

Thai overseas investment on coal mining in Myanmar: The private business violating human rights and causing environmental impact on ethnic communities along Tenasserim border

Introduction

Tanintharyi Hills or Tanintharyi Range is the geographical name of a roughly 1,700 km long mountain chain, part of the Indo-Malayan mountain system in Southeast Asia.¹ The Tanintharyi Range covered with lush green forest and is a natural border line between Thailand and Myanmar. Across the hills in Myanmar side is Tanintharyi Region. The capital of this administrative region is Dawei which consists of diverse of ethnicity such as Dawei or Tavoy, Karen or Khayin and Mon. The local languages spoken by majority of the population are Tavoyan and Karen. In the past, the area in which bordering near Kanchanaburi province of Thailand was a former war zone between Karen ethnic group and Burmese junta government. It was intense conflict war zone during 1996 - 1997 until cease fire agreement between the Burmese junta and the Karen National Union (KNU) was signed in 2012.

Although the war has calmed down in the present, people living in the area and recovering from the war are now encountering a new challenge coming with so-called "Economic Development Project". Coal mining concession by Thai companies' investment is encroaching human rights and causing environmental impacts. The mining activity has violated people's rights to participation, to voice their opinion regarding economic development plan in coal mining industry. There was no transparency in the process of the mining operation; no disclosed of studies report of the mining project for public to review, critique or voice opinion based on democratic process prior to proceed decision making about the project. Furthermore, there was no monitoring mechanism to address and hold accountability of the under construction coal mine project.

¹ http://en.wikipedia.org/wiki/Tenasserim_Hills

According to recent survey of local organization in the area, it is found that the Thai mining companies investing on coal mine has violated people's right to land. The mining companies confiscated people's land by claiming permission of the coal mining concession. Whilst, affected villagers were never prior received or informed of information on details of the coal mine project information. Besides, the mining company pushing forward the mineral extraction in the area is highly concerned by the people on potential negative impacts on environment in the future.

Performance of Thai coal mining companies in the ethnic area on the border along the Tanintharyi Range.

Most of the areas in Tanintharyi region that have been granted to mining concessions are populated by diverse ethnic groups. The Ban Chaung coal mine is located in Ban Chaung, on the side of the River Ban – a tributary of Tanintharyi River - in the Ban Chaung administrative area, Dawei District, Tanintharyi Region, Myanmar.

This area is under dual- governing system administered by the central Myanmar government and the KNU. The villagers who live in the Ban Chaung watershed belong to the Karen ethnic group. Ban Chaung is called Paw Clo in Karen and located in Kasawdoh township according to KNU administration. They earn a living from selling and processing betel nuts which is the main economic crop that generates income for the community.

Ban Chaung coal mine has been authorized under the name of [May Flower Mining Enterprise Co.,Ltd](#), a Burmese company, and it was granted a concession by the Myanmar government. However, there are two companies sub-contracted to the May Flower Mining company which are [the East Star Company](#) and [the Thai Asset Mining Co.,Ltd](#)² from Thailand. The Myanmar government has granted permission to the East Star Co for 1,500 acres and Thai Asset Mining company for 600 acres.

² <http://company-thailand.com/%e0%b8%9a%e0%b8%88-%e0%b9%84%e0%b8%97%e0%b8%a2-%e0%b9%84%e0%b8%a1%e0%b8%99%e0%b8%b4%e0%b9%88%e0%b8%87-%e0%b9%81%e0%>

The East Star Co started work on an open pit coal mine from 2012. The concession may be renewed each year until 2036 (or 25 years of concession). A report from Dawei Development Association (DDA) – an organization which has been monitoring impacts of mining and the Dawei Special Economic Zone and its related projects, found that the East Star Co signed an agreement with [Energy Earth Public Company Limited](#) on 23 November 2012. It also quoted a report by Energy Earth³ saying that the East Star Co has received a land concession for coal mining in an area of 1,262 rai (504.8 acres). The Energy Earth Co takes care of production cost of the coal mine and the East Star Co has to give 40 million ton of the coal to Energy Earth Co and get 30 % of the profit.

However, local people affected by the Ban Chaung mine reported that a staff manager of the East Star company came to meet with villagers on 18 January 2014, and said that the company will operate the mine in an area of 8,000 acres.

Since 2012, the East Star company has already bulldozed 60 acres of land to begin operations on the mine. Although the villagers in the area protested that the mine took place on land that belonged to 5 villagers, the company moved forward and ignored the villager’s disapproval.

The East Star Co has 40 employees. The output of the coal from Ban Chaung mine is stored at Ah mar village near the Thai border. In the meantime, KNU has mediated the land dispute issue with the company to which the company has signed an agreement not to invade any further land for its mining activities. However, the villagers are still highly concerned that the company’s mining area

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³ Notification of coal mine in Myanmar:
<https://www.set.or.th/set/newsdetails.do;jsessionid=BFECB51587C70FDECEE3DBFA3C6D99CA?headline=Notificati on+of+Coal+Mine+Operation+in+Burma&time=1353895380000&source=EARTH&symbol=EARTH&pdf=dat%2Fnews%2F201211%2F12057502.pdf+++++++&filename=dat%2Fnews%2F201211%2F12057502.e12+++++&type=H&language=en&country=US>

will be expanded in the future as some more villagers have sold their land to the company.

Beside this, the Thai Asset Mining Co has requested mining concessions for coal and tin in Ka Taw Ni village also in the Ban Chaung area. It has already received permission to build road for transporting its coal from Ka Taw Ni village. Given this permit to construct a road, it seems likely that the company will also be given approval for a mining concession in Ka Taw Ni village in the near future. If the company is permitted to carry out the mining concession in this area, it is feared that most of the land in many villages will be affected.

Environmental impact and human rights violation as a result of Thai companies' investment on mining

Mining affected area

There are many villages settled along small creeks and streams that connect with Ban River and other tributaries of the Tanintharyi River. Those villages are seriously concerned with toxic contaminated in the rivers as a result of the mining operation of the Thai companies.

According to Takapaw Youth Group's research, it reported that there are about 22 villages affected by the mining operation. It is divided into 3 category areas as following.

Impacted villages Along the Ban River: 1. Kyeik Phee Lan 2. Phaung Daw 3. Hin Ga Pe 4. Pyar Thar Chaung 5. Hsin Swe Chaung 6. Maung Ma Htoo 7. Ka Htaung Ni 8. Kyuan Chaung Gyi 9. Tha Byu Chaung 10. Kyauk Htoo

Impacted villages along the Tenasserim River: 1. Htee Htar 2. A-Myar 3. Htee Phyo Lay 4. Nga Yat Ni 5. I One 6. Hsin Phyu Daing 7. Amo

Impacted villages along the road for coal transportation: 1. Karen Taung Pyauk 2. The Chaung Gyi 3. Sone Sin Phyar 4. Win Ka Phaw 5. Mel Ke

Human rights violation in the mining area

People in the area have reported the issue of human rights abuses that they are facing as a result of the Thai mining investment:

- There has not been prior informed of detail information of the project. No consultation and public hearing processes have been made to include people's voices in order to engage their participation in all level of decision making processes: survey, feasibility studies, planning before any decision is made on mining investment.
- There has not been disclosure of information on Environmental Impact Assessment studies. No information on principle and procedure for mining operation that comply with acceptable standards. No mechanism to proceed monitoring accountability of the mining operation to solve environmental and social damages it caused.
- There have been land confiscation against the villagers land owners and without their consent. Also, the villagers have been pressured and forced to sign agreement to sell land for the mining companies.
- There is no mechanism within the mining companies and in the Burmese government level to receive complaints regarding the mining impacts that the villagers ate suffering. Although numbers of villagers in the area have raised their complaints and concerns regarding the mining investment, since there is no such monitoring mechanism available, their complaints and concerns have been ignored and disregard to be resolved and remedied in response to the impacts they are facing.

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