

## 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.”<sup>1</sup>*

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 be 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 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, Phyu 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