. In the protest, villagers from Ler Doh Township, Nyaunglebin District, demanded a halt to the continuation of dam construction; called for compensation for land they have lost as a result of the dam; and requested authorities to let the water flow as it did prior to dam construction. The villagers in the photo on the right can be seen praying that the protest will be a success and that their demands to halt dam construction will be met.²³⁹ [Photos: KHRG]



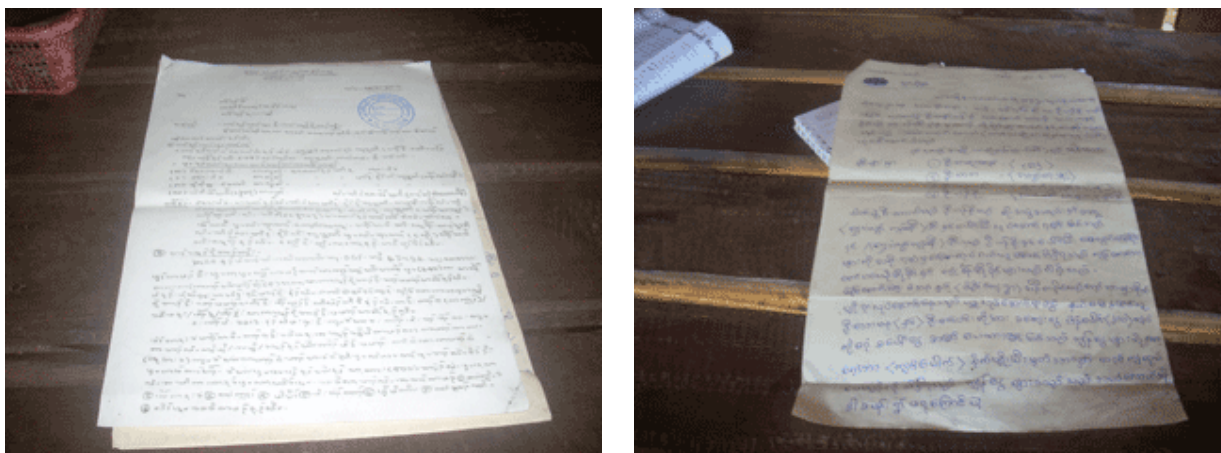
The above photos were taken on September 25th 2012 and both show villagers from the Haw Hkee region protesting against the continuance of the Toh Boh dam project. Dam operations have already resulted in the relocation of 100 households, and according to the community member who took these photos, further operations are set to cause flooding and travel difficulties for villagers who will have no choice but to use boats for transport. Villagers also explained to the community member working with KHRG that the continued construction of the dam will result in the destruction of their plantations and thus jeopardizes their livelihoods. Local organizations helped the villagers organize and protest on this day.²⁴⁰ [Photos: KHRG]



The photo above was taken on July 30th 2012 and shows a meeting about gold mining operations in Tantabin Township, Toungoo District. Present at the meeting are D--- villagers, Dooplaya District leaders and the KNU Operations Commander. According to the community member who took this photo, at the meeting, villagers voiced the destruction of their land resulting from mining activities by a domestic company in the hope that leaders could assist them in their efforts to obtain compensation.²⁴¹ [Photo: KHRG]

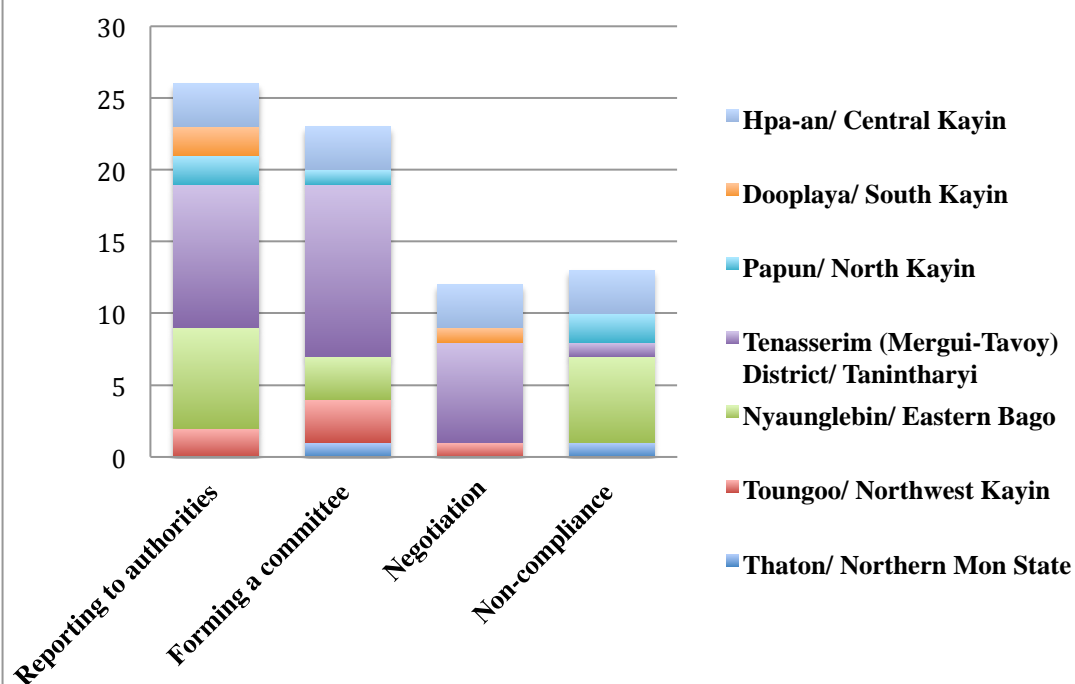


The above photo was taken on June 15th 2012 and shows villagers meeting to discuss gold mining operations in Meh Way village tract, Papun District. According to the community who took this photo, the villager who can be seen standing, spoke before leaders in the meeting to voice his opposition to a planned gold mining project on the Meh Way River; during the same meeting, four other villagers also spoke out against gold mining.²⁴² [Photo: KHRG]



These photos were taken on June 5th 2012 in Ha Ta Reh village tract, Hpa-an Township, Thaton District, and show a letter written by the KNU Hpa-an Township leader to the KNU headquarters detailing that permission was given by the Myanmar government to the Shwe Myit Thaung Yin Company to carry out stone mining operations. The letter also lists companies and individuals conducting stone mining without permission and describes how Border Guard Battalion Commander Thaw Ma Na demanded villagers from eight villages perform forced labour to clear over 500 acres of plantations, for which wages were promised, but not provided. The letter on the right was written by villagers whose land was confiscated, to Hpa-an Township leaders, and contains information about leaders of Kayin State Democracy and Development Party (KSDDP), who cooperated with the Shwe Than Lwin Company to buy ‘uncultivated’ land and two protected forests from the Myanmar government to build rubber plantations. The letter reports that Shwe Than Lwin company and KSDDP provided 20 million kyat (US \$23,337.22) to Border Guard Battalion commanders Thaw Ma Na and Tin Win, as a deposit for the land and are to pay the remainder after cultivating the plantation.²⁴³ [Photos: KHRG]

Table 2: Geographic spread of Collective action



¹⁷² See Appendix 1: Source document/PapunBilinRiverDam/2011.

¹⁷³ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

¹⁷⁴ For examples of KHRG documentation in which villagers described villagers reporting to authorities, across the seven districts, see Source document/ThatonBilinRiverLogging/2011 (Thaton District); Source document/TohBohDam/2012/2 (Toungoo District); Source document/ShwegyinDam/2011/17 (Nyaunglebin District); Source document/TavoyInfrastructureDevelopment/2012/2 (Tenasserim); Source document/PapunBilinRiverMining/2012 (Papun District); and Source document/LuPlehMining/2012/1 (Hpa-an District).

¹⁷⁵ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/4 (for a complaint letter to the Myanmar government about the value of agricultural land destroyed by the Tavoy highway).

¹⁷⁶ See Appendix 1: Source document/ShwegyinDam/2011/20 (describing a complaint filed by villagers to the KNU regarding the Shwegyin Dam).

¹⁷⁷ See Appendix 1: Source document/ThayetchaungPlantationAgriculture/2012 (describing villagers' attempts to complain about lack of compensation for land confiscated for plantation agriculture).

¹⁷⁸ See Appendix 1: Source document/TavoyMining/2012/3 (for a complaint letter to the KNU about land destroyed by the Myanmar Pongpipat mining company).

¹⁷⁹ See Appendix 1: Source document/ANYahHpayhDam/2012/3 (including a complaint letter written by a village committee describing the destruction of farmland after the construction of a hydroelectric dam).

¹⁸⁰ See Appendix 1: Source document/TavoyMining/2012/2 (including a complaint letter written by one villager describing the contamination of water and the destruction of land from mining activities).

¹⁸¹ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/4 (including a complaint letter that *explains that the highway would bisect agricultural land and destroy crops under cultivation worth 4,450,500 kyat (US \$4,962)*).

¹⁸² See Appendix 1: Source document/TavoyMining/2012/1 (including a complaint that explaining that 500,000 kyat had already been given as compensation for land destroyed from mining activities, but that since the time of compensation, 200 additional cashew plants, betelnut, lime, mango, coconut and papaya tree has been destroyed); see also: Source document/ANYahHpayhDam/2012/3 (describing a complaint letter to the KNU about the construction of a dam that destroyed farmland; the letter indicates that the problem was already reported to the Myanmar government).

¹⁸³ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/4 (community committee letter to multiple governmental agencies to report on the likely damage to villagers' land and livelihoods if a road is built in their area).

¹⁸⁴ See Appendix 1: Source document/ShwegyinDam/2011/18.

¹⁸⁵ See Appendix 1: Source document/ShwegyinDam/2011/18.

¹⁸⁶ See Appendix 1: Source document/TavoyLogging/2012 (Saw K--- reported that his township leader went to meet with the logging company to negotiate this compensation offer).

¹⁸⁷ See Appendix 1: Source document/ThatonBilinRiverLogging/2011/2 (in this instance, the KNU had given permission for private parties to conduct a variety of activities in the area).

¹⁸⁸ See Appendix 1: Source document/ShwegyinDam/2011/9 (villager reported that government authorities would abuse anyone who requested compensation for damaged land to them, and would not provide any compensation).

¹⁸⁹ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/5 (Saw D---'s land was taken under the new legal processes enacted in 2012, and his family then lived in a monetary and work in its garden).

¹⁹⁰ See Appendix 1: Source document/ShwegyinDam/2011/15 (Saw K--- was asked several questions about why he did not seek compensation from the Tatmadaw or the government, for the land he lost when it was flooded by the Shwegyin dam. He also reported that between 99 and 200 Tatmadaw soldiers guarded the project site).

¹⁹¹ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3 (Saw H--- described land that was confiscated by Tatmadaw Infantry Battalion #30, and the villagers were ordered to construct the camp; villagers built the camp in one village, but were ordered to dismantle that camp and reconstruct it in another village).

¹⁹² For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business

or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

¹⁹³ For examples of KHRG documentation in which villagers described villagers organizing a committee or a protest, across six districts, see Source document/ThatonBilinRiverLogging/2011 (Thaton District); Source document/TohBohDam/2012/2 (photos depicting villagers protesting Toh Boh Dam in Toungoo District with the help of community-based organizations); Source document/ShwegyinDam/2012/1 (photos depicting villagers protesting the Shwegyin Dam in Nyaunglebin District); Source document/TavoyInfrastructureDevelopment/2012/2 (describing the formation of a committee to handle land conflicts related to the construction of the Tavoy road in Tenasserim); Source document/K'TerHteeCampDevelopment/2012/2 (Papun District); and Source document/T'NayHsahPlantationAgriculture/2012/3 (Hpa-an District).

¹⁹⁴ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/4 (describing the formation of a committee Village and Public Sustainable Development Committee to file a complaint letter to the Myanmar government about value of agricultural land destroyed by Tavoy highway).

¹⁹⁵ See Appendix 1: Source document/TohBohDam/2011/2 (including information about 30 villagers who formed a committee and went to the Tantabin Township office to request compensation for land that was flooded due to the construction of Toh Boh dam).

¹⁹⁶ See Appendix 1: Source document/DooPlayaPlantationAgriculture/2012/2 (describing villagers' occupying the dwellings of other villagers currently living in refugee camps, in order to prevent government and Border Guard acquisition of this land and property for plantation agriculture).

¹⁹⁷ See Appendix 1: Source document/TavoyMining/2012/4 (describing villagers who met collectively met with mining company representatives to explain how the mining activities were preventing villagers from continuing their livelihood activities, and could no longer provide for their families).

¹⁹⁸ See Appendix 1: Source document/PapunBilinRiverLogging/2011/3 (describing how villagers gathered at the Thaton District Office to request the District Chairperson stop logging activities in the forest, and returned subsequent bribes to the District office, thereby refusing to cease complaint).

¹⁹⁹ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/2 (describing the formation of the Village and Public Basic Stability and Development Committee in the K'Maw Thwe area, Ler Doh Soh Township, Tenasserim (Mergui-Tavoy District), for the purpose of solving issues related to land confiscation and development projects initiated by companies).

²⁰⁰ See Appendix 1: Source document/ANyahHpayhDam/2012/2 (describing the formation of an informal group of villager and the election of a village leader to pursue compensation for land loss due to dam construction).

²⁰¹ For example, a Village Public Sustainable Development Committee was founded in November 2011 in Ler Doh Soh Township, Tenasserim with a stated objective to solve problems related to land confiscation and development projects and negotiate with companies. This committee includes at least one representative from 12 project-affected villages and hold monthly meetings in each village. For information on the structure and activities of this committee, see: Appendix 1: Source document/ANyahHpayhDam/2012/2.

²⁰² See Appendix 1: Source document/TavoyMining/2012/3 (describing the formation of a committee to document damages to land and crops from mining).

²⁰³ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/5 (describing the expansion and activities of one committee over the course of six months).

²⁰⁴ See Appendix 1: Source document/ANyahHpayhDam/2012/2 (describing collective claims to land based on ancestry).

²⁰⁵ See Appendix 1: Source document/TavoyMining/2012/2 (describing a collective approach to negotiating with a stone mining company active in their area).

²⁰⁶ See Appendix 1: Source document/TohBohDam/2011/2 (describing villagers forming a committee to gain compensation already promised for land confiscated for Toh Boh Dam in Toungoo District).

²⁰⁷ See Appendix 1: Source document/PapunYuzalinRiverMining/2010 (describing a committee formed by the KNU to monitor a DKBA mining project).

²⁰⁸ See Appendix 1: Source document/ANyahHpayhDam/2012/2.

²⁰⁹ See Appendix 1: Source document/TohBohDam/2011/2.

²¹⁰ See Appendix 1: Source document/ANyahHpayhDam/2012/3.

²¹¹ See Appendix 1: Source document/ShwegyinDam/2012/1.

²¹² See Appendix 1: Source document/ThatonBilinRiverLogging/2011.

²¹³ See Appendix 1: Source document/DooPlayaPlantationAgriculture/2012/2 (describing villagers occupying the dwellings of those who fled fighting in 2010 and had not yet returned, after Myanmar police

authorities reportedly informed villagers in the local area that those who did not return would forfeit ownership over their property).

²¹⁴ See Appendix 1: Source document/ShwegyinDam/2011/15.

²¹⁵ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

²¹⁶ For examples of KHRG documentation in which villagers described villagers negotiating with development actors, across four districts, see Source document/ThandaungInfrastructureDevelopment/2012/3 (Toungoo); Source document/TavoyMining/2012/4 (Tenasserim); Source document/DoooplayaInfrastructureDevelopment/2012 (Doooplaya); and Source document/T’NayHsahPlantationAgriculture/2012/5 (Hpa-an District).

²¹⁷ See Appendix 1: Source document/DoooplayaInfrastructureDevelopment/2012 (describing negotiation between the village head and the Tatmadaw for compensation for land confiscated for the construction of schools, hospitals and other buildings).

²¹⁸ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/3.

²¹⁹ See Appendix 1: Source document/TavoyMining/2012/4 (describing a village committee organized to negotiate the negative consequences of mining in their area).

²²⁰ See Appendix 1: Source document/ShwegyinDam/2011/19.

²²¹ See Appendix 1: Source document/DoooplayaInfrastructureDevelopment/2012.

²²² See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/5.

²²³ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/2.

²²⁴ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

²²⁵ For examples of KHRG documentation in which villagers described villagers using non-compliance, across five districts, see Appendix 1: Source document/ThatonBilinRiverLogging/2011/1 (Thaton District); Source document/ShwegyinDam/2011/20 (Nyaunglebin); Source document/BlawHsehDam/2011 (Tenasserim); Source document/BuThoPlantationAgriculture/2012/1 (Papun District); and Source document/T’NayHsahPlantationAgriculture/2012/4 (Hpa-an District).

²²⁶ See Appendix 1: Source document/ShwegyinDam/2011/19.

²²⁷ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/3.

²²⁸ See Appendix 1: Source document/ThatonBilinRiverLogging/2011/1.

²²⁹ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/5 (describing villagers’ refusal to sign documents affirming land confiscation, despite threats made by the Tatmadaw that villagers would be reported to the DKBA or KPF).

²³⁰ See Appendix 1: Source document/Tavoyinfrastructuredevelopment/2012/2.

²³¹ See Appendix 1: Source document/T’NayHsahplantationagriculture/2012/5.

²³² See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/5 (for Saw N---’s interview).

²³³ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/4 (for Naw L---’s interview).

²³⁴ See Appendix 1: Source document/ThatonBilinRiverLogging/2011/1 (describing an organized refusal to take bribes from the KNU Thaton District office to cease protest against a logging project; villagers unwilling to accept the bribe recorded and submitted their names for the District office).

²³⁵ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/3 (describing villagers’ refusal to sign documents to purchase land they can work on and be taxed on, despite not having enough food to eat).

²³⁶ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/2 (describing villagers’ fear of responding to land confiscation due to previous experience with Tatmadaw violence).

²³⁷ See Appendix 1: Source document/ThatonBilinRiverLogging/2011/1.

²³⁸ See Appendix 1: Source document/BuThoplantationagriculture/2012/2.

²³⁹ These photos were received in July 2012 along with other information from Nyaunglebin District, including 275 other photos, six interviews, one other situation update and 36 video clips. For one situation update and other photos received at the same time, see Appendix 1: Source document/ShwegyinDam/2012/1.

²⁴⁰ These photos were received in November 2012 along with other information from Toungoo District, including 223 other photos, three interviews and three video clips.

²⁴¹ These photos were received in November 2012 along with other information from Toungoo District, including 259 other photos, nine interviews and 22 video clips.

²⁴² These photos were received in June 2012 along with other information from Papun District, including 166 other photos and one situation update. For the one situation update and other photos received at the same time, see Source document/PapunBilinRiverMining/2012.

²⁴³ These photos were received in June 2012 along with other information from Thaton District, including 137 other photos, four incident reports, five interviews and one situation update. For additional photos received at the same time, see Appendix 1: Source document/ThatonPlantationAgriculture/2012/1.

V. Consequences

Villagers across all seven research areas described negative consequences of natural resource extraction and development projects on communities, ranging from environmental destruction and loss of livelihoods to increased physical security risks from an increased presence of armed soldiers at project sites. The consequences described below are illustrative of the pressing nature of these issues for villagers.

A. Negative impacts on livelihoods

“They harmed the rights of our lives, destroyed our lands. We could not do any careers, and we faced many problems.”

D--- (male, 58), Shwegyin Town, Shwegyin Township, Nyaunglebin District/
Eastern Bago Region (Interviewed in February 2011)²⁴⁴

In 79 out of 99 pieces of information received by KHRG during the reporting period,²⁴⁵ villagers across all seven research areas²⁴⁶ discussed the negative impacts that natural resource extraction and development projects had on their livelihoods, specifically the loss of livelihoods or the need to need to pursue alternative forms of livelihood.

KHRG’s 2012 documentation displayed an increase in reports of negative impacts on livelihoods, with 49 pieces of information received in 2012, compared with 30 received in 2011. Those 79 pieces of information were raised during a range of different types of projects, including dam construction,²⁴⁷ mining,²⁴⁸ logging,²⁴⁹ infrastructure development²⁵⁰ and plantation agriculture.²⁵¹ Out of the total 79 pieces of field documentation that described negative impacts on livelihoods, 26 described abuses carried out by a domestic company,²⁵² while 10 implicated foreign companies,²⁵³ and two implicated both foreign and domestic companies.²⁵⁴ 18 described abuses perpetrated by the Tatmadaw,²⁵⁵ two implicated the KNU,²⁵⁶ two the Border Guard,²⁵⁷ four the DKBA, and²⁵⁸ five implicated Myanmar government officials.²⁵⁹ One report implicated both the Tatmadaw and the Border Guard,²⁶⁰ one implicated both the DKBA and the Border Guard,²⁶¹ and two mentioned foreign governments.²⁶²

Loss of livelihoods

“[After the dam was built] it was very different. We cannot travel as we want. We do not even have 20% of the opportunities for our livelihoods. It is very bad. Our rural villagers’ life is very hard.”

Maung W--- (male, 48), Shan Kyi Section, Shwegyin Township, Nyaunglebin District (Interviewed in October 2010)²⁶³

Development projects can pit local benefits against those of non-local economic interests,²⁶⁴ with devastating results on local livelihoods. During the reporting period, many villagers raised concerns that development projects negatively impacted their livelihoods in a variety of ways. Due to their size and scale, villagers reported the most wide-ranging impacts on their livelihoods in relation to dam construction. Such impacts include difficulties with accessing distant work sites because of flooding of routes, widespread loss of agricultural land, community-wide unemployment and subsequent competition for available resources,²⁶⁵ alongside new taxes and corruption of officials at checkpoints that were installed as part of security for

projects.²⁶⁶ According to villagers, plantation agriculture projects commonly equalled outright confiscation of existing agricultural land, which forced villagers to seek new forms of livelihoods.²⁶⁷ Mining has caused damage to water quality, which poisoned animals²⁶⁸ and damaged soil quality,²⁶⁹ and has also been known to completely destroy land relied upon for villagers' livelihoods when carried out on or close to agricultural sites.²⁷⁰

"Today, they don't have places to farm because of flooding, so they have to farm near the SPDC [Tatmadaw]; villagers have to go by boat. Villagers have difficulties to work for their life [livelihood] because of the dam."

Situation update written by community member, Shwegyin Township, Nyaunglebin District/ Eastern Bago Region (Received in May 2011)

"The water came after the dam was already built for two or three years. The water rose in 2010. ... Totally flooded. There are two or three parts of Ler Wah [village], and all three parts were flooded. All plants [that grew]. Everything died. Hundreds of hill fields and flat fields were flooded."

Situation update written by community member, Dweh Loh Township, Papun District/ North Kayin State (Received in April 2012)²⁷¹

"We can't work anymore. The [Tatmadaw] did mining in places and mined in farms as they want, and the owners are crying. ... [The Tatmadaw are] destroying the land, like farms and plantations; all of the places in Kyaw T' Gkah village are all destroyed. ... The whole farms were destroyed."

Daw N--- (female, 67), Shwegyin Township, Nyaunglebin District/ Eastern Bago Region (Interviewed in February 2011)²⁷²

Pursue alternative livelihoods

"The current work is worse than before. Before, we were not rich but we could work with a pure heart, and we liked our work."

Saw B--- (male, 55), D--- village, Shwegyin Township, Nyaunglebin District/ Eastern Bago Region (Interviewed in March 2011)²⁷³

As expected when a person's livelihood is lost, villagers sought out alternative livelihoods in order to survive. This included activities, such as opening small shops, but the most commonly reported alternative villagers reported was to work as day labourers. This broadly includes diverse work like washing clothes or fixing roofs,²⁷⁴ catching fish and other animals,²⁷⁵ collecting honey²⁷⁶ or seasonal fruit,²⁷⁷ fixing cars,²⁷⁸ making charcoal,²⁷⁹ or harvesting mushrooms.²⁸⁰ In this category, the most commonly reported form of day labour was for villagers to pan for gold,²⁸¹ a practice on which taxes have recently been imposed by local authorities.²⁸² As discussed more in *Section III: F (Migration)*, many villagers also chose to move to larger towns and other countries in search of better employment opportunities.

"People who live below the dam just run small shops for selling things, a little bit. Sometimes, they let water flow down and people [villagers] couldn't take all of their things, so some of them [their property] flowed down along with the water." ... [Villagers living below the dam] do [plantations], but plantations are not as good as before anymore, they can not have much fruit anymore so they can not harvest; even if they can harvest, the fruit is not as good as before, so they have to do other jobs such as burning wood to make charcoal."

Saw Sh--- (male, 55), Nyaunglebin District/ Eastern Bago Region (Interviewed in March 2011)²⁸³

B. Environmental Impacts

In 47 out of 99 pieces of information received by KHRG during the reporting period,²⁸⁴ villagers in six out of seven geographic research areas described environmental destruction as a consequence of a business or development project, causing long-term damage to the natural features of the land and substantially interfering with local use of resources.²⁸⁵

“There will be more damage if this road is built. Both the forest, which is a natural habitat in our village, and our area, will be damaged. We can use it [materials in the forest] for our villagers and citizens if it is not damaged. The rivers would definitely be damaged. We can’t drink the fresh water anymore. And another thing, the trees will be damaged and will become useless for us.”

Saw E--- (male, 45), G--- village, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region (Interviewed in July 2012)²⁸⁶

KHRG’s 2012 documentation displayed an increase in reports of environmental destruction, with 29 pieces of information received in 2012, compared with 18 received in 2011. Those 47 documents raised issues during a range of different types of projects, including dam construction,²⁸⁷ mining,²⁸⁸ logging,²⁸⁹ infrastructure development²⁹⁰ and plantation agriculture.²⁹¹

Out of the total 47 pieces of field documentation that described environmental impacts, 21 described abuses attributed²⁹² to a project implemented by a domestic company,²⁹³ while eight implicated foreign companies,²⁹⁴ and two implicated both foreign and domestic companies.²⁹⁵ Five reports described abuses attributed to the Tatmadaw,²⁹⁶ two implicated the KNU,²⁹⁷ three the Border Guard,²⁹⁸ one the DKBA,²⁹⁹ four Myanmar government officials³⁰⁰ and two foreign governments.³⁰¹

Development projects can damage or alter the local environment in various ways. Dam projects have resulted in permanent flooding and altered the flow of water.³⁰² Logging has led to deforestation³⁰³ and increased soil erosion that has clogged waterways, or otherwise changed the availability of fresh water.³⁰⁴ Mines and ore processing operations introduced toxic chemicals³⁰⁵ that polluted water sources, and in one instance,³⁰⁶ villagers were prevented from repairing a stream, despite the fact that the polluting mine had been abandoned by the company. Environmental damage as a result of development projects can also cause secondary damage to villagers, whether it be to their livelihood,³⁰⁷ health and education,³⁰⁸ or even lead to other forms of environmental damage.³⁰⁹ The most commonly reported environmental damage that villagers discussed was damage to the local riparian system, caused by nearby development projects.³¹⁰

“The river became a big field. In the past, this river was more than ten feet under the vehicle road, but now it is higher than the vehicle road by more than five feet in the rainy season; the water flows to the vehicle road.”

Complaint letter written by villagers in Ler Doh Soh Township, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region (Written in November 2011)³¹¹

“Now, they are starting to mine gold in three rivers and civilians face, again, contaminated water. [They] could not get fresh water; the rivers smells only of petrol and some people drink [it], so there are many diseases that happen. Much more than this, the company’s labourers defecate in the rivers, and

civilians who live downstream have no fresh water to drink, and there is disease.”

Situation Update written by community member, Dweh Loh Township, Papun District/ North Kayin State (Received in February 2011)³¹²

C. Physical security threats

In 18 out of 99 pieces of information received by KHRG during the reporting period,³¹³ villagers in six out of seven geographic research areas described experiencing threats to their physical security as a consequence of a natural resource or development project.³¹⁴ 2012 documentation displayed a decrease in reports of these threats to physical security, with six pieces of information received in 2012, compared with 12 received in 2011. Those 18 documents raised issues during a range of different types of projects, including dam construction,³¹⁵ mining,³¹⁶ logging,³¹⁷ infrastructure development³¹⁸ and plantation agriculture.³¹⁹

Out of the total 18 pieces of field documentation in which villagers described threats to their physical security related to a natural resource or development project, six described threats to physical security related to a project implemented by a domestic company.³²⁰ Four described threats made by the Tatmadaw,³²¹ two implicated the KNU/KNLA,³²² three the DKBA,³²³ and two implicated the Tatmadaw and the Border Guard together.³²⁴

Local corruption creates added security risks for villagers in eastern Myanmar, and is prohibited under Myanmar's penal code. The abusers include local armed groups, government officials or companies with significant influence.³²⁵ Villagers reported that some local authorities made direct threats to their security when they attempted to bring a complaint, or in order to dissuade them before they were able to bring the complaint.³²⁶ When government affiliated or armed ethnic groups act as private security for company land, it creates additional security risks for villagers. A security force presence at a development site increases the risk of arbitrary arrests at a project site,³²⁷ raises the chance of confrontation while attempting to file a complaint about a project,³²⁸ and, when security forces plant landmines, puts villagers at risk of physical injury.³²⁹ Prior to the ceasefire on January 12th 2012, villagers were detained or shot by Tatmadaw troops if inside or attempting to access land that had been declared off limits by local security forces; KHRG received documentation of this phenomenon as late as the second week of June 2012.³³⁰

“If you go to the Division, they will tell you: this project is run by the military government. Even if you go to them, they won't give you [compensation]. Furthermore, they will arrest you and put you in prison.’ The people in charge from Tantabin told the villagers this.”

Saw H--- (male, 37), B--- village, Tantabin Township, Toungoo District/ Northwest Kayin State (Interviewed in April 2011)³³¹

“The person in charge who came to build this dam is U Maw Sein and U Khun Sin. When they came to do this [dam] and damaged our village and all civilians' shelters. ... The police took security for them. The police strictly guard [the area where the dam is built]. When they started the work, the police fully guard for them. They [police] guard even night and day. They guard 24 hours.”

Saw N--- (male, 60), T--- village, T'Nay Hsah Township, Hpa-an District/ Central Kayin State (Interviewed in June 2012)³³²

Loss of land takes an emotional toll on villagers, and altercations can occur between them and soldiers who enforced the land confiscation. Due to the high stakes for villagers, these altercations can push them to their limit and lead to violent confrontation. In this instance, the villager's desperation was born out of a complaint, where she attempted to assert her right to land that was confiscated by the Tatmadaw.

"The [Battalion] #549 commander is Yeh Kyaw. We argued on the road. ... I argued and Win Oo told me: 'Woman, watch your mouth when you speak.' I said things that are true. I didn't say things that aren't true. I shook my hands and he also shook his hands on the road. If the Burmese [Tatmadaw] had killed me, I would have died there. ... I told the commander that I lost my entire farm. I have no land. I dare to die if people kill me. I'm not afraid of anything. ... I don't own anything. My land is here. People cut all the bamboo trees, they gave me nothing. People take it for free. I got angry and they asked me whether I remembered what I said. ... I just continued ... I have argued with almost all of the Battalion #549 Commanders every year. I always argue with them. ... One of the commanders asked me: 'You are good at speaking, do you dare to die?' I told him 'I dare to die.' I puffed out my chest and told him: 'Kill me. If you dare to kill me, kill me now.' He fell silent for a while and asked me: 'A'Moe [Mother], what makes you dare to die?' I told him: 'I lost my farm and my land. I dare to die if people want to kill me.' He said that is true. ... I dare to do that. I told him I'm not afraid of anyone."

Naw L--- (female, 54), T--- village, T'Nay Hsah Township, Hpa-an District/
Central Kayin State (Interviewed in June 2012)³³³

D. Forced labour and exploitative demands

For the purpose of this report, forced labour includes any order that requires villagers to perform work, for which payment is either nominal or not given. This can include orders to construct or provide building materials for military bases.³³⁴ Exploitative demands are similarly orders to provide goods or money, which are used by people with the force of authority for their private benefit. Common examples are bribes that villagers must pay in order to transport goods past road checkpoints,³³⁵ arbitrary taxes for conducting a particular livelihood, and demands for villagers to sign land documents that affect their ownership rights.

In 26 out of 99 pieces of information received by KHRG during the reporting period,³³⁶ villagers across six research areas described villagers experiencing orders for forced labour or other exploitative demands relating to the presence of a natural resource or development project in their area.³³⁷ KHRG's 2012 documentation displayed a small increase in this issue being raised, with 16 pieces of information received in 2012, compared with 10 received in 2011.

Those 26 pieces of field information described forced labour or exploitative demands during a range of different types of projects, including dam construction,³³⁸ mining,³³⁹ logging,³⁴⁰ infrastructure development³⁴¹ and plantation agriculture.³⁴² Ten involved the Tatmadaw,³⁴³ four the Border Guard,³⁴⁴ one the DKBA³⁴⁵ and three describe demands made by the Tatmadaw and Border Guard troops working together.³⁴⁶

Villagers described having to perform forced labour at the project site or give money to pay for the project itself.³⁴⁷ Villagers are not only excluded from decision-making processes, but are also forced to divert valuable time, money and labour from their

own livelihood activities to support a project from which they may secure, at most, incidental benefits. Villagers were also forced to perform other forms of forced labour to support the military camp or troops facilitating the company's access to the area. Types of forced labour included portering materials,³⁴⁸ providing food for construction workers,³⁴⁹ and providing labour to construct barracks for the soldiers' family members.³⁵⁰

"From 1995 until 2012, the DKBA worked with the SPDC [Tatmadaw], until they [DKBA] transformed into the Border Guard,³⁵¹ and they continued to work with the SPDC [Tatmadaw]; the instances where villagers have to clear the vegetation in rubber plantations have not decreased. The rubber plantations that the villagers have to clear belong to DKBA and Border Guard officers. Most of the rubber fields are in Meh Thay, La Nay and Yaw Poh. The villagers who have to go and clear the rubber fields, are [villagers from] the villages that are near [to the rubber plantations]. [Villagers from] Kwee Law Hploh, Meh T'moo, Kloo Taw and Meh K'too village tracts have to go, and each person has to carry five days' worth of food from home."

Situation update written by a community member, Lu Pleh Township, Hpa-an District/ Central Kayin State (Received in March 2012)³⁵²

"Border Guard Battalion #1013's troops, led by Bo [Officer] Lah Kyaing Oo, confiscated the peoples' cattle grazing land in order to build houses for the soldiers' wives to live in. Forced labour will also occur again, as villagers will be forced to construct the barracks for the soldiers' wives. A D--- villager said that, the villagers' cattle grazing land lies in the area between the south of D-- village and the north of M--- village. The houses will be built for the Border Guard [soldiers'] wives in the cattle grazing land between these two villages. As a consequence, many villagers have had to send d'nih [a kind of leaf used in thatch shingles] and bamboo poles to the Border Guard, either without any payment or for a very low price, even though they did not want to."

Situation update written by a community member, Dweh Loh Township, Papun District/ North Kayin State (Received in May 2012)³⁵³

"Saw B---, aged 35, from Gk--- village, T--- village tract, Lu Pleh Township, Hpa-an District, reported that in the beginning of March 2011, Border Guard Battalion #1011, under Captain Pah Daw Boe, logged in the G--- River area and forced villagers, including Saw B---, to go there to work and then carry things for them. Therefore, he did not have time to take a rest and hurt his back, but he did not get any payment and had to work for free as he was ordered. His back got hurt, but he did not get any payment for medical treatment. He had to find a cure by himself."

Situation update written by a community member, Lu Pleh and Dta Greh Townships, Hpa-an District/ North Kayin State (Received in April 2011)³⁵⁴

E. Denial of access to humanitarian goods and services

In 20 out of 99 pieces of information received by KHRG during the reporting period,³⁵⁵ villagers across five geographic research areas described villagers experiencing a decreased ability to access humanitarian goods and services as a consequence of a development project.³⁵⁶ KHRG's 2012 documentation displayed an increase in reports of this issue, with 13 pieces of information received in 2012, compared with seven received in 2011. Those 20 documents raised issues during a range of different types of projects, including dam construction,³⁵⁷ mining,³⁵⁸ logging³⁵⁹ and infrastructure development.³⁶⁰

Out of the total 20 pieces of field documentation in which villagers described experiencing a denial of access to humanitarian goods and services as a consequence of a development project, six described projects attributed to³⁶¹ a domestic company,³⁶² six by a foreign company,³⁶³ and one report described a project implicating both a foreign and a domestic company.³⁶⁴ Three described projects as having been carried out by the Tatmadaw,³⁶⁵ two the DKBA,³⁶⁶ and one implicated both the Tatmadaw and the Border Guard together.³⁶⁷

Education is another service that villagers commonly reported as being affected by natural resource or development projects in their communities. Villagers described development projects built on³⁶⁸ or planned to be built in areas where schools are located.³⁶⁹ Villagers also describe choosing to close schools in advance of flooding from dams or out of fear of forced relocation from a development project.³⁷⁰ Villagers also described damage to land and livelihoods resulting from development projects, meaning that parents were no longer able to afford the cost of education and were forced of necessity to remove their children from school so they could work.

"The land that the Burmese government confiscated is in Meh Klaw village tract; the land was not regained by the owners. A representative of the villagers mentioned that a Battalion Commander from IB #19 said that, if they have to give [the land] back to the owner, they [the owners] have to pay 5,000 kyat (US \$5.83) for one field. ... These fields are within [areas controlled by] Burmese government military LIB #434, IB #19 and # 642 and Operations Command, and also included are some of the school buildings of Y--- School."

Situation update written by a community member, Bu Tho Township, Papun District/ North Kayin State (Received in June 2012)³⁷¹

"Saw H--- reported to us that, because of land damage [from mining activities], he went to tell MPCs' [Myanmar Pongpipat Company] rich people that, 'In the past, before the land is damaged I had not to worry like now. Now, I have to worry. I could not able to send my children to the school anymore.' But the MPC's rich people told him that, 'If you have to worry and if the problems happen, just come to work to me in daily work.' So, he had to come back in sadness."

Complaint letter written by the Village and Public Sustainable Development Committee, K'Moo Thway area, Ler Doh Soh Township, Tenasserim (Mergui-Tavoy District)/ Tanintharyi Region (Written in April 2011)³⁷²

Because healthcare costs are commonly unavoidable, they cause further strain to household finances. Villagers have to balance those costs with a decrease in income, changes in healthcare needs and attendant costs, and the severity of need. Below, villagers explain the connection between the development projects and new stresses on health and their access to healthcare.

"We need food, clothes and health [services], etc. We could still be fine if we still had our plantation. But now we don't have it, so everything is difficult. ... [Health and plantation work] are related, because when we get sick, we can sell the fruit from our plantation and cure the sickness or the disease that we have got with the money from selling fruit. But when the plantation was flooded [due to dam construction] even if we do work for daily wages, the money that we get is not enough for us when we get sick. When you get sick

and get the injection, you have to pay 1,000 or 1,500 kyat (US \$1.17 to 1.75). It isn't worth it with the money that we have got. There are many problems."

Saw B--- (male, 23), S---village, Shwegyin Township, Nyaunglebin District/
Eastern Bago Region (Interview in February 2011)³⁷³

"After the water [flooding from the dam] came, there were many different kinds of diseases that the villagers have faced. For example: ankle bone pain and kneecap pain. There are also many different kinds of insects and malaras that we had never known when we were children."

Saw W--- (male, 40), K--- village, Shwegyin Township, Nyaunglebin District/
Eastern Bago Region (Interviewed in May 2011)³⁷⁴

"I need to send my children to the hospital but I can never send them to the hospital. Some diseases, we cannot [get treatment] here, we need to send the patient to Yangon; if we send them, the money is gone. There are some people who are in debt. Some people have to pawn their houses. As for us, we have no houses to pawn. We cannot work as other people do. Just my children do daily wages for day to day [expenses]."

Saw D--- (male, 58), B--- village, Shwegyin Township, Nyaunglebin District/
Eastern Bago Region (Interviewed in February 2011)³⁷⁵

F. Migration

"We moved to the city because we couldn't do plantation work anymore. Because we are reliant on with this plantation. We can still do our plantation when they did testing [for the dam]. But in 2008, they blocked it and the water rose and we couldn't do our plantation work anymore."

Saw B--- (male, 23) Shwegyin Town, Nyaunglebin District/ Eastern Bago
Region (Interviewed in February 2011)³⁷⁶

In 14 out of 99 pieces of information received by KHRG during the reporting period,³⁷⁷ villagers across three geographic research areas described villagers moving to different areas, such as larger cities in Myanmar, or to neighbouring countries, such as Thailand, China or Malaysia, as a consequence of a project.³⁷⁸ KHRG received seven pieces of documentation that raised the issue of development-induced migration in 2012 and seven pieces in 2011. Development-induced migration was described in relation to a range of projects, including plantation agriculture³⁷⁹ projects and dam construction projects.³⁸⁰

Out of the total 14 pieces of field documentation that described migration as a consequence of a development project, three attributed³⁸¹ the project to a domestic company.³⁸² Eight attributed migration to a development project carried out by the Tatmadaw,³⁸³ with one of those projects being a joint effort with Border Guard soldiers³⁸⁴ and one with Myanmar government officials.³⁸⁵

Permanent or long-term loss of arable farmland and thus loss of livelihood opportunities caused some villagers to choose migration in search of better employment opportunities. During the reporting period, KHRG documented the following trends in the way development, industry and private businesses resulted in migration. The sale of villagers' agricultural land³⁸⁶ and flooding during the implementation of dam construction³⁸⁷ are factors causing irretrievable land loss that prompts villagers to migrate.

“Beginning in 2000, the government worked on the Sittaung River Valley project in order to establish rubber, jatropha and agarwood plantations. This causes problems for the residents because the government sold the land. Villagers who stay in that area cannot work because those areas have a new owner. They [villagers] mostly go to work in other countries, such as Thailand and Malaysia. Just in this year [2012], 40% of the people went to work in another country.”

Situation update written by a community member, Nyaunglebin District/
Eastern Bago Region (Received in July 2012)³⁸⁸

“I was [cultivating] lemon plantations on this river side, called Nya Muh Kwee river; when we had the plantation we could service our livelihood year-by-year, but when the water [from the dam] came our land was flooded, so we could not work at the time and everyone had difficulty [making a] living, as every plantation was under the water...We came and worked in Hsar Kyin when the water flooded our place, we could not stay anymore so we had to run to town ... While we were running, we came to Kyaw T’ Gkah in Ler Gklaw Hta Blaw Law Kloh, and later the SPDC [Tatmadaw] asked us to move to Kyaw T’ Gkah and we could not work any more; my husband had to go for forced labour often, and later we moved to town.”

Daw Paw (female, 67), Shar Kyin village, Papun District/ North Kayin State
(Interviewed in February 2011)³⁸⁹

The lack of schools, work opportunities, or living expenses also causes ethnic and rural youth to migrate to places like Bangkok, Thailand, in order to work and assist their families back home. Travelling to a third country for work can be expensive. Villagers commonly migrate to Thailand as undocumented workers, but the penalty for being caught can only serve to increase the financial burden on families and individuals. Villagers who have lost land have also borrowed money from the government and then gone into debt. This debt and the low-wage opportunities often available to migrants from Myanmar abroad extend the time villagers must stay abroad.

“The people who work on, develop, and buy rubber plantations are not from this province. This includes the people who work on the rubber plantations. For poor people, the space [land] that they have to obtain thatch shingles, firewood, fence posts, bamboo, wood for building houses, and other housing materials, as well as to graze animals, such as buffalo and cows, is getting smaller. As a result, some of the people have sold their buffalos and cows and left Burma for Thailand for work. Some people got a good job and a high salary so they can send money to their families for paying taxes, and buying housing materials and things like rice.”

Situation Update written by community member, Kyone Doh Township,
Doooplaya District/ South Kayin State (Received in March 2012)³⁹⁰

“One villager reported: ‘Don’t worry; regarding signing the document, I will not sign it. I have 50 acres of lands and, to lose this land, I will not do it. I have six children and I will ask them to go to Bangkok and look after us, and we can live like this.’ Mostly the people ask their children to go work in Bangkok and send money to their parents to build a house.”

Situation Update written by community member, T’Nay Hsah Township, Hpa-an District/ North Kayin State (Received in July 2012)³⁹¹



The above photos were taken on January 26th 2012 and show the destructive environmental impacts caused by logging. As can be seen in both photos, logging caused severe damage to the forest between T'May Kyoh and Daw K'Kya village in Kwee Law Hploh village tract, Lu Pleh Township, Hpa-an District.³⁹² [Photos: KHRG]



The above photos were taken on January 11th 2012 in Hkay Too Hkee village in Tenasserim, and show damage caused to villagers' agricultural lands, including betelnut plantations, from mining. According to the community member who took these photos, the chemical mining that resulted in flooding was led by a Thai company and caused livelihood problems for villagers who lost their plantations and means of income.³⁹³ [Photos: KHRG]



The above photos were taken on July 15th 2012 in Papun District, and show the damage that resulted from gold mining near the Baw Paw Law River. According to the community member who took these photos, many villagers' houses were damaged during the operation.³⁹⁴ [Photos: KHRG]



These photos were taken on July 29th 2012 and October 22nd 2012, respectively. The left photo was taken in Hswa Loh village, Maw Nay Pga area, Tantabin Township, Toungoo District.³⁹⁵ It shows a machine owned by the Kyaw Lwan Moe company, which came to do mining in Hswa Loh village and which, according to the community member who took the photo, caused the destruction of many villagers' lands and plantations. The photo on the right was taken in Shwegyin Township, Nyaunglebin District and shows damage to forest and to the landscape caused by the gold mining process.³⁹⁶ [Photos: KHRG]



These photos were taken on May 30th 2012, between Lay Hpoh Hta and Htee Hsee Baw villages, between Thaton and Papun districts. The photos show the effects on the land of Ko Cho and U Hla Win's stone mining operations, which led to damage of the landscape and the soil, as well as the contamination of water, as can be seen in both photos. Trees and bamboo plants, often used as resources for villagers, were also destroyed.³⁹⁷ [Photos: KHRG]

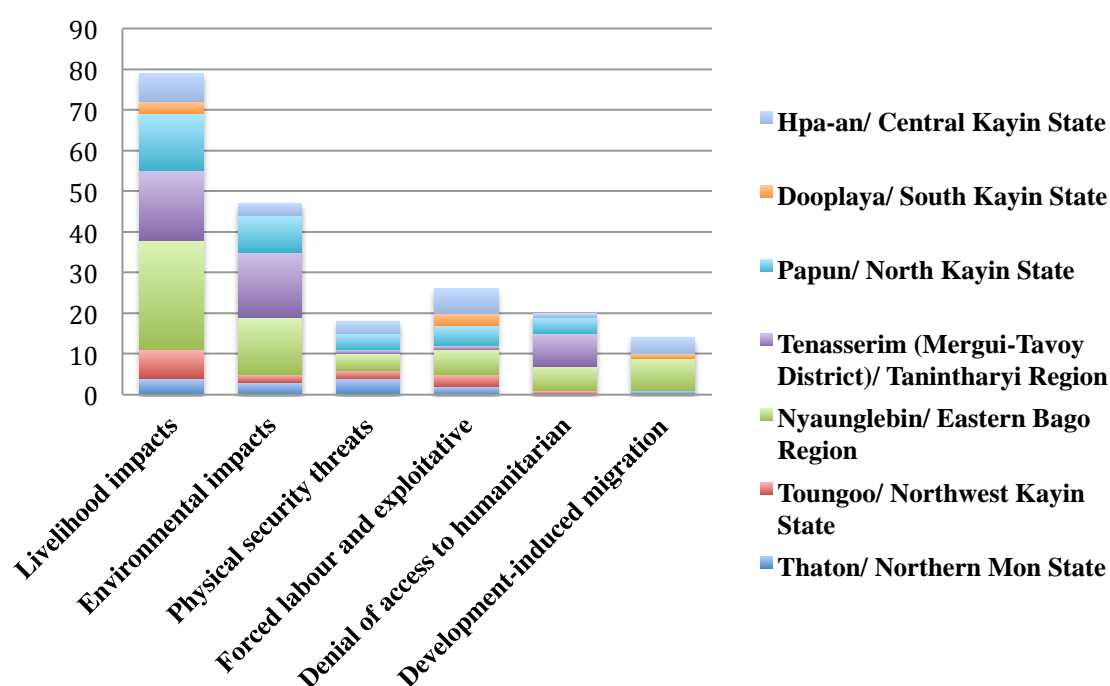


The photo on the left was taken on January 12th 2012 and shows the Shway Weh school in Hpa-an District, which opened just over one month before the photo was taken. Due to plans for dam construction in the area, the school was subsequently closed, preventing the students in Shway Weh village from continuing their studies. The photo on the right was taken on August 8th 2012 and shows a flat field farm that was damaged by flooding due to gold mining operations in Boh Hta village. As a result of this damage to the flat field farm, villagers report problems with pursuing their livelihoods, which are reliant on such farms.³⁹⁸ [Photo: KHRG]



The photos above show Saw B---, 35, a resident of Gk--- village in Lu Pleh Township. Saw B--- told the KHRG community member who took these photos that he suffered injury to his back while performing forced labour duties, including forced portering, for Border Guard Battalion #1011, under the control of Captain Pah Daw Boe, at a logging site on the G--- River. The KHRG community member did not specify further the nature of the injury sustained by Saw B---, however the photo above right shows what appears to be scarring on Saw B---'s lower back, suggesting that he may have sustained abrasions while portering. Saw B--- told the KHRG community member that he received neither payment for his labour, nor compensation or medical assistance for injuries sustained, but that he cured himself nonetheless.³⁹⁹ [Photo: KHRG]

Table 3: Geographic spread of Consequences



²⁴⁴ See Appendix 1: Source document/ShwegyinDam/2011/19 (describing in detail the effects of the dam on villagers' livelihoods).

²⁴⁵ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

²⁴⁶ For examples of KHRG documentation in which villagers described negative impacts on livelihoods, across the seven districts, see Source document/ThatonPlantationAgriculture/2012/2 (Thaton District); Source document/TohBohDam/2011/2 (Toungoo District); Source document/ShwegyinDam/2011/3 (Nyaunglebin District); Source document/ANYahHpayhDam/2012/1 (Tenasserim); Source document/K'TerHteeCampDevelopment/2012/1 (Papun District); Source document/DooplayaInfrastructureDevelopment/2012 (Dooplaya District); and Source document/T'NayHsahPlantationAgriculture/2012/3 (Hpa-an District).

²⁴⁷ See Appendix 1: Source document/ShwegyinDam/2011/2 (Saw H--- describes how massive flooding destroyed all flat fields in his community and caused food shortages both because villagers had to buy food instead of growing their own and they lacked land on which to grow. He and his family chose to relocate to an internally displaced persons camp under the Tatmadaw's control as a result).

²⁴⁸ See Appendix 1: Source document/PapunBilinRiverMining/2012 (community member describes the connection between gold mining operations and environmental damage that impacts livelihoods, as well as the subsequent taxation on villagers who pan for gold as alternative livelihoods).

²⁴⁹ See Appendix 1: Source document/LuPlehLogging/2012 (community member describes how a logging company operating in Kwee Law Hploh village tract will also cut down villagers' betelnut trees and vines, which is a source of livelihood for many villagers. The community member reported that this practice threatens the entire betelnut vine population in the area, as they are grown in the shade under the betelnut trees).

²⁵⁰ See Appendix 1: Source document/DooplayaInfrastructureDevelopment/2012 (community member reports that the Government confiscated agricultural land in Kawkareik township to build a new town,

which caused local food shortages due to the loss of ability to grow food; details on the number of households affected are reported).

²⁵¹ See Appendix 1: Source document/DooplayaPlantationAgriculture/2012/1 (community member describes how rubber plantations that are owned by nonlocal interests have pushed villagers off grazing land and caused them to sell their livestock. Although some villagers are able to migrate to other areas for employment, others remain and face food shortages).

²⁵² See Appendix 1: Source document/BlawHsehDam/2011 (Saw Hs--- described how Yuzana Company came to his area with the Tatmadaw to perform preliminary testing for the Blaw Hseh dam).

²⁵³ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/1 (Saw E--- describes how the Italian-Thai Development Company damaged agricultural land in order to construct a road in his community).

²⁵⁴ See Appendix 1: Source document/TavoyLogging/2012 (Saw K--- describes how a domestic palm oil company and a Malaysian logging company are operating in his community).

²⁵⁵ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/5 (Saw N--- describes how several Tatmadaw units confiscated land in his community, and taxed villagers for them to continue working the same land).

²⁵⁶ See Appendix 1: Source document/KyaInSeikKyiMining/2012 (community member describes that a KNU approved mining operation has increased the cost of food in the community).

²⁵⁷ See Appendix 1: Source document/Pa'anTownshipPlantationAgriculture/2012/2 (community member reports how corrupt officers from Border Guard Battalion #1014 confiscated 500 acres of agricultural land to allow two companies to establish rubber plantations).

²⁵⁸ See Appendix 1: Source document/PapunBilinRiverMining/2011/2 (describing how the DKBA entered three village tracts in Dweh Loh township and planted landmines near villagers' workplaces in order to protect their gold mines, which prevented the villagers from working).

²⁵⁹ See Appendix 1: Source document/ANyahHpayhDam/2012/1 (Saw H--- describes how the Government works with a company on a plan to construct a dam in his community, but that details on the plan are kept secret from the community).

²⁶⁰ See Appendix 1: Source document/DooplayaInfrastructureDevelopment/2011 (community member described how various Tatmadaw and Border Guard units will be confiscated to create a military zone).

²⁶¹ See Appendix 1: Source document/ThatonPlantationAgriculture/2012/4 (describing how a former DKBA officer and current Border Guard officer named Moe Nyo, continues to operate both groups to confiscate agricultural land in Hpa'an township).

²⁶² See Appendix 1: Source document/HatgyiDam/2012 (describing how Thai government officials visited with villagers relating to the Hatgyi dam construction).

²⁶³ See Appendix 1: Source document/ShwegyinDam/2010/10 (describing the impacts of the Shwegyin dam on villagers' livelihoods).

²⁶⁴ For example, the Burma government and Thai government entered an agreement in 2008, for the construction of what is known as the Deep Sea Port Highway. The Italians-Thai Development (ITD) Company was commissioned to build the highway from Kanchanaburi, Thailand, to Tavoy, Burma, and construction began in 2008. The highway is to service transportation of goods and materials that filter through the Dawei Special Economic Zone. The highway is seen as a cheaper and more efficient alternative to using the congested straights of Malacca. This means that the express purpose of the highway is to carry benefits outside of Burma and into mainland Southeast Asia. See generally, "Development, Democracy, and Human Security in Myanmar: A Case Study of the Dawei Special Economic Zone," Naruemon Thabchumpon, Carl Middleton and Zaw Aung, International Conference on International Relations and Development (2012). See also Appendix 1: Source document/ANyahHpayhDam/2012/1 (Saw H--- explains how his plantation land has been damaged by the A N'yah Hpya dam and that there was no local benefit. He specifically reported all the benefits of the dam flow to non-local interests).

²⁶⁵ See Appendix 1: Source document/ShwegyinDam/2011/10 (Saw P--- describes how all 56 households in five villages lost their agricultural land because of flooding by the Shwegyin dam. Later, Saw P--- explains that there was not enough alternative land for those villagers to work, and the community faces food shortages).

²⁶⁶ See Appendix 1: Source document/TohBohDam/2011/2 (Saw H--- describes various checkpoints around the Toh Boh dam project area, as well as problems villagers face with the security personnel at those checkpoints when they attempt to transport goods, such as rice or medicine).

²⁶⁷ See Appendix 1: Source document/DooplayaPlantationAgriculture/2011/1 (including a table of villagers and land acreage that will be confiscated by various Tatmadaw and Border Guard units); see also: Source document/Pa'anTownshipPlantationAgriculture/2012/2 (describing how the Border Guard

Battalion #1014 worked with private interests to confiscate 500 acres of villager land in order to establish a rubber plantation. The community member also describes how local corruption operates and names who participates).

²⁶⁸ See Appendix 1: Source document/PapunBilinRiverMining/2012 (describing how mining chemicals have been introduced into the water system that livestock drink; the pollution has killed fish).

²⁶⁹ See Appendix 1: Source document/BuLohTrawMining/2012, unpublished (community member reports that gold mining has caused soil and water damage in western Bu Loh Traw).

²⁷⁰ See Appendix 1: Source document/PapunYuzalinRiverMining/2010 (describing how 80 fields of villagers' agricultural land was destroyed by gold mining).

²⁷¹ See Appendix 1: Source document/K'TerHteeCampDevelopment/2012/1.

²⁷² See Appendix 1: Source document/ShwegyinDam/2011/20.

²⁷³ See Appendix 1: Source document/ShwegyinDam/2011/5 (Saw B--- was a plantation owner and grew lemons before the Asia World Company, other companies and the Tatmadaw began developing roads and a dam in his area, which destroyed his plantation. After losing his land, he began working as a day laborer in order to support his family).

²⁷⁴ See Appendix 1: Source document/ShwegyinDam/2011/18 (Saw D--- explains that since the cost to travel increased because of the flooding and other impacts of the Shwegyin dam, some villagers cannot afford to farm hill fields and work for other villagers by fixing roofs or washing clothes. He also explains that the higher travel costs have increased food prices and many villagers cannot afford to send their children to school).

²⁷⁵ See Appendix 1: Source document/ShwegyinDam/2011/21 (describing that because villagers could not pan for gold due to flooding, they catch and sell fish); see also: Source document/LuPlehMining/2012 (describing how villagers in Lu Pleh township trade animals in Thailand, such as pangolins, which can be sold for 3,200 baht, which is US \$103.22, per kilogram).

²⁷⁶ See Appendix 1: Source document/TohBohDam/2011/2 (Saw H--- describes that because local soil is not suitable for agriculture, people collect and sell honey).

²⁷⁷ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/3 (describing what alternative livelihoods villagers in Bu Tho township practice, after their land was confiscated by Tatmadaw Light Infantry Battalion # 434).

²⁷⁸ See Appendix 1: Source document/ShwegyinDam/2011/20 (Daw N--- describes that the Tatmadaw in her area no longer demands forced labour and will hire villagers to do day labour for the military, such as working on, driving, or guiding cars).

²⁷⁹ See Appendix 1: Source document/DooPlayaPlantationAgriculture/2012/2 (community member describes that businesses and local authorities have impacted their livelihood, and villagers make charcoal to sell. The community member also describes that a local forest ranger has imposed a tax on the sale of charcoal, despite there being no legal authority for the tax).

²⁸⁰ See Appendix 1: Source document/ThatonPlantationAgriculture/2012/2 (community member describes how villagers in Thaton Township sell vegetables, including mushrooms that they collect).

²⁸¹ See Appendix 1: Source document/ShwegyinDam/2011/14 (Saw K--- describes how villagers pan for gold because there is no other work available in his area that was flooded by the Shwegyin dam); see also Appendix 1: Source document/ShwegyinDam/2011/17 (Saw U--- discussed his experiences with the Tatmadaw in Shwegyin township since 1975. He explains that since the Shwegyin dam began to flood the area, villagers have no options for livelihood so they do other work, such as panning for gold and making bamboo strips).

²⁸² See Appendix 1: Source document/LerDohMining/2012/2.

²⁸³ See Appendix 1: Source document/ShwegyinDam/2011/6.

²⁸⁴ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

²⁸⁵ For examples of KHRG documentation in which villagers describe environmental impacts of natural resource and development projects, in six out of seven districts, see Appendix 1: Source document/ThatonBilinRiverLogging/2011/1 (Thaton); Source document/TohBohDam/2011/2 (Toungoo); Source document/ShwegyinDam/2011/19 (Nyaunglebin); Source document/TavoyInfrastructureDevelopment/2012/2 (Tenasserim); Source document/KhooThooHtaLogging/2012 (Papun); and Source document/HatgyiDam/2012 (Hpa-an District).

- ²⁸⁶ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/1.
- ²⁸⁷ See Appendix 1: Source document/TohBohDam/2012.
- ²⁸⁸ See Appendix 1: Source document/TavoyMining/2012/4.
- ²⁸⁹ See Appendix 1: Source document/LuPlehLogging/2011.
- ²⁹⁰ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/4.
- ²⁹¹ See Appendix 1: Source document/ThayetchaungPlantationAgriculture/2012.
- ²⁹² For the purposes of this report, KHRG considers human rights violations attributable to the actor who committed them, and to any identified partners of that actor in the actions that led to the abuse.
- ²⁹³ See Appendix 1: Source document/TohBohDam/2011/2 (details on domestic company, including names of officials).
- ²⁹⁴ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/1 (details on foreign company's activities).
- ²⁹⁵ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/2 (describing different projects in the area, which are implemented by both foreign and domestic companies).
- ²⁹⁶ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/2 (discussing Tatmadaw soldiers' involvement with a dam project).
- ²⁹⁷ See Appendix 1: Source document/ThatonBilinRiverLogging/2011/1 (describing KNU forest minister pressuring villagers to accept payment for the sale of forest land to a logging company).
- ²⁹⁸ See Appendix 1: Source document/ThatonBilinRiverLogging/2011/1 (Border Guard Battalion #1011 overseeing clear-cutting operations).
- ²⁹⁹ See Appendix 1: Source document/PapunBilinRiverMining/2011/2 (describing DKBA soldiers abandoning a gold mine that was taken over by a private company, with the permission of the KNU).
- ³⁰⁰ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/5 (letter by villager committee describing different interactions with government officials).
- ³⁰¹ See Appendix 1: Source document/HatgyiDam/2012 (indicating that construction markers were installed by Thai officials).
- ³⁰² For the extent of impact a dam construction site has on an area, see Appendix 1: Source document/TohBohDam/2012. Although not directly discussed, villager reports from Shwegyin Township, Nyaunglebin district, do suggest that since electricity would be exported to foreign nations, the routing infrastructure would need to be built across rural areas in order to accommodate that plan. See Appendix 1: Source document/ShwegyinDam/2011/19.
- ³⁰³ See Appendix 1: Source document/SittaungRiverValleyPlantationAgriculture/2012 (land that villagers used for firewood and other resources was deforested for logging and palm plantations).
- ³⁰⁴ See Appendix 1: Source document/KhooThooHtaLogging/2012 (logging activity polluted villagers' water, so they have to carry water into the village from another source).
- ³⁰⁵ See Appendix 1: Source document/TavoyMining/2012/4 (villagers are concerned because chemicals used during mining are put into the river).
- ³⁰⁶ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/4 (the community member also included photos of the chemical in the water that villagers were prevented from cleaning).
- ³⁰⁷ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/1 (road construction for Tavoy Special Economic Zone damaged agricultural land); see also Appendix 1: Source document/KhooThooHtaLogging/2012 (road construction for logging project damaged agricultural land).
- ³⁰⁸ See Appendix 1: Source document/ANyahHpayhDam/2012/1 (villager discusses the connection between a dam, poverty, and environment); see also Appendix 1: Source document/ShwegyinDam/2011/6 (describing schools affected by flooding from Shwegyin Dam; some were relocated in time, while some were not).
- ³⁰⁹ See Appendix 1: Source document/PapunBilinRiverDam/2011 (villagers whose land would be damaged by proposed dam, planned to sell the affected land and mine gold for their livelihood); see also Appendix 1: Source document/ShwegyinDam/2011/6 (describing how villagers' agricultural land was affected by the lack of water flow below Shwegyin dam work in logging operations for their livelihood).
- ³¹⁰ Existing already law prohibits many of the activities that villagers report as occurring. Section 11 of The Conservation Of Water Resources and Rivers Law prohibits disposal "of engine oil, chemical, poisonous material and other materials which may cause environmental damage," to regulated waterways.
- ³¹¹ See Appendix 1: Source document/TavoyMining/2012/2.
- ³¹² See Appendix 1: Source document/PapunBilinRiverMining/2011/2.

³¹³ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

³¹⁴ For examples of villagers describing physical security threats related natural resource or development projects in six out of seven districts, see Appendix 1: Source document/ThatonBilinRiverLogging/2011/1 (Thaton District); Source document/ThandaungInfrastructureDevelopment/2012/3 (Toungoo District), Source document/ShwegyinDam/2011/14 (Nyaunglebin District); Source document/ANYahHpayhDam/2012/1 (Tenasserim); Source document/NohPawHteeDam/2012 (Papun District); and Source document/T'NayHsahPlantationAgriculture/2012/1 (Hpa-an District).

³¹⁵ See Appendix 1: Source document/ShwegyinDam/2011/14.

³¹⁶ See Appendix 1: Source document/PapunBilinRiverMining/2011/1.

³¹⁷ See Appendix 1: Source document/ThatonBilinRiverLogging/2011/1.

³¹⁸ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3.

³¹⁹ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/4 (in which interviewee Naw L--- describes be threatened directly by a Tatmadaw soldier while attempted to speak to him about the negative impact of land confiscation in her area).

³²⁰ See Appendix 1: Source document/PapunBilinRiverMining/2011/4 (describing how Border Guard soldiers forced villagers to work on a gold mining project initiated by a domestic company in an area known to contain landmines).

³²¹ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3 (in which interviewee Saw H--- describes how villagers were threatened by Tatmadaw IB #30 soldiers after monks attempted to negotiate with the soldiers to prevent the construction of a military base in the communally owned cardamom plantation).

³²² See Appendix 1: Source document/ThatonBilinRiverLogging/2011/1 (describing how villagers were threatened and persuaded to take money as bribery by Thaton District leaders to allow logging activities to continue).

³²³ See Appendix 1: Source document/ThatonBilinRiverMining/2011/1 (describing how DKBA soldiers forced villagers to do mining in areas known to have landmines).

³²⁴ See Appendix 1: Source document/NohPawHteeDam/2012 (describing the implementation of a Government dam project by Tatmadaw and Border guard soldiers, the resulting increase in militarization of the area, and villagers' concerns about how troop movement could lead to conflict).

³²⁵ See Appendix 1: Source document/TohBohDam/2011/2 (villager provides details on the size and influence of Asia World company); see also Appendix 1: Source document/BlawHsehDam/2011 (villager emphasizes that the Yuzuna company is very large).

³²⁶ See Appendix 1: Source document/ThatonBilinRiverLogging/2011/1 (the officials involved were the head of the KNU District Forest Department and the District Chairperson who sold forest land without consulting the community, and coerced villagers to accept money).

³²⁷ See Appendix 1: Source document/PapunBilinRiverMining/2011/2.

³²⁸ See Appendix 1: Source document/TohBohDam/2011/2.

³²⁹ See Appendix 1: Source document/ThatonBilinRiverMining/2011/1.

³³⁰ On June 13th 2012, Tatmadaw troops shot and killed one villager in Lu Thaw Township, Papun District; see "Villager shot and killed in Papun District," KHRG, October 2012; also in June, Tatmadaw soldiers fired at villagers transporting rice in Toungoo District, see "Tatmadaw soldiers fire at four villagers carrying rice, order forced labour in Toungoo District," KHRG, July 2012; in March, Tatmadaw troops fired at villagers serving as *gher der* home guards, killing one of them; see "Incident Report: Killings in Papun District, March 2012," KHRG, May 2012.

³³¹ See Appendix 1: Source document/TohBohDam/2011/2.

³³² See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/5; see also Source document/ShwegyinDam/2011/14 (villager reported that between 99 and 200 Tatmadaw soldiers guarded various locations around Shwegyin dam).

³³³ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/4.

³³⁴ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3 (describing how villagers were forced to provide materials and labour towards building a Tatmadaw camp on villager agricultural land).

³³⁵ See Appendix 1: Source document/ShwegyinDam/2011/5 (describing different costs to travel past checkpoints).

³³⁶ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

³³⁷ For examples of reports in which villagers describe forced labour or exploitative demands related to a natural resource or development project across seven districts, see Appendix 1: Source document/ThatonPlantationAgriculture/2012/2 (Thaton District); Source document/ThandaungInfrastructureDevelopment/2012/3 (Toungoo District); Source document/ShwegyinDam/2011/4 (Nyaunglebin District); Source document/ANYahHpayhDam/2012/1 (Tenasserim); Source document/BuThoPlantationAgriculture/2012/2 (Papun District); Source document/DoolayaPlantationAgriculture/2012/1 (Doolaya District); and Source document/LuPlehLogging/2011 (Hpa-an District).

³³⁸ See Appendix 1: Source document/ShwegyinDam/2011/8.

³³⁹ See Appendix 1: Source document/LuPlehMining/2011.

³⁴⁰ See Appendix 1: Source document/LuPlehLogging/2011 (describing and with pictures depicting villagers carrying palm leaves for the purpose of building huts for Border Guard soldiers carrying out logging activities in coordination with domestic companies).

³⁴¹ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3 (describing land confiscation and forced labour by Tatmadaw IB #30 for building their army camp); see also Source document/DoolayaPlantationAgriculture/2012/1 (describing villagers concerns regarding doing forced labour to rebuild a bridge in Kya In Township, determined in a meeting involving monks and Kya In Township and village governors); see also Source document/T’NayHsahPlantationAgriculture/2012/2 (describing how villagers were forced to build a DKBA-funded well, including transporting all the necessary materials with hand tractors from a town one hour away).

³⁴² See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/1 (describing demands for forced labour by Tatmadaw LIBs #358, #547 and #548, in which villagers were required to harvest paddy on government land).

³⁴³ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/2 (describing confiscation of villagers’ land by Tatmadaw troops, followed by orders for villagers to clear the plantation land without pay).

³⁴⁴ See Appendix 1: Source document/LuPlehLogging/2011 (for photos of Saw B---, who suffered injury to his back while performing forced labour duties, including forced portering, for Border Guard Battalion #1011, under the control of Captain Pah Daw Boe, at a logging site on the G--- River).

³⁴⁵ See Appendix 1: Source document/ThatonBilinRiverMining/2011/1 (describing DKBA troops demands for forced labour on a gold mining site).

³⁴⁶ See Appendix 1: Source document/DoolayaPlantationAgriculture/2011/1 (describing demands by Tatmadaw and Border Guard troops for villagers’ to sign documents confirming the transfer of their land).

³⁴⁷ See Appendix 1: Source document/DoolayaPlantationAgriculture/2012/1; see also Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/1 (examples of villagers supplying goods, labour, or money towards a development project).

³⁴⁸ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3 (villagers portered materials for development project).

³⁴⁹ See Appendix 1: Source document/ThatonBilinRiverMining/2011/1 (villagers were forced to carry food and tools for DKBA, and later Border Guard Battalion #1013, for gold mining operations).

³⁵⁰ See Appendix 1: Source document/K’TerHteecampDevelopment/2012/1 (barracks for wives of BGF Battalion #1013 soldiers planned to be built on cattle grazing land and pond land).

³⁵¹ While Tatmadaw and DKBA units had operated together for years, this operational hierarchy became formalised with the DKBA’s transformation into a ‘Border Guard Force’ under control of the Tatmadaw and containing a fixed number quota of Tatmadaw officers. This transformation dates to at least May 2009, when commanding officers stated in high-level meeting of DKBA officers that the DKBA would transform itself into a ‘Border Guard Force;’ unpublished leaked minutes from the May 2009 meeting are on file with KHRG. Ceremonies attended by Tatmadaw commanders officially announced the transformation of large portions of the DKBA into Border Guard Forces in September 2010; see, for example: “Border Guard Forces of South-East Command formed in Paingkyon of Kayin

State,” New Light of Myanmar, August 22nd 2010; and “Border Guard Force formed at Atwinkwinkalay region, Myawady Township, Kayin State,” New Light of Myanmar.

³⁵² See Appendix 1: Source document/LuPlehLogging/2012.

³⁵³ See Appendix 1: Source document/K’TerHteeCampDevelopment/2012/1.

³⁵⁴ See Appendix 1: Source document/LuPlehLogging/2011.

³⁵⁵ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

³⁵⁶ For examples of reports in which villagers described a denial of access to humanitarian goods and services resulting from a natural resource or development project across five districts, see Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3 (Toungoo District); Source document/ShwegyinDam/2011/19 (Shwegyin District); Source document/TavoyMining/2012/4 (Tenasserim District); Source document/HatgyiDam/2012 (Papun District); and Source document/T’NayHsahPlantationAgriculture/2012/1 (Hpa-an District).

³⁵⁷ See Appendix 1: Source document/ShwegyinDam/2011/19 (discussing inaccessible medical treatment due to loss of livelihood caused by dam).

³⁵⁸ See Appendix 1: Source document/TavoyMining/2012/1 (complaint letter describing connection between mine and access to education).

³⁵⁹ See Appendix 1: Source document/K’TerHteeCampDevelopment/2012/2 (logging operation has disrupted and polluted water sources, which lead to health concerns).

³⁶⁰ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3 (Saw H--- describes how a Tatmadaw army camp was built in the village cardamom plantation, as well as how forced labour was ordered repeatedly for the building of this camp, as well as how the village does not have a school due to the school being in a state of disrepair and the village without teachers).

³⁶¹ For the purposes of this report, KHRG considers human rights violations attributable to the actor who committed them, and to any identified partners of that actor in the actions that led to the abuse.

³⁶² See Appendix 1: Source document/TavoyMining/2012/1.

³⁶³ See Appendix 1: Source document/TavoyMining/2012/4 (one villager describes how destruction of land and water from mining activities by a Thai company has made it more difficult to fund their child’s education).

³⁶⁴ See Appendix 1: Source document/ANyahHpayhDam/2012/2.

³⁶⁵ See Appendix 1: Source document/ShwegyinDam/2011/19 (describing Tatmadaw involvement with the planning and construction of a dam).

³⁶⁶ See Appendix 1: Source document/PapunBilinRiverMining/2011/2.

³⁶⁷ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/1.

³⁶⁸ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/1 (describing agricultural land confiscated by the Tatmadaw, including where the village school was built).

³⁶⁹ See Appendix 1: Source document/TavoyMining/2012/5 (describing how mining companies measured 4,800 acres of land for a mining project, in which a school and residential area is currently located).

³⁷⁰ See Appendix 1: Source document/HatgyiDam/2012 (describing how villagers chose to close the school after it was open for only one month in 2011, after receiving information about flooding and relocation of villages for Hatgyi Dam).

³⁷¹ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/1.

³⁷² See Appendix 1: Source document/TavoyMining/2012/3.

³⁷³ See Appendix 1: Source document/ShwegyinDam/2011/12.

³⁷⁴ See Appendix 1: Source document/ShwegyinDam/2011/13 (Saw W--- could no longer work his peanut and lemon plantations due to flooding from the dam. He and other villagers then worked as day labourers, such as portering).

³⁷⁵ See Appendix 1: Source document/ShwegyinDam/2011/20 (describing how loss of livelihood meant a change in income and work, which was exacerbated by loss of land to use as collateral, and prevented Saw D--- from meeting his family’s healthcare needs).

³⁷⁶ See Appendix 1: Source document/ShwegyinDam/2011/11.

³⁷⁷ For the purposes of this report, seven KHRG staff analysed 809 oral testimonies and written pieces of documentation received between January 2011 and November 2012, as well as 209 sets of images. Of these 809 documents, 99 raised concerns or dealt with issues related to natural resource extraction

and business or state-led development projects in eastern Myanmar. The full text of all 99 of these documents is included in *Appendix 1: Raw Data*.

³⁷⁸ For examples of reports in which villagers described a denial of access to humanitarian goods and services resulting from a natural resource or development project across three districts, see Appendix 1: Source document/ThatonPlantationAgriculture/2012/4 (Thaton); Source document/SittaungRiverValleyPlantationAgriculture/2012 (Nyaunglebin); and Source document/T’NayHsahPlantationAgriculture/2012/3 (Hpa-an District).

³⁷⁹ See Appendix 1: Source document/ThatonPlantationAgriculture/2012/4 (describing how parents and their children migrate to Malaysia and Bangkok, Thailand for work due to destruction of land from companies cultivating rubber plantations).

³⁸⁰ See Appendix 1: Source document/ShwegyinDam/2011/20 (describing how villagers moved to Shwegyin town due to flooding from the dam in their village).

³⁸¹ For the purposes of this report, KHRG considers human rights violations attributable to the actor who committed them, and to any identified partners of that actor in the actions that led to the abuse.

³⁸² See Appendix 1: Source document/SittaungRiverValleyPlantationAgriculture/2012 (describing the role of several domestic companies in the cultivation of plantations that caused villagers to migrate).

³⁸³ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/3 (describing parents who choose to send their children to Bangkok, after Tatmadaw confiscation of villagers’ land destroyed their livelihood options).

³⁸⁴ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/1.

³⁸⁵ See Appendix 1: Source document/SittaungRiverValleyPlantationAgriculture/2012 (describing villagers migrating to Thailand and Malaysia due to destruction of land and loss of livelihoods arising from plantation agriculture involving Government authorities).

³⁸⁶ See Appendix 1: Source document/SittaungRiverValleyPlantationAgriculture/2012.

³⁸⁷ See Appendix 1: Source document/ShwegyinDam/2011/20 (describing how villagers moved to Shwegyin town due to flooding from the dam in their village).

³⁸⁸ See Appendix 1: Source document/SittaungRiverValleyPlantationAgriculture/2012.

³⁸⁹ See Appendix 1: Source document/ShwegyinDam/2011/20.

³⁹⁰ See Appendix 1: Source document/DooplayaPlantationAgriculture/2012/1.

³⁹¹ See Appendix 1: Source document/T’NayHsahPlantationAgriculture/2012/3.

³⁹² These photos were received in March 2012 along with other information from Hpa-an District, including one other situation update and 180 photographs.

³⁹³ These photos were received in June 2012 along with other information from Tenasserim (Mergui-Tavoy District), including eight interviews and 424 photographs.

³⁹⁴ These photos were received in November 2012 along with other information from Papun District, including three interviews, one other situation update and 239 photographs.

³⁹⁵ These photos were received in November 2012 along with other information from Toungoo District, including nine interviews, 259 other photographs and 22 video clips.

³⁹⁶ These photos were received in November 2012 along with other information from Nyaunglebin District, including one interview and 259 other photographs.

³⁹⁷ These photos were received in June 2012 along with other information between Papun and Thaton Districts, including five interviews, one other situation update and 138 other photographs.

³⁹⁸ These photos were received in April 2012 along with other information from Hpa-an District, including 13 interviews, two other situation updates and 65 photographs.

³⁹⁹ See Appendix 1: Source document/LuPlehLogging/2011.

VI. Projects under observation

Section VI: Projects under observation includes information received by KHRG in 2011 and 2012, and summarises villagers' testimony related to abuses occurring around natural resource extraction, business and development projects. These include: eight hydropower dam construction, five infrastructure development, four logging, eight mining and ten commercial plantation agriculture projects. When possible, the projects listed below are also displayed on *Figures 1* and *2* in this report.

All incidents mentioned in this table have been collected by community members trained by KHRG, using KHRG's methodology, and verified for internal evidence of falsehood.⁴⁰⁰ KHRG field researchers have conducted on-site investigations of many incidents. It is, nevertheless, important to emphasize that these reports are designed to provide an impression of the overall human rights situation in eastern Myanmar, and as a starting point for the investigation of individual complaints. KHRG does not have the capacity to conduct comprehensive field investigations of all reported incidents. These reports are best approached as credible allegations of abuse, not definitive proof of such abuse.

A. Hydropower dam construction

This section includes information documented in our research areas relating to eight different hydropower dam projects.

<i>Project under observation: A'Nyah Hpyah dam</i>		
<i>Location (Karen/Burmese): K'Ser Doh Township, Tenasserim (Mergui-Tavoy)/Tanintharyi</i>		
<i>Actors</i>	<i>Date</i>	<i>Incident Details</i>
Degon Company	November 28 th 2011	This report describes the beginning of a dam project and the impacts upon local villagers in Af---, Ag---, Ah---, Ai--- and Aj--- villages. The project started without consultation with villagers and resulted in uncompensated land confiscation and the loss of traditional livelihoods (including the loss of 1000 rubber trees and over 300 lime trees). The villager raises major concerns regarding the consequences of the continuation of the dam project. ⁴⁰¹
Unspecified	2011 to 2012	These reports describe the building of a dam without consultation with local villagers; uncompensated land confiscation; water pollution and environmental destruction as a result of the project. The reports also describe the coming together of villagers to send complaint letters to Burmese and KNU authorities. ⁴⁰²
Unspecified company; KNU; Myanmar government	April 2011	The report includes a complaint letter below, signed by six villagers from the A'Nyah Hpyah area, and demonstrates villagers' concerns related to a company that built a hydroelectric power dam in their area without consulting local people. The letter also explains that, because of the dam five villagers' lands were already destroyed. The letter seeks remedies from the KNU Township-level office, and indicates that the committee already reported the complaint to the Government. ⁴⁰³
<i>Project under observation: Blaw Hseh dam</i>		
<i>Location (Karen/Burmese): T'Naw Th'Ri Township, Tenasserim (Mergui-Tavoy), Tanintharyi</i>		
<i>Actors</i>	<i>Date</i>	<i>Incident Details</i>
Yuzana Company	Initial project	This report describes the planned building of a dam in Wa Blaw

and Tatmadaw LIB #561	scoping 2005/6, still in planning	Cheh area without consultation with local villagers. The report describes how the project will likely result in the confiscation of more than 100 acres of land; damage to villagers' agricultural land; and the loss of livelihoods. ⁴⁰⁴
Project under observation: Hatgyi dam <i>Location (Karen/Burmese):</i> Bu Tho and Lu Pleh/ Hlaing Bwe townships, Papun and Hpa-an Districts/ North and Central Kayin		
<i>Actors</i>	<i>Date</i>	<i>Incident Details</i>
China's Sinohydro Corp.; Electricity Generating Authority of Thailand; KNU and Tatmadaw	Planning and access recommenced in 2011	This photoset illustrates the consequences of flooding that would be caused by the dam project, specifically, the destruction of villagers' plantations and shelters; loss of livelihoods; closure of schools; and displacement. ⁴⁰⁵
Project under observation: Noh Paw Htee dam <i>Location (Karen/Burmese):</i> Dweh Loh Township, Papun District/ North Kayin		
<i>Actors</i>	<i>Date</i>	<i>Incident Details</i>
Border Guard Battalion #1013 Commander Bo La Kyaing and Major Aung Myo Myint and Tatmadaw LIB #8	January to March 2012	This report describes the start of dam project on the Noh Paw Htee River without consulting local villagers, as well as the anticipated problems villagers' face; according to the community member, the villagers' will receive no benefit from the dam; expected flooding of 150 acres; and movement restrictions on villagers during the building of the dam. ⁴⁰⁶
Project under observation: Papun Bilin River dam <i>Location (Karen/Burmese):</i> Dweh Loh Township, Papun District/ North Kayin		
<i>Actors</i>	<i>Date</i>	<i>Incident Details</i>
Unidentified company	Planned	This report describes the start of a dam project without consultation with local B--- villagers in Wah Mu village tract, as well as the anticipated consequences on villagers, including the flooding of 37 villages' land without compensation and expected displacement, as well as the destruction of plantations and loss of livelihoods; the report also details protests by villagers in response to the project. ⁴⁰⁷
Project under observation: Peh Leh Wah dam <i>Location (Karen/Burmese):</i> Htaw Ta Htoo/ Tantabin Township, Toungoo District/ Northwest Kayin State		
<i>Actors</i>	<i>Date</i>	<i>Incident Details</i>
Myanmar government	Planned	This photoset shows the environment where the government is planning to build a dam in Peh Leh Wah river. ⁴⁰⁸
Project under observation: Shwegyin dam <i>Location (Karen/Burmese):</i> Hsaw Htee/ Shwegyin Township, Nyaunglebin District/ Shwegyin Township, Eastern Bago		
<i>Actors</i>	<i>Date</i>	<i>Incident Details</i>
Myanmar government	March 2012	This report includes information and photos about 400 villagers who gathered together on March 12th 2012 to protest the construction of Kyauk N'Ga Dam on the Shwegyin River in Hsaw Htee and Ler Doh townships. It included information about how construction led to many problems for villagers, and that no compensation was provided despite reporting the problem to the Myanmar government. ⁴⁰⁹
Not specified	Around 2009 - 2010	This report contains information about the effects upon villagers of dam construction: displacement due to flooding; loss of livelihoods; and difficulties with access to health care and education. ⁴¹⁰
Tatmadaw LID #77	2000/2001	This report describes the building of the dam without consultation with villagers, as well as the resulting effects: loss of plantations; displacement; difficulties finding alternative work. The report also details the reporting of these problems by

		villagers to the government. It raises fears of further consequences of a potential new dam on P' Ta Lo Klo River. ⁴¹¹
Min A Naung Yer Htar company among others; Tatmadaw	Beginning approximately in 2001	This report describes the dam project going ahead without consulting local villagers, as well as the flooding of lands, farms and plantations, without compensation; villagers have pursued alternative livelihoods as a result. The report also describes the lack of local benefits from the dam, displacement, and restricted access to healthcare and education. ⁴¹²
Myanmar government; Tatmadaw	Beginning approximately in 2001	This report describes the lack of consultation, uncompensated loss of agricultural land, loss of livelihoods; and health concerns associated with flooding caused by the dam project. It also describes how villagers living near the dam know they will face Tatmadaw demands for labour and taxes. ⁴¹³
Asia World Company amongst others, government	Flooding occurred in approximately 2008	This report describes the flooding of villagers' land due to the dam, resulting in the displacement of more than 150 households, loss of livelihoods, and loss of access to education and religious institutions for villagers. ⁴¹⁴
Tatmadaw LIB #349 and IB #57	May 2011	This report describes the flooding of villagers' plantations due to the dam, and villagers pursuing alternative livelihoods to survive. This report also details travel restrictions imposed on villagers as part of the dam project, including additional checkpoints for security purposes in the dam area. ⁴¹⁵
Myanmar government	Unspecified	This report describes villagers' loss of lemon plantations without compensation, due to flooding from the dam, as well as villagers responding by pursuing alternative livelihoods and not reporting the problem to the government due to the belief that the government would not take action. ⁴¹⁶
Myanmar government	Beginning about 2001	This report describes the lack of consultation with local villagers about the dam project, the uncompensated loss of 35 acres of lemon plantations as a result of dam flooding, the loss of villagers' livelihoods, and relocation. ⁴¹⁷
Tatmadaw	Unspecified	This report contains information about the loss of villagers' land due to flooding from the dam, details on government agricultural loans, as well as information on how the Tatmadaw threatened villagers prior to the dam construction. ⁴¹⁸
Unspecified	Beginning April 2010	This report contains information about the consequences of dam construction, including the destruction of villagers' lands and plantations, including more than 10 hill field farms that were flooded, and the loss of livelihoods. Villagers also raised concerns about the lack of local benefits, food shortages and health issues associated with an increase in mosquitoes because of flooding. In response villagers filed complaints to the KNLA, but have not filed complaints to the Myanmar government due to the history of conflict. ⁴¹⁹
Tatmadaw	2008	This report describes the flooding of villagers' plantations in 2008, destruction of the environment and water pollution due to dam construction, as well as details on Tatmadaw agricultural land licensing practices. The report also details the resulting displacement of villagers and their problems with food supply and pursuit of alternative forms of work. ⁴²⁰
Tatmadaw	2009	This report describes the effects of dam construction and associated flooding, specifically uncompensated loss of villagers' lands, forcing K---villagers to relocate, food shortages due to lost plantations, as well as health concerns and the increase in both malaria and mosquitos after the flooding. ⁴²¹
Tatmadaw IB #57, LIBs #350 and #349	2004	This report describes the consequences of dam construction in W--- village, such as the flooding of homes and workplaces, resulting in the displacement of some villagers. ⁴²²
Domestic	Unspecified	This report describes issues surrounding dam construction that

companies, Tatmadaw		occurred without villager consultation, including flooding of villagers' lime plantations and villagers pursuing alternative livelihoods, such as daily wage labourers or panning for gold. Villagers who stayed in the area began to be taxed to continue using their land. It also describes how villagers are afraid to report the problem due to the presence of Tatmadaw soldiers. ⁴²³
Myanmar Government	2004	This report confirms a villager's experience of livelihood problems as a result of flooding from the dam. ⁴²⁴
Unspecified	2004 - 2010	This report describes villagers' loss of plantations and livelihoods, and need to find alternative forms of work, such as farming hill fields or fishing, due to flooding from the dam; some villagers were forced to move to Shwegyin town. ⁴²⁵
Myanmar Government	Flooding occurred in 2011	This report describes the loss of villagers' paddy fields, banana and lime plantations as a result of flooding from the dam. It also describes how villagers reported their problems to authorities, without receiving a response, and explains that electricity from the dam is being used in China. ⁴²⁶
Myanmar government and Tatmadaw	Beginning in 2000	This report describes the building of a dam without consulting local villages and the uncompensated confiscation of villagers' lands, for the dam. The destruction of 50 acres of villagers' plantations is also described, leading to the loss of livelihoods and the need to pursue alternative livelihoods. ⁴²⁷
Tatmadaw	2010	This report describes the displacement of K--- villagers by the Tatmadaw before their land was destroyed by flooding, which includes plantations, and the consequences of this activity, specifically a lack of access to food and healthcare, the need to find alternative forms of work, and increased security risks due to the presence of soldiers around the dam construction area. ⁴²⁸
Myanmar government	2001	This report describes the flooding of G--- villagers' lemon plantations caused by the dam project, resulting in displacement of villagers, a lack of benefit for local people and loss of livelihoods. The report also explains that villagers' began to pursue alternative forms of livelihoods as a result of the dam. ⁴²⁹
Tatmadaw	2004	This report describes the flooding of villagers' lemon plantations caused by the dam project, resulting in displacement of villagers, a lack of benefit for local people and loss of livelihoods that has increased healthcare problems. The report also gives details on the increased Tatmadaw presence and military checkpoints in the area. ⁴³⁰
Project under observation: Toh Boh dam		
Location (Karen/Burmese): Htaw Ta Htoo/ Tantabin Township, Toungoo District/ Northwest Kayin		
Actors	Date	Incident Details
Asia World Company; Tatmadaw	Beginning in 2004	This report contains information relating to the construction of Toh Boh dam; according to the community member, more than 100 households have been relocated from the area now occupied by the dam construction site and additional villagers' durian, mangosteen, cardamom and betelnut plantations would be flooded once the dam becomes operational. ⁴³¹
Tatmadaw	2007 ongoing	This report contains information regarding the dam project in Toh Boh village and raises concerns about the resulting confiscation of villagers' lands, plantations and farms. ⁴³²
Asia World Company or (in Burmese) Shwe Swan Yin Co. Ltd and Tatmadaw	2007 ongoing	This report describes the consequences of dam construction, which includes land confiscation with little or no compensation, relocation of more than 100 households, enforced movement restrictions, and restricted access to education. The report details how, in response to these difficulties, villagers united to petition the government for compensation, but were threatened into abandoning the effort. ⁴³³

B. Infrastructure development

This section includes information documented in our research areas during the reporting period, relating to five infrastructure development projects. Specifically, infrastructure development includes the construction and repair of roads, buildings, and bridges, as well as the development of military camps, barracks and zones.

<i>Project under observation: Dooplaya infrastructure development</i>		
<i>Location (Karen/Burmese): Kawkareik Township, Dooplaya District/ South Kayin</i>		
<i>Actor</i>	<i>Date</i>	<i>Incident Detail</i>
Myanmar government; Officer Tay Maung Tun, Tatmadaw LID #22	2011	This report describes the confiscation of land around Aa--- village in Kawkareik Township for the construction of around 40 buildings by the Myanmar government, including schools and hospitals, also resulting in uncompensated damage to villagers land and plantations. The report also describes how, in response, the village head attempted to negotiate with the Tatmadaw. ⁴³⁴
Border Guard #1022 led by Maw Thoh; Tatmadaw LIB #355 and LIB #546 under MOC #12	Beginning May 2011	This report details land confiscation orders placed upon villagers in Ab--- village, Kawkareik Township due to the planned development of a military zone of up to 500 acres. It also details the refusal of plantation owners to meet with soldiers, in order to prevent being forced to sign documents confirming the confiscation of their land. ⁴³⁵
<i>Project under observation: K'Ter Htee Border Guard camp development</i>		
<i>Location (Karen/Burmese): Dweh Loh Township, Papun District/ North Kayin</i>		
<i>Actor</i>	<i>Date</i>	<i>Incident Detail</i>
Border Guard Battalion #1013 troop led by Officer Lah Kyaing Oo	January to March 2012	This report describes the confiscation of communal village land in Ac--- village, K'Ter Tee village tract and Htee Th'Bluh Hta village tract for the construction of army barracks and houses, as well as the use of villagers for forced labour during its construction. ⁴³⁶
Border Guard; Karen Peace Council (KPC) ⁴³⁷ Chairman U Soe Myint	February to June 2012	This report includes information about villagers in K'Ter Tee village tract who were pressured into signing over their land for the building of army barracks by the Border Guard and the Karen Peace Council, suggesting that documents were signed due to claims that the KNU had given their approval as well as villagers' fear of the authorities. ⁴³⁸
Tatmadaw LID #44 TOC #442 Commander Tin Htun; Border Guard Battalion #1013 Commander Hla Kyaing and Deputy Battalion Commander Tin Win	Beginning June 2012	This report describes how military orders to build shelters for soldiers' families would lead to the destruction of villagers' rubber plantations, flat fields, a graveyard and football fields. The report describes how villagers were told that they would have to sell their land and accept the amount of compensation already determined; otherwise their lands would be confiscated without payment. Villagers were also told not to report information about the project to the KNU or to the international community. ⁴³⁹
<i>Project under observation: Na Tha Kway infrastructure development</i>		
<i>Location (Karen/Burmese): Ler Doh/ Kyauk Kyi Township, Nyaunglebin District/ Eastern Bago</i>		
<i>Actors</i>	<i>Date</i>	<i>Incident Details</i>
Myanmar government	2012	This report includes information detailing the construction of a bridge in Sittaung River, in the Na Tha Kway area, which bisected villagers' lands and forced 11 households to relocate, receiving no compensation. ⁴⁴⁰
<i>Project under observation: Tavoy infrastructure development</i>		
<i>Location (Karen/Burmese): Ler Doh Soh/ Myitta Township, Tenasserim (Mergui-Tavoy)/Tanintharyi</i>		
<i>Actors</i>	<i>Date</i>	<i>Incident Details</i>
Italian-Thai Development	Beginning August	This report includes information regarding the construction of a road bisecting G--- village, specifically: local villagers were not

Company (ITD)	2010	consulted; the road serves no purpose for villagers; and its construction caused damage to villagers' agricultural land. The report raises villagers concerns regarding lack of compensation, as well as describes the villagers strategies, including requesting ITD provide compensation for the value of crops lost. ⁴⁴¹
ITD; Myitta Township Coordinator U Kyaw Swe	2011	This report documents villagers' fears about destruction of land in K'Maw Thwe Village tract due to the building of the proposed Deep Sea Port Highway. It also describes a meeting during which an ITD representative and the Myitta Township Coordinator negotiated with villagers for damages without specifying how much compensation would be provided and that villagers were put under pressure to sign for specific damages. The report also includes a list of plantations and the value of damaged crops signed by the village sustainable development committee. ⁴⁴²
ITD	July 2011	This complaint letter describes anticipated grievances that will be caused to villagers in K'Maw Thwe village tract, including loss of land, agriculture and livelihoods resulting from the planned building of the Deep Sea Port Highway by ITD. The report also contains villagers' responses, including reporting to the company in charge and the Myanmar government. ⁴⁴³
ITD; Myitta Township coordinator U Kyaw Swe and	2011	This report describes the circumstances following damage to villagers' crops during road repair around Ae--- village, specifically the pressuring of villagers to sign documents listing damage, and the lack of compensation for damage. The report also details the gathering of 40 villagers in response. ⁴⁴⁴
Project under observation: Thandaung infrastructure development		
Location (Karen/Burmese): Daw Hpa Hkoh Township, Toungoo District/ Northwest Kayin		
<i>Actor</i>	<i>Date</i>	<i>Incident Detail</i>
Tatmadaw LIB #603	Beginning in 2004	This photoset contains information regarding the confiscation of villagers' cardamom plantations in Leik Tho area, and the building of army camps on these lands. ⁴⁴⁵
Tatmadaw LIB #603	2004	This photoset contains information about the uncompensated confiscation of M--- villagers' land and plantations for the building of an army camp. ⁴⁴⁶
Tatmadaw IB #30 Commander Aung Zaw Htun	2008	This report describes the destruction of P--- villagers' plantations due to the building of an army camp, as well as the use of villagers as forced labour in the building of the camp. The report details attempts by the village head to negotiate with Tatmadaw soldiers to request compensation, and describes threats made to the villagers by the Tatmadaw to comply with demands. ⁴⁴⁷
Tatmadaw LIB #306 Commanders Nay Myo, Aung Kaing So, Myo Myo Oo	2006 to 2007	This report describes that the building of an army camp in Y--- village, Day Loh Muh village tract, which caused the destruction of villagers' land and plantations, forcing villagers to relocate, and the use of villagers for forced labour around the camp. ⁴⁴⁸

C. Logging

This section contains information received by KHRG during the reporting period, documenting incidents in our research areas relating to four logging projects.

Project under observation: Khoo Thoo Hta logging		
Location (Karen/Burmese): Dweh Loh Township, Papun District/ North Kayin		
<i>Actors</i>	<i>Date</i>	<i>Incident</i>
U Yeh Htun's Company	2012	This report describes logging operations going ahead without consultation with local villagers in Hkoo Thoo Hta village tract, Poh Loh Hta region. It details the destruction of villagers' plantations as a result as well as the pollution of villagers' water

		supply – the Poh Loh Hta stream. ⁴⁴⁹
Project under observation: Lu Pleh logging		
Location (Karen/Burmese): Lu Pleh/ Hlaing Bwe Township, Hpa-an District/ Central Kayin		
Actor	Date	Incident Detail
U Tin Shwe's Company and other unidentified individuals	Beginning September 11 th 2011	This report describes damage to villagers' betelnut and betel leaf plantations in X--- village, Kwee Law Hploh village tract caused by logging, threatening the livelihoods of villagers who depend upon the plantations. ⁴⁵⁰
Border Guard Battalion #1011, Pah Daw Poe and Officer Pah Ta Gkee	March 2011	This report details the use of villagers to provide unpaid forced labour during logging operations in V--- village and W--- village, during which one villager sustained back injuries, as well as the environmental destruction caused by logging. ⁴⁵¹
Project under observation: Tavoy logging		
Location (Karen/Burmese): Ler Mu Lah Township, Tenasserim (Mergui-Tavoy)/ Tanintharyi		
Actor	Date	Incident Detail
Malaysian company, unidentified oil palm and logging companies	September 2011	This report describes the uncompensated deforestation of over 700 acres of land, including land belonging to five villagers, next to G--- village in Ler Muh Lah Township for logging operations, including operations by companies intending to plant oil palm. The report also details some provisions for a school given to villagers by the Malaysian company. ⁴⁵²
Project under observation: Thaton Bilin River logging		
Location (Karen/Burmese): Bilin Township, Thaton District/ Northern Mon		
Actor	Date	Incident Detail
KNU and unidentified companies	Since January 2012	This report contains information regarding companies that do logging and other activities after gaining permission from the KNU, but without consulting or compensating affected villagers. The report describes how this has led to the destruction of plantations throughout Thaton District, as well as villagers' concerns that the ceasefire will lead to ongoing confiscation of their land. ⁴⁵³
Forest Officer Bp' Doh Min Thein, KNU Thaton District Chairperson and Secretary; Maung Hla Aye's logging company.	August 15 th 2011	This report describes the purchase of a forest next to Z--- village, Noh Ber Baw village tract by a logging company, without consultation with local villagers. It details an offer of compensation made to villagers, its refusal by some, and the pressure put on villagers by KNU Thaton District authorities to take the money. It also describes how villagers gathered to oppose the logging. ⁴⁵⁴

D. Mining

This section contains information received by KHRG during the reporting period, documenting incidents in our research areas relating to eight mining projects. Specifically, this section includes information relating to gold, metal (chemical), stone, coal and antimony mining activities.

Project under observation: Ler Doh mining		
Location (Karen/Burmese): Ler Doh/ Kyauk Kyi Township, Nyaunglebin District/ Eastern Bago		
Actor	Date	Incident Detail
Myanmar government; U Paing Company, led by U Nay Win; Than M' Nee factory	July 2012	This report describes preparations for a stone mining project, including the testing of stone in C--- village, taking place without consultation with local villagers. The report also details villagers concerns about mining going ahead, including loss of livelihoods and environmental destruction. ⁴⁵⁵

<i>Project under observation: Lu Pleh mining</i>		
<i>Location (Karen/Burmese): Lu Pleh/ Hlaing Bwe Township, Hpa-an District/ Central Kayin</i>		
<i>Actor</i>	<i>Date</i>	<i>Incident Detail</i>
A'Mya Ma Ni Company	April 2012	This report describes how three community farms were destroyed in F--- and H--- villages during stone mining operations, and how villagers approached the company and negotiated compensation for two of the three flat field farms that were destroyed. ⁴⁵⁶
Green Life Company Limited	December 2011 Assessment; January 2012 Mining	This report describes the start of a stone mining project without consulting local villagers and includes villagers' concerns about damage to their farmland due to mining. The report also details pollution of the Ma K'Law and Meh T'Moo rivers for villagers who live downstream. ⁴⁵⁷
Border Guard Battalion #1011, Captain Paw Daw Boe and Officer Pah Ta Gkee,	January to April 2011	This report describes Border Guard demands for villagers from D--- and E--- villages to provide unpaid forced labour during gold-mining operations near the G--- River. ⁴⁵⁸
<i>Project under observation: Papun Bilin River mining</i>		
<i>Location (Karen/Burmese): Dweh Loh Township, Papun District/ Northern Kayin State</i>		
<i>Actor</i>	<i>Date</i>	<i>Incident Detail</i>
U Mya Hpoo and Htun Kye Ta Pwint companies; KNU	February to June 2012	This report describes the consequences of gold mining operations in Baw Paw and Meh Htoh streams in the Meh Way area; specifically, villagers have been forced to sell their land; have had their land destroyed; villagers have lost their plantations and livelihoods; and have they have experienced health problems because of water pollution. The report also details villagers meeting to voice their opinions regarding the entrance of the mining companies, stating that the KNU provided permission. ⁴⁵⁹
Kyit Lay Myeh Company; DKBA	October 2009	This report describes the uncompensated destruction of villagers' dog fruit and betelnut orchards in I--- village due to gold mining, and describes how DKBA soldiers provided access to the area for mining, after being denied by the KNU. ⁴⁶⁰
Tatmadaw, DKBA and unidentified companies; KNU and Yeh Tun, Mya Poo, Ko Cho companies	October 2009 until at least February 2011	This report describes the problems of villagers caused by DKBA-led gold mining operations beginning in October 2009 in Waw Muh, Ma Lay Ler and Meh Hkyoh village tracts, including destruction of villagers' land and livelihoods; restrictions on work and travel because of landmines planted during mining operations; and water pollution. It also describes the consequences of mining operations beginning in December 2010 by three additional companies that gained access to the area from the KNU, leading to the contamination of water and health problems for Baw Paw Kloh, Meh Kleh Kloh, Meh Toh Kloh villagers. It also describes villagers' response as they worked together to dig wells as an alternative water source. ⁴⁶¹
DKBA	October 2009 to 2011	This report describes the problems resulting from mining operations in J--- village, Waw Muh village tract. Villagers' land and crops have been destroyed. When mining was taken over by companies, the problems have continued and include water pollution and related health concerns. ⁴⁶²
Formerly DKBA Battalions #999, #333 and #777 led by Officer Chit Thu; ⁴⁶³ Myanmar government; unidentified company; Border Guard Battalion	October 2009 to 2011	This report describes the consequences of DKBA and Border Guard mining operations in Baw Paw K'lo and Meh Kyeh K'lo rivers. Consequences include: villagers' lands and livelihoods being destroyed; villagers being used to perform forced labour; and the planting of landmines, restricting villagers' ability to work and travel safely. The report also describes mining companies' takeover of operations and how further mining has resulted in water pollution; water and food shortage; health problems, and more destruction of villagers' land. ⁴⁶⁴

#1013 Officer Kyaw Beh		
<i>Project under observation: Tavoy mining</i>		
<i>Location (Karen/Burmese): Ler Doh Soh, Township, Tenasserim (Mergui-Tavoy)/ Tanintharyi</i>		
<i>Actor</i>	<i>Date</i>	<i>Incident Detail</i>
Myanmar Pongpipat Company	2004 to 2012	This complaint letter details problems caused by chemical mining in T--- village, Kyauk Me Taung village tract, including: obstruction of water supply; flooding of plantations; and restricted access to education. ⁴⁶⁵
Myanmar Pongpipat Company	1999 to 2012	This report describes problems experienced by villagers due to chemical mining in Kay Ta Ser Poo (Hin Da), including uncompensated destruction of plantations; environmental destruction; water pollution resulting in health concerns; restricted access to education; and damage to a road. The report also contains villagers' responses: complaints to authorities. ⁴⁶⁶
Myanmar Pongpipat Company	2009 to 2012	This complaint letter raising problems caused by mining in Kay Ta Ser Poo, including the destruction of crops and lack of access to education due to loss of livelihoods. In response, villagers filed complaints to the company and to the Myanmar government. ⁴⁶⁷
Myanmar Pongpipat Company	1999 to 2012	This report describes the consequences of metal mining near Tavoy, without consultation with local villagers: water pollution and resulting health concerns; loss of agriculture and livelihoods; restricted access to education; and damage to infrastructure. The report also describes villagers' responses: reporting problems to the company and to the Myanmar government. ⁴⁶⁸
Manager U Kyaw Win and U Win Htain's group, Pa Wa Win Company	November 21 st 2011	This photoset includes information regarding company activities measuring land in N--- village, Paw Kloh village tract for coal mining without consulting villagers, stating that they had bought the land from Nay Pyi Daw; villagers explain the mining activities are likely to damage schools, houses and churches. ⁴⁶⁹
Local actor	2011	This photoset contains information about gold mining activities in K--- and L--- in K'Ser Doh Township, leading to the uncompensated destruction of villagers' land, the contamination of an important local river and related health concerns. ⁴⁷⁰
<i>Project under observation: Thaton Bilin River mining</i>		
<i>Location (Karen/Burmese): Hpa-an, Thaton/ Th'Htoo and Kyaikto/ Kyeh Htoh townships, Thaton District/ Northern Mon</i>		
<i>Actor</i>	<i>Date</i>	<i>Incident Details</i>
Ko Cho and U Hla Win	May 2012	This photoset contains information regarding antimony mining being conducted between O--- village, Q--- village, and R--- village, Khaw Hpoh Pleh village tract, without the permission of villagers; as well as the environmental damage to forest and rivers resulting from mining. ⁴⁷¹
KNU and unidentified companies	Since January 2012	This report contains information regarding companies that do gold mining, stone mining and other activities after gaining permission from the KNU, but without consulting or compensating affected villagers. This has led to the destruction of plantations throughout Thaton District, as well as villagers' concerns that the ceasefire will lead to confiscation of land. ⁴⁷²
Unidentified companies and KNLA leaders	October 2010 to 2011	This report describes how mining companies build relationships with regional KNLA leaders to extract natural resources, as well as the consequences of this: villagers from Hpa-an, Thaton and Kyaikto townships being forced to sell their lands, and the restriction of villagers' future livelihood options. ⁴⁷³
Unidentified gold mining company	June 2011	This report, consisting of photos taken around S--- and U--- villages in Te Rweh Kee village tract, Th'Htoo Township, illustrates damage to land and the natural environment as a result of gold mining. ⁴⁷⁴

Project under observation: K'Ser Doh mining		
Location (Karen/Burmese): K'Ser Doh Township, Tenasserim (Mergui-Tavoy District)/ Tanintharyi		
Actor	Date	Incident
Unidentified Thai company	Ongoing as of April 2012	This report includes photos depicting the abandoned Hkay Ta Mine, and describes how metal was extracted from the ore using an acid bath and other chemical agents which polluted villagers' land and the river for villagers' living downstream, as well as ongoing restrictions by the mining company preventing villagers from accessing the stream in order to avoid the flow of chemicals, despite no longer operating in the area. ⁴⁷⁵
Project under observation: Kya In Seik Kyi mining		
Location (Karen/Burmese): Kya In Seik Kyi Township, Dooplaya District/ South Kayin		
Actor	Date	Incident
Thu Wana Myay Zi Lwar That Tuh Too Paw Yay Co. Ltd. owned by Khin Zaw; Khin Maung working with Chinese crews; San Mya Yadana Company; KNU	Beginning around 2008; reported in September 2012	This report discusses antimony mining projects by at least three companies in P--- village, Kya In Seik Kyi Township, with permission from and taxes paid to the KNU. It is reported that mining began around four years ago and that some companies have given money to the village school and provided water pipes to villages. The report raises villagers' concerns that food prices that have increased as a result of the mining projects. ⁴⁷⁶
Project under observation: Bu Loh Traw mining		
Location (Karen/Burmese): Dweh Loh Township, Papun District/ North Kayin State		
Actor	Date	Details
Ko Cho and Htee Phyu Sin companies; DKBA; KNU	Between 2009 - 2012	This report contains information about places in Dweh Loh Township that were damages due to gold mining activities, including the contamination of the Meh Kleh Kloh and Baw Paw Kloh rivers in the area from the gold mining process and, because of that, the people and animals reliant on this water began to report illnesses after drinking it. The report also describes communication between the KNU and companies for permission to the area. ⁴⁷⁷

E. Plantation agriculture

This section includes information documented in our research areas during the reporting period, relating to ten commercial plantation agriculture projects, including rubber, teak and oil palm plantations. Information pertaining to villagers' plantations or agricultural land being taken over or confiscated is also included in this section, as well as instances of land confiscation by powerful actors with the intention of cultivating plantations on it.

Project under observation: Dooplaya plantation agriculture		
Location (Karen/Burmese): Kawkareik and Kyone Doh Townships, Dooplaya District/ South Kayin		
Actor	Date	Details
Unidentified domestic actors	August to October 2011	This report contains information about the severe degradation of forest and agricultural land due to the expansion of commercial rubber plantations in Da Lee KyoWa, Kyone Doh Township, as well as the livelihood difficulties villagers face as a result. ⁴⁷⁸
Immigration authorities	2011	This report contains information about the situation of villagers who fled during fighting between the Tatmadaw and the DKBA in 2010. The report details immigration authorities' orders that some villagers' homes and lands in Kawkareik Township will be forfeited to the government if the villagers do not return. ⁴⁷⁹
Border Guard #1022 led by Maw	September 2011	This report describes the planned confiscation of 26 villagers' plantations in Ab--- village, Kawkareik Township. The report

Thoh; Tatmadaw LIB #355 and LIB #546/ MOC #12		also describes plantation owners being ordered to meet with military officers, and their refusal to do so, due to fear of being forced to sign away their plantations. ⁴⁸⁰
Myanmar government and Tatmadaw LIB #355	2011	This report describes the surveying of at least 167 acres of established agricultural land belonging to 26 Je--- villagers in Kawkareik Township for confiscation. Its also describes villagers refusing to attend meetings with the Tatmadaw at which they suspect they will be forced to sign over land. ⁴⁸¹
Project under observation: Hpa-an Township plantation agriculture		
Location (Karen/Burmese): Hpa-an Township, Thaton District/ Northern Mon		
Actors	Date	Details
Border Guard #1014 Company Commanders Tin Win and Thaw M'Na and Commander Win Myint	April 24 th 2012	This report describes the confiscation of 500 acres of land from T--- villagers in Meh K'Na Hkee village tract and villagers in Ha T'Reh village tract for private company plantations, as well as the use of villagers to provide forced labour for three weeks to clear bushes in the rubber and teak plantations on the confiscated land, without of payment, food or tools provided. ⁴⁸²
Border Guard #1014 Tin Win and Thaw M'Na; Thein Lay Myaing and Shwe Than Lwin companies	April 25 th 2012	This report describes companies working with Border Guard soldiers forcing villagers from T--- in Meh K'Na Hkee village tract to clear plantations owned by the named companies without payment, further, the plantations are located on land confiscated from the villagers. ⁴⁸³
Project under observation: Shwegyin plantation agriculture		
Location (Karen/Burmese): Hsaw Htee/ Shwegyin Township, Nyaunglebin District/ Eastern Bago		
Actors	Date	Details
Unidentified business people	2000 to 2012	This photo set depicts uncultivated lands that is planned to be sold by the government to business people to develop rubber plantations. ⁴⁸⁴
Project under observation: Sittaung river valley plantation agriculture		
Location (Karen/Burmese): Ler Doh/ Kyauk Kyi and Hsaw Htee/ Shwegyin Townships, Nyaunglebin District/ Eastern Bago		
Actors	Date	Details
Moe Aung; Daw Yin Mya Soe; U Pyit Soe; U Htin Kyaw; U Soe Soe Lwin; Win Company; U Nyan Shwe Win; U Aung Thin Myint logging companies; and Myanmar government	2000 to 2012	This report describes the purchase of land by wealthy people and corporations from the government for rubber plantations. According to the community member, 37,000 acres of land has been sold by the government. The report explains that villagers' are reliant upon the land for their livelihoods and as a consequence, many have had to leave the area in search of work elsewhere. ⁴⁸⁵
Project under observation: Than Daung plantation agriculture		
Location (Karen/Burmese): Daw Hpa Hkoh/ Than Daung Township, Toungoo District/ Northwest Kayin		
Actors	Date	Details
Tatmadaw LIB #374 Commander Nyoh Hay	2011	This report contains information regarding the Tatmadaw's confiscation of 10 to 20 villagers' plantations from T'Bay Klah to Thay Kay Day areas. ⁴⁸⁶
Project under observation: Thaton plantation agriculture		
Location (Karen/Burmese): Hpa-an and Thaton Townships, Thaton District/ Northern Mon		
Actors	Date	Details
Thein Lin Myaing Company and Border Guards #1014 commanders	2012	This photoset includes information regarding the development of 500 acres of teak and rubber plantations between Am---, An---, Ao--- and Ap---areas. The Border Guard and the companies cooperated in carrying out an operation that has resulted in the

Tin Win and Thaw M'Nah, Hein Naing Win Company		confiscation of villagers' lands. Information included in the report also details the use of villagers for forced labour on the plantations. ⁴⁸⁷
Tatmadaw #314 under control of LID #44; Max Myanmar Company	Starting in 2005	This report describes the uncompensated confiscation of villagers' plantations as their lands were taken over and made part of the Tatmadaw military area. The report also raises concerns regarding events in 2005 when Max Myanmar company, in cooperation with the Tatmadaw, confiscated villagers' lands for rubber plantations. ⁴⁸⁸
Tatmadaw LID #314; Max Myanmar Company	As above	This report includes photos depicting the villagers' land that was confiscated by Tatmadaw LID #314 after it was bought by the Max Myanmar Company, as well as the rubber plantation cultivated on that land in Thaton Township. ⁴⁸⁹
Shwe Than Lwin Company, Hein Naing Win Company, Thein Lay Myaing Company, past DKBA leaders U ThaHtoo, U La Ba, U Kyaw Than, U Hein Soe; Border Guard Battalion #1014, Tin Win, Thaw Ma Na and Moe Nyo	2012	This report presents detailed information about how the number of companies entering the area has increased in 2012. It describes companies that have cooperated with former DKBA leaders, now calling themselves Karen State Democracy and Development Party (KSDDP), to confiscate land for rubber and teak plantation, as well as the forcing of civilians to clear and plant trees in the plantation for no wages. ⁴⁹⁰
Project under observation: Thayetchaung rubber plantation agriculture <i>Location (Karen/Burmese): K'Ser Doh Township, Tenasserim (Mergui-Tavoy)/ Tanintharyi</i>		
<i>Actors</i>	<i>Date</i>	<i>Details</i>
Oil palm company	September 2011	This report includes information about the confiscation of 700 acres of land, including villagers' land, for oil palm plantations, as well as the deforestation of this land. The report details that villagers were promised some compensation for land lost, though this had not yet been paid at the time the report was submitted. ⁴⁹¹
Unidentified domestic actors	Beginning in 2002 or 2003	This report includes information regarding excessive taxes and demands, land confiscation, forced relocation and restrictions on trade that villagers face due to private parties who have coordinated plantation projects in the area. Villagers have difficulties securing work near their homes and face increased costs for food and transportation as a result. ⁴⁹²
Project under observation: Bu Tho plantation agriculture <i>Location (Karen/Burmese): Bu Tho Township, Papun District/ North Kayin</i>		
<i>Actor</i>	<i>Date</i>	<i>Incident Details</i>
Tatmadaw LIBs #434, #340, #642, IB #19; Commander Aung Toe	2012	This report contains information about the confiscation of 111 acres of villagers' lands in Meh Klaw village tract by multiple Tatmadaw battalions. ⁴⁹³
Tatmadaw LIBs #434 and #341	May 2012	This report describes the confiscation of villagers' land by the Tatmadaw from Aq--- and Au--- villages, as well as attendant difficulties faced by villagers; including demands for villagers to clear plantation land. ⁴⁹⁴
Tatmadaw LIB #434	2010 to 2012	This report describes how the LIB #434's confiscation of land in Bu Tho township has impacted the community, and specifically discusses the confiscation of 11 acres from two villagers. ⁴⁹⁵
Project Under Observation: T'Nay Hsah plantation agriculture <i>Location (Karen/Burmese): T'Nay Hsah Township, Hpa-an District/ Central Kayin</i>		
<i>Actor</i>	<i>Date</i>	<i>Incident Details</i>
Tatmadaw LIBs	2011 to	This report describes the uncompensated confiscation of

#547, #548 and #549; Border Guard Battalions #216 Commander Mya Hkaing, #217 Commander Saw Dih Dih, #218 Commander Saw Maung Win, #220 Commander Sah Lay	2012	villagers' farms and plantations, as well as villagers being forced to do forced labour by working the same land that was confiscated. ⁴⁹⁶
Tatmadaw LIBs #547, #548 and #549	April 2012	This report describes villagers from Htee Hpoh Kyaw, Mya P'Deh and Noh Ta Pweh village tracts being ordered to cultivate land that had been confiscated from them. The report also describes hand tractors being demanded from villagers, though demands were not always met. ⁴⁹⁷
Tatmadaw LIBs #547, #548 and #549	2012	This report contains information about the confiscation of villagers' land in T'Nay Hsah Township, causing the displacement of 30 households. The report also details one villager's refusal to sign away their land. ⁴⁹⁸
Tatmadaw LIBs #547, #548 and #549	2012	This report contains information about villagers' land being confiscated and villagers being pressured into signing over their lands; the use of villagers for forced labour in the form of agricultural work is also described. ⁴⁹⁹
Tatmadaw LIBs #547, #548 and #549	2012	This report describes the confiscation of land from villagers and villagers being put under pressure to sign their land away, forcing many to move to a nearby monastery and resulting in loss of livelihoods. The community member also describes how Battalion #548 in particular have forced villagers who have tractors to work the land without payment. ⁵⁰⁰
Project Under Observation: Tantabin plantation agriculture		
Location (Karen/Burmese): Tantabin Township, Toungoo District/ Northwestern Kayin		
Actor	Date	Incident Details
Kaung Myat Company, U Kin Maung Aye; MSP company	Unspecified	This report details the confiscation of 2,400 acres of villagers' farms and betelnut and banana plantations by Kaung Myat, and a further 800 acres by MSP for plantation projects of teak, <i>pway</i> and rubber. Villagers are permitted to plant beans and peanuts in the plantations, thereby providing free labour for clearing the growth. ⁵⁰¹

⁴⁰⁰ See the *KHRG Field Documentation Philosophy*, available on request or accessed on KHRG's new website in early-2013.

⁴⁰¹ See Appendix 1: Source document/ANyahHpayhDam/2012/1.

⁴⁰² See Appendix 1: Source document/ANyahHpayhDam/2012/2.

⁴⁰³ See Appendix 1: Source document/ANyahHpayhdam/2012/3.

⁴⁰⁴ See Appendix 1: Source document/BlawHsehDam/2011.

⁴⁰⁵ See Appendix 1: Source document/HatgyiDam/2012.

⁴⁰⁶ See Appendix 1: Source document/NohPawHteeDam/2012.

⁴⁰⁷ See Appendix 1: Source document/PapunBilinRiverDam/2011.

⁴⁰⁸ See Appendix 1: Source document/PehLawWahDam/2012.

⁴⁰⁹ See Appendix 1: Source document/ShwegyinDam/2012/1.

- ⁴¹⁰ See Appendix 1: Source document/ShwegyinDam/2011/1.
⁴¹¹ See Appendix 1: Source document/ShwegyinDam/2011/2.
⁴¹² See Appendix 1: Source document/ShwegyinDam/2011/3.
⁴¹³ See Appendix 1: Source document/ShwegyinDam/2011/4.
⁴¹⁴ See Appendix 1: Source document/ShwegyinDam/2011/5.
⁴¹⁵ See Appendix 1: Source document/ShwegyinDam/2011/6.
⁴¹⁶ See Appendix 1: Source document/ShwegyinDam/2011/7.
⁴¹⁷ See Appendix 1: Source document/ShwegyinDam/2011/8.
⁴¹⁸ See Appendix 1: Source document/ShwegyinDam/2011/9.
⁴¹⁹ See Appendix 1: Source document/ShwegyinDam/2011/10.
⁴²⁰ See Appendix 1: Source document/ShwegyinDam/2011/11.
⁴²¹ See Appendix 1: Source document/ShwegyinDam/2011/12.
⁴²² See Appendix 1: Source document/ShwegyinDam/2011/13.
⁴²³ See Appendix 1: Source document/ShwegyinDam/2011/14.
⁴²⁴ See Appendix 1: Source document/ShwegyinDam/2011/15.
⁴²⁵ See Appendix 1: Source document/ShwegyinDam/2011/16.
⁴²⁶ See Appendix 1: Source document/ShwegyinDam/2011/17.
⁴²⁷ See Appendix 1: Source document/ShwegyinDam/2011/18.
⁴²⁸ See Appendix 1: Source document/ShwegyinDam/2011/19.
⁴²⁹ See Appendix 1: Source document/ShwegyinDam/2011/20.
⁴³⁰ See Appendix 1: Source document/ShwegyinDam/2011/21.
⁴³¹ See Appendix 1: Source document/TohBohDam/2012.
⁴³² See Appendix 1: Source document/TohBohDam/2011/1.
⁴³³ See Appendix 1: Source document/TohBohDam/2011/2.
⁴³⁴ See Appendix 1: Source document/DooplayaInfrastructureDevelopment/2012.
⁴³⁵ See Appendix 1: Source document/DooplayaInfrastructureDevelopment/2011.
⁴³⁶ See Appendix 1: Source document/K'TerHteeCampDevelopment/2012/1.
⁴³⁷ The KNU/KNLA Peace Council, also called the Karen Peace Council or KPC, is an armed group which split from the Karen National Union (KNU) in 2007 and subsequently refused to comply with orders from the then-SPDC government to transform its forces into the Tatmadaw Border Guard; see: "KNU/KNLA Peace Council," *Mizzima News*, June 7th 2010 and "KPC to be outlawed if it rejects BGF," *Burma News International*, August 30th 2010.
⁴³⁸ See Appendix 1: Source document/K'TerHteeCampDevelopment/2012/2.
⁴³⁹ See Appendix 1: Source document/K'TerHteeCampDevelopment/2012/3.
⁴⁴⁰ See Appendix 1: Source document/NaThaKwayInfrastructureDevelopment/2012.
⁴⁴¹ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/1.
⁴⁴² See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/2.
⁴⁴³ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/3.
⁴⁴⁴ See Appendix 1: Source document/TavoyInfrastructureDevelopment/2012/4.
⁴⁴⁵ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/1.
⁴⁴⁶ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/2.
⁴⁴⁷ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/3.
⁴⁴⁸ See Appendix 1: Source document/ThandaungInfrastructureDevelopment/2012/4.
⁴⁴⁹ See Appendix 1: Source document/KhooThooHtaLogging/2012.
⁴⁵⁰ See Appendix 1: Source document/LuPlehLogging/2012.
⁴⁵¹ See Appendix 1: Source document/LuPlehLogging/2011.
⁴⁵² See Appendix 1: Source document/TavoyLogging/2012.
⁴⁵³ See Appendix 1: Source document/ThatonBilinRiverLogging/2012.
⁴⁵⁴ See Appendix 1: Source document/ThatonBilinRiverLogging/2011.
⁴⁵⁵ See Appendix 1: Source document/LerDohMining/2012/1.
⁴⁵⁶ See Appendix 1: Source document/LuPlehMining/2012/1.
⁴⁵⁷ See Appendix 1: Source document/LuhPlehMining/2012/2.
⁴⁵⁸ See Appendix 1: Source document/LuhPlehMining/2011.
⁴⁵⁹ See Appendix 1: Source document/PapunBilinRiverMining/2012.
⁴⁶⁰ See Appendix 1: Source document/PapunBilinRiverMining/2011/1.
⁴⁶¹ See Appendix 1: Source document/PapunBilinRiverMining/2011/2.
⁴⁶² See Appendix 1: Source document/PapunBilinRiverMining/2011/3.
⁴⁶³ Maung Chit Thu was the operations commander of Democratic Karen Buddhist Army (DKBA) Battalion #999 prior to the DKBA transformation into the Tatmadaw Border Guard, which began in

September 2010. Although he accepted this transformation, his current position in the Border Guard remains unclear, and he has been variously described as a high-level advisor and an operations commander. Other abuses committed by Maung Chit Thu have been cited in previous KHRG reports, including ordering the forcible relocation of villagers from eight villages in Lu Pleh Township in July 2011, while acting as a Border Guard commander, see, “Pa'an Situation Update: June to August 2011”, KHRG October 2011. For more information on the DKBA / Border Guard transformation, see, for example: “Border Guard Forces of South-East Command formed in Paingkyon of Kayin State,” New Light of Myanmar, August 22nd 2010; and “Border Guard Force formed at Atwinkwinkalay region, Myawaddy Township, Kayin State,” New Light of Myanmar, August 25th 2010.

⁴⁶⁴ See Appendix 1: Source document/PapunBilinRiverMining/2011/4.

⁴⁶⁵ See Appendix 1: Source document/TavoyMining/2012/1.

⁴⁶⁶ See Appendix 1: Source document/TavoyMining/2012/2.

⁴⁶⁷ See Appendix 1: Source document/TavoyMining/2012/3.

⁴⁶⁸ See Appendix 1: Source document/TavoyMining/2012/4.

⁴⁶⁹ See Appendix 1: Source document/TavoyMining/2012/5.

⁴⁷⁰ See Appendix 1: Source document/TavoyMining/2012/6.

⁴⁷¹ See Appendix 1: Source document/ThatonBilinRiverMining/2012/1.

⁴⁷² See Appendix 1: Source document/ThatonBilinRiverMining/2012/2.

⁴⁷³ See Appendix 1: Source document/ThatonBilinRiverMining/2011/1.

⁴⁷⁴ See Appendix 1: Source document/ThatonBilinRiverMining/2011/2.

⁴⁷⁵ See Appendix 1: Source document/K'SerDohMining/2012.

⁴⁷⁶ See Appendix 1: Source document/KyaInSeikKyMining/2012.

⁴⁷⁷ See Appendix 1: Source document/BuLohTrawMining/2012.

⁴⁷⁸ See Appendix 1: Source document/DooplayaPlantationAgriculture/2012/1.

⁴⁷⁹ See Appendix 1: Source document/DooplayaPlantationAgriculture/2012/2.

⁴⁸⁰ See Appendix 1: Source document/DooplayaPlantationAgriculture/2011/1.

⁴⁸¹ See Appendix 1: Source document/DooplayaPlantationAgriculture/2011/2.

⁴⁸² See Appendix 1: Source document/Hpa-anTownshipPlantationAgriculture/2012/1.

⁴⁸³ See Appendix 1: Source document/Hpa-anTownshipPlantationAgriculture/2012/2.

⁴⁸⁴ See Appendix 1: Source document/ShwegyinPlantationAgriculture/2012.

⁴⁸⁵ See Appendix 1: Source document/SittaungRiverValleyplantationagriculture/2012.

⁴⁸⁶ See Appendix 1: Source document/ThandaungPlantationAgriculture/2011.

⁴⁸⁷ See Appendix 1: Source document/ThatonPlantationAgriculture/2012/1.

⁴⁸⁸ See Appendix 1: Source document/ThatonPlantationAgriculture/2012/2.

⁴⁸⁹ See Appendix 1: Source document/ThatonPlantationAgriculture/2012/3.

⁴⁹⁰ See Appendix 1: Source document/ThatonPlantationAgriculture/2012/4.

⁴⁹¹ See Appendix 1: Source document/ThayetchaungPlantationAgriculture/2012.

⁴⁹² See Appendix 1: Source document/ThayetchaungPlantationAgriculture/2011.

⁴⁹³ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/1.

⁴⁹⁴ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/2.

⁴⁹⁵ See Appendix 1: Source document/BuThoPlantationAgriculture/2012/3.

⁴⁹⁶ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/1.

⁴⁹⁷ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/2.

⁴⁹⁸ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/3.

⁴⁹⁹ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/4.

⁵⁰⁰ See Appendix 1: Source document/T'NayHsahPlantationAgriculture/2012/5.

⁵⁰¹ See Appendix 1: Source document/TantabinPlantationAgriculture/2011.

