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Karenni Civil Society Network

P.O. Box - 100, Mae Hong Son, 58000, Thailand
Phone: 08 2196 2258, E-mail:kcsn2010@gmail.com

“Secret actions and silent mega projects violating ceasefire agreement and give harms to peace in Karenni State”

A briefer by Karenni Civil Society Network (KCSN)

Introduction

In the last KCSN analysis paper “Ongoing Burma Army logging threatens peace efforts in Karenni State” was published in 2018 which included the killing of three KNPP’s soldiers and one civilian following the search of transporting illegal logs on Burma army trucks at KNPP check point. The tension between KNPP and Burmese government troop at that time reached to the highest condition. The killing issue has been silence since then until now due to Burma army inactive judicial system without transparency and accountability.

In 2012, during ceasefire talks between the Burmese government and KNPP, the KNPP raised the people’s concerns about the impacts of mega projects so that during the ceasefire talks, and in the Union level talks, both parties signed the 14-point agreement, which included point no. 6: “to ensure transparency around the planned mega-projects (including the Ywathit Hydropower Project), both parties agree to provide information to the public and to allow the local people and community-based organizations to seek information.” This has been very critical and needed to ensure the participation of the people in decision making process as well as the right for self-determination in international law enact to be practiced within Karenni State.

However, to pave ways for mega projects, the government has enacted land laws for vacant, fallow and virgin land which has been against with the indigenous people’s customary land management system to control lands all over in Burma. Companies can utilize this fallow, vacant and virgin land policy and apply to the government for land grab. However, in Karenni State, there have been no vacant, fallow and virgin lands. This is such action to ignore the customary land practice and rotational cultivation system by the Karenni people.

We, the KCSN has been learning more and more on the government, the military and the companies are using the fallow, vacant and virgin land policy as a reason to confiscate land more and more in Karenni State. Despite during the world wide threatening disease, COVID 19 pandemic period, they have taken this opportunity to implement mega projects, using the regional orders and restrictions to oppress the people which create burdens for peace so that the local people perhaps loose trust on the peace process.

1. Silent Active Mega Projects

A) Mining

In 2012, after the government issued its vacant, fallow and virgin land policy, in Karenni, civil society organizations were at that time taking actions against this policy. Many sign boards and V9 against the VFV land policy were widely spreading in Karenni state and the demand of the recognition of the indigenous practice of customary land management system were constantly taken places by the civil groups and the local communities. The VFV has been remained as a controversial issue in Burma as well as in Karenni state up to now.

However, currently in Burma, during world pandemic (Stay Home) period, the government and its cronies (companies) have been planning to promote the production of various mining. In Karenni State, the Danah Pyit Waing Company has applied to the state government to use 247 acres of VFV lands as they claimed in Kone Thar village tract in Loikaw Township. The government has issued a statement that the application for the product of mining could be shown protest during April 2 to May 1, 2020 if any disagreement made by the local communities, however this statement was issued within limited time to let the people know about the project.

Due to the protest by the local communities, the company has said that it has no plan for mining, however, among the 247 acres of VFV land that appeal to the government, 50 acres were owned by the company so that it will continue to carry on mining in it. The amendment of VFV land policy has brought economic and social negative impacts to the local ethnic people.

B) Mineral separation factory

113 acres of land area is needed from the government in Karenni state to construct a mineral separation factory. The government begins to allow the company to construct a factory for fabrications. However, it has been weak in the process in decision making and to inform the local communities for the construction of the factory.

This factory will bring destruction on environment as well as the waste will includes with chemical elements and compound with underground water and streams and flow into the nearby rivers such as Thabet Chaung river, Belu Chaung river and Pawn river. This will negative health impacts to the local people and farmers who use waters from those rivers. Also it will not be enough land to use for the waste within those 113 acres of land so that it will create more new land grabs for the waste.

We KCSN has viewed that the statement that the Kayah state government issued on May 20, 2020 was just a statement to protect the proposed factory because on the statement at part (g), it said that any land area that the government has authorized to manage, without government permission, no one is allowed to do anything on it. Moreover, in the statement, it has shown that a democratic government is blocking its citizens on their basic human rights for freedom of expression, freedom of belief, freedom of writing and freedom of accessing information.

C) Dam project

In Karenni State, the proposed Ywathit dam on Salween river, the dams on Pawn river and Thabet river and all these dam projects, the MOU were signed by the previous Burmese military government and China Tadang company in 2010. The constructions of these projects have been delayed due to the protest against the projects by the civil groups and the local communities. Even though, it has been silence, the government and the companies always searching for opportunities to continue the projects so that the local Karenni people have been always under threats by these mega dam projects.

Among these projects, the government and the company begin their geological survey of Thabet Chaung hydroelectric power project. On April 12, 2020, the Kayah state government informed KNPP that the Myanmar Geo Specialist Co. Ltd have conducted its Geological survey on Thabet Chaung river for hydroelectric power project on March 2nd week to the end of September 2020. The Kayah state government only informed the KNPP about the project when they already started the project a month earlier. Moreover, the Myanmar Geo Specialist Co. Ltd already conducted the preliminary geological survey during 2018 and 2019 without consulting with the local people. Despite facing with protest against the dam projects, this secret implementation of this Thabet Chaung hydroelectric power project is violating the bilateral agreement No 6 out of 14 which is also becomes the obstacle for the continuation of the peace process in Karenni State.

2. Unsafe land and farmer conflicts

Since KNPP and U Thein Sein government signed ceasefire agreement in 2012, the land issues relating to land confiscations were occurred widely in Karenni state and since U Thein Sein government established in 2010 up to the era of NLD government, farmers have been lawsuit under different articles and many of them have been facing courts and imprisoned. In Karenni under article 5, over 70 cases from 41 farmers were lawsuit facing 41 times courts late on March 13, 2020 during 10 months period of time. Those who appeal to court were all free on the final verdict day. Those who bail out have to respectively pay for getting free.

Even though they all free now, their ancestral and agriculture lands were being confiscated and seized under the Burma army troops. The farmers have been feeling sad for the loss of their lands up to now. The farmers have no lands now to plough and plant. They were not allowed to plough and plant on the previous lands.

On April 25, 2020, the government told the farmers from Daw Hso Shay that they were given 45 acres of land from Daw Pu. However, this land was customarily owned by Daw Pu villagers so that neither the villagers of Daw Pu refused to give land nor the farmers from Daw Hso Shay refused to receive it. This action was only to create conflict between farmers and villages.

The important thing is that the government needed to recognize the customary land management system practiced by the indigenous people. Daw Pu village tract is next to Daw Tamagyi village tract. Villages in Daw Tamagyi village tract have been practicing their customary land management system from many generations up to now.

3. Burma army troop movement before and during Covid 19 lockdown period

On October 17, 2018 Burma Army's (Tatmadaw) Light Infantry Battalion (LIB) 428 left its base in Mawchi in order to conduct area clearances. On its way, LIB 428 arbitrarily arrested two villagers from a sesame plantation located between Nan Kit and Ba Han Lot villages on October 18, 2018, and took them with the battalion's area clearance operation. When conducting the clearance operation, LIB 428 did not use the designated regular route. As a result, a clash broke out between LIB 428 and the Karenni Army on October 20, 2018 at 07:40 a.m. between Nan Kit and Ba Han Lot villages.

By the end of 2018 and the beginning of 2019, the Burma army built four new bases in Karenni state. The Karenni Civil Society Network (KCSN), based in Loikaw, the capital of Kayah State, reported on Jan. 21 that the Myanmar Army has built new bases in the townships of Demawso, Pasaung, Bawlake, and Shadaw. Myanmar Army's Light Infantry Battalion No. 54 have built a new base in Daw Pu Village, Demawso Township. Battalion No. 428 have established a base in Nat Ye Thweh Pauk (aka Bo Than Win Gone) in Pasaung Township. Battalion No. 429 have built a base between Daw Wiraw and Thiri Dah villages in Shadaw Township and battalion No. 337's new base is at Nam Mahn Kee in Mae Set Township. The four battalions will be temporarily based at those locations for three months, according to the Myanmar Army. The construction of the bases began on Dec. 23 and were completed on Jan. 7.

2020 fighting

- Shadaw incident (LIB 530) transport to Shadaw Township on May 16, 2020. The media reported that one civilian was shot dead by the Karenni Army, meanwhile the source was still unconfirmed said the KNPP liaison office of Shadaw Township.
- Pasaung incident (LIB 72) transport to Mawchi by the end of May and in June 6 and 7, patrolled into KNPP controlled area, called District 2 within Pasaung township. This troop has no respect to local KNPP officers and patrolled into KNPP area without asking permission. KNPP is taking patients on this issue to avoid clashes with them.

4. What will be happened with Myanmar government new loan for COVID 19 Economic Relief Plan

- 2 billion dollars of new loan by NLD government is a worry for the ethnic people of Burma including Karenni people because it is not transparent and accountable
- The money is not supporting decentralization instead it supports centralization in Burma for supporting the government health system and undermining the ethnic health systems.
- The loan is largely use for investment for businesses and for the construction of mega hydroelectric power projects which are top-down development by the central government.
- Another worry is the money will be misused for military purpose to oppress the ethnic people in Burma.

Recommendations

- *Develop the administered and maintained of indigenous ethnic customary land governing policy and including ending military land grabbing, holding the Myanmar Military to account for human rights violations.*
- *Adopt and recognize existing of the bilateral cease fire agreement between the government and KNPP.*
- *Every mega development projects should carried out by international Free, Prior and Informed Consent (FPIC), implement projects with full and meaningful participation of indigenous which respect the indigenous rights.*
- *To the future politics and developing peace process, stop investment and development projects that unsupported and causes controversial.*
- *To avoid/stop investments and development projects which cause complexion and interrupting peace process and political reform. Do not coerce to ban the protecting by excusing of public needs*

Contact person:

Khu Ko Reh – Phone (+66) 821 962 258

Sit Mone – Phone (+95) 979 111 2688