

Executive summary

This “Zwekabin Proved Our Land” report which has examined the land problems in Karen state but it is not an academic paper. This is not even a formal survey. Ethnic Peace Resources Project (EPRP) conducted two workshops about the land rights and environment in Hpaan Town. Karen Youth Network, Kayin Open Group, Thwee Community Development Network, Hsu Pho Kapaw Network, WON Kayin Organization, Hsa Mu Htaw Organization Khaung Su Hlaing organization and activists from Hpa Pun, Kamamaung, Hlaing Bwe and Kaw Sein Ben participated in the workshops. In April and May, in 46 villages within the seven townships of Karen State, EPRP supported these CSOs to conduct seminars about land confiscation problems and to make surveys of problems within these areas. When we did the survey, we collected copies of notice papers, voices of victims. After the survey, we held a follow-up meeting in Hpaan Town and together we selected the 48 cases making up this report, adding analysis and recommendations.

Karen State is located in Southern East region of Myanmar and It is bordered by Thailand to the east and south east, Mon State to the South west, Bago Region to the north west; and Kayah State to the north. The population are mostly Kayin people and there are also other ethnic people in the region and total population is about 1.7 million.

Most of the areas in the Karen State have low quality of education, health and social conditions and bad transportation situation. In the rural areas the literacy rate is very low and the bad security situation has worsened the problems because of the effects of armed conflicts. The result has been a high rate of poverty and delayed development.

According to the civil society organizations working in the state, the major problems of local people are land confiscation and drug abuse. In this paper, we made analysis about land confiscations issues and given recommendations.

Analysis on the land issues

This paper would like to present the analysis based on 48 cases of land confiscation problems in the Karen State using under four sub headings.

Analysis About the land confiscation made by government military

1. We found out that light infantry, infantry and strategic department, arms storage battalion and militia have confiscated the land of local people.
2. Among the confiscated land, some land has official documents such as guarantee, ownership name, tax receipt and some land are inherited customary land, common land/pasture land, cemetery land.
3. The military confiscated land for various reasons such as to increase the area of military posts, to build new military outposts, and in order to build security when confiscating the land, they took more than they actually needed, sometimes grabbing land quite far away from the military compound.
4. At the time of confiscating the land, they relied on armed force and threats without paying any compensation or just giving a negligible amount of compensation and also forcing the local people to sign the agreement of giving up the land etc.

5. After they build the military buildings on the confiscated land they rent out a large amount of the land to other farmers or other investors for 30 years.
6. When the military grabbed farmland and rubber plantation land they do not give any compensation or small amount of compensation for the loss of farm or plantation.
7. In some land grabbing cases, to compensate the first farmer, they confiscated another farmer's land. This creates conflicts among local farmers

Analysis about the situation of the land confiscation cases by Projects and Investment

1. We found out that the companies confiscated land by on the basis of expansion of town, highway through town, market, school, bus station, sport stadium, low cost housing project, national plantation and other kinds of projects.
2. If the projects are not actually implemented, the confiscated land is sold to other businessmen.
3. One ministry confiscated the land, transferred it to other ministries and finally it reaches to the hands of crony businessmen.
4. There was no consultation nor public hearing about the proposed projects.
5. When choosing the land for projects, they choose the plantation area or farmlands although there are lots of vacant land around the area. So it is the local people who encounter the loss of crops and farmlands.
6. Most of the projects are not successful and the result is no profit for the country but huge loss for the local farmers.
7. Local authorities, officers from land registry department, chairmen of villages are involved in confiscating the land by using the project names.
8. There are lots of land confiscation cases without any compensation or negligible amount. They made clear they will grab the land whether the farmers accept the compensation or not.
9. The authorities make surveying, placing concrete stones, machines and other activities on the land of local people without showing any caring about the people.

Analysis about the situation of the land confiscation cases by companies

1. When the companies want to grab the land, they do not deal with the owners but directly deal with the local authorities or officers from land registry department.
2. Natural resource mining companies are dumping their waste without any care regarding the environment nor the economic or health effects on the local people
3. They don't take into account the consequences of undisciplined taking of natural resources or the impact on the lives of local people.
4. In most of the land confiscating cases conducted by the businessmen, the government do not give any legal protection to the owners but firmly stood with the land grabbing companies.

Analysis about the situation of the land confiscation cases under the title of power abuses

1. We found out that some groups are grabbing the land by using the name of armed organizations.

2. When the government invite applications to use vacant land, the chairman of village do not give notice to the villagers and take all the vacant land around the village.
3. When building the housing for the government staffs by confiscating the land, the staffs do not actually come to occupy them so the chairman of the village will sell or rent these housing to others.
4. The administrator of quarters grabbed land by cooperating with the land registry officers, in some cases including soccer fields and cemetery land.
5. The land registry officers change the cemetery land to vacant land and sell them.
6. Hereditary land is taken for building offices but rented for shops, warehouses and fire stations.
7. Local administrators grabbed land for building government schools without giving any compensation at all. The surplus land is then rented to other people by headmasters of schools
8. Company, village chairman and one general from DKBA armed group confiscated the village soccer field by giving reason to build the market. They did not build the market but sold the land to other people.

Conclusion

Analyzing these cases situations, what we know is that local people are simply allowed to suffer all the consequences of land grabbing no matter the reason of land grabbing is. By exploiting the honesty, fear and lack of knowledge of local people, various groups grabbed land. By using power, arms, money, threats, pressures and deceit, they grabbed the land of farmers and local people. Even in cases of returning the land, the lands are not returned to the original owners of the land. Although the local people send letters to the various levels of government, no action has come out from the government. In some cases, officials come and check the ground level situation but there was no result. So we conclude that the elected NLD government has a responsibility to return the confiscated land back to the original owners.

Recommendations on Land issues

Our recommendations for the confiscated land issues happening in Karen state, on the basis of the cases documented are as follow.

Concerning with land confiscated by Government military

1. Give compensation or restore lands to the farmers whose Land was confiscated by the military and used for military compound, hospital, Golf course, school etc. so that the original land owners do not suffer any loss.
2. Return the land which was taken for projects which were never implemented to the original owners systematically.

3. If the military hire farmers to work on the confiscated land, take these lands back from the rent farmers and return it to the original owners of the land.
4. Identify and punish those who were taking the land illegally by using the name of government military.
5. If the military use the confiscated land in any other ways than for their military needs, return these lands to the owners systematically
6. Return the common land, pasture land, playground, and cemetery which are confiscated by the military to their original use.
7. Implement a transparent and accountable mechanism so that the restitution of will be to the original land owner and farmers without any delay.
8. Military forces operating in ethnic states should be extremely careful about Land and natural resources management to avoid damaging the national ceasefire and peace process.

Concerning with lands confiscated by Projects, Companies, and Investment

1. When the government finds locations for projects, it should prioritize the land other than the residential areas, villages, farmlands. If the government has serious need to use such lands, consider seriously the impact on the people rather than simply ignore them.
2. When implementing the projects whether by government or companies or investors, they should openly present the situation to the local people and seek agreement from them.
3. Such projects should focus on the development of local people and avoid damaging the environment.
4. Avoid the projects and business of extracting the natural resources which do not give any benefit to the local people and instead focus on the projects based on human resources and which can give local development.
5. Allow the civil society organizations to monitor the projects so as to maintain trust between local people and projects/investors.
6. Return the land to the original owners if the lands are confiscated by using various projects name which have not in fact been implemented.
7. To register the lands lost by the local people for the unsuccessful projects and return these lands to them.
8. Take measures to mitigate the problems arising from the environmental damages, or damages to the education and health of local people caused by to the dumping of waste materials or large scale extraction of natural resources.

Concerning with lands confiscated by abuse of power

1. To identify and punish village administrator who sold village common land, cemetery and pasture land.
2. To punish according to the law those who sold or rented apartments which are built for government staffs but never occupied by them.
3. To investigate and punish severely the land registry officers who changed land ownership from one person to another illegally.
4. To return the land confiscated by military officers, land registry officers, or village administrator whether they have acted in cooperation or individually to confiscate land by abusing power.
5. Village chairman and quarter administrator, village land committee members are the most immediate contact with the local people, so they are the major source of land confiscation. Such people should be removed and replaced with suitable people.

Recommendations to the newly elected NLD government

According to the announcement of NLD government regarding which state that they will prioritize the land issues, we have seen a public announcement from President and vice president, and forming of committees, but in real life situation, there are very many problems. To solve the land issues, the government need to implement short term and long term plan.

The immediate action plan for returning the land to original farmers whose land were confiscated and suffered the terrible losses in the past

1. Stop all the current activities on the confiscated land and disputed land until these land disputes are completely solved.
2. Current government officers or departments should review the reports and data of previous government parliament committee relating with land issues.
3. Form the collective land issues solving committee including civil society, farmers-activists, representatives from farmer unions, experts from international organizations, government/civil specialists and commissioners from both parliament and government.
4. Check whether the land registry department distribute the official documents such as land guarantee, form 7, form 15 or other documents for land ownership and how they give these documents to the farmers.
5. To get real information, cooperate with the local people.
6. To review the extra land confiscated by the military or some land which are not used currently and return to the original owners. To review the situation of returning land whether these lands goes to the hands of original owners.
7. To list all the land confiscated by military, government, companies or investors but not implemented any project on those lands and return these vacant lands to the original owners.

Long term but should do systematically within the specific time frame

1. Review all development projects which are not beneficial to the country and do not implement any project which will jeopardize the local people.

2. Review all unsuccessful economic policies and actions and build practical and economic policies beneficial to the local ethnic people.
3. Destroy corruption effectively since we found out that the root cause of all land problems is the corruption of government authorities who stand firmly with the businessmen not with the victim farmers.
4. Try to investigate the abuse of power cases, using law in illegal ways and threats by using arms and provide rule of law to all citizen in the country.
5. Scrutinize the government officers including from Immigration department who are working in the border areas so that they can protect the life security of ethnic people from border crossing problems.
6. While solving the land problems, implement poverty reduction and development of agriculture sector policies and farmers-centered policies.
7. Amend or rewrite any weakness in National Land use policy, land and natural resource management and allocation policy, laws and procedures. To restore the ethnic traditional land management system in the law.
8. Make good cooperation between the government departments which deal with land issues and build capacities for government employees to be more effective and knowledgeable.
9. Make good cooperation between government departments related to land issues and civil society organizations who are working to achieve positive results on for land issues.

In addition to Union government and state governments, armed groups in the state should focus on peace, development and equality of the ethnic people. Notice how the way an ethnic armed organization cares about the rights and dignity of unarmed civilians or bullies them shows the standard of an organization.

For local farmers, they should also attend open minded seminars and workshops, read books and listen to the radio and participate in meetings in order to gain knowledge. Then they can understand and protect their rights. Try to go beyond the self-centred attitude by joining in unions or federations, by nurturing the group work attitude and actively participating in the protection of the rights or development of their own villages.

The above recommendations are based on the voices and hopes of local people and it is written in layman form not as an academic paper.

To solve the land issues happening in the whole country including Karen State is the greatest challenge for the newly elected government. They must try to solve them and in doing so, cooperating with the civil society organizations will be very helpful.

This “Zwekabin Proved Our Land” report is one contribution of our civil society organizations to help the new government for solving the land problems in the country. And we believe that this will be one milestone in the Karen land issues history.

Karen civil society organizations
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