

tyrants, tycoons and tigers

Yuzana Company Ravages Burma's Hugawng Valley





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About KDNG

The Kachin Development Networking Group (KDNG) is a network of civil society groups and development organizations inside Kachin State and overseas that was set up in 2004 to promote sustainable development, equality and justice.

About KDNG Research

After two years of research, in 2007 KDNG produced the report Valley of Darkness which examined the social and environmental impacts of the gold mining industry on Hugawng Valley. KDNG has been monitoring the situation in Hugawng since that time. The information was gathered in spite of tight travel restrictions and safety concerns.

Note: LaBan Kawk, meaning “the village of the Laban family,” is the original name of Ban Kawk village. The Burmese pronounce the village name as “Ban Gauk.”

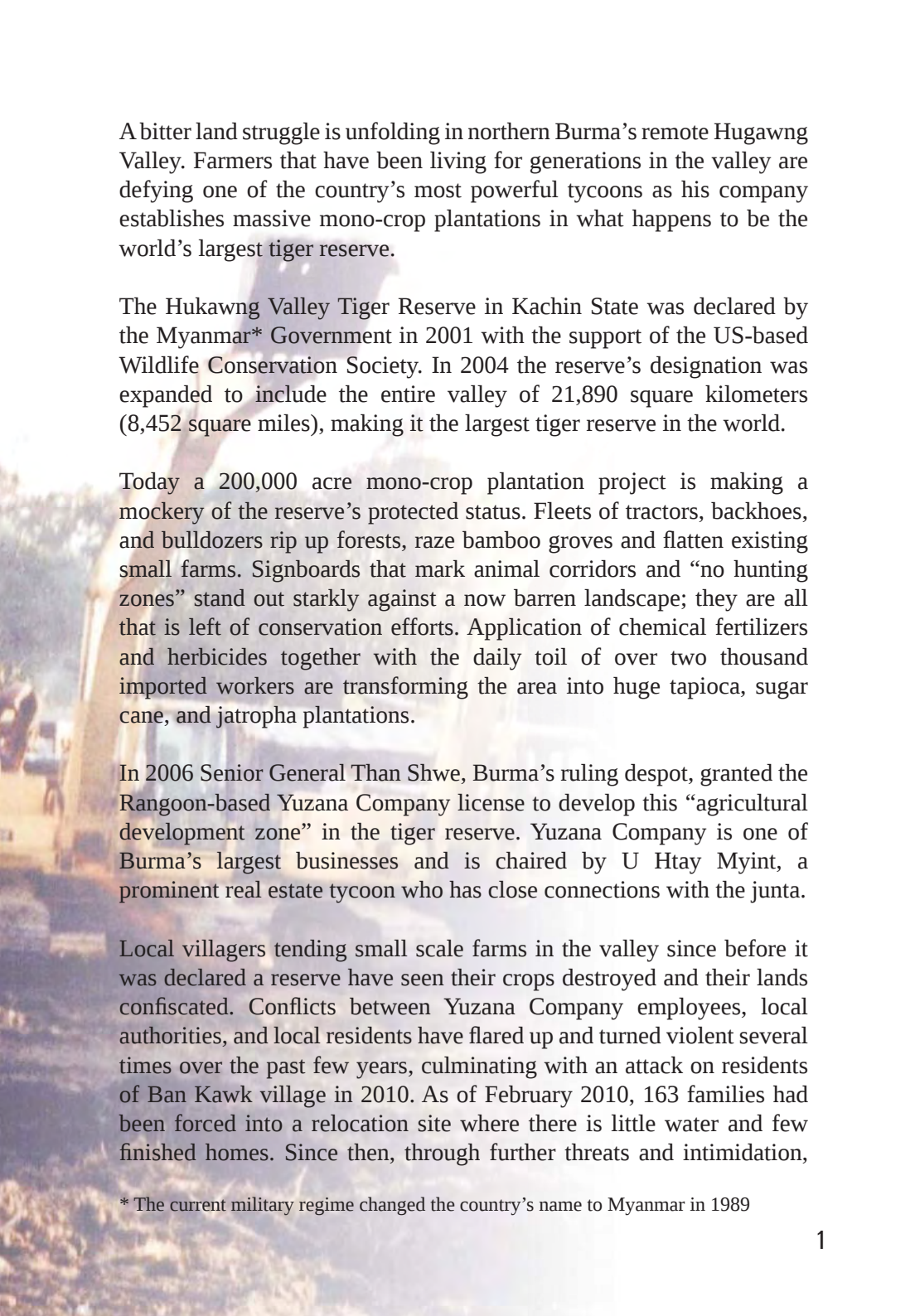
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Summary

A fleet of Yuzana machines line up for work in the tiger reserve



A bitter land struggle is unfolding in northern Burma's remote Hugawng Valley. Farmers that have been living for generations in the valley are defying one of the country's most powerful tycoons as his company establishes massive mono-crop plantations in what happens to be the world's largest tiger reserve.

The Hukawng Valley Tiger Reserve in Kachin State was declared by the Myanmar* Government in 2001 with the support of the US-based Wildlife Conservation Society. In 2004 the reserve's designation was expanded to include the entire valley of 21,890 square kilometers (8,452 square miles), making it the largest tiger reserve in the world.

Today a 200,000 acre mono-crop plantation project is making a mockery of the reserve's protected status. Fleets of tractors, backhoes, and bulldozers rip up forests, raze bamboo groves and flatten existing small farms. Signboards that mark animal corridors and "no hunting zones" stand out starkly against a now barren landscape; they are all that is left of conservation efforts. Application of chemical fertilizers and herbicides together with the daily toil of over two thousand imported workers are transforming the area into huge tapioca, sugar cane, and jatropa plantations.

In 2006 Senior General Than Shwe, Burma's ruling despot, granted the Rangoon-based Yuzana Company license to develop this "agricultural development zone" in the tiger reserve. Yuzana Company is one of Burma's largest businesses and is chaired by U Htay Myint, a prominent real estate tycoon who has close connections with the junta.

Local villagers tending small scale farms in the valley since before it was declared a reserve have seen their crops destroyed and their lands confiscated. Conflicts between Yuzana Company employees, local authorities, and local residents have flared up and turned violent several times over the past few years, culminating with an attack on residents of Ban Kawk village in 2010. As of February 2010, 163 families had been forced into a relocation site where there is little water and few finished homes. Since then, through further threats and intimidation,

* The current military regime changed the country's name to Myanmar in 1989

others families have been forced to take “compensation funds” which are insufficient to begin a new life and leave them destitute.

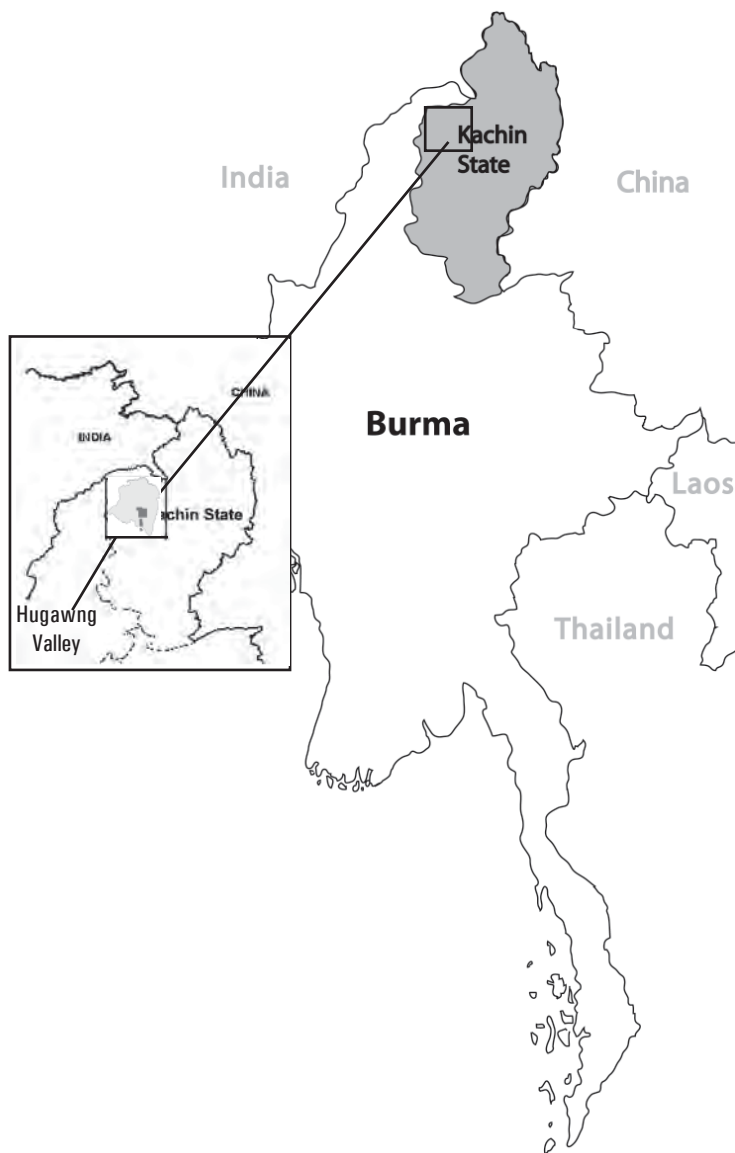
Despite the powerful interests behind the Yuzana project, villagers have been bravely standing up to protect their farmlands and livelihoods. They have sent numerous formal appeals to the authorities, conducted prayer ceremonies, tried to reclaim their fields, refused to move, and defended their homes.

The failure of various government officials to reply to or resolve the problem finally led the villagers to reach out to the United Nations and the National League for Democracy in Burma. In March 2010 representatives of three villages filed written requests to the International Labor Organization to investigate the actions of Yuzana. In July 2010, over 100 farmers opened a joint court case in Kachin State.

Although the villagers in Yuzana’s project area have been ignored at every turn, they remain determined to seek a just solution to the problems in Hugawng. As Burma’s military rulers prepare for their 2010 “election,” local residents hold no hope for change from a new constitution that only legalizes the status quo and the military’s placement above the law. Companies such as Yuzana that have close military connections are set to play an increasing role in the economy and will also remain above the law. The residents of Hugawng Valley are thus at the frontline of protecting not only their own lands and environment but also the rights of all of Burma’s farmers.

The Kachin Development Networking Group stands firmly with these communities and therefore calls on Yuzana to stop their project implementation to avoid any further citizens’ rights abuses and calls on all Kachin communities and leaders to work together with Hugawng villagers in their brave struggle.

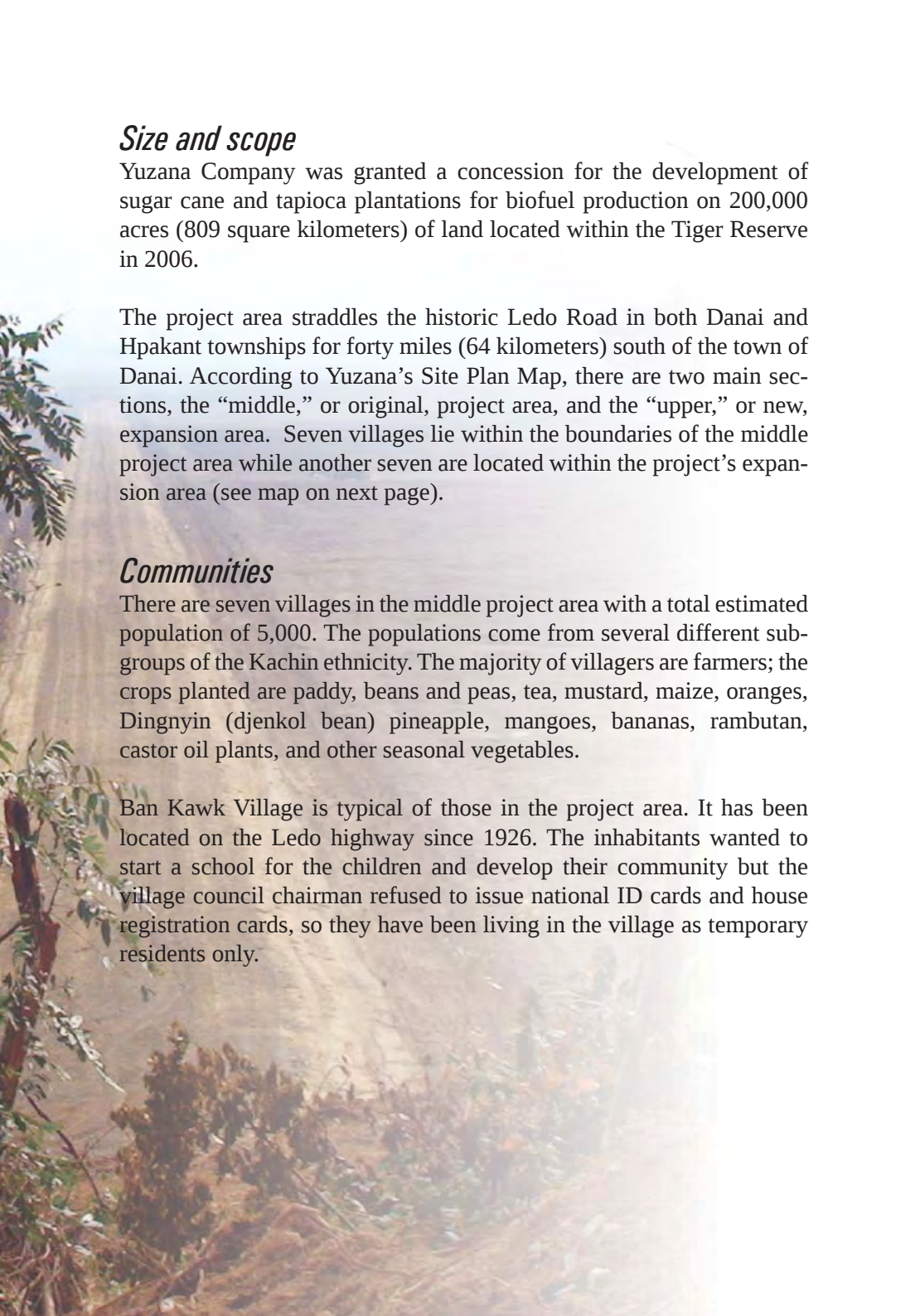
Hugawng Valley in Kachin State



Large swathes are cleared for monocrop plantations in the tiger reserve



The Project Area



Size and scope

Yuzana Company was granted a concession for the development of sugar cane and tapioca plantations for biofuel production on 200,000 acres (809 square kilometers) of land located within the Tiger Reserve in 2006.

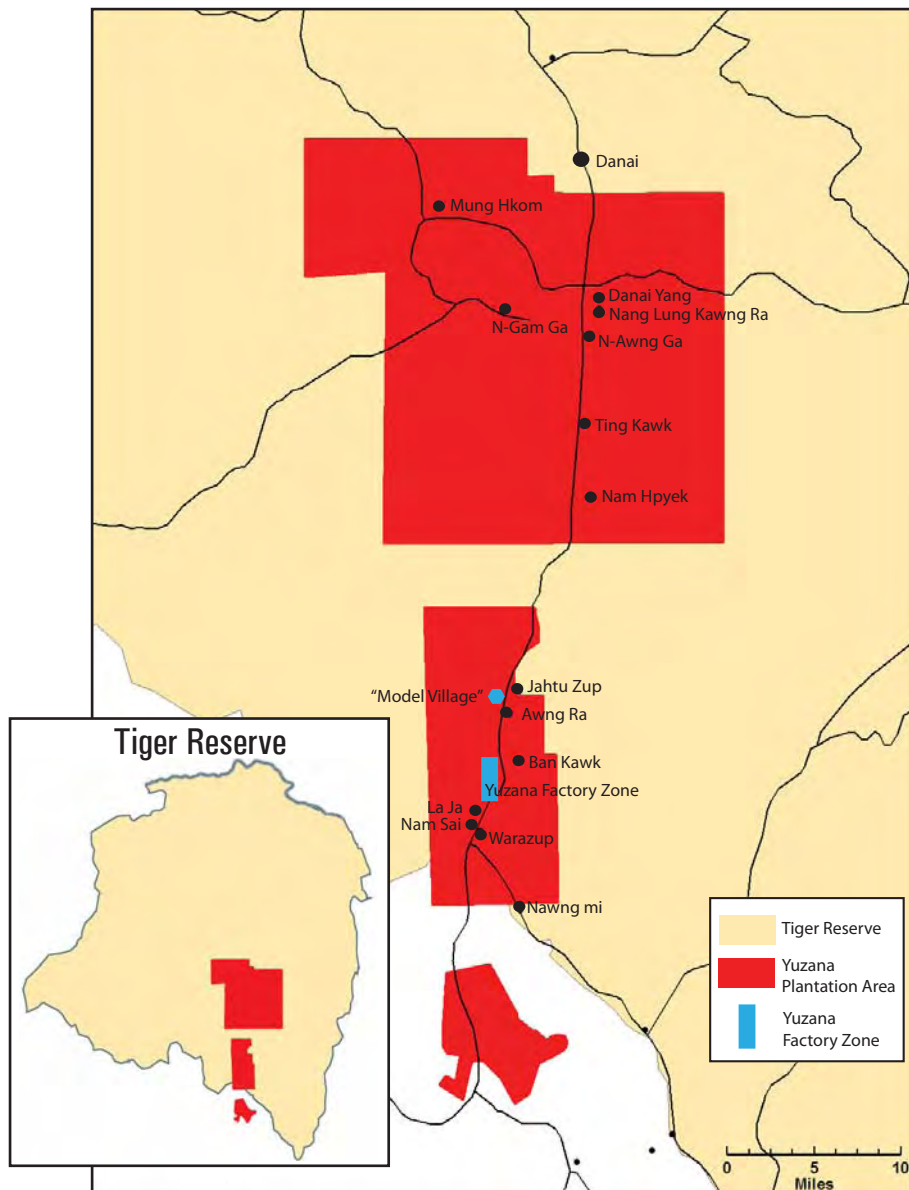
The project area straddles the historic Ledo Road in both Danai and Hpakant townships for forty miles (64 kilometers) south of the town of Danai. According to Yuzana's Site Plan Map, there are two main sections, the "middle," or original, project area, and the "upper," or new, expansion area. Seven villages lie within the boundaries of the middle project area while another seven are located within the project's expansion area (see map on next page).

Communities

There are seven villages in the middle project area with a total estimated population of 5,000. The populations come from several different sub-groups of the Kachin ethnicity. The majority of villagers are farmers; the crops planted are paddy, beans and peas, tea, mustard, maize, oranges, Dingnyin (djenkol bean) pineapple, mangoes, bananas, rambutan, castor oil plants, and other seasonal vegetables.

Ban Kawk Village is typical of those in the project area. It has been located on the Ledo highway since 1926. The inhabitants wanted to start a school for the children and develop their community but the village council chairman refused to issue national ID cards and house registration cards, so they have been living in the village as temporary residents only.

Yuzana project and Hugawng Tiger Reserve



Map is based on “Proposed Site Plan Map for Yuzana Integrated Agriculture Project, Danai Kachin State”

Infrastructure and Security

In 2007, company barracks (including worker housing and machine storage) were constructed in Warazup village. In early 2009 Yuzana began building a factory between Ban Kawk and Warazup villages. The factory is surrounded by a 20,000 square foot (1,858 square meter) concrete wall that is 7 feet (over two meters) high. Those coming in and out are strictly checked by guards at a main gate. There is also a tunnel underneath the factory.

The factory lies within the Yuzana Factory Zone, a gated area under construction that includes housing for 1,000 employees currently living there, a large supermarket, the factory, and buildings for machinery storage. Construction of more buildings is ongoing. Both private security and Burma Army soldiers guard the factory zone.

Two hundred soldiers from Infantry Battalion 297 based in Jahtuzup are responsible for security patrols across the middle project area. During June 2009 approximately 800 Yuzana employees attended military training by Infantry Battalion 297 in Jahtuzup village. Most of the employees were former soldiers in the Burma Army.

Yuzana factory for processing tapioca in the tiger reserve





illustration from *The Irrawaddy*

Htay Myint presents a commemorative gift to Senior General Than Shwe in 2003; an artist's rendition of Htay Myint



Housing units within Yuzana factory zone in the tiger reserve are not available for local villagers



The wall around Yuzana factory zone in the tiger reserve which separates it from local villagers



Yuzana Hotel in Rangoon

Yuzana Company

Yuzana Company was founded in 1994 by Htay Myint, today one of Burma's leading real estate tycoons. The company is involved in hotels and tourism construction, fisheries, and agriculture (particularly palm oil and rubber plantations). The company owns three hotels and the Yuzana Supermarket in Rangoon. In 2007 Yuzana was awarded the contract to reconstruct the historic Ledo Road between Myitkyina and Danai. Under the contract, Yuzana is authorized to collect tax on the road for 30 years.

Htay Myint is banned from travel to the European Union and is subject to sanctions by the United States due to his close connections with the ruling military, especially the junta's #2, Vice Senior General Maung Aye.

A rash of privatizations by Burma's military regime ahead of the 2010 elections has seen hundreds of state-owned properties and entities sold off to business cronies of top military leaders. Several of these tycoons are also likely to gain government positions after the upcoming elections. This includes Htay Myint, who reportedly desires the governorship of Tenasserim Division due to his extensive business interests in the palm oil industry there.

This ambition dovetails nicely with Htay Myint's recent acquisition of Southern Myanmar United FC, a football team representing Tenasserim Division in the newly anointed Myanmar Football League. The league, which began in May, is widely believed to be a ploy by the junta during its upcoming election to appeal to voters. All teams in the league are sponsored by leading businessmen in Burma.

Htay Myint is also chairman of the Myanmar Fisheries Federation, president of the Construction Owners Association and president of the Fishing Vessel Owners Association.

Yuzana workers clear and burn in the tiger reserve



Yuzana's Development Process



“We want to bring development to Hugwang”
- Yuzana chairman Htay Myint to Ban Kawk villagers in 2010

Environmental destruction

Despite operating in an officially protected area, Yuzana has free rein in developing its agricultural plantations regardless of the environmental consequences. The loss of forest and grassland areas and the transformation of a self-reliant diversified agriculture to large scale mono-crop plantations is a menace not only to residents but to this globally-recognized area of biodiversity.

In 2007 BirdLife International warned in its Indochina newsletter that the Hugawng reserve was “headed for the garbage bin.”¹ It went on to say that areas destined for sugar cane “must be either areas of alluvial grassland or lowland forest” and that “grasslands in and around the Hukaung Sanctuary constitute the largest and most important grasslands in the region.” The grasslands and their wetlands support several globally threatened species including *Panthera tigris*.

In order to prepare for the establishment of the plantations, chemical fertilizers and herbicides are applied to all vegetation within each land block. A variety of equipment is then used to clear and level the land, and excavators dig out canals between the blocks. After such activity, residents have reported a decrease in wild animal sightings and that livestock have gotten trapped in the canals and died.

By March 2008 BirdLife International reported that forests had been almost completely clear-felled up to two kilometers back from the Ledo Road for up to 80 kilometers and planted in sugar cane and jatropha plantations. Only one animal corridor remained. Logs and felled tree matter were also clogging up the Danai River in 2008. In June 2009, nearly 50 trucks of hardwood logs per day were seen leaving the valley to Mogaung train station and Yuzana had already occupied and destroyed the No. 1 Tiger Conservation Camp near Nawng Mi village.

As of February 2010, KDNG was unable to see any remaining forests in animal corridor areas. Only the signboards of the Forest Department and the Wildlife Conservation Society were left standing (see cover photo).



Signboards in the Tiger Reserve read:

"when there are many forests it is a hotspot for biodiversity"

"mountains and forests are green, we are very happy"

*"mountains and forests are deep;
the animals have a good home and food"*

*"the largest 'paper-park' in Myanmar has just had a few
strips torn-off and could be headed for the garbage bin."*

BirdLife International 2007

Silence from the Wildlife Conservation Society



The Wildlife Conservation Society (WCS), an American non-profit organization, first worked with Burma's military regime to establish the Tiger Reserve in 2001; the reserve's designation was tripled in size in 2004, making it the largest tiger reserve in the world. Over the years WCS has been criticized for not including local residents in the formulation of conservation plans and for helping to "green wash" the military regime.

A Tiger Report Card from WCS in February 2010 ranked the Hugawng Valley as "Yellow," a middle grade that signifies that "prospects for tigers are fair." The rating makes no mention of the extensive plantations in the Reserve. Yuzana's actions are also consistently absent in press releases and media interviews by WCS. In August this year, in the lead up to the Global Tiger Summit, WCS took credit (as they had already done in 2004) for the now "official" designation of the reserve's expansion. Colin Poole, Director for WCS's Asia Programs, boasted that "Myanmar now offers one of the best hopes for saving tigers in South-east Asia" yet failed to mention the destruction currently underway in the reserve or the threat of mono-crop plantations to the tiger habitat.



Blatant disregard by Yuzana: Land clearing and destruction in the Tiger Reserve. The bottom board says "conserve today for the future."

Land seized, crop destroyed, livelihoods restricted

Since 2007 Yuzana Company has used township-level military authorities and government officers from various levels and departments to seize lands from local farmers in the project area. Hundreds of farmers have already lost paddy farms, fruit orchards and animal grazing lands with little or no compensation (see Annex B). In Kachin State and across Burma it is quite difficult to obtain a legal title to farmland. Yet even those with such titles have had their lands taken.



Yuzana Company banned travel along some of Ledo Road, making it difficult for villagers to carry out daily activities

Left with no lands to grow food, these farmers have turned to daily wage labor for survival. In an ironic twist of fate, some have had no choice but to work for Yuzana itself, thereby becoming wage laborers on their own lands.

Yuzana Company has also occupied and banned travel in the area 10 miles up and down stream from the Ledo Road to Mangpang stream and 6 miles to Dumbang stream and one mile to Kawktawng stream. Firewood collection and fishing is prohibited in these areas, making it difficult for villagers to carry out their daily activities and thus impacting their food security.

Timeline



Confiscations of lands and forced relocations begin



First appeal letter sent to Senior General Than Shwe



Villagers force bulldozers to retreat several times

2001

2006

2007

June
2007

2008

March
2008



Hukawng Valley Tiger Reserve is declared



Yuzana Company granted license to 200,000 acres in Hukawng



BirdLife International reports massive felling of forests along the Ledo Road



Residents of Ban Kawk village are attacked and jailed



Villagers request International Labor Organization to investigate Yuzana



Houses and farms are bulldozed in Aung Ra village

2009

February
2010

February
2010

March
2010

June
2010



Yuzana begins building a factory; employees attend military training



Wildlife Conservation Society ranks prospects for tigers in Hugawng “fair”

Officials across the project area use various forms of intimidation and pressure to force residents from their lands. For example, in 2008 the Police and Land Survey Department in Hpakant Township instituted a new set of regulations for farmers which require cultivation methods that are completely contrary to local practice and nearly impossible to comply with. The punishment for non-compliance is seizure of farm lands by the government. The Hpakant Township Police Captain Htun Htun Oh announced that farmers have to plow their fields and grow rice in the dry season. Farmers must also grow tri-monthly crops each year and not leave any fields idle. These are contrary to traditional practice. If a farmer grows disallowed crops or if he or she cannot grow the permitted crops, the government can also confiscate the farm. These regulations apply only to local farmers, not to Yuzana Company or to military farms.

Methods such as these have gotten increasingly harsh and clashes over the seizure of lands have turned violent on several occasions (see “Ban Kawk Explodes”).

Confiscated lands documented since 2007

No	Village Name	Confiscated (in acres)
1	Nawng Mi	150
2	Jahtuzup	720
3	Ban Kawk	360
4	Warazup	900
5	Nam Sai	118
6	Awng Ra	300
7	La Ja	350
8	Kawng Ra	300
9	Namhpyek	100
10	Ting Kawk	50
11	Danai	250
Total		3,598

The chart reflects data that KDNG was able to obtain to date but does not reflect the total amount of lands confiscated.

The confiscators

Authorities from various levels of the government, the Army, and Yuzana have been confiscating lands and abusing citizen rights in the Hugawng Valley. They are as follows:

Company Officials

- Yuzana Company Manager U Pu Kyi, brother of U Htay Myint

Village Tract Officers

- U Mung Sam, Village Tract Officer, Jahtuzup
- U Zaw Min Tun and U Tein Linn, members of Ban Kawk Village Tract Group
- U Asiyaw, member of Awng Ra Village Tract Group

District and Township Officers

- U Tun Sein, District State Peace and Development Council
- Lun Moe Han and U David, Hpakan Township Peace and Development Council

Army officers

- Colonel Ru San Joe, Colonel Tin Hmaung Win, and Major General Hkin Mong Aye from the Regional Operations Monitoring Force in Danai Township
- Leaders of Infantry Battalion 297 in Jahtuzup including the Vice Battalion Commander

Other Government Officers

- U Kyaw Htun San of the Hpakan Land Survey Department
- Fire Brigade Officer Ashay Gyi
- Police Captain Htun Htun Oh, Hpakan Township

*Yuzana tractors clear farms
in Warazup village*



Military cronies can ignore the law

The Law Safeguarding Peasant Rights from 1963 is still officially in force in Burma and makes it illegal for a company such as Yuzana to confiscate lands. Yet Yuzana Company and various government officials are blatantly abusing the law in Hugawng Valley.

Below is an unofficial translation of Section 3 of the law.

THE LAW SAFEGUARDING PEASANT RIGHTS (1963)

Law No. 9, 1963

Section 3

- (1) Notwithstanding anything elsewhere contained in any existing law, a Civil Court shall not make a decree or order for:
 - (a) A warrant of attachment for or confiscation of agricultural land; neither for employed livestock and implements, harrows and implements, other animate and inanimate implements, nor the produce of agricultural land.
 - (b) Prohibition of work upon or entry into agricultural land.
 - (c) Prohibition of movement or sale in whole or part or use of employed livestock and implements, harrows and implements, other animate and inanimate implements, or the produce of agricultural land.
 - (d) Arrest and detention of a peasant in connection with any matter included in paragraphs (a) (b) and (c).
- (2) The provisions of subsection (1) do not apply to:
 - (a) Actions taken for the obtaining of government revenue;
 - (b) Actions taken over events concerning inheritance rights; or,
 - (c) Government actions taken for law and order.
- (3) The provisions of subsection (1) do not apply to rubber plantations.

Legalising military dictatorship through 2010 elections

In 2008 a widely condemned referendum process “approved” a new constitution for Burma which will be implemented through the upcoming 2010 elections. Below are excerpts from David C. Williams, Executive Director, Center for Constitutional Democracy, Indiana University *ANALYSIS OF THE 2008 SPDC CONSTITUTION FOR BURMA*.

Most international attention has been focused on the 2008 constitution’s mandate that the Tatmadaw (the Army) will appoint 25% of the seats in the various legislative bodies. But there’s a much bigger problem: under the constitution, the Tatmadaw is not subject to civilian government, and it writes its own portfolio. It can do whatever it wants.

Article 20(b) provides that the military will run its own show without being answerable to anyone: “The Defense Services has [sic] the right to independently administer and adjudicate all affairs of the armed forces.” The constitution defines the “affairs of the armed forces” so broadly as to encompass anything that the Tatmadaw might want to do.

Because the Tatmadaw’s responsibilities are so broadly and vaguely defined, the question of who will have the power to interpret their scope is critical. The constitution answers that question clearly: Article 20(f) assigns the Tatmadaw primary responsibility “for safeguarding the Constitution.” The Tatmadaw will have the power to determine the powers of the Tatmadaw.

The constitution further ensures that the Tatmadaw will have the power to control the citizenry on a day-to-day basis. Under Article 232(b) (ii), the Commander-in-Chief will appoint the Ministers for Defense, Home Affairs, and Border Affairs. The military’s control over home affairs is especially ominous because it gives the Defense Services broad power over the lives of ordinary citizens in their daily lives.

Forced to move “willingly”

Yuzana Company’s development plan not only includes the seizure of farm lands but the wholesale forced relocation of villages in its project area. The company has established a “model village” at the north end of the project zone and expects all villages to permanently relocate there. As of February 2010 a total of 163 households had been forced to move.

Company and local officials have gone household by household in six villages demanding families to sign an “Application for the Allotment of a Land Plot” (see Annex E). The application is a formal request for land in the resettlement area and states that no one is pressuring the applicant to make the request.

Despite the words on the Land Allotment Application that indicate a willingness to move, villagers are being left with little choice. In early 2009, the Village Tract leader of Warazup, Jahtuzup and Ban Kawk called villagers from Jahtuzup and announced that an order had come down from the junta’s Northern Regional Commander that all villagers had to move out by November 2009. Villagers reported that in the meeting the official warned “If you don’t move, we will drive you out.” This threat became reality in February 2010, when police officers and firemen went house by house beating people out of their houses (see “Ban Kawk Explodes”). An excerpt from a letter to Than Shwe from affected villagers describes the situation:

“Some farmlands were taken away with an unreasonably small compensation price. Even though the owners of the farms did not accept the small payment, Yuzana confiscated and destroyed the land anyway. A small compensation of Kyat 30,000 (USD 30) for each acre of land was paid. When the farmers refused to accept the meager compensation, they were threatened and told that the lands would be confiscated without paying anything and they were forced to sign an agreement paper....In addition to confiscating our farmlands, our houses along with the residents were relocated by force....” (see Annex B)



Ban Kawk villagers living by the side of the road with their remaining possessions after their house was destroyed by Yuzana

Village households forced to relocate and remaining (February 2010)

No	Village	Remaining	Relocated	Original
1	Ban Kawk	49	70	119
2	Nam Sai	29	23	52
3	Awng Ra	51	20	71
4	Warazup	320	-	320
5	La Ja Pa	-		50
6	Jahtuzup	500		500
Total		949	163	1,112

Conflict explodes in Ban Kawk village

In January 2010 the Ban Kawk village headman, Maung Zaw, sold some villagers' farms and houses to Yuzana Company, receiving 100,000 kyat (less than USD 100) per house. After receiving money from Yuzana, the headman ordered villagers to move from Ban Kawk village to a new model village.

On January 30th bulldozers began clearing villagers' crop fields and razing field huts and some houses. About 30 infuriated villagers gathered to protest the destruction and a few beat and kicked Maung Zaw. The bulldozer operators witnessed this and retreated as villagers ran after them.

On the night of February 3, the Jahtuzup village tract officer, Maung Sam, came together with over ten police officers and firemen who were armed with guns, knives and sticks. The group threatened the villagers, going from house to house beating people with sticks to come out. A 60-year old woman was shot in the leg with an air gun.

The group stole 500,000 kyat from the Lisu Baptist Church fund, 300,000 kyat from two houses, and a 50 kilogram bag of dried meat. They also went house by house and stole any gold they could find.

Six local residents, two men, three women, and a two month-old baby were arrested. The six villagers were held in Ka Maing police station in Hpakant Township for two weeks and released on February 24. They had to pay 25,000 kyat each for bail and they are now under house arrest.

The villagers appealed to the Hpakant Township Office, to Military Strategic officers, and Naypyidaw to stop moving the village and to release the six arrested villagers. In March 2010 representatives from Ban Kawk and two other villages visited officials from the International Labor Organization in Rangoon to request an investigation of the land confiscation in their village. Until today some villagers continue to stay in the village in defiance of Yuzana and the government.



Yuzana workers set fire to farm huts and houses, leaving charred remains and forcing villagers to move out.

Conditions in the “model village”

Currently 163 families have moved to *Sanbya Kwe Ywa*, Yuzana’s “model” relocation village. Yuzana promised a space of 60’ x 80’ for each new house in the model village, and said they would provide fifty 6’ zinc sheets for the roof, 14 viss of nails, and 4 tons of timber. Families were also promised 100,000 kyat (approximately USD 100) in compensation and two acres of farm land. However, many families have been waiting over one year for their house. They are living in temporary shelters that they had to build themselves from forest materials. Several have received just 20 or 30,000 kyat of their promised compensation funds, and have been told to “wait for the rest.”

Some villagers do have a house built by Yuzana and two acres of tapioca fields. They are not allowed to grow any other crop that they want but must grow tapioca and sell it to Yuzana, leaving them feeling like bonded laborers of Yuzana. None of the villagers are interested in growing tapioca as they are not familiar with this crop.

“No one wants to move but now most have gone because they are forced. The people who have relocated are really suffering now. They have no water, no firewood, and little land. Some have no land at all. In our village we can grow enough for our rice and curry but in the new place it is too dry and they cannot grow anything. There are no vegetables in the surrounding area and no way to grow. They had to move quickly and there is nothing in the new place. They have to establish new home gardens but there is no water. That is why those of us remaining in our village want to stay in the old village because we know we will face these problems in the new place. First we suffered from losing our land, now we are suffering again even more from the new place. We are very sad about this situation. We cannot do anything about this case even though we have tried many things. I want to know where do we have to appeal to? Where can we get an answer to this problem?” – *Community leader in Yuzana project area*

Digging up cemeteries, tossing aside the dead

Yuzana Company shows no respect for local residents nor their own workers. Bulldozers and backhoes clearing out the land blocks for the plantations have leveled entire cemeteries in Ban Kawk and Warazup villages. In the case of Ban Kawk village, in late 2008 and early 2009, the bodies of the dead were dug up and dumped by the side of the road. Residents are fearful of skeletons littering the pathways to farm fields and now have no place to bury their own dead.

According to local residents, wage laborers working for Yuzana that die on the job are also not buried properly but rather tossed “like animals” in shallow graves. A letter to the Hpakant Township office from Ban Kawk villagers in June 2009 describes how farmers walking to their fields must take care when stepping on the road lest they uncover the body of a dead worker that has been wrapped in leaves.

“Caterpillar tractors bulldozed the dead bodies of Yuzana construction workers and buried them along the roads like animal carcasses.” – letter to township authorities from Ban Kawk villagers



Bulldozers at work in the tiger reserve

Luring and exploiting workers

“U Poe Zaw from the Yuzana Company came and hired 300 people together from my hometown to plant tapioca and to clear the forest. I worked for five months but didn’t receive any salary. So I found a job outside and my wife and three children continued to work for Yuzana Company. They were working for over one year but they were paid only half the salary. Now, we all are trying to work outside but we can’t earn enough money to eat day by day. Our family wants to go back home but we don’t have any money to return.” – 55 year old worker from Min Pyar Township, Rakhine State, April 2009

Yuzana Company has recruited approximately three thousand workers from across the country to the remote Hukawng Valley. These have come from Irrawaddy, Magwe, Tenassarim, and Rangoon divisions as well as Arakan and Mon states. In addition to the 1,000 employees in Yuzana village, an estimated 2,000 laborers are working in the fields, clearing lands and planting and maintaining crops. The majority of these workers live in makeshift shelters in the fields or by the side of the road; some have taken over structures abandoned by villagers who have been forced to move out.

Yuzana recruiters promised prospective workers good salaries and decent work conditions. Interviews with workers reveal, however, that many workers have worked months without receiving any pay while others receive only half payment. Those who are paid receive between 1-1,500 kyat per day (approximately USD 1). Some receive three cups of rice per day in addition to some salt and cooking oil once in 4 months.

Workers that came with family don’t have enough food. Most workers want to go back home but don’t have enough money for transportation to return and so they continue to stay and work, sometimes without meals. At the same time, some of the company sub-contractors have fled the project without giving any salaries to their workers.

Labor agents from Yuzana Company also recruited workers from areas affected by Cyclone Nargis. Some of these came to Hugawng with their families and now face severe challenges after not receiving salaries.

Over one hundred children who have come with their families to Hugawng also have to work for their survival. They receive a mere 500 kyat (USD .50) per day from Yuzana and have no chance to attend school.

“Yuzana Company came and hired 30 people together to work at the tapioca farm. The company said they would pay us 35,000 Kyat (US \$30) per month and provide a bus to go to the work place. They said we could work happily. Now, we have already been working for six months but we didn’t get any salary. We want to go back home but we have no money. We don’t want to stay here anymore. Although we want to go back, they didn’t pay our salary. We have to work for Yuzana Company although we don’t really want to work.” - 18 year old worker from Myaung Mya Township, Irrawaddy Division



Women and children prepare seedlings for Yuzana’s plantations

Collective Defiance

Members of this Lisu Baptist Church in Ban Kawk are refusing to move out. The pink buildings of Yuzana Village can be seen in the background.



မာရ်ခိုင်အေဂျီ(စီဂီဂေလီ) အသင်းတော်

Assemblies Of God Of Myanmar

ရန်ဘုရားကျောင်း



ဖွဲ့စည်းခွင့်အမှတ် (၁၀၄၉)

U-S LE KU ZI;TY.M KU-ZI;-JO

ဘန်ကောက်ကျေးရွာ ဖားကန့် မြို့နယ်



Faced with the loss of their lands and homes by the collusion of a well-connected company and Burma's military rulers, residents in Yuzana's project area are bravely seeking a just solution to their situation. They have formed a farmers' social committee to support each other and have tried several courses of action to address the problems.

Although they have been ignored, threatened, and intimidated at every turn, they continue their struggle. Villagers particularly in Ban Kawk and Warazup have been resisting the confiscation of their lands since 2007. Below are some of the ways in which villagers have been fighting for their rights.

Defending against bulldozers and marking off lands

Several times over two years, villagers have driven away Yuzana workers and forced bulldozers to turn back, gathering in crowds of up to 200 people. In 2008 Warazup villagers came with knives and guns, warning bulldozer drivers not to destroy their fields. The drivers turned back, but then returned again at a later date when villagers were busy. Also in 2008, Warazup villagers used plastic bags, old clothes and posters on sticks to mark their lands and put up "Do Not Enter" signs for the drivers.

Destroying Yuzana crops

In the 2009 rainy season in Ban Kawk village, farmers pulled out and cut down tapioca seedlings that were planted by Yuzana workers on their farms. The project manager and village tract officer came to investigate the villagers and demanded "who ordered you to cut these plants?" The villagers responded that "it's time to grow paddy and these are our farms, so we have to clear out the weeds."

Documenting destruction

In August 2009, a 55-page report titled "Problems between Yuzana Company and Kachin People" about the land confiscation in Hugawng Valley was anonymously published in the Jinghpaw language. The report includes numerous detailed photos of lands confiscated by Yuzana and notes that the company currently has control over 300,000 acres of the valley.

Hpakant township authorities saw this report, translated it to Burmese, and sent it to Naypyidaw. Following this, on October 23rd, 2009, Northern Commander Major General Soe Win visited Jahtuzup village and assured villagers that the government would find a solution to the problem. Despite the assurances, there continues to be no just resolution to the situation.

Holding open prayer services

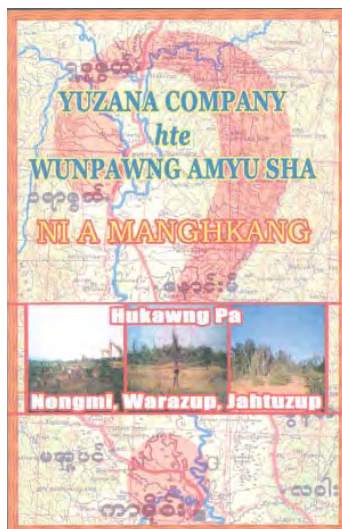
In May 2009, all ten villages from the Yuzana middle project area gathered at Warazup village to exchange experiences, support one another and pray together for a solution to the crisis unfolding in the valley. Another prayer service was held in May 2010.

Refusing to move

Although villagers have been ordered to move out and it is the project's intention to relocate all villages out from the project area, as of February 2010, the majority of villagers have refused to move (see the table Households Forced to Relocate and those Remaining).

Sending open letters of appeal

On July 26, 2007, over 800 farmers from ten villages in the project area signed an open letter to the junta's Senior General Than Shwe urging him to stop Yuzana's land grab in the valley. Over the past two years, farmers from several different villages have sent over twenty letters to various authorities but have not found any recourse for their lost land (see example letters in Annex A and B).



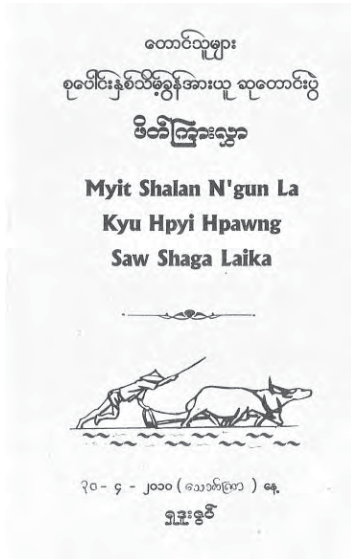
The anonymous 2009 publication "Problems between Yuzana Company and Kachin People"

Requesting international investigation

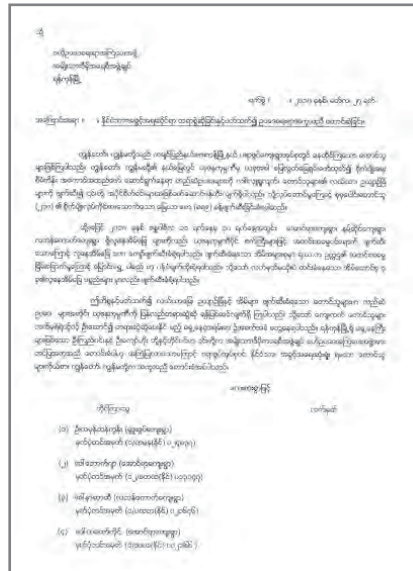
In addition to appeal letters, on March 26, 2010, representatives from three villages submitted a written request to the International Labor Organization in Rangoon from 260 farmers. They requested the ILO to investigate the actions of Yuzana Company in imposing forced labor and confiscating lands. The investigation is ongoing.

Opening court case

On March 27, 2010 villagers submitted a written request to the National League for Democracy's central advisory committee, requesting them to hire a lawyer and to open a legal case against Yuzana Company in a Burmese court for abuse of citizens' rights. In July 2010 a court case on behalf of 148 farmers was opened in the Kachin State Supreme Court in Myitkyina. The farmers are representing their families and the seven villages in the middle project area. Documents submitted to the court calculate that to date the farmers had lost USD 80,000 in income due to the loss of their lands.



Invitation to prayer ceremony for farmers in Hugawng Valley



Written request from farmers in Hugawng Valley to the International Labor Organization



“Workers have been tricked and exploited by Yuzana Company. They receive no salary or very small salary. They are indirectly forced to work because they want to return home but they have no way to get back...they are living as “un-humans”...” - submission to the International Labor Organization from affected villagers

Appeals for Preserving and Reclaiming Lands of Farmers in Hugawng Valley that have been Destroyed and Confiscated by Yuzana Company

NO	Date	Subject	
1	26 July 2007	Complaint against the confiscation of farmlands belonging to local farmers and exploiting uncultivated wild lands along the Hugawng-Ledo road by Yuzana Company	
2	December 2007	Appeal to protect the indispensable farmland in Warazup Village	
3	July 2008	Appeal for permission to cultivate paddy land seized by Yuzana Company in Namsan Yang (8 miles)	
4	16 February 2009	Complaint against confiscation of farmlands and appeal to stop the action	
5	20 February 2009	Appeal to take action in response to confiscation of houses, paddy fields, farmlands and public cemeteries by Yuzana Company	
6	28 February 2009	Appeal to take action in response to confiscation of houses, paddy fields, farmlands and public cemeteries by Yuzana Company	
7	28 March 2009	Appeal to take action in response to confiscation of houses, paddy fields, farmlands and public cemeteries by Yuzana Company	
8	10 June 2009	Appeal to take action in response to confiscation of houses, paddy fields, farmlands and public cemeteries by Yuzana Company	
9	23 June 2009	Application for urgent retrieval of farmlands	
10	22 October 2009	Oral appeal to solve the problem of confiscation of houses, paddy fields, farmlands and public cemeteries by Yuzana Company	
11	11 November 2009	Appeal to protect farmland from destruction by Yuzana Company	
12	10 February 2010	Appeal to take legal action against Yuzana Company	

	Addressed to	Complainants and village name
	General Than Shwe, Chairman of SPDC, Naypyidaw	Hugawng Farmers Social Committee members (800)
	Coordinators, Estate A-B, Warazup Mawng Mi field, Yuzana company	Farmer advocates committee, Warazup Village
	Chairman, Township Peace and Development Council, Danai	Farmers Association, Nam San Yang 8 miles Field, Danai
	Chairman, Township Peace and Development Council, Hpakant	Farmers of Jahtuzup Village
	Chairman, Township Peace and Development Council, Hpakant	Farmers of Jahtuzup Village
	Chairman, Kachin State Peace and Development Council	Farmers and villagers of Ban Kawk Village
	Chairman, Kachin State Peace and Development Council	Farmers and villagers of Jahtuzup Village
	Chairman, Township Peace and Development Council, Hpakant	Farmers and villagers of Ban Kawk Village
	Chairman, Township Peace and Development Council, Hpakant	Farmers and villagers of Jahtuzup Village
	Northern Commander (during trip to Hugawng Valley)	Farmers and villagers from Ban Kawk Village
	Office of Brigade Commander, Western Command Headquarters (KIO)	Farmers from Simsa Quarter, Jahtuzup Village
	General Than Shwe, Chairman, SPDC, Naypyidaw	Farmers from Ban Kawk Village

* KDNG was able to collect detailed data on the above letters only; additional letters have also been sent to various authorities.

Call to Action

The Kachin Development Networking Group believes that in order to achieve a lasting and genuine development, a true government should:

- Protect land rights for farmers and respect land ownership titles
- Discuss with local people what their needs are and listen to local people's concerns and ideas
- Encourage sustainable plantations and organic farming for farmers to realize self reliance
- Provide genuine compensation for properties lost

As this is clearly not happening in the Hugawng Valley, the Kachin Development Networking Group has this call to action:

Local people continue your brave struggle for justice and social rights with the support of Kachin communities and leaders:

- Be united in opposing policies and practices that are harmful to communities and continue to communicate to officers from the township, state, and central government authorities.
- Avoid signing documents to hand over lands and farms without suitable compensation or without clearly understanding the text and concepts in the documents.

Every community support and encourage those who are active in trying to solve local people's social problems:

- Kachin leaders and organizations should not ignore the problems of local people; we should all cooperate to find solutions together with affected peoples.

Yuzana Company and the business community do not exploit local people and acknowledge responsibility:

- Businesses should not use the lack of land rights in Burma to exploit local populations.
- Yuzana should stop their project implementation to avoid any further citizens' rights abuses. Those already affected should be fully compensated.
- The livelihood of hill peoples depends on the forest which is a natural storehouse for their lives. Therefore businesses should not invest to destroy forests and the environment.

International environment agencies and the business community do not close your eyes to the situation:

- World environmental monitoring groups should watch what is going on in Hugawng Valley and how the environment is being destroyed. They should consider carefully working with the dictatorship. It is hard to do sustainable development projects under a system where military leaders and cronies hold power.

Annex A

Appeal letter from Ban Kawk villagers to Hpakant Township Peace and Development Council

Chairperson
Township Peace and Development Council
Hpakant

Date: June 10, 2009

Subject: Settling the issue of confiscating houses, farmlands, gardens, land plots, and cemetery

1. Concerning the above-mentioned subject, Ban Kawk Village of Warazup Village Tract, in Hpakant Township, Mohnyin District, has been located on the Ledo highway since 1926. This village has been inhabited by ethnic minority farmers from a number of different tribes. The inhabitants wanted to start a school for the children and develop their community but the village council Chairman refused to issue national ID cards and house registration cards, so they have been living in the village as temporary residents only.

2. Ban Kawk village residents want to construct good houses for themselves but Jahtuzup village Chairman U Mung Sam prohibits them to do so. He also forbids the villagers from building fences around their house compounds. He threatens the villagers not to do anything without his permission. Now U Mung Sam and Yuzana Company cooperate in bulldozing our farmlands and growing cassava on these fields leaving no land for us to cultivate.

We the villagers want to grow rice and fulfill the motto “Kachin State as the fourth granary in the country,” but now all our paddy fields are confiscated and destroyed, so we have no more land to grow rice in 2009. For this reason, we the villagers are facing a lack of staple food in 2010.

Yuzana Company has dug a 15-foot deep canal in the middle of the village. This canal is dangerous to domestic animals and children of the villagers. The cassava plantation has spoiled the historical Ledo highway and there is no ring road circling the village now.

The village cemetery was plowed up by large tractors and now the villagers have difficulty to bury their dead. Caterpillar tractors bulldozed the dead bodies of Yuzana construction workers and buried the bodies along the roads like animal carcasses. This caused harm to the health of the people nearby.

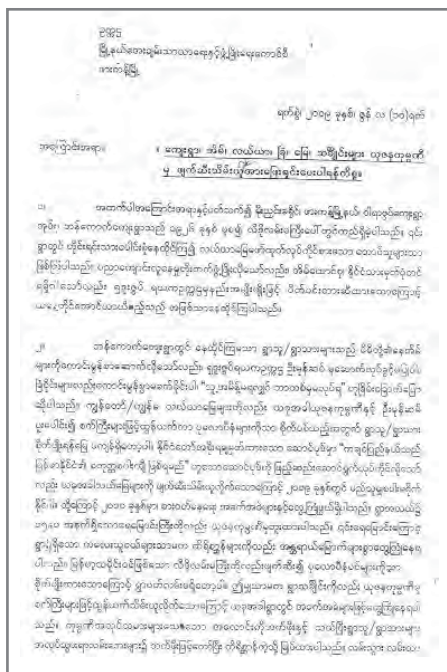
On November 30, in 2008, U Pu Kyi from Yuzana Company come to our village and threatened to relocate the villagers saying that it was an order from the Northern Commander. Again on February 15, in 2009, Jahtuzup village council Chairman U Mung Sam and U Pu Kyi from Yuzana Company summoned the villagers for a mass meeting, ordering the villagers to move out of the village within three months.

When we the residents complained that we were not willing to leave our houses and farmlands which we have inhabited for generations, they scolded and threatened us saying “Don’t bark like dogs, this is the government order.” For the above-mentioned reasons, we are worrying day by day.

3. That is why, we Ban Kawk villagers humbly appeal to you to alleviate us from our trouble and poverty.

Respectfully
Residents of Ban Kawk village

[signed by 45 villagers]



Annex B

Letter to the Chairman of the State Peace and Development Council

To: Chairman,
State Peace and Development Council (SPDC)
Naypyidaw February 10, 2010

Subject: Appeal to take legal action against Yuzana Company's reckless confiscation and destruction of residential buildings and farm lands

Concerning the above-mentioned subject, we the appellants are the residents of Jahtuzup village, Ban Kawk village, Aung Ra and Nang Saing quarter in Hpakant Township, Mohnyin District, Kachin State. These villages have been located along the Ledo Highway for many years. In the surrounding areas were O.S.S – 1/ Jahtuzup farmland, O.S.S – 9 Nam Sam farmlands and O.S.S – 10 Shazup (Yah). Over 300 farmers are earning their living by cultivating 2,000 acres of farmlands in this area. The main vocation of the local residents is farming.

After the ceasefire agreement in our area, cultivation and farming increased. The local people lack machines and they cultivate on a small scale by manual labor. Every year according to the support and encouragement of the state government, the local people have extended their farming and cultivation. Most of the crops planted are paddy, beans and peas, tea, mustard, maize, oranges, Dingnyin (djenkol bean) pineapple, mangoes, bananas, rambutan, castor oil plants, and other seasonal vegetables.

According to the national objectives of developing by means of agriculture products, and under the motto of "Kachin State as the fourth granary in the country," we are doing our best on our plant at all times by cultivating crops to achieve the national good. Every year we expand our farmlands and cultivate more for our family income. Our farm and gardens are our future. And our region is mainly an agricultural area. Economically, we are not much developed. The upstart company is worse than colonial rule; it has invaded our homeland recently, confiscated our farms and destroyed them.

Yuzana workers and authorities threatened the local residents and took away their farms without negotiating with the people. They came at night time and bulldozed away our farmlands. They confiscated cemeteries and burned farmhouses. They confiscated lands belonging to religious organizations.

Some farmlands were taken away with an unreasonably small compensation price. Even though the owners of the farms did not accept the small payment, Yuzana confiscated and destroyed the land anyway. Because of Yuzana Company, many of our houses and farms are lost. A small compensation of Kyat 30,000 (USD 30) for each acre of land was paid. When the farmers refused to accept the meager compensation, they were threatened and told that the lands would be confiscated without paying anything and they were forced to sign an agreement paper.

In our region, it costs Kyat 150,000 (USD 150) to cultivate one acre of wild land. Yuzana Company also knows that it costs over Kyat 100,000 if they cultivate an acre of wild land by means of machines. That is why we could not agree to be paid Kyat 30,000 per acre which we cultivated by means of manual labor.

In addition to confiscating our farmlands, our houses along with the residents were relocated by force. The compensation for those who have house land plots and farms is the same as those who do not have any. That is why those that own lands and farms suffer a lot. Until today, no substitution lands for the confiscated farmlands have been provided.

“They threatened the local residents and took away their farms without negotiating with the people. They came at night time and bulldozed away our farmlands. They confiscated cemeteries and burned farmhouses. They confiscated lands belonging to religious organizations.”

We farmers have appealed to the concerned authorities many times to take legal action against the unfair deeds of Yuzana Company:

1. The farmers of Aung Ra village whose farmlands had been confiscated appealed to the Chairman of Hpakant Township Peace and Development Council 20 February 2009.
2. The farmers of Jahtuzup village whose farmlands had been confiscated appealed to the Chairman of Kachin State and Development Council dated 28 March 2009.
3. The villagers of Ban Kawk village whose farmlands had been confiscated appealed to the Chairman of Kachin State Peace and Development Council dated 28 February 2009.
4. The villagers of Ban Kawk village whose farmlands had been confiscated appealed to the Chairman of Hpakant Township Peace and Development Council dated 10 June 2009.
5. Oral report was presented to the Northern Commander General Soe Win during his visit to the region on 22 October 2009. The local farmers appealed orally to the authorities concerned every time they paid visit.

But none of these authorities has taken any action concerning the complaints of the local farmers. Without investigating the real situation, they listened to the reports of Yuzana Company and ignored the people's welfare.

We the local people do not object to the cultivation of wild lands by Yuzana Company. We are demanding the fair compensation for our farmlands. The company categorized our farmlands as abandoned barren land unused farmland and shifting slash burn paddy fields in their report to the local authorities falsely and local residents from eleven villages are facing a difficult life. These farmers have lost their means of earning a living and become jobless.

On 30 January 2010, the villagers of Ban Kawk who lost their patience on Yuzana Company's conduct had a quarrel with the company staff. Five farmers of Ban Kawk village were arrested at 11:00 pm on 3 February 2010 and taken away.

They treated the villagers as criminals by robbing their money, threatening and taking away chickens. They stole 500,000 kyat and 15 viss of dried meat from U Ngwa Ye, 180,000 kyat of church money and 2,500 kyat of personal cash from Daw Na Ma Ye, 200,000 kyat from U Jessy Ha, 35,000 kyat from U Ngwa Si Yaw's wife, six chickens from U Dee Sa Dwe, and three chickens from U Ngwa Che Sa.

Those who robbed the villagers were led by U Mung Sam, Chairman of Jahtuzup Village Council, U Zau Nan, village council member and fire brigade staff. Our property and shelter faced insecurity. The five villagers arrested have not been released until today. We have no right to protect our farms and property.

We want to gain our confiscated farmlands, paddy fields and house compounds back as soon as possible. We appeal to you to help us out of the landless and insecure life. We also appeal to you to take action against the unfair deeds of Yuzana. Therefore, we request you as our parent to help us with our case.

Copy to:

1. Prime Minister's Office, Naypyidaw
2. Ministry of Defense, Naypyidaw
3. Ministry of Home Affairs, Naypyidaw
4. Ministry of Agriculture and Irrigation, Naypyidaw
5. Chief Judge, Supreme Court, Naypyidaw
6. Attorney General, Chief Court, Naypyidaw
7. Chief of Staff, Myanmar Police Force, Naypyidaw
8. Minister, Ministry of Foreign Affairs, Naypyidaw
9. Commander, Northern Command Headquarters, Myitkyina

[signed by 48 farmers]

Annex C

Request to the International Labor Organization

To
Coordinator
International Labor Organization
Room 1212-20/12#
Traders Hotel
223 Sule Pagoda Road, Yangon

26 March 2010

Subject: Appeal to Investigate Forced Labor Imposed by Yuzana Company

We are farmers living in Warazup village tract in Hpakant Township, Kachin State. Yuzana Company is cultivating wild lands for crop farms in our village tract areas. By doing so,

- 1) The privileges of earning a living for the villagers are destroyed
- 2) The villages are on the receiving end and at the mercy of the company which imposed forced labor upon them.

For this reason, we appeal to your organization to investigate the issue as necessary. Attached are the relating documents.

Respectfully,

[signed by complainants]

Annex D

Request to the National League for Democracy

To
Central Advisory Committee
National League for Democracy
Yangon

27 March 2010

Subject: Prosecution against abuse of citizens' rights and legal appeal

We are farmers living in Warazup village tract in Hpakant, Kachin State. At present Yuzana Company, ignoring the current regulations, is confiscating and destroying our farmlands, paddy fields, and gardens for creating their own plantations. That is why 889 acres of farmlands belonging to 210 farmers have been destroyed.

Moreover, from January 11 to 30, 2010, Yuzana Company intruded Aung Ra village, Nam Saing village and La Bangkok village with company-owned bulldozers and destroyed over 100 houses. Most of the villagers whose houses were destroyed signed an agreement to be relocated under the threat and coercion of the village heads. The properties of the three households who did not sign were also destroyed.

Concerning this, those farmers whose houses and properties were destroyed plan to take legal action against the Yuzana Company. But these villagers find it difficult to hire someone who can prosecute effectively for them.

Upon consulting with two lawyers in Yangon, U Kyi Win and U Kyaw Ho, they advised us to request NLD, and so we appeal to you on behalf of Warazup village tract farmers who have lost their right of citizens.

Respectfully,

[signed by complainants]

Application for the Allotment of Land Plot (Signing to accept resettlement and move to new place)

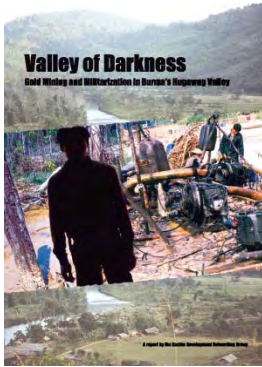
Subject: Application for the Allotment of Land Plot

Concerning the above mentioned subject, I Mr-----, Mrs-----
-and family (5 members) living at Ban Kawk village in Warazup village
tract, Hpakant Township, without any pressure from any body, willingly
apply for a piece of land for resettlement in the new community areas
provided by Yuzana Company.

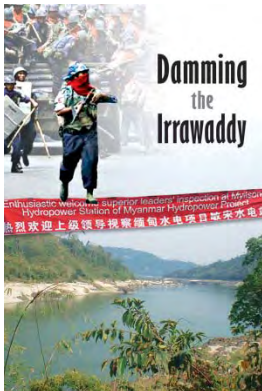
Attached: House registration copy

[illegible]

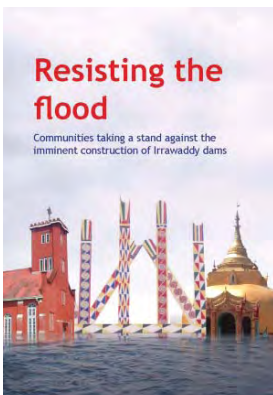
Other Publications by KDNG



Valley of Darkness is based on two years of research throughout the Hugawng Valley and reveals the junta's militarization and self-serving expansion of the gold mining industry in the world's largest tiger reserve. It documents over 100 hydraulic and pit mines using mechanized pumps and dredges and dumping mercury-contaminated tailings. Published in January 2007.



Damming the Irrawaddy outlines the potential impacts of the first dam on Burma's Irrawaddy River, including the displacement of thousands of people, livelihood destruction, and threats to the endangered Irrawaddy dolphin. A timeline and profiles of the companies involved in the project are included as well as a description of the six other dams planned for the N'Mai and Mali rivers. Published in October 2007.



Resisting the Flood is an update on open local resistance to seven dams that China Power Investment Corporation (CPI) is building on the Irrawaddy, N'mai and Mali rivers in Kachin State. The booklet describes the construction activity at the Chibwe dam site and the imminent forced relocation of 15,000 villagers for the construction of the Irrawaddy Myitsone Dam. Published in October 2009.

All reports can be viewed at www.aksyu.com

Endnote

- ¹ Information and quotes from BirdLife International are from “Important Bird Area News,” *The Babbler* 21, BirdLife International in Indochina, April 2007 and *The Babbler* 24-25, March 2008.

Signboards like this one from the Myanmar Forestry Department and the Wildlife Conservation Society are all that remain of an animal corridor in the world's largest Tiger Reserve after Yuzana Company bulldozed the area.



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