

# **Grabbing Land**

Destructive Development in Ta'ang Region

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## **Ta'ang Students and Youth Organization**

The Ta'ang Students and Youth Organization (TSYO) is a non-profit organization that develops the social status of the whole Ta'ang nationality and young people on the way to peace, justice and equality. TSYO was founded in 1998 on the Thai-Burma border and is based on the needs of the Ta'ang (Palaung) people in terms of education, health, living standards and modernization. The long term goals of TSYO include working for peace, justice, and equality, building a democratic country, and improving the lives of Ta'ang students, youth, and the Ta'ang people.

The objective of TSYO is to protect and advocate to the international community and alliance groups in order to reduce Human rights violations and to protect and work on the environmental and natural resources in Ta'ang region as well as to promote the capacity of Ta'ang students and youth by working through to capacity building training. TSYO works on different issues and its sectors include; information and Human rights documentation, Environmental rights, Education, Health assistance. This report has been compiled by the information and Human rights documentation department of TSYO. The Goals of TSYO are;

- To work for peace and development in the Ta'ang area.
- To increase the number the Ta'ang youth leading the people.
- Gender equality.
- Working to end the military dictatorship system in Burma.
- To form a federalist, democratic country, with equality and self-determination.

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## **Terms and Acronyms**

AASYC	- All Arakan Student and Youth Congress
ALRC	- Asian Legal Resource Center
ASEAN	- Association of Southeast Asian Nations
CEDAW	- Convention on the Elimination of all forms of Discrimination against Women
COHRE	- Center on Housing Rights & Evictions
CRC	- Convention on the Rights of the Child
EU	- The European Union
HLP	- Housing Land and Property
ICESCR	- International Covenant on Economic, Social and Cultural Rights
ILO	- International Labour Organization
MYPO	- Mon Youth Progressive Organization
NGO	- Non Government Organization
OSI	- Open Society Institute
PSLF	- Palaung State Liberation Front
PWO	- Palaung Women's Organization
PYO	- Pa'O Youth Organization
SPDC	- State Peace and Development Council
TSYO	- Ta'ang Student and Youth Organization
UN	- United Nations
UDHR	- Universal Declaration of Human Rights
Viss	- Unit of weight in used in Burma equivalent to I.65kg

\*\*- Ta'ang people called themselves Ta'ang as per native language are known as Palaung in Burmese language "

## **FOREWORD**

This report validates the fact that multi-national and transnational companies are violating the Ta'ang ethnic nationals' fundamental human rights. The confiscation of Ta'ang peoples' land and the exploitation of their natural resources in which they depend for their subsistence and livelihood are outlined in this report. The Myanmar government continues to permit the persistence of business practices which are illegal under national and international laws. Massive displacements take place without the provisions of adequate compensation or relocation, let alone meaningful community consultations that left the affected people with no legal remedy to rebuild their lives and resume their collective activity.

The situation of Ta'ang people in the Shan State is a classic example of land confiscation under the pretext of economic development while totally excluding the affected communities on the benefits of 'development' from foreign investment in the country. As a consequence of these activities the Ta'ang people have to bear the brunt of not only losing their land and source of livelihood, but as well as the practice of forced labor by the SPDC against the Ta'ang people. This forced labor facilitates private companies' projects at the expense of the already displaced community. In this situation, the women, children and the elderly are also disproportionately affected. This report lays testament to the sufferings of the Ta'ang people.

This wanton violation of Ta'ang ethnic nationals' rights is representative of the emblematic and widespread disregard for the fundamental rights in Myanmar. It is an outright violation of a number of international laws which include the United Nations Convention on Economic, Social and Cultural Rights (1966), the violation of the International Labor Organisation (1930, No. 29, Article 2.1). It is also a breach on their commitment as UN member state to the UN Declaration on the Right to Development adopted in 1986 and the UN Guiding Principles on Business and Human Rights (2011).

Yet, international and regional intergovernmental body such as the Association of Southeast Asian Nations (ASEAN) is playing deaf and blind in addressing the situation to put an end to these illegal practices. It is hoped that this report could facilitate the necessary steps and concrete action in behalf of the Ta'ang ethnic nationals which are required from the relevant UN agencies, international and regional bodies, international financial institutions, and the bilateral and multi-lateral donor agencies. The stories collected in this report speak for the longstanding issues that beset the Ta'ang

ethnic nationals and the efforts of the Ta'ang Students and Youth Organisation in publishing this report is a very important step in trying to make a significant contribution to change that situation, now and for the generations to come.

As this report shows, this situation could not continue as if it is business as usual. There is no way forward but for a multi-level dialogue to take place and agree on an amicable settlement which is in line with the national and international laws. Let this report which underlines concrete recommendations, encourages all concerned international and national stakeholders and the Ta'ang community to come together and agree to implement resolutions in ways that preserve the Ta'ang ethnic nationals' human rights while meeting the challenges of a sustainable economic development in Myanmar.



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## **FOREWORD By Burma Lawyers' Council**

Land confiscation, in various forms, is still occurring in Burma (Myanmar). To date, there are no effective constitutional guarantees for land rights in Burma. Burmese regime governments, especially under the reign of State Law and Order Restoration Council (SLORC) and State Peace and Development Council (SPDC), committed gross violations of basic human rights in the form of forced evictions and land confiscation. Such violations fall under the umbrella of Housing, Land and Property (HLP) Rights. The Ta'ang Students and Youth Organization (TSYO) in its' *Grabbing Land Report* provides yet another piece of damning evidence that such HLP rights violations remain a serious problem in Burma.

Past experience has shown that military regimes are willing to disregard domestic and international laws to confiscate land, housing, and property from a great number of people, most of whom are farmers and ethnic minorities. Ethnic minorities, in particular, are especially vulnerable to violations of HLP rights.

Historically, land ownership was regulated by customary law. For example, the notion of "Grand Heritage Land" (Burmese: *Bo Bwa Pai Myay*) accorded relatively significant land ownership rights to indigenous peoples and citizens. Since Independence in 1948, Burmese regimes have justified land confiscation under various manifestations of essentially the same clause: the State is the ultimate owner of all land.

At the same time, other aspects of domestic law are applied by the State as is deemed convenient by the authorities. For example, under the still-existing Land Acquisition Act (1894) the government has confiscated land from its' original owners while simultaneously disregarding the Act's legal safeguards and procedures, such as, adequate compensation, fair and reasonable explanation, and the requirement that land taking must be for a "public purpose."

Furthermore, there are many other domestic laws that confer considerable power to the State with regard to land, housing, and property. For example, Agricultural Land Nationalization Act (1953) does not allow farmers to transfer, mortgage, sell, or exchange cultivated land. Similarly, the Agricultural Land Lending Law (1963) grants the government final decision-making

power on farmland. Corrupt authorities have been misusing the above-mentioned laws by dispossessing people of their land and livelihood under so-called "orders," "directives," "proclamations" with complete disregard of justice and fairness.

At present, even the new legislative assemblies (formed after the so-called election in 2011 and pursuant to the 2008 Constitution) support the controversial Article 37(a) of the 2008 Constitution. Article 37(a) is essentially a reiteration of its' predecessor laws in providing that "[t]he Union 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." At the time of this writing, the Burmese Government has drafted a new Land Law into legislation that is likely to soon be adopted by the legislature. As it stands, under Article 2 of the newly-drafted Land Law, the State has the power to confiscate farmland and agricultural land at any time.

For the future, in order to realize HLP rights in Burma, the rule of law must be implemented under which, along with the institution of an independent judiciary, the land law must be revised to resolve conflicting claims on land, housing and property rights. The rights to land, adequate housing, and property are basic human rights established under several international declarations, resolutions, conventions, and the International Bill of Human Rights. TSYO's well-documented report covers all the key land issues within their designated area. This report alone provides enough food for thought regarding the state of land law in Burma and the urgent need for land reform for future democratic Burma.

Thein Oo  
Chairman  
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## **Background of the Ta'ang People**

Ta'ang (Palaung) is one of the ethnic nationalities of the multi-national country that is the Union of Burma. They reside in Shan State. The Ta'ang people have a long history and a strong sense of their unique identity. They have their own language and literature, a distinctive traditional culture, their own territory and a self-sufficient economy. Ta'ang people are predominantly Buddhist with less than ten percent of the population being animist and Christians.

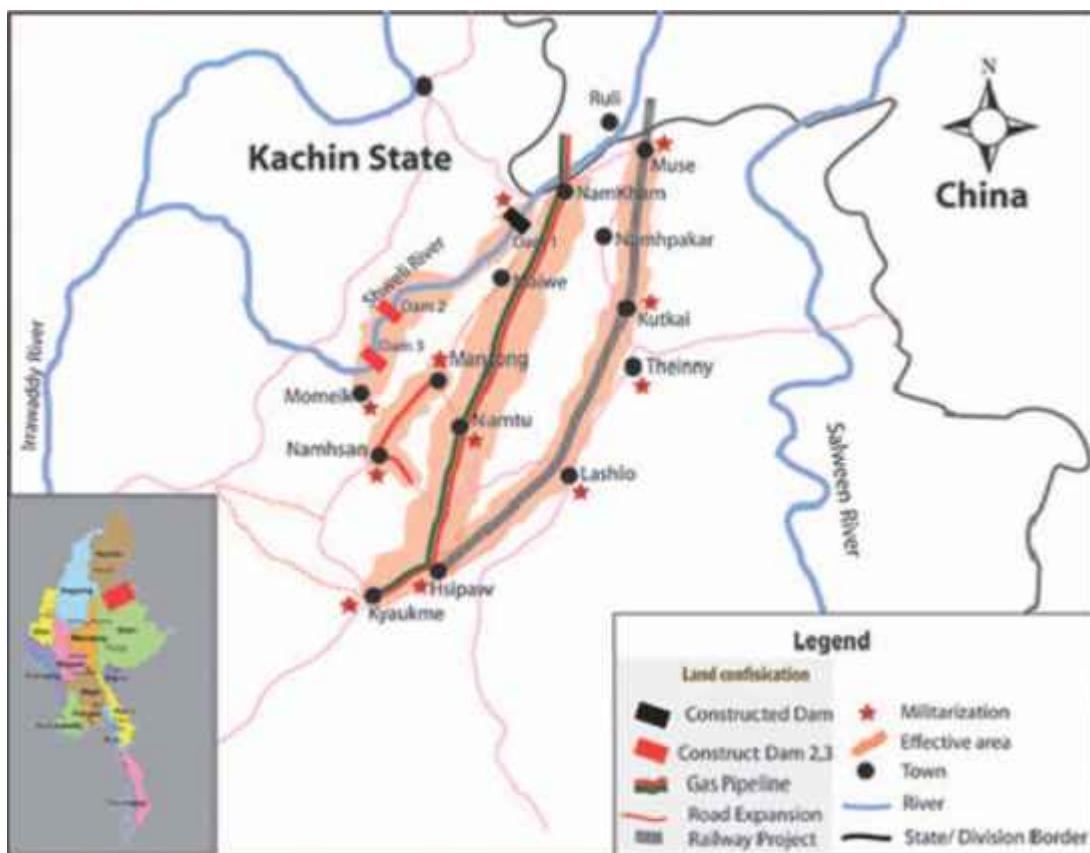
There are about one million Ta'ang people; most live in the mountains of the North-western Shan State. However, large numbers also live in towns throughout the Southern and Eastern Shan State. The customary lands of the Ta'ang people have the richest ruby and sapphire mines in the world, including the famous Mogok mine area, which has been cut out of Shan State and made a part of Mandalay Division by the Burmese dictatorship. There are also many kinds of minerals in the Ta'ang lands including silver, zinc, gold and aluminum.

The Ta'ang people are famous in Burma for the high quality tea that is grown in their highland farms. They also grow a variety of temperate climate fruit crops such as apples, plums, avocados and pears, which are highly valued in and provide their livelihood. Unfortunately, the Ta'ang

*people have not been able to live on and tend to their lands in peace.*



Map of Survey Areas on Land Confiscation in Ta'lang Region



## **Executive Summary**

*"Two of the Government of Japan's questions to Myanmar were particularly interesting because of their implicit acknowledgement that the problem of systemic rights abuse in Myanmar is less a problem of refusal to engage with the standards of the international community, less a problem of engagement with international law, than it is a problem of engagement with domestic law, or rather, with any standards of law whatsoever."*

In accordance to the land confiscation documented in this report, the Burmese military regime has not only constantly violated the domestic laws in Burma like the Nationalization Act, the Land Acquisition Act and also Customary Law but also international law, such as the UDHR charter, CEDAW, CRC, ICESCR and farming protection rights. Thereon, farmers have illegally had their farming lands confiscated some have received minimal and insufficient compensation and other victims have had their lands confiscated without any compensation whatsoever; this report represents those listed above. Moreover, the farmers and local people have had their farming lands confiscated without any practical alternatives or solutions from the military or Government. This is reflected in the current food crisis as well as the devastating affects of underdeveloped living standards existing throughout the country.

In the report's research, six fieldworkers met and interviewed 51 farmers and local people who were victims of land confiscation. Through these interviews they collected and compiled their research to reflect the impact of land confiscation in the Ta'ang area and to give a platform to the victims to express their and their families' loss and suffering as a result of their land being taken. The people interviewed represent only a portion of those who have been victims of land confiscation in the Ta'ang areas and throughout Burma.

The land that has been confiscated has been taken and used for housing and training for the military or to generate additional income for the troops. Such abuses are widespread and have been on the increase since 1997, when the military were instructed to meet their logistical needs locally, thereby condoning the forced confiscation of villagers' possessions by the military

in order to sustain themselves. Land is also confiscated for large scale development projects that use the extraction of natural resources to generate foreign investment, examples include, the Shweli Hydro-power Dam and the Shwe Oil and Gas Pipeline Projects that have resulted in mass land confiscation to build additional military camps, facilitate roads for the development and to facilitate the projects themselves. These projects would probably be more welcomed if they were being used for the development of Burma, alas few if any local people receive benefits from them<sup>2</sup>. Many Ta'ang people still have no electricity or have access to running water in their homes. Electricity is available in some larger Towns however the cost is so high that normal people cannot afford it and the luxury is only extended to high ranking generals in the military. Most of the development projects are for the benefit of nearby neighbors namely China.

One of the impacts of land confiscation for development is the use of forced labor of local people to build the roads and to clear the land for construction. This adds to the suffering of the already victimized farmer who has just had their land taken away from them and is then forced to work for the very perpetrator who has deprived them of their livelihoods. Stripping people of the lands upon which their livelihoods are based, without providing adequate compensation, results in a decrease or abolition of income and therefore threaten food security, access to education and health services. These human rights violations breach the Governments agreement with the ILO and property rights but the loss of income it results in can additionally contribute to violating the rights to an adequate living standard.<sup>3</sup>

According to our research, land confiscation around the Ta'ang region began to increase in 2000. Between 2000 and 2011, there were several amount of lands had been confiscated, mostly tea farms, among that we could document approximately 42,940 acres<sup>4</sup>. These land confiscations have had a severe impact on the Ta'ang people, who have lost their traditional ancestral heritage as a result of lands being confiscated by the military that have been kept in the ancestral line for generations and now the next posterity, have been left with no land to farm. Worse still is that through land confiscation and forced evictions, many families have not only had their land taken but also had their family homes cruelly snatched and are left economically

<sup>2</sup>PYNG, Under the Boot, 2007

<sup>3</sup> [www.ilo.org](http://www.ilo.org)

destitute and homeless with no alternative but to live hand to mouth with only the jungle for shelter.

Thereon, victims of land confiscation have had to withdraw their children from school as they do not have the money to support their education. After these children dropout from school they have to work hard to help their family earn money to make ends meet. Some victims of land confiscation are faced with so many debts that they are forced to move away from their communities and migrate to China, Thailand or elsewhere in search of work to provide money for their families. This is a growing trend in Ta'ang areas and many of those that migrate are Ta'ang youth in search of better opportunities elsewhere only to be subjected to a new set of obstacles in the migrant community, like trafficking and poor working conditions.

This report endeavors to highlight the continuing human rights violations suffered by local Ta'ang people as a direct result of land confiscation. Even since the 2010 elections when the new apparent 'Democratic Government' came into power, their policies have not changed. Until the Government changes its policies especially their land laws, farmers and local people will remain subjected to victimization of violations like land confiscation, not for the benefit of the people of Burma but to line in the pockets of individuals who are supposed to be in power and should be responsible for the welfare of the people of Burma.

## **Recommendations**

### **To the Burmese Government**

- 1) To stop land confiscations and other human rights abuses in the Ta'ang region
- 2) To repay fair compensation to the farmers that lost their land and recoup their livelihoods
- 3) To follow the obligations set out under UN's declaration of human rights as a United Nations member state and review the land law in Burma to be clear and non-conflicting
- 4) To consult, exercise transparency and take into consideration the opinions of local communities when implementing development projects especially when the projects directly impact those communities and get informed consent from these communities

### **To all the Companies Associated with Land Confiscation in the Ta'ang Area**

(YUPD, Asia World Company Ltd, Huaneng Lancan River Hydropower Company Ltd, Colenco Power Engineering Ltd (CPE) of Switzerland, CNPC, China Railways Engineering Corporation, Man Myint Moh Hain Co. Ltd, Phyus Zin Co. Ltd, Excellence Engineering Co. Ltd, Chan Thar Shwe Myaee Company and Nagapyan Company )

- 1) To respect the fundamental rights of local people when implementing development projects
- 2) Not to implement any development projects without prior consultation and agreement from local residents
- 3) Ensure that your company has the same accountability and transparency they are required to have when working in other countries

## **To Ta'ang (Palaung) National Party-TNP**

- 1) Represent your electorate by 'democratic means' as per your mandate; listen to them and fight for them to bring about positive change in the community

## **To the ASEAN Community**

- 1) ASEAN should not endorse Myanmar as the Chair of ASEAN until they have transformed to a de-jure government and are open to national reconciliation within Myanmar

## **To NGO's Operating in Burma**

- 1) Non-Governmental Organizations should try to operate and support in ethnic areas in Burma not solely in Rangoon and central Burma
- 2) NGOs should be the eye of Myanmar citizens to see the world and open options of a new society throughout the country.

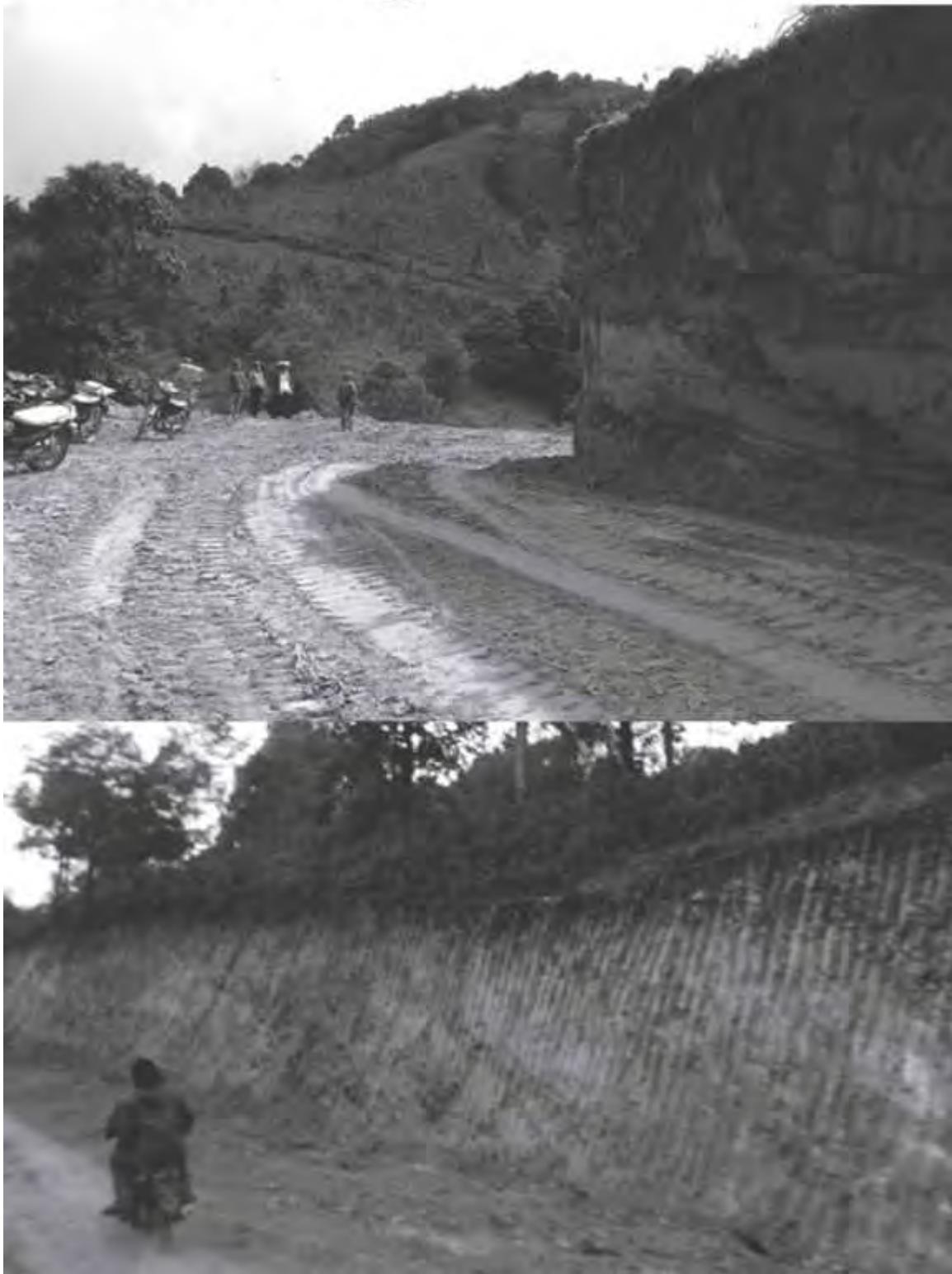
## **To the United Nations, the European Union and international communities**

- 1) Put international pressure on Myanmar Government to conform to the UN Declaration of Human Rights
- 2) For the International Community to help lobby the UN to take action for the horrific human rights abuses suffered by the people of Burma and call for a Commission of Inquiry - destruction of property, seizure of land
- 3) To increase and target direct humanitarian aid to the ethnic minorities of Burma, including to help them overcome the problems caused by land confiscation and develop capacity for people to deal with the problem

## **To the Ta'ang Community**

- 1) To collaborate together and seek legal assistance to get back your confiscated land and property
- 2) Not to remain silent, speak up and defend your rights to stop Human Rights Violations in our community

# Methodology



## **Methodology**

The goal of our research was to collect data of human rights abuses by focusing on victims of land confiscation and the impact that land confiscation has on these people in the Ta'ang area of Northern Shan State, Burma.

TSYO began research for this report in April 2009 and finished collecting data in April 2011. Our main target area consisted of Ten Townships; *Namshan, Mantong, Namkham, Muse, Lashio, Kyaukme, Hsipaw, Thein Ni, Kutkai and Namtu*. We had six fieldworkers in these target areas and carried out 51 interviews in total. Our fieldworkers collected their data by means of face-to-face semi-structured interviews. The target population consisted of farmers, mostly tea and rice farmers. All of our target populations depend on the land to make their living. In addition to the researchers in the field we also had researchers in our office that worked together to analyze data from the interview transcripts and to do background research on land confiscation, Burmese Land Law and International Land Law. The researchers in the office compiled the questions for the semi-structured interviews. Alternative sources drawn upon to formulate the report were taken from other land confiscation reports and Law journals<sup>1</sup>.

Our fieldworkers faced many difficulties in the field. The victims of land confiscation were oftentimes afraid to take part in the interviews out of fear for their safety. Some did not dare to share information because they were afraid that the authorities would find out and punish them. The fieldworkers faced a numbers of obstacles while they were carrying out their research like trying to avoid security checkpoints. Our fieldworkers also gave interviews about their experience during the research period, both observations and reflections.

Fieldworkers carried out face-to-face interviews with the victims; they recorded this data in a journal and on a MP3 player. The research they carried out was qualitative. They also used a camera to procure photographic evidence. Data was collected from both urban and rural areas of the Ta'ang region, on some occasions the fieldworkers travelled by motorcycle but on other occasions they had to go by foot to get interview with victim as the transport links and roads are very poor in the rural Ta'ang regions. There was a high risk attached with this data collection. Additionally, in this report TSYO does not use the real identity of the victims that took part in the interviews. This is to protect the security of the victims and their families.

## **Background of Land Confiscation**

This report targeted ten townships in the Ta'ang (Palaung) region, Northern Shan State. In years gone by, as a British colony our area was called Toungping state. After Burma gained independence, we were governed by Shan State Council Authority for couple years and mostly, until 1962, the area was governed by the military. Moreover, since the military came to power in Burma in 1962 up to the present day, the target area has solely been under control of the military.

According to research<sup>1</sup>, before SPDC took power in Burma there were some oral accounts of land confiscation and farm confiscation in the Ta'ang region although there was no written documentation related to land or farm confiscation. However, after the SPDC took power in Burma they have



doubled their military presence in every part of the region. As a result of this, land confiscation in the Ta'ang region is increasing more and more than on previous occasions.

There are many different reasons for land confiscation, such as authorities confiscating land for building military camps; military farm-plantations and authorities' building projects as well as them taking the land for government income generation projects. For example, in 2004 SPDC had a project called Kyat Suu plantation<sup>2</sup> (castor oil) and a large number of lands were confiscated for these projects in the Ta'ang region. Not only that but also, Government authorities along with private business corporations confiscated land too. In some instances, the military have confiscated lands and sold them to business groups in addition to re-hiring that land back to the local people.

The main cause of land confiscation has been the expansion of Burmese military camps in Ta'ang areas since 2000. Due to military's increased presence with the LIB 130 and 144 units arrival, land confiscation and other human rights abuses have also increased in Ta'ang areas. Between 2000 and 2007, the army confiscated land from villagers in Mantong and Namkham Townships. The confiscated land has been used to construct army camps and also to support the army's livelihood. There has also been the building of massive development projects in the Ta'ang area, like the Shweli Dams 1, 2 and 3 and also more recently the construction of the Shwe Gas and Oil Pipeline projects.

Local villagers have not received any compensation for the land confiscated by the army. Furthermore, after their land is confiscated, villagers are forced to work on their own land for the Burmese army without compensation. The military regime has attempted to justify these abuses by citing the need for development but has continued to force the villagers to plant castor oil, reconstruct roads and work on other the SPDC projects that only meet the SPDC's needs.

<sup>1</sup> Sargent Inga, Autobiography of a Shan State Queen, (Title translated to English from Burmese)

<sup>2</sup> \*Kyat Suu plantations refer to a 2005 decree issued by the SPDC for the production of Bio diesel as a renewable resource, in an effort to counter the rising price of oil. The two plants used for creating such fuels the castor oil and jatropha are commonly referred to as Kyat Suu (physic nut) in Burmese. The 2005 decree expressed the aim of covering 8 million acres nationwide with the crop. From 2006 on people from many different walks of life were forced to plant the crop.\* Taken from <http://www.arakanrivers.net>

## Table of Land Confiscation in Summary

Purpose of Land Confiscation	Perpetrators	Approximate Area Confiscated	When and What Happened?
Shweli Hydropower Dam 1, 2 and 3 and confiscated flood zones	YUPD/ Asia World Company Ltd and Huaneng Lancan River Hydropower Company Ltd, Colenco Power Engineering Ltd (CPE) of Switzerland	37,882 acres	Seizures began in 2001-2002 and still continue
Mantong Military Camp	Light Infantry No. 130	100 acres	Seizures began in 1999 and still continue
Kutkhai	Artillery force No.352	100 acres	Seizures began in 1999 and still continue
Matat Village, Namkham	Light Infantry Battalion No.144	50 acres	Between 2000 and 2007
Kutkhai's Inmain village's Zone	Operations Commander and TPDC's U Nyuat Wai	1,000 acres	Between 2003 and 2004
Kutkai's Nampker section (2) Yan Aung Myin monastery for Gambling	Local Authorities	13 acres	Monastery land seized and used for gambling
Theinny's Milee village-Military Building and Income Generation	Theinny Township based Military Operation Command No.16	100 acres	Seizure in August 2010
Lashio's Namsan village for Dam to Contribute in Lashio	By order of Lashio Regional Military Division Headquarters' Commander	100 acres	Seizure in February 2010

Hsipaw's Swatlanh and Pansout villages for Railway as part of China Railways Engineering Corporation's project	Myanmar's Rail Transportation Ministry and China Railways Engineering Corporations	100 acres	Seizures began in 2008-2009 and still continue
Kyaukme's Naungtain and Taungslit village Zone	Kyaukme Authority including police office and head of villages	1,300 acres	Seizure in February 2011
Namhsan's Lwoi Karn Village to grow tea plantation	By order of Lashio Regional Military Division Headquarters Commander and Nagapyan Company	500 acres	Seizure in February 2011
In Namhsan Mantong for Road Expansion	Namhsan authority and <i>Man Myint Moh HainCo. Ltd /Phyu Zin Co. Ltd /Excellence Engineering Co. Ltd/Chan Thar Shwe Myaee Company</i>	1,000 acres	Seizures began in 2010 and still continue
Namkham Township Namtu-Bawdwin for Dam and transmission lines.	YMEC (China), Asia World	Unknown	Area taken up by dam and auxiliary buildings Land seized for transmission lines
Shweli Dam 1 Transmit Line in Namkham's MoungDaw Vlg;	Namkham TPDC	45 acres	Seizures began in 2005 and still continue

Government-sponsored Mining project	Mantong's Authority	150 acres	May 2007. No consultation or compensation.
Tapminther and Mankan Villages's villagers For Road building project	Major Than Tun	Unknown	In 2010, Also involved use of Forced Labour
Nantu's Nar Sai village authority-Sponsored to confiscate the farmland	Nantu Authority	400 acres	Seizures began in 2009 and continued until July 2010
Raising and planting crops as Income generation for Militia	Head of village of Nam Haoi,	6 acres	Seizures began in july,2011 and still continue
Raising and planting crops as Income generation for Militia	Head of village of Nam Haoi,	18 acres	Seizures began in June 2011 and still continue
To build fishery industries	Muse Authority	60 acres	Seizures began in 2006 and still continue
To grow Sunflower plantation	Muse local authority	70 acres	Seizures began in 2010 and Still continue

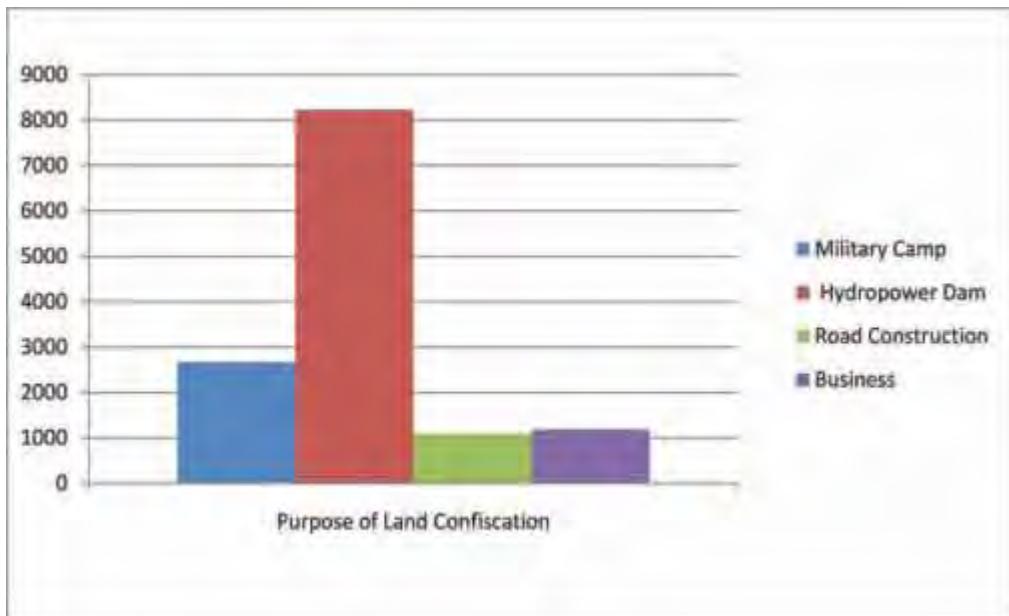


Chart #1: Purpose of Land Confiscation



Chart #2: Comparative of Land Confiscation in Ta'ang Region

## **Legal Framework for land rights**

### **International Legal Framework**

HLP Rights refer to housing, land and property rights<sup>1</sup>. The right to housing is recognized as a basic Human Right under international law and forced eviction is considered by the international community as a gross violation of Human Rights. In International Law HLP rights are included in the Universal Declaration of Human Rights, ICESCR, CRC and CEDAW. Burma has ratified both CRC and CEDAW and the Human Rights Declaration has been widely accepted as a legal blueprint and is customary in International Law<sup>2</sup>.

In the Universal Declaration of Human Rights the right to housing is stated as an essential part of the right to an adequate standard of living. Article 17 of the Universal Declaration of Human Rights (1948) states;

*"Everyone has the right to own property alone as well as in association with others." And that "No one shall be arbitrarily deprived of his property."*

This declaration is reinforced by several different international Human Rights Conventions, firstly by the International Covenant on Economic, Social and Cultural Rights (ICESCR). The ICESCR concentrates on basic needs in

*"Everyone has the right to own property alone as well as in association with others." And that "No one shall be arbitrarily deprived of his property."*

<sup>1</sup> Leckie, S. & Simperingham, E., *Housing, Land and Property Rights in Burma: The Current Legal Framework*, Displacement Solutions & the HLP Institute, 2009

<sup>2</sup> Leckie & Simperingham, *Housing, Land and Property Rights in Burma*, 2009, p10-11

<sup>3</sup> Universal Declaration of Human Rights, take from internet source - [www.uhdr.org](http://www.uhdr.org)

Human Rights including the right to adequate housing this is documented in general comment No. 4 in the ICESR and is inclusive of the following:

*"Legal security of tenure, where each person should possess a degree of security of tenure which guarantees protection against forced eviction, harassment and other threats. This intimates that the state should take responsibility to bring in measures targeted at protecting persons and groups currently lacking such protection and consult with these groups regarding these measures."*

The international community has declared forced eviction to be a gross violation of human rights. For forced evictions to be deemed above the law they must satisfy certain legal criteria. Firstly, forced evictions must happen only in '*exceptional circumstances*'. Secondly, States must ensure that before any eviction takes place that all other possible alternatives have been explored in consultation with the affected persons, with the view to evading or lessening the need to use force.

Lastly, where eviction is thought to be justified, it must be implemented in strict accordance with international human rights law. This includes; consultation with those affected, adequate notice for all affected persons, all persons carrying out the evictions to be properly identified, information is to be made available of the purpose of what the land or housing is to be used for, in a reasonable time to those affected and provision of legal aid, where possible, to persons who are in need of it to seek redress from the courts.

Ultimately, even if the above terms are met, evictions should not result in rendering individuals homeless or vulnerable to the violations of other human rights. According to the ICESCR, States must try to make resources available to those affected by forced eviction to give suitable resettlements, housing or access to productive land and evictions must not take place in a discriminatory way<sup>5</sup>. Burma is one of the few countries not to sign the ICESCR, although Burma has not signed the treaty the principles of the ICESCR are widely accepted and adhered to internationally.<sup>6</sup> Throughout

<sup>5</sup> COHRE, A Brief Guide to International Housing and Land Rights, 2011, Geneva, p10

<sup>6</sup> COHRE, A Brief Guide to International Housing and Land Rights, p12

<sup>7</sup> Leckie&Simperingham, Housing, Land and Property Rights in Burma: The Current Legal Framework, 2009

this report the evidence overwhelmingly suggests that Burma adheres to none of the provisions stipulated in the ICESCR, and the victims of land confiscation are time and again subjected to forced evictions, leading to homelessness and loss of livelihood.

The second piece of international framework that relates to HLP rights is the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) that has been signed and ratified by Burma. One action that CEDAW stipulates includes the protection of the special right of women in rural areas to housing. CEDAW requires that state parties "*shall ensure women the right to equal treatment in land and agrarian reform as well as in land resettlement schemes*".

CEDAW also stipulates that both spouses must enjoy "*the same rights in respect of ownership, acquisition, management, administration and disposition of property*" in marriage.<sup>7</sup> This promotes the equal rights for women more generally. Although this piece of International Framework is ratified by the Government of Burma, women are not afforded HLP rights or fair resettlement for them and their families.

Burma has also ratified the Convention on the Rights of the Child (CRC). This convention is an international convention setting out the civil, political, economic, social and cultural rights of children. CRC deals with the particular needs of the child and that States act in the best interest of the child. The CRC recognizes children's right to adequate housing\*. This Convention is also ratified by the Burmese Government, but it is evident in much of the research presented in this report that the '*best interests of the child*' are rarely if ever considered, when it comes to confiscating land belonging to their families.

In relation to Burma this International Framework seems to bear no weight. It is widely known that Burma has one of the worst ratification records of International Human Rights treaties of any member of the International Community. The Burmese Government continues to ignore any international conventions, even the ones they have signed or ratified.

<sup>7</sup> [www.un.org](http://www.un.org)

\* COHRE, A Guide to Housing, Land and Property Rights in Burma, 2009, Geneva, p12

## **Land Law in Burma**

The Burmese government has also ignored or not enforced national land legislation. Burma does have land laws, however there seem to be many of them and most are ambiguous and contradictory. The main ones that have relevance to land confiscation state; that all land belongs to the state regardless of people's human rights, this tends to contradict all the other laws that on first glance seem to give decent HLP Rights to the people of Burma, for example;

*"The Union shall permit citizens right of private property, right of inheritance, and right of private initiative and patent in accordance with the law."*

In the above article (c) it clearly states that citizens have the right to own and inherit property, however what they give in one hand they seem to take away with the other, as illustrated in the Article quoted below. This clearly states that only the 'Union' has the authority to own anything in Burma, thus completely contradicting the aforementioned Article

*"The Union 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 of the Union."*

<sup>1</sup> Article 37 (c) of 2008 Myanmar Constitution: [http://www.burmalibrary.org/docs5/Myanmar\\_Constitution-2008-en.pdf](http://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf)

*"The Union 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 of the Union."*<sup>2</sup>

The SPDC keeps a tight rein on all sectors of Housing, Land and property. The main goal of this is to maintain power and control of all Burma's people and resources. This is especially true for Ethnic groups in Burma.

The Land Acquisition Act (1894) is one of the main laws the Government in Burma uses to confiscate land. Under this Act the state has the right to take over any land that is required for public purposes but should provide adequate compensation to its original owners. This is still the most frequently applied act in Burma. The Act also provides for certain procedures to also be followed, that is notice needs to be given, procedures for objections to the acquisition, the methods of valuation of the land, the process of taking possession of the land, court processes and appeals, procedures for temporary occupation of the land and acquisition of the land for corporations.

The Act requires the authorities to provide compensation to the original owners of the land however, as we will see throughout our report on land confiscation compensation often falls terribly short of what the land is worth and is completely inadequate or non-existent. According to *Displacement Solutions: Housing, Land and Property Rights in Burma* (2009) much of the land confiscation that has taken place since 1962 has been justified on the premise of the Land Acquisition Act.<sup>3</sup>

HLP Rights are protected under international law. Burma has translated some of these obligations into national law, yet these laws are not implemented as we will see throughout this report from the testimonies received from the victims of land confiscation. Furthermore, the State does not recognize customary law which is pivotal to many people's lives, especially in ethnic areas. Many indigenous people view land as a common resource over which families and communities have numerous claims and locally defined rights held up by customary laws and set in precedent through ancestral land ownership over many years.<sup>4</sup> This traditional type of authority works through

<sup>2</sup> Article 37 (a) of 2008 Myanmar Constitution

<sup>3</sup> Leckie & Simperingham, 2009, p23

<sup>4</sup> COHRE - Center on Housing Rights and Evictions, *Displacement and Dispossession, Forced Migration and Land Rights in Burma*, Burma Country Report, 2007, Geneva, Switzerland

local customs withheld over many years and it seldom issues ownership papers, land is rarely sold or transferred to another but rather inherited and passed down ancestrally. These customary laws should not be overlooked when taking into account HLP rights in Burma, especially in the case of indigenous ethnicities in Burma. The constant ignoring of customary laws has been used to forcibly evict and confiscate land particularly in Ethnic areas, rich in natural resources, etc. The lack of rule of law and business interests has increasingly worsened the situation.<sup>s</sup>

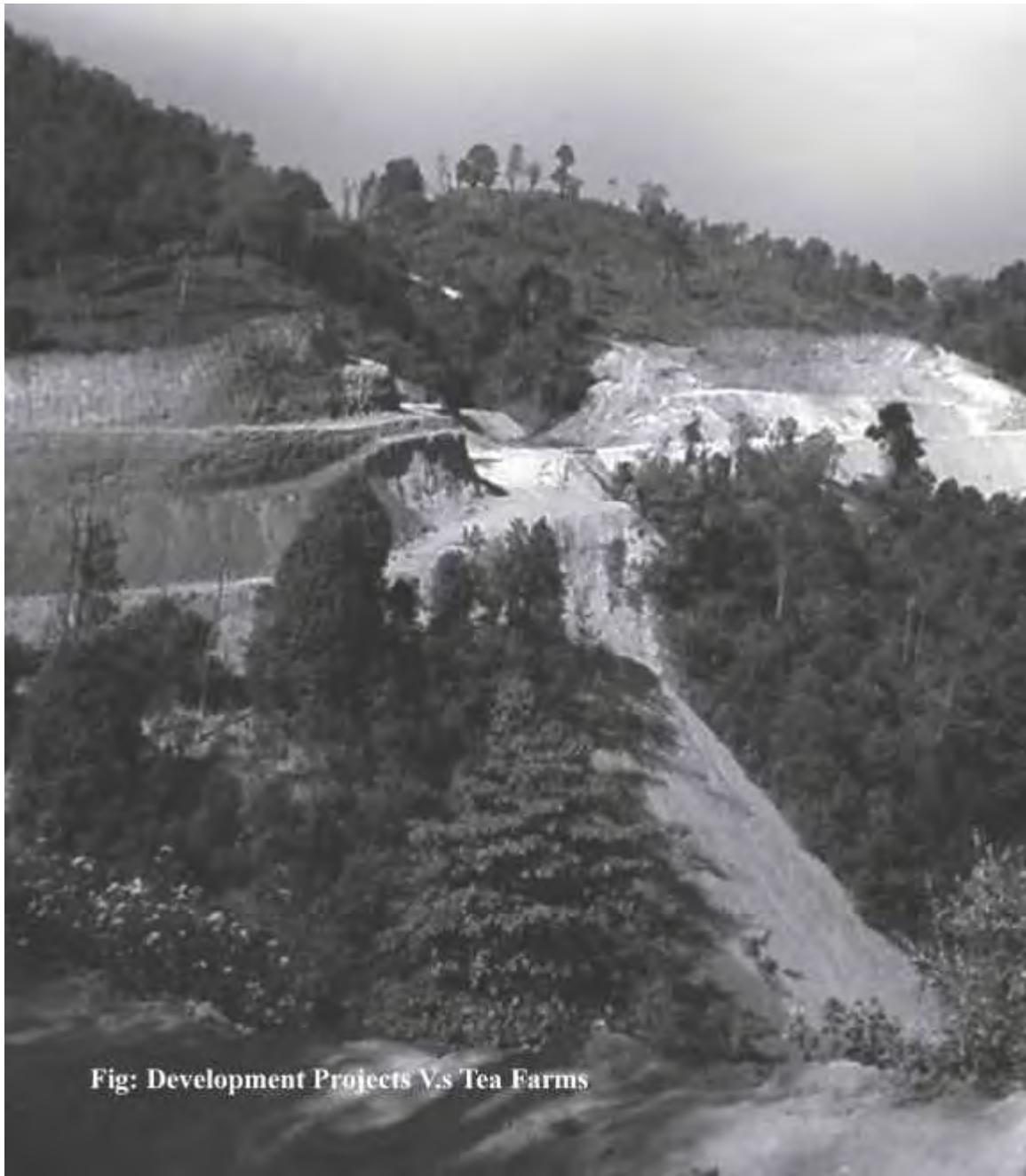
*\*\*Before going to print TSYO learned of Burmese Government plans to pass a new land law in Burma<sup>a</sup>*

<sup>s</sup> COHRE Burma Country Report, 2007

<sup>a</sup> *Close to the time of print TSYO learned of Burmese Government plans to pass a New Land Law into legislation. We are not entirely certain of the exact content of this law however based on media reports it is said to contain ramifications for compensation received by the victims of land confiscation, which will ultimately be decided by the Government.*

*Secondly it has been inferred that compensation for land taken will only be given to land owners who possess Land Grant Documents. Thirdly the new land law is said to stipulate that the confiscation of land will be deemed wholly appropriate if it is needed for the purpose of development projects. This law has already been passed through Burma's Lower Parliament and is currently awaiting approval from the Upper House*

## **The Seriousness of the Land Confiscation Situation**



## **The Seriousness of the Land Confiscation Situation**

From the research that TSYO has collected and documented the amount of land confiscated in the Ta'ang area amounts to approximately 42,940 Acres. In the context of the size of Burma this does not present as a large amount of land however to realize the seriousness of this problem let us try to put it into context not just in land mass but in the amount of people, households and livelihoods affected by land confiscation. A typical farmer in the Ta'ang area owns on average about 5 Acres of farmland. If 42,940 Acres of land has been confiscated in the Ta'ang area this means that over 8,588 families have had their land confiscated by the Authorities and therefore we can assume that these 8,588 families have had their livelihoods ruthlessly snatched from them and have maybe half of them or more have been forced to move from their homes.

In the past ten years Arakan, Mon, Karen, Shan, Kachin and Pa-Oh CBO's (Community Based Organization) have released reports on Land Confiscation taking place in their areas<sup>1</sup>. This constitutes as a major part of the land mass covered within Burma and each ethnicity has suffered horrendous human rights violations as a result of this, if we combine all the collective information about land confiscation it serves to firmly put into context the seriousness of the problem not only for Ta'ang people but for ethnic people throughout Burma. Unfortunately in the Ta'ang area 42,940 Acres is only the beginning, as the Burma Government continue to grab land on a whim regardless of the consequences for its citizens. The reasons for the continuation of land confiscation are outlined in more detail below;

There are various different reasons for the dramatic increase in land confiscation in the Ta'ang area over the last 9 years, the underlying reasons for this are the mega development and natural resource extraction projects initiated by the Government in collaboration with China all along the Shweli River in Northern Shan State Burma.

<sup>1</sup> Holding Our Ground, Combined publications AASYC, MYPO and PYO, 2007; Tyrants, Tycoons and Tigers ,Kachin Networking Development Group, 2010; No Land to Farm, HURFOM, 2003

The first of these projects began in 2002 with the construction of the Shweli Hydropower Dam Projects. There will be three Dams built in total. Dam 1 has already been constructed and its affects have already been documented by TSYO in their report '*Under the Boot*' released in 2007<sup>2</sup>.

The construction of the other two dams is currently underway and confiscation of land for the purpose of these projects is continually taking place in the respective project areas. Combined the three massive Hydropower Dams have the installed capacity to produce 1,420 Mw of electricity. Although the



Fig: Confiscated land for building electric transmission lines

Burmese Government has published in national newspapers that the electricity produced from the dams will benefit the people of Burma the stark reality is that the majority of the power, 85% has been sold to China and a meager 15% is for the Department of Hydro Electric Power implementation<sup>3</sup> and the sole beneficiaries of the electricity in the local Ta'ang areas are the military camps, large factories in the town and the homes of rich military generals who can afford the inflated cost of the electricity. There are several different companies involved in the construction of the Dams each have signed a MoU (Memorandum of Understanding) with the Burmese Government.

<sup>2</sup> TSYO, "*Under The Boot*", 2007

<sup>3</sup> Asian Development Bank Website - [www.adb.org/document/pwg-fg-rptcc-annex5-mya.pdf](http://www.adb.org/document/pwg-fg-rptcc-annex5-mya.pdf)

The Shweli Dam 1 Project is a joint venture between the Burmese Ministry of Electric Power and the Yunnan Joint Power Development Company (YUPP). Shweli Dam 2 is collaboration between Asia World Company Ltd. and Huaneng Lancang River Hydropower Company. The Shweli Dam 3 project has enlisted the consultation and services of the Swiss Company Colenco Power Engineering (*CPE*). (*See more in TSYO Under the Bootfollow up report*).

The second development project that directly impacts on the Ta'ang area is the building of the Shwe Gas and Oil Pipeline Projects. The Shwe Natural Gas and Crude Oil Pipelines are a large-scale energy project that will span the breadth of the country as they transport natural gas and crude oil from Burma's western coast on the Bay of Bengal to China's Yunnan Province. The two massive pipelines will pass through Burma's Arakan State, Magway Division, Mandalay Division and Shan State, and cross dense mountain ranges, arid plains, rivers, jungles, and many villages and towns populated by a variety of different ethnic groups<sup>4</sup>.



Fig: Entry gate of LIB 144, security for Shweli Dam-1

The natural gas and oil transported along these pipelines by CNPC will feed industry and consumers in China, and produce multi-billion dollar revenues for the Burmese regime, but have little benefit to local communities. Construction of the pipelines has already begun and negative impacts are already being felt by communities along the pipeline route, including the Ta'ang area of Northern Shan State. In Namtu and Mantong Townships, Ta'ang communities have already been forced to relocate and had their lands confiscated for the Shwe pipeline projects. In addition, the increased military presence due to the construction of the pipeline has also negatively impacted local communities, none of whom have received any information about the projects, and they do not know if they will receive any compensation for their land and property.

A third project that will shortly commence in the Ta'ang area is the China-Myanmar Railway Transportation System linking the railways between the southern-most rail line in Ruili, China to Burma's border town of Muse in Northern Shan State across Western Arakan State to the Port city of Kyaukphyu. The MoU for this project was signed on the 27<sup>th</sup> April 2011 between the China Railway Engineering Corporation and the Myanmar Union



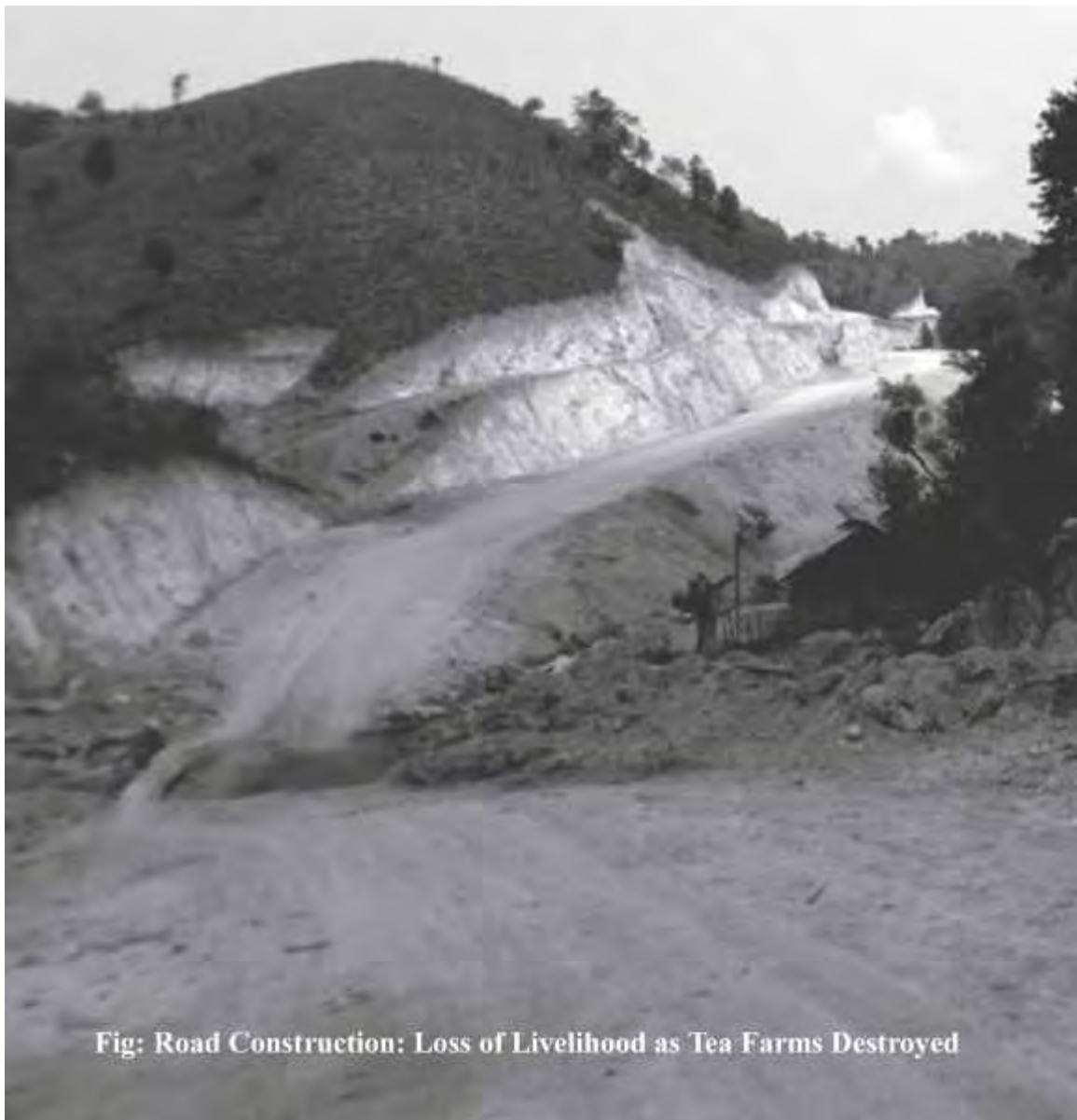
Fig: Road Construction Destroying Tea Farm

Ministry of Rail Transportation. The MoU states that the 1<sup>st</sup> phase of the project will intersect the mainly Ta'ang areas from Muse to Lashio, which stretches 126Km with 41 big and small bridges, 36 tunnels and 7 railway stations to be added along the route. The transport link will deepen economic ties between China and Burma and also serve to give China prime access to a key Port off the Burma coast They estimate the project will take three years to complete<sup>4</sup>. TSYO expects that this project will inevitably lead to more Ta'ang people being robbed of their lands and livelihoods.

Many of these Ta'ang communities have seen firsthand the negative impacts of natural resource development projects in their areas, most recently with the construction of the three Shweli Dams and transmission lines which have caused widespread forced labour, forced relocation, and land confiscation. Now, the Shwe natural gas and crude oil pipelines are planned to follow the same route as the transmission lines from the Shweli Dams and the construction of the railways mean that many Ta'ang communities are going to suffer a further set of human rights violations, environmental impacts and yet more land confiscation as a result of these projects.

<sup>4</sup> [http://www.chinadaily.com.cn/bizchina/2011-04/28/content\\_12412367.htm](http://www.chinadaily.com.cn/bizchina/2011-04/28/content_12412367.htm)

## **Violation of Rights and Corruption**



**Fig: Road Construction: Loss of Livelihood as Tea Farms Destroyed**

## **Violation of Rights and Corruption**

75% of the population in Burma<sup>1</sup> are engaged in the agriculture sector. Like many other ethnic groups in Burma, Ta'ang people depend largely on farming to ensure their livelihoods. Land rights issues are, therefore, at the very core of the community life and its livelihoods. Ta'ang people also share a special bond with the land where they live. As a villager indicated in an interview '*Shan, Ta'ang(Palaung) and other ethnic groups are living between Lashio and Hsipaw, now the military confiscated our arable field land they also destroyed local people's religion*'<sup>2</sup>.

The practice of customary law<sup>3</sup> and the consequent absence of land titles, the ambiguous national law on land rights and the lack of rule of law in Burma have made possible the widespread violations of rights and abuses by authorities and companies operating in Burma, particularly in the ethnic

*"I am so sad because after they confiscated our farm three days ago my wife died. And also two of my sons are very sad and don't want to stay at home after the death of their mother, they left home. Two of my daughters who attend high school have had to drop out from their school. We only had the farm. We don't have experience to do other jobs so it is very difficult for us to find another job"*

<sup>1</sup> COHRE Burma Country Report, 2007, p. 10

<sup>2</sup> Interview 529

<sup>3</sup>COHRE Burma Country Report, 2007, p 46

areas. While authorities have used the absence of documentation on the ownership of farms and abused their power to confiscate land; villagers have explained to the interviewers that their grandparents farmed the land where they live reflecting the practice of customary law in ethnic areas<sup>4</sup>.

The loss of livelihoods has devastating impacts on communities, increasing migration and the number of internally displaced people. The sense of loss and desperation felt after the land has been confiscated was described to our field workers by most of the interviewees:

*"I am so sad because after they confiscated our farm three days ago my wife died. And also two of my sons are very sad and don't want to stay at home after the death of their mother, they left home. Two of my daughters who attend high school have had to drop out from their school. We only had the farm. We don't have experience to do other jobs so it is very difficult for us to find another job'*.

Over the years the Ta'ang area has seen an increase in land confiscation by the authorities and the military for personal benefit. The absence of rule of law and corruption has also allowed businesses to flourish without any regard for the rights of the people living in the ethnic areas. The interviews carried out by TSYO between 2009 and 2011, of which excerpts are used in this chapter; show that violations of international standards and national legislation are largely committed in the areas of:

- Compensation and accountability
- Practice of forced labour,
- Forced eviction and relocation,
- Infringement of rights, and
- Corruption.

According to International standards, a government must respect, protect and help all people to have adequate housing<sup>5</sup>. These standards also spell out

<sup>4</sup> 'That tea farm was grown by our grandparents and we rely mainly on this farm. We produce dry tea and green tea every year, sometimes we also have a paddy farm too but it's only sometimes. I have do not have documentation that relates to the farm but old people in this area are witness that own the land since our grandparents time and it is not only my family that have no documentation for the farm most farmers are in the same position as me' said a villager from Namhsan referring to his land that had been confiscated.

<sup>5</sup> Interview #16

<sup>6</sup> COHRE, A guide to Housing Land and Property Rights in Burma, p.22 - 23



**Fig: Local Farms taken over as Police's Farms in Kutkhai Township**

a set of principles that governments should comply with when evicting populations:

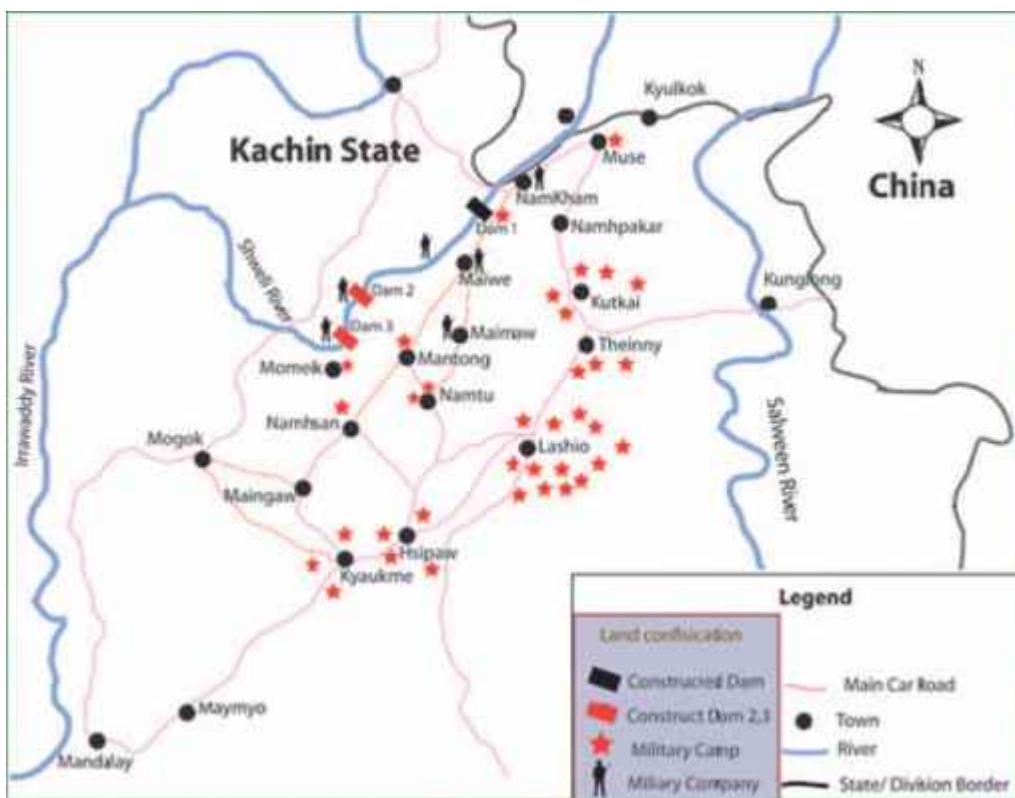
- Evictions may only occur in exceptional circumstances,
- States must ensure, prior to any planned eviction and particularly those involving large groups, that all feasible alternatives are explored in consultation with affected persons, with a view to avoiding or at least minimizing the need to use force, and
- Evictions must be carried out in strict compliance with International Human Rights law and in accordance with general principles of reasonableness and proportionality.

In Burma, however, communities' land is being confiscated without notice or proper consultation for the construction of military bases and mega natural resource extraction and development projects, to further businesses interests and/or for the authorities' personal benefit. In this process, communities are evicted or forced to relocate often without notice, without consultation and without compensation.

<sup>1</sup> COHRE, A Brief Guide to International Housing and Land Rights, p.12

Reports from our field workers show that in some cases authorities simply put a flag in the land informing that the latter has been confiscated, without any prior notice or explanation. The absence of land grants<sup>8</sup> makes it easier for the authorities to claim their own right to the land, *'if people don't have a land of grant, then nobody is landlord. Do you know the government will build the Myanmar police position around this area? So you have to move and build a new house in another place'*.

The forced evictions and violations of national law taking place in Ta'ang area are not only breaching international standards and obligations; they are also making many vulnerable to the violation of human rights, such as forced labour, and are being undertaken in a discriminatory manner.



**Map of Burmese Military Camps in Ta'ang Region**

<sup>8</sup> Land Grants are the documentation of title deeds to land they are given from the Government

### **Case-study 1: Military-expansion increases violations in Ta'ang area**

In March, 1999 the Light Infantry No. 130 came to take up position in Mantong Township and confiscated 20 acres of tea farm land from three Kachin families and two Ta'ang families to build their military camp. Even after this they continued to confiscate more land for further military buildings and to increase their personal income. In 2009 TSYO obtained documents that showed that there was at least 100 acres of farm land taken by IB-130 over these ten years.

In the same year, in Kutkai Township Artillery force No.352 arrived and confiscated over one hundred acres of farmland and built a new camp and some of the land was even re-rented back to local residents. Moreover, in 2000, in Matat village in Namkham Township, the Light Infantry Battalion No.144 came and confiscated farmland of local villagers beginning with 10 acres and then by 2007 there were over 132 acres of farmland taken in total from villagers.

More recently, in January 2011, in Namhsan Township, there were 500 hundred acres of land confiscated by the order of the Lashio Regional Military Division- head quarter commander and the Nagapyan Company took these lands. Similarly, other townships in the Ta'ang area are being subjected to the same problemsas the cases above. In this report, Lashio Regional Military Division -headquarters commander and Operations Control Command No. (1), Artillery force No. 352 and, Infantry Battalion- IB No. 144, Infantry Battalion IB No.130 and Light Infantry Battalion LIB 324 are directly concerned with these cases of land confiscation and others are indirectly relevant to the cases in the Ta'ang area<sup>1</sup>.

<sup>1</sup> From research collected from TSYO's Information and Human Rights Documentation Department

Interviews also show that the military confiscate farms for their own livelihoods, as well as for their own benefits. While the farmers and peasant protection law from 1963 recognizes farmer's rights and protects them from forced eviction; interviews show that the authorities and the military are confiscating land and forcing villagers to move from their homes to sell their lands to businesses or to allow the construction of development and extraction projects, such as roads and dams.

A villager said that '*the land located in Nampker section (2) Yan Aung Myin monastery and it is missionary land, in 2004-2005 authorities confiscated 13 acres of land and transferred it to Chinese businesses then they set up illegal gaming. Now, the traditionally ethnic lands are belonging to Chinese men*'.<sup>1</sup> Other villagers from the area noted that '*since 2003 the commander Thin Maung Win gas controlled the LIB 130 and uses the farm and tea plantations for his own livelihood*'<sup>2</sup>

Mega-development projects have also contributed to the increase of abuses being committed by the military and authorities. Lack of rule of law and discriminatory corruption, allows authorities to confiscate land and force people to leave their homes and lands to provide vested interests with businesses opportunities. A villager said "*there were (12) workers digging for mining when militia came there but, some of them ran away. Then, others were detained for a week until the Chinese company gave money to the authorities*".

*Militia leaders got angry for they did not inform to them about the issues and they arrested them for awhile. However, later the Chinese company negotiated with the Lashio Regional Military Division commander and gained a permit to dig the mines and currently, there are (25) Chinese men and other Palaung workers working on the mineral extraction then they said more people will be there soon. Nevertheless, the farmer of the tea farm which was confiscated for the digging the minerals has not received any compensation*".<sup>3</sup>

<sup>1</sup> Interview #43

<sup>2</sup> Interview #43

<sup>3</sup> From TSYO's Information and Human Rights Documentation Department fieldworker news, Tuesday, 05, April 2011

Road construction, power line projects, dams and resource extraction are some of the mega-development projects taking part in ethnic areas at the expense of communities' lost livelihoods. Yet it is unclear how these projects will directly or indirectly benefit the communities. On the contrary, in many cases, they further contribute to increase livelihoods insecurity.

Some interviews provide information on how the emergency of businesses in areas where land has been confiscated may further jeopardize the survival of the people, as it will limit the access of communities to drinking water and the forest, which is a source of food, wood and medicinal herbs.

A villager, referring to the lands that had been confiscated among his community, said '*these lands are also significant places for local people because drinking water comes out of there. If they cut down the entire forests and just grow teas, we are inevitably going to face a lack of drinking water in the future*'. Other villagers said '*we do not understand how the railway will be of benefit and contribute for the good for the people right now the people are forced off their land on a daily basis*'. Sometimes villagers are forced to contribute to the construction of roads, "*Even though we did not get any compensation from the company, I have to pay 80,000 Kyat for grading the land into balance. Another person also had to pay 5,000 Kyat*".



LIB #144 Military drills are evidence of increased Military presence in the Ta'ang area

<sup>a</sup> Interview 532

<sup>b</sup> Interview 532

## **Case-study 2: Development projects lead to forced eviction and relocation**

In the Northern part of Shan State there are 17 miles, not far from Namkham Township where the military and the Chinese YMEC company have built Shweli Dam 1 in Man Tat village. When the company and Asia World continue to build the transmission lines from Namtu-Bawdwin mining the local people who are living along the Shweli power line project have to move their houses without getting any compensation for moving to a new place. The company forced the villagers to move their house in order to build the power lines.

Nar Ore Lay village who relocated his house said "*I have to get myself into debt to buy a new place for building a house and didn't get any compensation from the company. They also forced us to relocate; they said if you do not move your house, there will be big problems for your family in the future. The electric cable will trouble your house. I know that they don't want to pay compensation that is why they threatened us like that. Now I have to face this problem and I don't expect to get electric from this project*".

Source: Interview #36

In the process of confiscation of land, and subsequent forced eviction, the military and authorities not only violate the rights of villagers but they also bully the communities by threatening them. As a villager said, "*They threaten us by saying although we didn't give you the full value of your land its okay. We can do this because this is the order of the military regimes*".

<sup>1</sup> From TSYO's Information and Human Rights Documentation Department Fieldworker news released on [www.palaungland.org](http://www.palaungland.org)

### **Case study 3: Infringement of rights Interview**

*KhonAik Pan said "We are very poor. We have three families in one house and only produce charcoal and a little bit of tea to farm to support our families. Before they seized our land they came to discuss it with me and said "This is a Government project. We will implement the deep extraction metal mining around the area of this land. We already have made agreements with the all of land owners around here. We will pay compensation for the amount that you lost from your forest and they said "don't worry if you can't find a job, we will find a good job for you to provide your livelihood.*

*They paid four hundred thousand of kyats and promised "we didn't have full money now so we will come to pay next week all of amount that we need to pay. But they didn't come to meet us the next week and have still not paid any compensation. We already went to meet them to request our money three or four times but they only said "where is your contract that you said we have to pay your money. We don't know what you are talking about. So if you are not satisfied you can take it to any court that you like." I can't tell them anything and didn't get my money from them".*

The landowners lost over 150 acres of land that amounts to millions of Kyat in values of farm plantation on 13<sup>th</sup> May 2007 as a result of land confiscation by the project of the metal mining. Many people have lost their jobs because their employments are based on those lands and farms. The people lost not only their land but also all the money they have invested in their plantations. Besides the lost of properties, those people also suffer from severe depression and helplessness. In addition to the lost of properties and jobs, the local people are also suffering from different kinds of human rights abuses by the local authority because their lives are insecure.

*Source interview #18*

A number of the interviews carried out by TSYO show that compensations are not being provided to villagers, even when they have been previously agreed. The interviews show that compensations between 5,000 and 55,000 kyats have been provided to each land owners. While these amounts may seem exorbitant, in reality when compared to the current costs of essential goods in Burma it becomes clear that they are far from providing adequate compensation. In Namhsan Township, Northern Shan State 1 bag of rice of

low quality costs 24,000 Kyat (1 bag of rice can feed a family of 4 for approximately 1 month); 1 Viss of oil, salt, garlic and onion costs 3,600, 600, 2,000, 2,200 Kyat respectively<sup>1</sup>.

Compensations also seem to be agreed arbitrarily without any regard for the real costs of the land. A villager in the Namhsan region noted that 500 acres of the land confiscated by the Northeastern command headquarters '*probably prices over 1 billion Kyat and 20 million were appropriate compensation if we compare it to the price of land last year*'<sup>2</sup>. Villagers are aware that compensations being paid are unfair and well below the value of the lands. However, they expressed fear in speaking out, as they will be arrested if they complain to the authorities.

The violations do not stop here. Despite Act 359 of the 2008 Constitution<sup>3</sup> and the ILO agreement ratified by Burma in 2007, interviews with villagers and TSYO field-workers show that, in addition to have their lands confiscated, villagers are forced to work without pay for the building of roads or other development projects, as well as, to re-hire the land that it was confiscated from them in the first place. A number of interviews show that the military confiscate the land and re-rent it to the villagers. Fees applied vary between 5,000 and 25,000 Kyat per year.

Compensations also seem to be agreed arbitrarily without any regard for the real costs of the land. A villager in the Namhsan region noted that 500 acres of the land confiscated by the Northeastern command headquarters '*probably prices over 1 billion Kyat and 20 million were appropriate compensation if we compare it to the price of land last year*'

In some areas, villagers are allowed to pay their fee in goods, such as rice. The abuses committed by the military are often not reported because villagers do not know what to do to get their lands back. In August 2010, "Theinny

<sup>1</sup> Ta'ang (Palaung) Working Group, Monopoly Tea Farms, 2011, p.7

<sup>2</sup> Interview 532

<sup>3</sup> 'The union prohibits forced labour except hard labour for crime duly convicted and duties assigned by the Union in accordance with the law and the interests of the public



Fig: Road Construction destroying Local Tea Farms

*"township based military> Operation Command No. 16 confiscated over one hundred acres of villagers farmland from Theinny to Mai Lee village. The military have not only confiscated the farmland but they also re-rent the land back to the villagers with interest one acre for twenty five thousand Kyat per year" said a victim who has lost land to the military camp. He went on to say that "Although, they have confiscated their farmland they do not know how and where they can report for any help. Likewise, even though they are dissatisfied about this case; they still have to re-hire the land for their livelihood because it is their main career".*



Fig: Local farms confiscated for use as military's farms

· From TSYO's Information and Human Right Documentation Department fieldworker news August 2010

#### **Case study 4 forced Labour: land confiscation together with forced labour in road construction**

The Government Authority of Namhsan confiscated farmland of residents without any compensation and forced local villagers to work on road construction.

A Villager said Captain ThanTun from Kyaukme district, Namhsan, in Northern Shan State, took the farmlands of Tapminther and Mankan villages's villagers without any consultation in order to build a road. The land owners also never received any compensation for their loss.

*"When Authorities were building the road they destroyed all the farmland around the road without telling any of the owners. Villages from Toung Ma tract were badly affected from this project because they lost their farm land in the road construction. Some of them were crying for they just own a small amount of land and they did not get any compensation. Other villagers not just lost the farmland but also lost their homes but they can do anything and just crying for they do not dare to speak out about their loss "*

While the road was being constructed, villagers were forced to work on the road construction and they had to provide the Authorities with one person from each family. If they did not go to work, that villager was fined five thousand Kyats. If a family have a truck they had to donate one barrel of petrol and if not they were fined seventeen thousand Kyats.

"Toung Ma tract's villagers had to work for fifteen days on the construction as non paid workers. Then these villagers also have to dig a water canal. If they did not follow directions they are punished by the order of authority as above punishments"

The villagers were dissatisfied with the road construction project and with Captain Than Tun. *"It hurt for us who had no truck; we don't want work for him although he (Captain) said that the road construction was a local development project. Actually, it is not for local development it is just for promoting his business. For example, before he has also confiscated the tea farms in Hi Tamh village. We have build the road for nearly one month. We are dissatisfied but there is nothing we can do "* said a villager who came back from working on the road project.<sup>1</sup>



Fig: Land Confiscation Together With Forced Labour in Road Construction

Interviews carried out by TSYO show that in the Ta'ang area land is being confiscated without any regard for international standards and the national law. The lack of rule of law, ambiguous legislation and widespread corruption has, over the years, allowed authorities to abuse their power and confiscate land for the construction of military bases and mega natural resource extraction and development projects, to further businesses interests and/or for the authorities' personal benefit. In this process, communities are evicted or forced to relocate often without notice, without consultation and without compensation; and it is making many vulnerable to the violation of human rights. Land confiscation and the subsequent loss of livelihoods have devastating impacts on communities. The following chapter will look in more detail into the socio-economic impacts of land confiscation.

From TSYO's Information and Human Rights Documentation Department fieldworker news, Oct 11, 2010

## Socio-Economic Impacts of Land Confiscation



Fig: Forced evictions leaving local people homeless



*'In the past they grew rice on the farm; and they had sufficient food from the farm.... Since the Authorities confiscated the land they need to earn money by selling vegetables around the markets. They do not have any free time or day off for a rest; if they rest they will starve.'*

One of the most damaging effects of land confiscation to the victims is the loss of livelihoods. Our livelihood defines who we are and it gives us a sense of purpose in life as well as providing us with the income needed to provide adequate food and shelter for ourselves and our families. Land confiscation in the Ta'ang area happens in many forms; tea and rice farmers that have their land taken, have no land to plant or to farm or in other cases where the victims are livestock farmers they are left with nowhere to graze their cattle. People's lives have changed dramatically; they have gone from working hard in order to provide a secure life for their families to having to live hand to mouth, struggling to feed the hungry mouths of their family.

Land confiscation brings with it many problems for its victims. Along with losing their land, homes and livelihoods, the victims are also susceptible to many other socio-economic problems as a result of ongoing land confiscation in their towns and villages.

The victims of land confiscation generally not only lose their homes but land confiscation has other knock-on effects. Most Ta'ang people depend on the land for their livelihoods and when they lose this they have no income to maintain adequate living standards for their families. This can have a detrimental effect on the children of the family.

Due to economic hardship parents cannot afford to keep their children in school and the children are forced to dropout to help the family in their efforts to find work so that they can eat. These children often have not even reached high school level. During the collection of qualitative research for this report, TSYO fieldworkers made observations about the impacts of land confiscation on the victims. All of these are a violation of these peoples' Human Rights, one TSYO fieldworker remarked;

<sup>1</sup> Taken from an interview with TSYO Fieldworker about their observations in the field

*"In my experience, many students both male and females over 10 years old, who would have attended primary school, have had to dropout of school as a result of famine-like affects, due to land confiscation and the poor economic position it leaves families in. After they left the school, they worked several jobs at home including: working on farm and cooking in the home. Their parents were unable to support them to attend the school because of high costs of school fees. In 105 mile, even were there was an opportunity to attend a free school, which was established by the nuns, these children are not allowed to attend that school by their parents. This is because the parents do not have sufficient food to give them to eat. Therefore, these children are out of school at so young an age."<sup>2</sup>*



Parents are inevitably denying their children access to education but they do not have any other choice, as they are living hand to mouth trying to feed their families. This is a worrying trend that does not seem to phase the Governments endeavors to strip their country's children of any hope of education in the future and are in fact fueling a crisis where they are not encouraging any development of Burma's youth and in the future they will lack essential skills with leaving school so early and therefore do not have the skills to get any other jobs.

<sup>2</sup>Taken from an interview with TSYO Fieldworker about their observations in the field



Fig: Palaung youth at China border town for migrant workers

Lack of education will undoubtedly lead to a deepening of the socio-economic crisis. With many Ta'ang people only possessing skills in farming and with no land to farm, this means that they cannot afford to maintain the cost of their children attending school, thus the problem becomes a never ending cycle as these children will have a lack of skills as well as no formal education and end up in the same position as their parents, only their situation might indeed be worse, as they will miss out on inheriting their parents land. This in turn will increase the trend of young people migrating away from their communities in search of work to help support their families.

Land confiscation that has left the victims with no compensation creates homelessness and increased migration. There was a number of tea farms subject to land confiscation were its owners were forced to relocate from Namhsan to Man Tong for construction of the main road construction. Recently, on February 2011, two families from Homain village were forced to relocate their houses. The woman who is a shopkeeper also stated that

*"The families from my village (Man Mout), who lived close to the road side, were forced to relocate as well. As for me, I have already moved my residence-come-shop three times".<sup>3</sup>*

The villagers are very frustrated because they have frequently had their tea farms, forests and plantations confiscated.

Local residents whose land has been confiscated do not have any other means of income and livelihood. Therefore, land confiscation victims from Namhsan, Muse, Kutkai migrate to the China-Burma border to find work as migrants.



Fig: Monks left to take care of Ta'ang children as desperate parents have to migrate for work

The mass migration of Ta'ang people has many different consequences, the towns and villages they leave are left destitute of young people, one interviewee said;

*"Most people who leave our village have gone to the Kachin mining areas or to China. Today our village is mostly made up of old people and children, there is no work to be found in the village and people are being forced to move away. This takes away from our traditional lives and jeopardizes our culture, our values and the family unit"*

The ones left are not the only ones that suffer, Ta'ang people who migrate to find work in China also fall prey to exploitation, many migrant workers have to work long hours in poor conditions for little money. Women who migrate are especially exploited; some girls families are tricked into letting their daughters go with trafficking predators to go to work in Chinese factories, however this is often not the case, these girls are trafficked into China and forced into marrying Chinese men or to work in the sex industry, never to see their families again.<sup>4</sup>

<sup>4</sup> Interview 5S1

PWO, Stolen Lives, 2011, p19

Land confiscation has also had a profound affect on the culture and traditions of the Ta'ang people. Habitually Ta'ang usually travel to neighboring villages to give donations to the monastery and the old people of the villages as well as their relatives during the period of Burmese New Year (ThinGyan) and Thethingkyut time. However, after they have been victims of land confiscation they have lower income they could not carry on their usual culture and traditions any longer.

*'Before at Thethingkyut time (in October) we usually go village to village and give donations, but this year even at our home monastery I don't know how can i go and show my face. My debts are continually amounting. I don't think I can pay my debts at the shop that I have bought rice, oil and, salt. Moreover, I don't dare to borrow more money and I am so ashamed. What can we do, is this related to Karma or things that we have done past life? "*

The environment is another element that is affected as the result of land confiscation. Much of the land that is being confiscated in the Ta'ang area is to facilitate the mass extraction of Burma's wealth of natural resources such as gas and oil, which is being piped all the way from Arakan State in the far west of Burma all across Central Burma and through Shan state (including Ta'ang area) up into China.



· Interview 526

The pipeline cuts through dense jungle and forest that is home to much wildlife and plant eco-systems, which are being destroyed as part of the project. Much of this land is used in the daily lives of rural ethnic people and needs to be protected<sup>1</sup>. The projects bring with them destruction and danger as through their digging they increase the chance of landslides and are cutting down valuable trees without replacing them, thus damaging the environment. TSYO fieldworkers have seen evidence of this firsthand. One fieldworker talks about the impact of land that is confiscated to facilitate the development of Government factories and the pollution that is produced from these factories. These factories have no means of disposing of their waste and are ruining the rural areas where they are situated;

*"The interviewee's house, where I went to interview had some of their land taken and the factory is right next to them. They have taken land and the river. The pollution produced from the factory is crabs and pickled fish that daily flow into the river and land. The interviewee said that when he went to their land, he saw many big grubs on the land; moreover, he had no place to walk. Especially, in rainy season, the situation is dirty as the rain and water are mixed together. This situation is unsuitable for people's living standards and it increases the probability of spreading disease. This neglects the health and well being of people living in this area. Additionally, if we look at the environmental situation, they have no care or standards for maintaining and preserving the environment."<sup>2</sup>*

The construction of massive Hydro-power Dams in the Ta'ang area also has environmental implications for farmers in the area as the dam diverts water that they would normally use to help with the cultivation of the land and according to local residents the Authorities do not take care over the proper times to open the water gates, it leaves things difficult and deprives the land of sufficient water. Other environmental effects include increased land slides and deforestation of formally forest reservation zones and increased urbanization.

Increased militarization of Ta'ang regions by the army has been one of the main reasons for land confiscation and Human Rights Violations taking place in the Ta'ang area. This increased Militarization also has socio-economic impacts to the Ta'ang community. In addition to taking the land to subsidize

<sup>1</sup> EarthRights International, Situation Brief No. 1, The Burma-China Pipelines, March 2011

<sup>2</sup> Taken from an interview with TSYO Fieldworker about their observations in the field

their incomes they also enter into peoples homes and take what they want, food, livestock, even cooking utensils;

*"Since soldier have came, they've taken my rice, oil, beans, cooking pot without asking. We cannot say anything because we are afraid of them and their guns "*

The soldiers based in these areas also take the crops that these people have grown in order to sell or feed their families, without any care for the implications it might have;

*"The SPDC soldiers threatened and robbed vegetables, fruit, and pets of local villagers in Tonsin(dang) village, Tonsin(dyet) village, Mannoung village, Kholon villager, Pansay village, and other villages. They took our vegetables without permission and didn't even pick them properly so, they pinched the branch, root, and leaf and destroyed the field and then they forced villagers to give them their hens," said a local villager.<sup>10</sup>*

One of the reasons the soldiers pillage these villagers is that they themselves do not get an adequate salary from the government especially low ranking soldiers who need to subsidize their own incomes by taking food from ordinary hard working civilians.

The impacts of land confiscation affect many different aspects of Ta'ang people's lives and these impacts seriously need to be taken into account by the imposing Authorities as they are direct violations of Ta'ang people's Human Rights. The impacts of the new 'democratic' Government not respecting people's rights are vast and inflict needless suffering on the Ta'ang people.



Fig: No Land to Farm: Selling Vegetable for Survival

<sup>10</sup> PYNG, Under the Boot, interview 521, 2007

<sup>10</sup> Taken from news released on [www.palaungland.org](http://www.palaungland.org)

## **Conclusion**

Land confiscation affects real lives, real people and it is a real problem for the Ta'ang people and for many others in Burma. If we speak about things that are 'real' then we must also present the fact that there are 'real' people in power who should be responsible for these actions and who have the means to change the existing culture of Government grabbing land at a moments notice and taking no accountability for the damage it causes to the victim's lives.

This report highlight the Human Rights Violations that take place as a direct result of land confiscation and the far reaching affects these impacts have on the 'real' people. In normal circumstances Ta'ang people generally work hard for their incomes. The livelihoods which they pursue entail manual farming work that takes many long hours of labour that reap modest financial rewards for their endeavors. Therefore when the authorities come to confiscate their land, which ultimately they depend on to survive it has a devastating affect on their lives.

Taking away a Ta'ang person's land is like taking away the air that they breathe. How is it possible for them to live? Having no land to farm means they have no way of making a living. They have never been given the opportunity from the Burmese Government to develop any other skills; most don't even have an education as they have learned how to farm from their ancestors. Without a livelihood, how can they generate an income to buy food to survive? How can they support their children to attend school? If you take away their farming Ta'ang people also loose their sense of identity, tradition and culture and these are only some of our documented impacts that land confiscation has on its victims.

We have presented you with many scenarios documenting why this land confiscation is taking place, many instances of land confiscation occur because of the military's continual and ever increasing presence in Ta'ang areas. This presence alone leads to an abundance of human rights violations, taking people's land and then having the audacity of renting it back to them. Making money off a person's desperation is hardly the behavior of those in a trusted position of power. There has also been an increase of documented cases of rape, torture, forced labour and other HRV's as a result of increased military presence in many Ta'ang areas.

The reasons for this increased militarization are mainly to do with the massive natural resource extraction projects in the form of the Shwe gas and oil pipeline projects and the building of Shweli Dams 1, 2 and 3. The victims of these confiscations have not received any compensation, have not been consulted about the projects or the possibility of eviction and no one has taken accountability for their actions. In addition the Government has not considered the effects that these extraction projects are having on the environment. Instead the Government remains covert about their actions and anyone who dares to question them, faces arrest, prison or worse. These extraction and dam projects are generating millions in revenue for the Burmese Government, however the normal civilians in Burma are seeing none of the revenues or benefits from these projects, many Ta'ang people do not have access to electricity in 2011.

We urge the Government to take responsibility for the aforementioned atrocities and to revise their poor and corrupt rule of law in Burma. We desire you to be humane and stop violating the rights of your own people for greedy and ill-gotten gains, use the income generated from these projects to improve the lives of the people in Burma, give them electricity, running water in their homes, education, access to medicine and enable them to have some kind of social infrastructure in their community to facilitate development and alleviate their poverty and oppression from decades of poor governance.

Lastly, as a result of this report we would like to see local people open their eyes and realize that being a victim of land confiscation is a violation of their human rights and it is wrong. We want to see local people stand up for their rights and pressure the government to legally give back their land, give appropriate compensation and show some accountability for their actions. Ta'ang people need to stand up for themselves and take action to protect their rights, land, homes and livelihoods.

## **Recommendations**

### **To the Burmese Government**

- 1) To stop land confiscations and other human rights abuses in the Ta'ang region
- 2) To repay fair compensation to the farmers that lost their land and recoup their livelihoods
- 3) To follow the obligations set out under UN's declaration of human rights as a United Nations member state and review the land law in Burma to be clear and non-conflicting
- 4) To consult, exercise transparency and take into consideration the opinions of local communities when implementing development projects especially when the projects directly impact those communities and get informed consent from these communities

### **To all the Companies Associated with Land Confiscation in the Ta'ang Area**

(YUPD, Asia World Company Ltd, Huaneng Lancan River Hydropower Company Ltd, Colenco Power Engineering Ltd (CPE) of Switzerland, CNPC, China Railways Engineering Corporation, Man Myint Moh Hain Co. Ltd, Phyus Zin Co. Ltd, Excellence Engineering Co. Ltd, Chan Thar Shwe Myaee Company and Nagapyan Company )

- 1) To respect the fundamental rights of local people when implementing development projects
- 2) Not to implement any development projects without prior consultation and agreement from local residents
- 3) Ensure that your company has the same accountability and transparency they are required to have when working in other countries

### **To Ta'ang (Palaung) National Party-TNP**

- 1) Represent your electorate by 'democratic means' as per your mandate; listen to them and fight for them to bring about positive change in the community

### **To the ASEAN Community**

- 1) ASEAN should not endorse Myanmar as the Chair of ASEAN until they have transformed to a de-jure government and are open to national reconciliation within Myanmar

### **To NGO's Operating in Burma**

- 1) Non-Governmental Organizations should try to operate and support in ethnic areas in Burma not solely in Rangoon and central Burma
- 2) NGOs should be the eye of Myanmar citizens to see the world and open options of a new society throughout the country.

### **To the United Nations, the European Union and international communities**

- 1) Put international pressure on Myanmar Government to conform to the UN Declaration of Human Rights
- 2) For the International Community to help lobby the UN to take action for the horrific human rights abuses suffered by the people of Burma and call for a Commission of Inquiry - destruction of property, seizure of land
- 3) To increase and target direct humanitarian aid to the ethnic minorities of Burma, including to help them overcome the problems caused by land confiscation and develop capacity for people to deal with the problem

### **To the Ta'ang Community**

- 1) To collaborate together and seek legal assistance to get back your confiscated land and property
- 2) Not to remain silent, speak up and defend your rights to stop Human Rights Violations in our community

Interview Number	Sex	Career	Location	Perpetrator
1	M	Farmer	Namhkham/ Maivee village	Unknown
2	F	Farmer	Mantong Township	U Aung Kyi based in Mont Toung Township
3	M	Farmer	Mantong Township	U Aung Kyi based in Mont Toung Township
4	M	Farmer	Mantong Township	U Aung Kyi based in Mont Toung Township
5	M	Farmer	Mantong Township	U Aung Kyi based in Mont Toung Township
6	M	Farmer	Mantong Township	U Aung Kyi based in Mont Toung Township
7	M	Farmer	Mantong Township	U Aung Kyi based in Mont Toung Township
8	F	Farmer	Mantong Township	U Aung Kyi based in Mont Toung Township
9	M	Farmer	Mantong Township	U Aung Kyi based in Mont Toung Township
10	M	Farmer	Mantong Township	LIB 130
11	M	Farmer	Mantong Township	LIB 130
12	M	Farmer	Mantong Township	Mantong Authority
13	M	Farmer	Mantong Township	LIB 130
14	M	Farmer	Mantong Township	Mantong Authority
15	M	Farmer	Mantong Township	Mantong Authority
16	M	Farmer	Mantong Township	Mantong Authority
17	F	Farmer	Mantong Township	Mantong Authority
18	M	Farmer	Mantong Township	Mantong Authority
19	F	Farmer	Muse/Namh Hawi village	Local Authority
20	M	Farmer	Muse/Namh Hawi village	Local Authority
21	F	Farmer	Muse/Namh Hawi village	Local Authority

Case Summary (reason for land confiscation)	Approx Acres Taken	Confiscated date
To store materials for Shweli Dam(1) transmit line	40	2008
Land taken from local people in order to accommodate the building of a police station	3	May-07
Land taken from local people in order to accommodate the building of a police station	3	May-07
Land taken from local people in order to accommodate the building of a police station	2	May-07
Land taken from local people in order to accommodate the building of a police station	3	May-07
Land taken from local people in order to accommodate the building of a police station	3	May-07
Three families evicted from their own land by police groups	4	May-07
Land taken from local people in order to accommodate the building of a police station	3	May-07
Land taken from local people in order to accommodate the building of a police station	4	May-07
	8	May-07
	7	May-07
	7	May-07
	8	May-07
	7	May-07
	8	May-07
	8	May-07
	9	May-07
Metal mining project over 150-acres of land taken	10	May-07
Land includes all Namh Hawi villagers' land approx. 200-acres of farmland.	30	2009-2010
Land includes all Namh Hawi villagers' land approx. 200-acres of farmland.		2009-2010
Land includes all Namh Hawi villagers' land approx. 200-acres of farmland.		2009-2010

22	M &F	Farmer/shop keeper	Namkham/Manaungvillage	Unknown
23	M	Village committee	Namkham/Maw taung village	Namkham Authority & Forestry Department
24	M	Villager committee	Man Lon, Mat Who, Lawn Lwamand Lawn Ahon village,Namkham	Namkham Forestry Department
25	M	Tea farmer	Sokanke village/ Namhsan	Unknown
26	M	Tea farmer	Manmai village/Namhsan	Unknown
27	M	tea Farmer	Man mai village	Unknown
28	M	Tea farmer	Pan mao village/Namhsan	Unknown
29	M	Construction group's	Shipaw	Construction company supported by the
30		Militia	Homain village/Namsan	Unknown
31	M	Tea farmer/village leader	Manmai village/ Namhsan	Unknown
32	M	Farmer	Man Lwoi village/Namhsan	Lashio Headquarters commander ordered
33	M	Soldier	Thai Nee/ Mai Lee village	Theinny based military Operation Command No.16
34	M	Villager	Nanhsan SoKanKe village/	Local Authority
35	M	Farmer	Lashio, Narmh Sarn village,	Lashio Headquarters commander ordered confiscation
36	F	Farmer	Mantong/ Nar Ore Lay village	Unknown
37	M	Farmer	Lashio, Narmh Sarn village,	Lashio Headquarters commander ordered confiscation
38	M	Farmer	Lashio, Narmh Sarn village,	Lashio Headquarters commander ordered

To construct and expand the main road between Namkham and Kuitai Township	3-houses	Oct-10
To plant castor oil on side of Shweli Dam(1)	35	2005
To plant 100,000 Teak trees	4	Oct-10
To expand the main road between Namhsan and Mantong	3-acres of land housing	2010
To expand the main road between Namhsan and Mantong	4	2010
To expense the main road between Namhsan and Mantong	3	2010
To expense the main road between Namhsan and Mantong	2	2010
Over 100 acres of farmland taken for railway construction	100	2008-2009
To expand main road between Namhsan and Mantong	2	2010-2011
To expand the main road between Namhsan and Mantong, Note- this land expansion project was implemented in 2010-11 and according to TSYO documents about 1,000 acres of tea farms have been confiscated and destroyed	4	2010-2011
In the end of January 2011, Nagapyan company, accompanied by Namsan department's surveyor and	500	January, 2011
In August 2010 military operation command No.16 confiscated Mai Lee villager's land and later they rented it back to the villagers	100	Aug-10
To expand the main road between Namhsan and Mantong, 3 acres of farmland. Victims of forced relocation	3	2010
The Land confiscated for Damming to store water for sharing in Lashio	4	2010
Poor communities had to move house to facilitate the building of Shweli transmission lines		2008
Land confiscated for Damming to store water for sharing in Lashio	4	2010
Land confiscated for Damming to store water for sharing in Lashio	6	2010

39	M	Farmer	Lashio, Narmh Sarn village,	Lashio Headquarters commander ordered confiscation
40	M	Farmer	Lashio, Narmh Sarn village,	Lashio Headquarters commander ordered confiscation
41	M	Farmer	Namhkham / Manmai village	Namkham Police
42	M	Farmer	Kyuat me Naungtain & Taung salit villager group	Kyuatme Police office
43	M	Monk	Namker/ Kutkai	Nampaker village's Chairperson & Police officer
44	M	Farmer	Nantu/Na sai	Local Authority
45	M	Trader	Mantong	LIB 130
46	M	Tea farmer	Namhsan	Captain Tan Tun from Namhsan military industry
47	F	Tea farmer	Namhsan	Construction group that expand the road in Namhsan
48	M	Tea farmer	Namhsan/ Man Ngi village	By agreement of Lashio
49	M	Farmer		
50	M	Farmer	Namkham Mansat village	Local authority Ngwe Kabar kyaw company
51	F	Villager	Namsan, Ze Ton Hone village	Land construction group

The Land confiscated for Damming to restore water for sharing in Lashio	4	2010
In this area farmers' land was confiscated for damming to store water for Lashio about 200 acres in total were confiscated in the area.	2	2010
Namhkham police confiscated 84 acres of tea farm and sold it to Chinese businessman, the businessman doesn't like that area. However, the farms are not given back.	84	2010
In January 2011, Kyuat police together with village leaders came to set up signpost marks in the farm and decreed that no one was to farm any longer in the space they marked.	1,300	2011
The authority confiscated land from the monastery and sold it to Chinese businessman	13	2005
The local Authority confiscated the Na sai villager's farm land and sold it to Mar Li Par (Chinese man)	400	2010
73 acres of land confiscated to build a military camp in Mantong and between Momike and Namtu main road.	73	2002- 2007
Toungma and its neighboring villages forced to work on the construction of the main road in addition to Captain Tan Tun confiscating tea farmland		2010
Two households forced to relocate without any compensation and house owner had to pay 120,000 Kyat to make space to build a house.		Feb-10
Lasho regional military commander gave a permit to mine minerals to Chinese business person and there destroyed 3 acres of tea farm	3	Apr-10
Local authority and Ngwe Kabar Kyaw company came to mine in Mansat village. There were 95 villagers' forest lands destroyed.	95	2008
The village is located near Namhsan Township they use the land to construct a road between Manthong and Namhsan Townships for a new transportation link.	40 Tea farms	2010

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**Ta'ang Student and Youth Organization - TSYO**