

Parliament fails to address land confiscation, creates new laws to make it worse

Instead of addressing land confiscation complaints, Burma's Parliament has made the problem worse by introducing repressive new laws. The Farmland Law, introduced in 2011 and enacted in March 2012, legalizes land confiscation for activities ranging from the construction of factories, power lines, roads, railways, pipelines, amusement parks, to any other project that the regime deems to be of "national interest". The law also limits farmers' access to judicial remedy by stipulating that newly created agencies under the Agriculture and Irrigation Ministry will have jurisdiction over land-related disputes ahead of the courts.⁴

Since Parliament first convened in January 2011, regime ministers went to great lengths to deny the problem.⁵ The March 2013 report of the National Parliament's investigative commission to look into land confiscation complaints only received a response four months later⁶: In July 2013, Defense Minister Lt Gen Wai Lwin said that the Tatmadaw would return only 18,300 (or 6.1%) of the 297,077 acres of land it confiscated across Burma from 1988 to 2010.⁷

On 21 February 2014, state-run newspaper New Light of Myanmar reported that the regime had acknowledged just 745 incidents of land confiscation – with over 500,000 acres of land confiscated by the military over the last five decades – and had solved 688 of these cases.⁸ However, on the same day, DVB reported that the report of the Parliamentary commission tasked with investigating reports of land confiscation contained 8,478 cases of filed land confiscation complaints, of which only 423 (5%) had been settled so far.⁹

SOME LAWS THAT SUPPORT LAND CONFISCATION

Besides the Farmland Bill, several other laws provide legal justification or economic motivation for land confiscation:

Constitution of the Republic of the Union of Myanmar (2008): Article 37 of the constitution identifies the state as being the ultimate owner of all land in Burma, giving the government the right to forcibly acquire land from its citizens.¹

Foreign Investment Law (2012): Allows the Myanmar Investment Commission (MIC) to designate the minimum amount of investment capital for foreign businesses. Foreign investment is restricted in 11 areas, including agriculture, livestock breeding, and fishing sectors. However, foreign investors can form a joint venture with a Burmese counter-part, with foreign-ownership caps to be set at a later stage. Foreign investors can be allowed into restricted sectors in cases of national interest. Foreign investors can lease land from the state or from authorized private owners for up to 50 years with possible extension up to 70 years.² This law has been seen as a motivator for local cronies to seize land in anticipation of such deals.

Vacant Lands, Fallow Lands and Virgin Lands Management Law (2012): Gives the regime the authority to designate a piece of land as vacant, fallow, or virgin. Land designated as vacant, fallow, or virgin can be used for domestic activities as specified by the regime, or for foreign investment with the agreement of the Myanmar Investment Commission (MIC). This law also allows the regime to seize back land if natural resources are found within the plot or if the land is needed for a project that is "in the interest of the State."³

The Land Acquisition Act (1894): Has until recently been the main legal justification used by the state to confiscate land. The Act has provisions for appropriate land acquisition procedures including compensation, but these have usually been disregarded. A sister law, the Land Acquisition (Mines) Act (1895), applies to cases in which minerals or mines are situated under land.⁴

¹ Constitution of the Republic of the Union of Myanmar (2008), Chapter 1

² Foreign Investment Law, Articles 10(a)(iii), Article 4, Article 10(a)(iv) Article 5, and Articles 30 and 31 respectively

³ Vacant, Fallow and Virgin Land Management Law, Chapter III, Article 4 and 7, Chapter VI, Article 16(g); and Chapter VII, Article 19(b),(c),(d) respectively

⁴ Displacement Solutions & The HLP Institute (2009) Housing, Land and Property Rights in Burma: The Current Legal Framework

⁴ AHRC (01 Nov 11) BURMA: Draft land law denies basic rights to farmers

⁵ NLM (07 Sep 12) Like other armed groups, KIA may ink peace agreements if they follow internationally and generally-accepted peace processes; NLM (21 Feb 14) 745 land grabbing cases happened in 5 decades as successive governments implemented projects in interests of country and people in accordance with rules, regulations

⁶ Irrawaddy (05 Mar 13) Military Involved in Massive Land Grabs: Parliamentary Report

⁷ DPA (17 Jul 13) Myanmar military to return little land; DVB (18 Jul 13) Ministry agrees to return meagre fraction of land confiscated by military

⁸ NLM (21 Feb 14) 745 land grabbing cases happened in 5 decades as successive governments implemented projects in interests of country and people in accordance with rules, regulations

⁹ DVB (21 Feb 14) Govt urged to settle land grab claims by September

Large-scale development projects the main source of controversy

President Thein Sein has continued down the path set by the military regime's January 2011 Special Economic Zone (SEZ) Law, designed to attract foreign investment. SEZ developments in Burma have been directly linked to land confiscation. Currently, there are three major multi-billion dollar SEZ development projects underway: Tavoy in Tenasserim Division, which has been temporarily suspended, Kyaukpyu in Arakan State, and Thilawa in Rangoon Division's Thanlyin Township.¹⁰

Other large scale projects including the Kyaukpyu-Kunming oil and gas dual pipeline, the Myitsone dam project, and the Monywa copper mine have been at the forefront of land confiscation controversies mainly due to the scale and intensity of violence and human rights abuses against residents and activists.

Systematic violence presents risks for companies

Projects linked to land confiscation often involve the engagement of security forces and militias, firstly, to force residents to leave, and secondly, to secure the emptied zone. The militarization of these zones increases the threat of violence against civilians and fuels armed conflict. Human rights experts and UN officials have previously referred to such violations as abuses amounting to serious international crimes.

Companies risk being exposed to serious international crimes and human rights abuses by utilizing or benefiting from land grabbed under such circumstances. Censorship and institutional obstruction, particularly over areas where there has been armed conflict and/or violence targeting religious and ethnic minorities, make it difficult for companies conducting due diligence to access accurate information.

Kyaukpyu SEZ, Arakan State: Scene of atrocities

In October 2009, regime authorities confiscated approximately 200 acres of land on Rambree Island, Arakan State, to make way for the Shwe Gas project's construction of an onshore gas terminal complex, a deep sea port, railway, airport, and industrial areas, referred to as a "mini Singapore".¹¹ Local communities were not consulted or informed about the 120 km² zone project which could affect tens of thousands of people.¹²



Sectarian violence in the Kyaukpyu area in Arakan State provided a convenient way to acquire more land for the SEZ: In October 2012, violence between Buddhist Rakhine and Muslim Rohingya broke out in Mrauk U, Kyaukpyu, Kyauktaw, Rathidaung, Pauktaw, Thandwe, and Rambree Townships, Arakan State.¹³ The most serious violence was perpetrated on 23-24 October when Buddhist Rakhine

¹⁰ Irrawaddy (22 Jun 12) This Tiger Needs to Earn Its Stripes

¹¹ SGM (Sep 11) Sold Out: Launch of China pipeline project unleashes abuse across Burma; Arakan Oil Watch (Dec 12) Danger Zone

¹² AOW (Dec 12) Danger Zone

¹³ RFA (23 Oct 12) Rakhine Violence Spreads; NLM (24 Oct 12) Some villages under fire, riots occurs in Minbya, MraukU Townships; EMG (25 Oct 12) President orders reinforcement to contain violence in Rakhine State; NLM (29 Oct 12) Thanks to collaborative efforts of Rakhine State government, authorities concerned, members of security force, monks and locals, situation returns to normalcy; Irrawaddy (22 Oct 12) Violence Reignites in Arakan State; RFA (22 Oct 12) Fresh Violence in Rakhine; DVB (24 Oct 12) Thousands flee as Arakan violence spreads; AFP (24 Oct 12) Three dead in new wave of Myanmar communal clashes; Irrawaddy (24 Oct 12) Burmese Muslims Cancel Eid Festivities; Irrawaddy (25 Oct 12) Kyaukpyu's Muslim Quarter Razed to the Ground; DVB (26 Oct 12) Military opens fire on residents in Arakan state; NLM (27 Oct 12) Kyauktaw, Yathedaung, Kyaukpyu, Pauktaw of Rakhine State shaken by violence; Irrawaddy (26 Oct 12) Official Arakan Death Toll Rises to 112; AP (24 Oct 12) Skirmishes between Muslims and Buddhists in western Myanmar spread to 2 new districts; Reuters (25 Oct 12) In Myanmar's volatile west, sectarian violence worsens; NLM (25 Oct 12) One dead, 28 others injured in Kyaukpyu incident; Xinhua (26 Oct 12) Myanmar state spokesman corrects riot-related death toll; NLM (28 Oct 12) Destructive acts committed in Thandwe, Kyaukpyu, Pauktaw, Yanbye townships of Rakhine State; VOA (24 Oct 12) Sectarian Violence Spreads in Burma; AFP (29 Oct 12) Death toll from Myanmar unrest reaches 88; RFA (25 Oct 12) Nearly 60 Killed in New Violence; Reuters (26 Oct 12) Myanmar revises down death toll in sectarian violence; AP (26 Oct 12) Myanmar gov't says 67 killed in violence between Buddhist, Muslim communities; NLM (25 Oct 12) One dead, 28 others injured in Kyaukpyu incident; BBC (25 Oct 12) Burma Rakhine clashes death toll at 56 - state officials; Reuters (26 Oct 12) Death toll in Myanmar sectarian violence surges to 112; Independent (28 Oct 12) Refugees accuse Burmese government of ignoring ethnic cleansing: 'If we stayed, we would have been killed'; Economist (28 Oct

razed the entire Muslim quarter in Kyaukpyu, causing multiple deaths.¹⁴ Local people fled and were prevented from returning to the area, which was then secured for the Kyaukpyu SEZ. The violent and systematic persecution of Muslims including Rohingya in Arakan State has been a focus of the UN Human Rights Council, UN General Assembly, and more recently, the UN Security Council.¹⁵

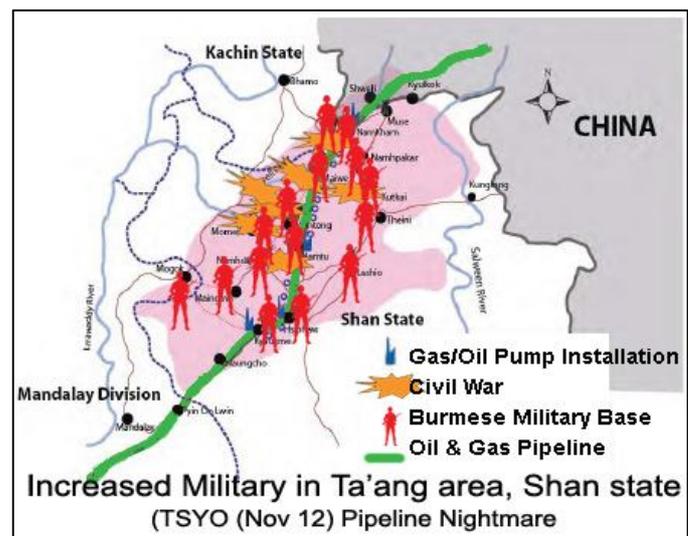
Protests demanding compensation for land confiscation linked to the Kyaukpyu SEZ have met various forms of suppression:

- **19 April 2013:** Police in Kyaukpyu Township, Arakan State, charged 10 local villagers under the Peaceful Gathering and Demonstration Law for participating in a protest on 18 April against the Kyaukpyu-Kunming oil and gas dual pipeline in Kyaukpyu Township, Arakan State, without obtaining prior official permission. Protest organizers said they went ahead with the demonstration after regime authorities twice refused to grant a protest permit.¹⁶ On 26 September 2013, a court in Kyaukpyu Township sentenced the 10 activists to three months in prison for the demonstration.¹⁷
- **9 September 2013:** A court in Sandoway [Thandwe] Township, Arakan State, sentenced activist Soe Wai to nine months in prison for demonstrating against land confiscation on 2 September.¹⁸ Sandoway will serve as a junction point for transport infrastructure. **Further resistance to land confiscation ended when anti-Muslim riots hit the area, resulting in the death of seven civilians, the displacement of 480 people, and the destruction of 110 houses and two mosques.**¹⁹

Shwe Gas project (Arakan, Shan States, Magwe, Mandalay Divisions): Trail of conflict

The Kyaukpyu-Kunming oil and gas dual pipeline, which began its operations in February 2011, has resulted in numerous cases of land confiscation, forced labor, arbitrary arrests, and torture.²⁰

The Kyaukpyu-Kunming oil and gas dual pipeline has been a target of protestors including farmers who want compensation for land confiscated to build the Kyaukpyu-Kunming oil and gas dual pipeline itself, and military bases to secure the area. In 2013, hundreds of residents and farmers protested, demanding that the China National Petroleum Corporation (CNPC) provide adequate compensation, higher salaries for local workers, and better electricity supply and roads in the area.²¹ On 9 April 2013, the Ta'ang Students and Youth Organization (TSYO) said that the regime had not yet provided compensation to over one-third of Shan State residents displaced by the project.²²



¹² A bloody road to apartheid; RFA (30 Oct 12) Gunshots Fired to Stop Huge Mob; Reuters (30 Oct 12) Fear, mistrust grip Myanmar's volatile Rakhine region; Irrawaddy (30 Oct 12) Police Fire on Buddhists on Ramree Island; RFA (31 Oct 12) Rakhine Faces 'Armed Conflict'

¹⁴ Irrawaddy (25 Oct 12) Kyaukpyu's Muslim Quarter Razed to the Ground

¹⁵ Reuters (17 Apr 14) U.S. envoy Power urges Myanmar action to stop Rakhine violence; Reuters (20 Nov 13) U.N. committee slaps Syria, Iran, N.Korea, Myanmar for rights abuses; HRC, 25th session, Situation of human rights in Myanmar, UN Doc A/HRC/25/L.21/Rev.1

¹⁶ RFA (18 Apr 13) Hundreds Protest Pipeline in Burma's Rakhine State; Narinjara News (23 Apr 13) 10 villagers charged with staging illegal a demonstration against CNPC; Mizzima News (23 Apr 13) 10 Maday islanders charged following pipeline protest; Myanmar Times (25 Apr 13) Ten charged over anti-CNPC protest

¹⁷ RFA (26 Sep 13) Myanmar Jails Activists Over Protest Against China-Led Petroleum Project

¹⁸ Narinjara News (14 Sep 13) Solo protester sent to prison

¹⁹ AP (29 Sep 13) Sectarian tensions flare in Myanmar town; Reuters (30 Sep 13) Muslims in hiding in Myanmar after sectarian strife flares; Irrawaddy (02 Oct 13) Violence Continues in Southern Arakan State, 6 Reported Killed, 60 Homes Destroyed; Myanmar Times (03 Oct 13) Ineffective security at the heart of Rakhine conflict: ICG, Myanmar Times (05 Oct 13) "The police let them burn our homes"; OCHA (15 Oct 13) Report on Findings and Recommendations by Inter-Agency Mission to Thandwe Township in Rakhine State - 4 to 6 October, 2013

²⁰ ERI (March 2011) The Burma-China Pipelines: Human Rights Violations, Applicable Law, and Revenue Secrecy; AOW (Dec 12) Danger Zone

²¹ TSYO (Nov 12) Pipeline Nightmare; RFA (18 Apr 13) Hundreds Protest Pipeline in Burma's Rakhine State; Mizzima News (19 Apr 13) Maday Islanders protest Chinese pipeline; Narinjara News (20 Apr 13) Demonstration against Chinese CNPC company in Arakan; EMG (20 Apr 13) Locals demonstrate against Myanmar-China pipelines company; Mizzima News (22 May 13) Shan NGOs call for halt to pipeline; Narinjara News (20 Jun 13) Arakanese farmers demand compensations, submit memorandum; Narinjara News (15 Oct 13) Unaddressed worries bring 400 villagers to the monastery

The project has exacerbated an already serious conflict between the Tatmadaw and the Ta'ang National Liberation Army (TNLA) that began in January 2011, in Shan State.²³ Troops also attacked civilians and the forces of the Shan State Army-North (SSA-N), Shan State Army-South (SSA-S), Kachin Independence Army (KIA), and TNLA in Northern Shan State. By November 2012, the regime had already deployed 26 additional Tatmadaw patrols to the area to provide "security" for the pipeline.²⁴ Violence, including attacks targeting unarmed civilians, continues to be reported in this area.²⁵

Increased militarization of the area has resulted in a dramatic increase in IDPs fleeing the conflict and widespread human rights abuses committed by the Tatmadaw, including using civilians as porters, and confiscation of land and property in Nawngkhio, Mantong, Hsipaw, Kyaukme, Namkham, and Namtu Townships, Shan State.²⁶

On 20 October 2013, the Kyaukpyu-Kunming oil and gas dual pipeline went into full operation after the completion of the final section of the project in China's Yunnan Province.²⁷ The regime doubled its troop deployments in order to protect delivery of the pipeline cargo, including in the Ta'ang area.²⁸

Myitsone dam, Kachin State: Suspended but violations continue

On 30 September 2011, President Thein Sein suspended the Myitsone dam project in Kachin State.²⁹ The Chinese-backed US\$3.6 billion project was projected to generate 6,000 megawatts of power, 90% of which would be sold to China.³⁰ Thein Sein's announcement came after a relentless campaign against the project by civil society groups and prominent individuals, including Daw Aung San Suu Kyi.³¹ Condemnation of the project stemmed from its negative impact on local communities, including the displacement of 12,000 people and the serious threat it posed to the environment.³² Despite the alleged suspension of the project, human rights violations related to the development of the Myitsone dam project continued. In March 2012, the regime ordered the destruction of homes and buildings next to the project site in Tang Hpre Village, Myitkyina Township, and arrested more than 10 villagers displaced by the project for attempting to return to their homes.³³

The project also contributed to the resumption of hostilities between the Tatmadaw and the Kachin Independence Army (KIA) in June 2011 after a 17-year ceasefire.³⁴ The war in Kachin State escalated in March and April 2014, increasing the number of civilian casualties and IDPs.

²² Irrawaddy (09 Apr 13) Shwe Pipeline Explosions Highlight Safety Concerns; Irrawaddy (10 Apr 13) Shan Farmers Claim Govt Siphoned Off Shwe Gas Pipeline Compensation

²³ TSYO (07 Nov 12) Pipeline Nightmare: Shwe Gas fuels civil war and human rights abuses in Ta'ang community in northern Burma

²⁴ HRW (11 May 13) Burma: China-Led Oil, Gas Projects Spark Arrests; Mizzima News (22 May 13) Shan NGOs call for halt to pipeline; TSYO (Nov 12) Pipeline Nightmare

²⁵ Mizzima News (22 May 13) Shan NGOs call for halt to pipeline; Myanmar Times (24 May 13) SSAS denies link to two deaths in northern Shan; KIC (21 Mar 14) 2,000 Civilians Flee Burma Army Attacks

²⁶ TSYO (Nov 12) Pipeline Nightmare

²⁷ Xinhua (20 Oct 13) China-Myanmar gas pipeline in full operation

²⁸ EMG (27 Feb 14) Two skirmishes break out in Shan State

²⁹ AP (30 Sep 11) Myanmar to stop construction of controversial dam; Irrawaddy (30 Sep 11) Burmese President Halts Myitsone Dam Project

³⁰ TrustLaw (30 Aug 12) FACTBOX - Lure of Myanmar's natural resources; DVB (04 Apr 12) Leaked document reveals Myitsone dam set to reopen

³¹ Irrawaddy (02 Sep 11) 'Save the Irrawaddy' Campaign Gains Momentum; Mizzima News (14 Sep 11) Gov't must choose: the benefits of Myitsone dam or people's protests?; Irrawaddy (16 Sep 11) Burma's Burning Issue - The Myitsone Dam Project; Asian Tribune (19 Sep 11) Burma must be vigilant to avoid the disastrous dam on Irrawaddy River; Irrawaddy (21 Sep 11) The Myitsone Dam: A Cause for Unity or an Uprising in the Making?; IRIN (21 Sep 11) MYANMAR: Dam busters fight back; Irrawaddy (22 Sep 11) Myitsone Dam Outrage Turns Toward Chin; Mizzima News (26 Sep 11) Myitsone Dam study should be made public; Dr. Htin Hla; Irrawaddy (26 Sep 11) Is the Myitsone Dam Burma's WMD?; Myanmar Times (26 Sep 11) Dammed if you do: youth urge govt to scrap project; Myanmar Times (26 Sep 11) Environmentalists ramp up fight to halt hydro project

³² AP (11 Aug 11) Myanmar's Suu Kyi urges reassessment of dam; NLD (11 Aug 11) Irrawaddy Appeal; BBC (30 Sep 11) Burma dam: Why Myitsone plan is being halted; Huffington Post (04 Oct 11) The Myitsone Dam Decision in Burma

³³ Kachin News Group (08 Mar 12) Despite Myitsone dam halt government to destroy village; Kachin News Group (07 Mar 12) 10 arrested after returning home to Myitsone dam village

³⁴ TrustLaw (30 Aug 12) FACTBOX - Lure of Myanmar's natural resources

Monywa copper mine, Sagaing Division: Phosphorus grenades versus prayers

Since work began in 2011, the Monywa copper mine project, operated by China's Wanbao company and the state-owned Union of Myanmar Economic Holdings (UMEH) has resulted in massive land confiscation.³⁵ According to the Upper Burma Lawyers Network and the US-based Justice Trust, regime officials used fraud and coerced villagers to sign contracts to hand over land for the mine's expansion.³⁶

Since early September 2012, activists, Buddhist monks, and residents of 26 villages in Salingyi Township, Sagaing Division, have campaigned against the expansion of the Monywa copper mine in the Letpadaung mountain range. They demanded that the mine operators stop the project, return over 7,800 acres of confiscated land, and address the mine's negative environmental impact.³⁷ The regime reacted to the protests with arrests and use of excessive force.³⁸

In September 2012, regime authorities detained 12 female activists for a prayer vigil to protest against the expansion of the Monywa copper mine. Police beat some of them while they were in custody.³⁹ On 29 November 2012, after three months of protests, police in Salingyi Township used tear gas, white phosphorus grenades, and incendiary devices to disperse a peaceful protest near the Monywa copper mine.⁴⁰ Over 100 villagers and Buddhist monks were injured in the attack, many suffered severe burns.⁴¹ The crackdown triggered another wave of demonstrations. Activists and Buddhist monks in Sagaing, Rangoon, Mandalay, Magwe, and Irrawaddy Divisions, and in Shan State, led peaceful demonstrations to demand action against those responsible for the crackdown.⁴² The regime instead detained six activists and filed criminal charges under the Peaceful Gathering and Demonstration Law against 13 protesters.⁴³

In 2013 and 2014, police continued to violently repress protests and charge, detain, and jail activists protesting against the Monywa copper mine.⁴⁴ Villagers have been sentenced to hard labor for resisting eviction.⁴⁵ On 25 April 2013, police in Sete Village, Salingyi Township, Sagaing Division, fired shots and used batons to disperse farmers who were plowing land to protest against the Monywa copper mine.⁴⁶ At least seven villagers were injured in the crackdown.⁴⁷

³⁵ RFA (05 Sep 12) Thousands Protest Copper Mine

³⁶ BBC (14 Feb 13) Burma police 'used white phosphorous' on mine protesters; VOA (14 Feb 13) Burma Authorities Accused of Fraud, Coercion at China-Backed Mine

³⁷ Myanmar Times (17 Sep 12) Arrests in Monywa as mine protests escalate; Irrawaddy (03 Sep 12) Family of Detained Rights Activist to Sue; Irrawaddy (03 Sep 12) Family of Detained Rights Activist to Sue

³⁸ RFA (05 Sep 12) Thousands Protest Copper Mine

³⁹ RFA (11 Sep 12) Hundreds Want Activists Released; Irrawaddy (11 Sep 12) Nine Copper Mine Protesters Released; DVB (12 Sep 12) Freed copper mine protesters assaulted by police

⁴⁰ RFA (28 Nov 12) Police Disperse Mine Protesters; AP (29 Nov 12) Crackdown on copper mine protest in Myanmar injures dozens hours before Suu Kyi visit; Irrawaddy (29 Nov 12) Copper Mine Protesters Burned Out in Police Raid; Myanmar Times (10 Dec 12) Commission will find fair solution, says NLD leader; DVB (06 Dec 12) Commission sidelines gov't in crackdown investigation; AP (14 Feb 13) Myanmar protesters want justice for mine crackdown; BBC (14 Feb 13) Burma police 'used white phosphorous' on mine protesters; Irrawaddy (14 Feb 13) Fraud, Excessive Force Used at Letpadaung Mine: Report; Myanmar Times (18 Feb 13) Lawyers' Network urges government to act over crackdown

⁴¹ RFA (28 Nov 12) Police Disperse Mine Protesters; AP (29 Nov 12) Crackdown on copper mine protest in Myanmar injures dozens hours before Suu Kyi visit; Irrawaddy (29 Nov 12) Copper Mine Protesters Burned Out in Police Raid; Myanmar Times (10 Dec 12) Commission will find fair solution, says NLD leader; DVB (06 Dec 12) Commission sidelines gov't in crackdown investigation; AP (14 Feb 13) Myanmar protesters want justice for mine crackdown; BBC (14 Feb 13) Burma police 'used white phosphorous' on mine protesters; Irrawaddy (14 Feb 13) Fraud, Excessive Force Used at Letpadaung Mine: Report; Myanmar Times (18 Feb 13) Lawyers' Network urges government to act over crackdown

⁴² Reuters (01 Dec 12) Calls grow for probe into police violence at Myanmar mine

⁴³ AP (03 Dec 12) Myanmar mine protesters denied release on bail; RFA (03 Dec 12) Mine Probe Panel Revamped; BBC (03 Dec 12) Burma courts charge protesters over copper mine protest; Irrawaddy (04 Dec 12) Six Mine Protesters Charged With Incitement; Mizzima News (04 Dec 12) 88 Generation students urge government not to arrest protesters; EMG (06 Dec 12) Police files suit against copper mine protesters; AP (04 Dec 12) Myanmar Mine Protesters Denied Bail; AFP (14 Dec 12) Burmese officials make new mine protest arrests; RFA (14 Dec 12) More Mine Activists Arrested; EMG (23 Dec 12) A section in the protest law infringes on citizens' rights: ABFSU; Irrawaddy (14 Dec 12) Anti-Copper Mine Activists Detained; DVB (18 Dec 12) Protesters set up new camps near controversial mine

⁴⁴ AHRC (29 Apr 13) BURMA: Criminalization of rights defenders and impunity for police; RFA (29 Apr 13) Hundreds Demand Probe of Burmese Mine Crackdown Five Months On; Irrawaddy (08 Jul 13) Complaints Abound Over Letpadaung Implementation Committee; RFA (09 Jul 13) Myanmar Activist Jailed 10 years For Anti-Mine Protest; DVB (17 Feb 14) Protestors arrested after appealing for Latpadaung activist's release; Irrawaddy (05 Feb 14) Eight Detained as Opposition to Burma's Letpadaung Copper Mine Continues; EMG (06 Feb 14) Eight rural people detained by police in Letpadaungtaung

⁴⁵ DVB (22 Mar 12) Villagers resist eviction, sentenced to hard labour

⁴⁶ AFP (25 Apr 13) Police crack down on Myanmar mine protest: activists; AP (25 Apr 13) Myanmar activists: 7 injured in mine crackdown; Irrawaddy (25 Apr 13) Letpadaung Farmers Beaten, Shot at for Plowing Fields; DVB (25 Apr 13) Police crackdown on 'plough protestors' near Latpadaung; Mizzima News (26 Apr 13) Latpadaung villager shot as police clash with locals

⁴⁷ AP (25 Apr 13) Myanmar activists: 7 injured in mine crackdown

Salween River Hydropower Projects: At least 37,000 displaced

As of 19 February 2014, the regime had planned to build six dams on the Salween River in Shan, Karenni, and Karen States. In recent years, an estimated 37,000 people have already been displaced from the dam sites and surrounding areas.⁴⁸

According to Shan Human Rights Foundation (SHRF), the regime has agreed to export 90% of the energy produced by the six dams to China and Thailand and 10% to other cities in Burma, leaving locals in the affected areas with nothing to gain from the projects.⁴⁹ The investment will come from five Chinese corporations, Electricity Generation Authority of Thailand (EGAT) International Co. Ltd, and three Burmese corporations.⁵⁰

In 2012, Asia World began construction of a highway in connection with the project, running from Hsenwi Township, through Kunlong Township, Shan State, to the Chinese border. People from 60 villages lost land, homes, and crops, and were affected by runoff and water contamination. Villagers were neither informed of the impact the project might have on their livelihood nor compensated for their losses.⁵¹

A serious concern about the construction of the upper Salween hydropower project in Kunlong Township, Shan State, involves its proximity to highly contested areas between Northern Shan State's Kokang and Wa regions.⁵² Between February and April 2013, the Tatmadaw deployed thousands of troops to Tangyan and Monghsu Townships, Shan State, near dam sites.⁵³ The increased Tatmadaw presence in these regions has contributed to volatility of the area, leading to frequent clashes between the Tatmadaw and the Kachin Independence Army (KIA) or the Ta'ang National Liberation Army (TNLA), i.e. ethnic armed groups who occupy the area.⁵⁴

On 17 December 2013, a bomb exploded near Kunlong Township, killing five people including two Asia World workers. On 13 February 2013, SHRF warned that continuation of the upper Salween hydropower project near Kunlong Township before the regime reaches an agreement with ethnic groups could "risk derailing the peace process".⁵⁵

Tatmadaw troops broke ceasefire agreements by attempting to clear the land surrounding the dam projects of ethnic armed groups. On 26 March 2013, the Tatmadaw ordered Shan State Army North (SSA-N) troops to vacate the west bank of the Salween River, where the hydropower project near Kunlong Township was planned.⁵⁶ Tatmadaw intervention allowed Asia World to continue with construction of the upper Salween River's Kunlong dam.⁵⁷



⁴⁸ Salween Watch (13 Mar 13) Current Status of Dam Projects on Burma's Salween River

⁴⁹ Irrawaddy (19 Feb 2014) Salween Dam Projects Could Affect Burma's Peace Process

⁵⁰ SSEO (01 Apr 13) Burmese military stokes war in northern Shan State to clear way for Salween dam; Irrawaddy (19 Feb 2014) Salween Dam Projects Could Affect Burma's Peace Process

⁵¹ SHRF (13 Feb 14) Large-scale land confiscation for Salween dam infrastructure in northern Shan State

⁵² SHRF (13 Feb 14) Large-scale land confiscation for Salween dam infrastructure in northern Shan State

⁵³ SSEO (01 Apr 13) Burmese military stokes war in northern Shan State to clear way for Salween dam

⁵⁴ SHRF (13 Feb 14) Large-scale land confiscation for Salween dam infrastructure in northern Shan State

⁵⁵ SHRF (13 Feb 14) Large-scale land confiscation for Salween dam infrastructure in northern Shan State

⁵⁶ SSEO (01 Apr 13) Burmese military stokes war in northern Shan State to clear way for Salween dam

⁵⁷ SSEO (01 Apr 13) Burmese military stokes war in northern Shan State to clear way for Salween dam

Tavoy SEZ, Tenasserim Division: Stripped of land

The Tavoy deep-sea port project has already resulted in forced displacement and the confiscation of land without adequate compensation.⁵⁸ Since the US\$11 billion Tavoy contract was signed in November 2010,⁵⁹ Italian-Thai Development (ITD) and the regime confiscated the land of at least 11 villages in Tenasserim Division, affecting the livelihood of around 3,000 residents.⁶⁰ In January 2012, regime officials said the Tavoy SEZ project was expected to displace over 23,000 people in 18 villages in Tenasserim Division.⁶¹ However, independent research estimated that the anticipated number displaced would be over 32,000, and that a potential 500,000 people in the Tavoy region would be directly and indirectly affected by the massive land grabs, speculation on land price increases, and destruction of the local rural economy.⁶²

At the end of January 2013, ITD began bulldozing the homes of residents in Cha Khan Village, Yebyu Township, in preparation for the project.⁶³ In February 2013, regime authorities ordered residents of Mu Do Village, Yebyu Township, to vacate their homes by mid-April to make way for the Tavoy deep-sea port project.⁶⁴ In both cases, villagers said that they did not receive adequate compensation from ITD for the loss of their land or homes.⁶⁵ In October 2013, regime authorities in Tavoy Township, Tenasserim Division, confiscated 14 acres of rice paddies for the construction of a housing project linked to the Tavoy SEZ.⁶⁶

On 21 November 2013, regime and Thai officials stripped ITD of its 75-year concession to develop the Tavoy SEZ in Tenasserim Division, temporarily suspending operations while they conducted feasibility studies.⁶⁷

Thilawa SEZ, Rangoon Division: Bulldozed into submission

Since an agreement between Japan and Burma to develop the Thilawa SEZ was signed in April 2012, regime authorities have begun confiscating land in the region.⁶⁸ In January 2013, regime authorities ordered hundreds of households in Thanlyin and Kyauktan Townships to vacate their homes by 14 February to make way for the development of the Thilawa SEZ.⁶⁹ In October 2013, villagers facing relocation said regime officials threatened to bulldoze their homes and pressured them into accepting an unfair compensation offer for the loss of their farmland.⁷⁰

Poor relocation conditions and insufficient compensation has led to an increase in protests over land confiscation. The regime has continued to arrest, detain, and charge activists in connection with land confiscation disputes. The charges brought against activists and protesters under Article 505(b) of the Criminal Code, Article 18 of the Peaceful Gathering and Demonstration Law, and the Trespassing Act are disproportionate to their 'crimes'.

⁵⁸ TNI (Sep 12) Land grabbing in Dawei (Myanmar: Burma): A (inter)national human rights concern; Mizzima News (07 Oct 11) Authorities of Dawei deep seaport threaten land owners to sell at low price

⁵⁹ Reuters (04 Nov 10) Italian-Thai inks deals for huge Myanmar port project; DPA (03 Nov 10) Thai company commits to large infrastructure project in Myanmar

⁶⁰ Myanmar Times (14 Feb 11) Dawei development stirs debate; Irrawaddy (20 Jan 11) Shan Coal Mine Affecting Local Health, Report Says

⁶¹ Mizzima News (25 Jan 12) Vice president talks to Dawei residents

⁶² TNI (Sep 12) Land grabbing in Dawei (Myanmar: Burma): A (inter)national human rights concern

⁶³ KIC (19 Feb 13) Cha Khan villagers, homes bulldozed to make way for deep sea port

⁶⁴ KIC (25 Feb 13) Forced relocation, company compensation falls short of replacing village lands

⁶⁵ KIC (25 Feb 13) Forced relocation, company compensation falls short of replacing village lands; KIC (19 Feb 13) Cha Khan villagers, homes bulldozed to make way for deep sea port

⁶⁶ Irrawaddy (28 Oct 13) Rice Paddies in Dawei Confiscated for Housing

⁶⁷ Reuters (22 Nov 13) Japan on stand-by as ITD dumped from Dawei project

⁶⁸ Japan Times (22 Apr 12) Japan to cancel 60% of Myanmar's debt

⁶⁹ Myanmar Times (11 Feb 13) Impending evictions taint Thilawa economic zone

⁷⁰ Irrawaddy (12 Oct 13) Thilawa Farmers Say Govt Pressured Them to Accept Compensation Offer; Myanmar Times (13 Oct 13) Compensation for affected Thilawa residents stalled; Irrawaddy (18 Oct 13) JICA Meets with Thilawa Villagers Over Relocation