

# Burma's Navy Attacks Civilians' Livelihood

**An Account on Land Confiscation and Human Rights Violations  
on Kywe Thone Nyi Ma Island,  
Yebyu Township, Tenasserim Division**

A report by the Human Rights Foundation of Monland - Burma  
Series of *The Mon Forum* June and July 2011





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**Human Rights Foundation of Monland - Burma**

Series of *The Mon Forum*, June - July 2011

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## EXECUTIVE SUMMARY

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Fact finding conducted in this report took place after significant political developments in Burma. On the 31st of January, the newly-instated parliament convened for the first time in the country since the Burmese regime officially dissolved the State Peace and Development Council (SPDC). The transfer of State power from the old government to the new was finalized on the 30th of March. Despite these structural changes and the appearance of civilian government, human rights abuses committed by the military regime continue unabated in the Mon ethnic territories of Southern Burma.

Beginning in December 2010, Burmese Navy Unit No. 43, under the command of Ka Dike-based government navy regional command head quarters, began to confiscate the rubber plantations and household plots of villagers on Kywe Thone Nyi Ma Island, Yebyu Township, Tenneserim Division. Since then, all land on which red signboards were placed by the navy has been confiscated. This report documents the confiscation of over 1,000 acres of land on Kywe Thone Nyi Ma Island. However, HURFOM found that Navy Unit No. 43 has surveyed and marked out a total of another 3,000 acres of land to be confiscated from the residents of Kywe Thone Nyi Ma Island and the easterly neighboring villages across the water in Yebyu Township.

Officials from Navy Unit No. 43 explained that the land seized would be used as a training field for military skills training and constructing army barracks and hostels. Land was confiscated from around 240 rubber plantation owners without compensation, and a decree was issued banning landowners from cultivating or entering their plots. Seizures ranged from four to ten acres and consisted of already-in-production rubber plantations and paddy lands that provided villagers in the area with sustainable incomes and future monetary security. Without means to support themselves, they are unable to feed their families and send their children to school. And in some cases, they are forced from their homes.

According to the United Nations statute on Crimes Against Humanity, "the forcible transfer of a population" constitutes a crime against humanity. By seizing land already owned and cultivated by villagers on Kywe Thone Nyi Ma Island and nearby villages in Yebyu Township, the Burmese Government, led by the Union Solidarity and Development Party (USDP) has

effectively confiscated and forced the former population to evacuate the island and their own land plots. Not only has the Burmese government blatantly disregarded the UN's statutes on crimes against humanity by robbing its citizens of their livelihoods and forcing them to re-locate, but the government has committed these crimes even after it supported the U.N. Declaration on the Rights of Indigenous People.

The data gathered by HURFOM field researchers clearly shows that the seizure of land, though informed of beforehand by the placement of red signboards, took no account of the individual owners' permission. And months later, former landowners have received no compensation. Also, within the UN Declaration on the Rights of Indigenous People, there is a specified protection of ethnic minorities native to the area. It is evident by the land confiscation conducted on Kywe Thone Nyi Ma Island, in which the total population is ethnic Mon, that this protection of ethnic minorities was completely disregarded. Now, many ethnic Mon have been forced off their native land and household plots, and are obliged to make a life elsewhere.

## **Recommendations**

### **To Mon Political Party: All Mon Region Democracy Party**

Though the national elections, which the Burmese government held on November 7, 2010, were deemed fraudulent and unfair by most international bodies, a small number of officials from the ethnic minority parties gained political positions within the new parliament. Amongst these new officials are politicians from the All Mon Regions Democracy Party (AMRDP). The AMRDP ran on the basis of fighting for the rights of the ethnic Mon people in Burma. According to their pledges, it is recommended that the AMRDP take note of the land confiscation and human rights abuses ongoing in Kywe Thone Nyi Ma Island, most of which are directly affecting the Mon population living on the island. As parliamentary members in a government-designated "democracy," HURFOM implores AMRDP to take issue with these human rights abuses in Yebyu Township and seek change and compensation.

### **To International Labour Organization in Burma:**

Burma has also ratified a convention against the use of forced labor with the International Labor Organization. Many cases of land confiscation

in Burma have led to the use of forced labor to cultivate land seized from villagers. HURFOM advises the ILO to pay special attention to the land confiscation abuses ongoing on Kywe Thone Nyi Ma Island in order to insure that forced labor does not occur.

## To UN Human Rights Special Rapporteur on Myanmar:

Finally, to Tomas Ojea Quintana, the United Nations Special Rapporteur on human rights in Burma, who finished a tour around Thailand in May 2011 in order to discuss the ongoing abuses conducted by the Burmese government, must insist on a Commission of Inquiry on the violations committed by the Burmese government constituting Crimes Against Humanity. A Commission of Inquiry is a step forward towards making the Burmese government take responsibility for the abuses it inflicts on its citizens as well as pressure the government to change its ways and insure the rights of its citizens by providing them with sustenance, shelter, and the ability to make a living.

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### About Human Rights Foundation of Monland – Burma (HURFOM)

The Human Rights Foundation of Monland – Burma is a non-governmental human rights organization based in Thailand, founded in 1995 by a group of Mon youth, students and community leaders. The main objectives of HURFOM are:

- To monitor the human rights situation in Mon State and other areas of southern Burma
- To protect and promote the human rights of all people in Burma.

HURFOM produces monthly issues of the Mon Forum, published in print and online and containing news, lengthy reports and analysis of ongoing human rights violations in southern Burma. HURFOM also frequently publishes incident reports, commentary and personal accounts on its website [www.rehmonnya.org](http://www.rehmonnya.org).

To subscribe to the Mon Forum or make other inquires, please contact us at:

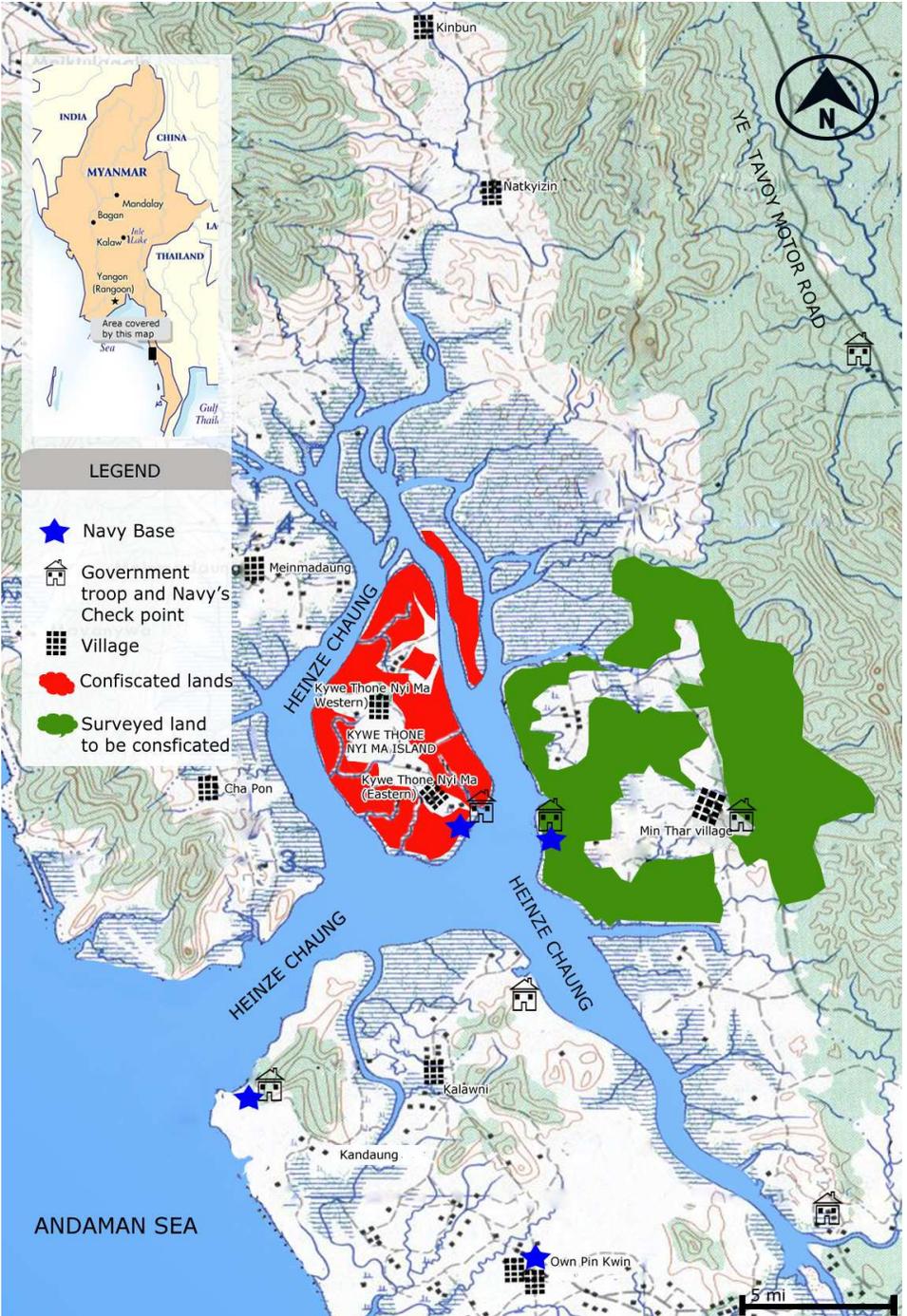
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Map of Kywe Thone Nyi Ma Island and surrounding territory

## SITUATION BRIEF

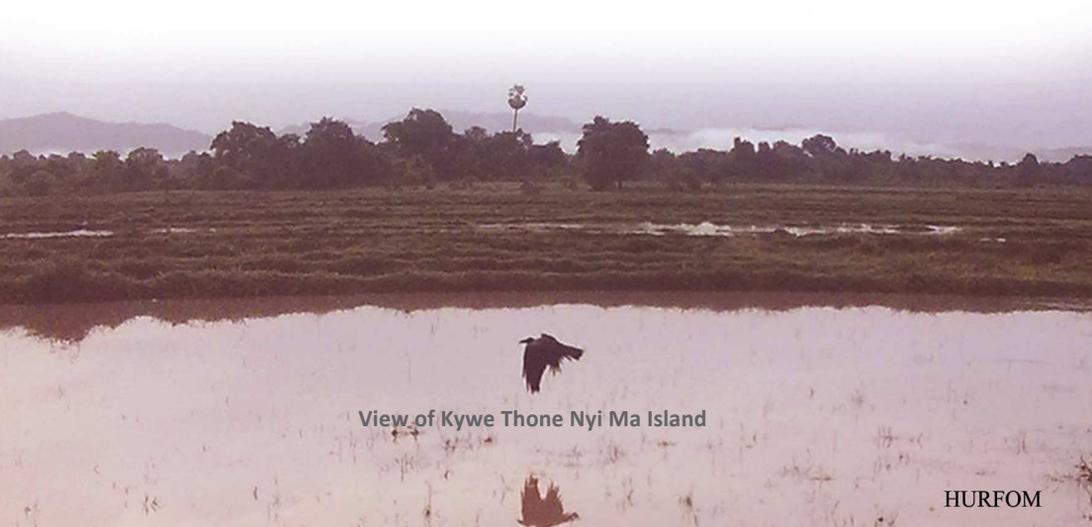
Beginning in December of 2010, Burmese Navy Unit No. 43 began to place red flags on farmland, rubber plantations, and household plots of villagers on Kywe Thone Nyi Malsland, Yebyu Township, Tenneserim Division. Since December 2010, the land on which the red flags were placed has been confiscated by the Navy. Navy Unit No. 43 seized land from over on Kywe Thone Nyi Ma Island, without compensation, and a decree banning these former landowners to cultivate and enter upon their acreage and plots.

Seizures ranged from four to ten acres and consisted of already-in-production rubber plantations and paddy lands that provided villagers in the area with sustainable incomes and future monetary security. Without means to support themselves, they are unable to feed their families and send their children to school. And in some cases they are forced from their homes.

## BACKGROUND OF KYWE THONE NYI MA ISLAND

Kywe Thone Nyi Ma Island is four miles wide and nine miles in length. It is divided into eastern and western halves. There are approximately 930 acres of paddy land owned by the residents in the southern, northern and western parts of the island. The rubber plantations, which are situated throughout the northern part of the island and run towards the eastern and western villages, total around 1,400 acres. When data was collected for this report, over 1,000 acres of farmers' land had been confiscated by the Burmese Navy.

Navy Unit No. 43 has a base in Eastern village of Kywe Thone Nyi Ma on Kywe Thone Nyi Ma Island. The unit is commanded by Ka Dike Naval Command, under the Mawrawaddy Naval Region Command Head Quarter based in Mu-pon, Moulmein, the capital of Mon State. Before 2004, the unit based on the island numbered only 10 soldiers; but after 2004, and by the time HURFOM interviewed victims of land confiscation on the island, troop numbers had increased to 40 members. Before 2004, the naval force came to Kywe Thone Nyi Ma temporarily, conducting security patrols, and crossed the frontier for short periods of time. After 2004, the naval force built military barracks and set up a base on the island. Navy Unit No. 43 is



View of Kywe Thone Nyi Ma Island



Entrance to Kywe Thone Nyi Ma village

based in the eastern half of the island near the eastern village and is commanded by Colonel Ye Linn Tun and deputy commander Captain Minn Zaw Moe.

This navy unit has marked out a total of 3,000 acres of rubber plantations, farmland, and household plots from the residents of Kywe Thone Nyi Ma Island and the easterly neighboring villages of Maw-Gyi, Lae Kyi, Min-Thar, Ye-Ngan-Gyi, and Sinswe villages, laying east of the island, across the water. All are in Yebyu Township. These areas off Kywe Thone Nyi Ma Island have not yet been confiscated, but red flags have been placed to indicate future seizure. During the seizure of land on Kywe Thone Nyi Ma Island, an official from Navy Unit No. 43 explained that the land seized would be used as a training field for military skills training.

HURFOM's field reporters collected information in mid-May 2011 that reveals only eight of the first 300 acres of confiscated land will be used for army barracks and hostels. The acreage seized by the navy is located between the coast and the entire western part of the Ye-Tavoy Railway. This land includes both rubber plants which have been cultivated for ten years and young rubber plants which were newly farmed as an additional investment

Due to the loss of their rubber plantations, which they had depended heavily on for their families income, many villagers are out of work. Later interviews conducted in June 2011 reveal that at least 32 villagers who've had their land confiscated left their homes to search for new jobs in northern and western Ye township, as well as Thailand.

# METHODOLOGY

Most of the facts in this land confiscation report are based on field data collections conducted in Kywe Thone Nyi Ma Island and neighboring villages areas in which Navy Unit No. 43 began confiscating land in December 2010. In order to collect the evidence, five field researchers in two teams interviewed 41 subjects in six villages; these include thirty-one interviews from Kywe Thone Nyi Ma Island (including the eastern and western villages located on the island), four interviews from Min Thar villages, a village located in the eastern part of Kywe Thone Nyi Ma Island, two interviews from Maw Gyi village, two interviews from Lae Kyi village and two interviews from Cha Pon village, Yebyu Township, Tenasserim Division.

This report also includes five interviews collected by telephone from farmers who recently lost land and have subsequently fled to Southern Thailand to work as illegal migrant workers.

HURFOM also included information drawn from its extensive database, developed through 16 years of documentation. Gathering data and obtaining direct questions from local farmers on the Kywe Thone Nyi Ma Island is intensely difficult and in some cases members from local the Mon Youth Organization assisted with important information that HURFOM felt added to the strength of this report. HURFOM also drew extensively on the knowledge of three local residents who helped with information on individual incidents, background information, and confirmation on facts in the interviews as well as invaluable context and assistance in replying to targeted follow-up questions.

The image shows a handwritten survey table with multiple columns. The columns include village names (e.g., 'အထာတည်', 'မာပိုင်'), land area measurements (e.g., '၁၆၇.၁၀၀', '၁၆၅.၁၀၀'), and other numerical data. The handwriting is in Burmese script. The table is organized into rows, each representing a different location or subject. There are also some larger text annotations in Burmese scattered across the page, such as 'လယ်ယာမြေခံစားခံကောက်ယူခြင်း'.

## THE START OF LAND CONFISCATION ON KYWE THONE NYI MA ISLAND

In an interview conducted in May with Nai Htun Lin, 45, a former rubber plantation owner in KyoI-don Nyi-ma who now works as a day laborer in Prachuab Khiri Khan Province in Thailand, he tells how he and his wife and four children were forced to leave in April after their land was confiscated:

Before, I mean December 2010, they [the navy] marked the [farm]land and rubber plantations that they wanted to take over. They marked the land and rubber plantations by planting 3 ft-long bamboo poles with small red flags [on the land plots] ... One major, and his 15 men, came to mark the length of the land that they wanted to take over. Since then, the land owners who had land marked to be confiscated had been worried about that. Then, on February 2011, they came to replace the bamboo poles [with signs that indicated this was the Burmese Army Land]. The flags were triangle-shaped and colored red. That's the color of their navy [unit]. We also met some sailors from navy ship No. 224 setting down its anchor near our island.

That time, stationing in our village, the naval Commander Min Zaw, together with his men, came to set up the red flags [at the already marked land]. They said they will take over the land that they marked with planted red flags. According to the marked land, there are 290 acres of rubber plantations and about 30 acres of farmland marked to be confiscated. To give a total figure, it's estimated that there are more than 300 acres of land belonging to villagers that have been marked to take over. We have not heard anything about compensation from the naval captain for the marked land to be confiscated. But we heard that they are definitely going to confiscate this land.

No one was allowed to enter into [or to pass through] the land marked with planted red flag poles, according to an order defining it as 'restricted land.' Because of this, we already considered land confiscated. The order was given right after the Thingyan [Water] festival celebration. Now, it's been 20 days since I left my village. And, I still have contact with [people in] the village... The land has been taken over, but no one has heard about compensation of the

confiscated land yet. Some of the rubber plantation owners, who lost many acres of land, are considering sending a petition letter to Nay Pyi Daw [the Burmese central government]. But, there is one problem in the village: there is no well-educated person who can write a letter and lead a petition. And, in the Buddhist community, the abbot in the village cannot help at all also. He [the abbot] himself, is part of a group who are afraid of doing anything against the naval forces. Now, what we need for justice is that we need the land owners and villagers who can help.

At the moment, the naval base that is stationed in Kywe Thone Nyi Ma is Naval base No. 224<sup>1</sup>, which has been in the village for about 8 years. The strength [in numbers] of the naval base No. 224, is 20-40 men/personnel (including the officers). Even though they [the navy troops] gave an explanation that they will construct military barracks and hostels for army families or buildings for the army on the confiscated 300 acres of land, [in reality] we do not know how many barracks and hostels or buildings [with collection rooms for army servants] will be built there yet. Right now, that land is 95% rubber plantations.

Nai Htun Lin's account is a prime example of the range of effects on the local population and of the problems they face after the land was confiscated by the Navy. Previously he had been able to sustain his family on the rubber plantation acreage that he owned. But after receiving no monetary compensation for the confiscated land, he was forced to leave with his entire family to find a job in Thailand that could support them.



Government Navy Gunboat near Mu Pon Navy Regional Command Head Quarter

<sup>1</sup>The number 224 refers to the number of the ship that Navy Unit No. 43 uses.

## “NEW” GOVERNMENT ACTS LIKE THE FORMER, LEADING TO LOSS OF LIVELIHOODS

Nai Thin, who used to be a member of the New Mon State Party (NMSP)'s Township Officials and now works as an observer of military affairs and human rights cases commented:

As they are still threatening the civilians, I generally think that the policy of the new government and the [former] SPDC<sup>2</sup> is the same. I mean, there is no halt in torturing and threatening. And, if we look at the land confiscation case, they are still confiscating land for the purpose of building bases and doing business for Army families.

During my term of serving in the NMSP, I lived in Kywe Thone Nyi Ma village for about three years. At the time, the rubber plantation owners worked very hard on their plantations, and there were hundreds of acres of rubber plantations. Now, many acres of rubber plantations are included in the confiscation zone, and because they [the rubber plantation owners] lost their plantations, after they had started to benefit from them, we feel sympathy for how their lives are falling apart. .... It's obvious that the government profits from the investment and work of the plantation owners – the rubber plants have already begun to produce sap and are ready for tapping. They have done this before and now they've done it again. Yet, the worst is that for those who lost their way of life and everything –



Villagers pressing rubber into sheets (before land was confiscated)

property and belongings – have become migrants and have to start from the beginning.. They have to go abroad and slave there. Obviously, this new government is no different than the former government

In Kywe Thone Nyi Ma village, there are two divided wards...Those Mon residents living on

<sup>2</sup>State Peace and Development Council, the former Burma's government.

the island are heavily dependent on long-term rubber plantations, fruit plantations, farms, and digging minerals. As stated above, the land that the government navy confiscated includes a large part of those two villages and plantations, paddy land, and lead-rich land used for mining.



Ready-to-tap rubber trees on confiscated land

The island is straight up and down. Now, the rubber plantations that the Navy took over include most of the rubber plantations located in the western and middle parts of the island. And, as for the farmland taken over by the navy, it is located in between the eastern and western ward. Because the soil where the rubber plantations and farmland are located is very fertile, everything grows well. I arrived on this island about 25 years ago. The rubber plantations that have been taken over were not planted then. Of the confiscated rubber plantations, some rubber plants were planted 15 years ago, some were planted 10 years ago, and some were planted only three years ago.

Rubber plant cultivation is an extensive process. Most farmers go into debt in the early years of beginning their own rubber plantation because rubber plants and land are expensive. The cultivation of rubber trees takes up to seven years before the trees begin to produce rubber and one can start tapping. Once trees start producing, however, the rubber trees become quite profitable. Nai Thin's comment on the land that held trees that were 10 or 15 years old is meant to emphasize that the land confiscated was highly valuable.

Grandpa Myint, 68, born in Ma-kyi village in Southern Ye Township but is now a resident of Kywe Thone Nyi Ma village, reported on the losses to villagers:

The rubber plantations owners whose plantations were seized have just fallen to pieces. As far as I know, of the rubber plantations, some plantations have numerous rubber plants, while one has 7,000

plants owned by just one owner [which was] confiscated. It is really pitiable. I think that they seize the land not just to construct barracks for their servants, but for their businesses – just like what they have done in other places. Most of the farmland is in the hands of the military servants. If we estimated how many acres included [here alone], it could be 20 – 30 acres...[There is a saying that goes] if the authorities are not good, the lives of the civilians will be affected by starvation.

Nai Htun, another observer of the land confiscation process in Kywe Thone Nyi Ma, explained how military officials deceived the villagers:

Before, there were only bamboo poles set up. But, in the last week of the month, a captain came from the regional naval base, which is the naval base from this island; three clerks from the Land Survey Department in Yebyu Township; and one member from the Township Administration here and they did a land survey. And, they came to do land measurements and survey here over and over again throughout February. Then, navy Commander Min Zaw, with his group, came to re-plant red flag poles at the surveyed land and prepared to take over the land. At first, the Commander Min Zaw gave reasons for the take over, saying it was for village development purposes. That's when they came to do land surveys in December of last year. According to what they said, they will construct a good bridge linking this island to the main land. They will also use highway land for transportation [they will extend the island road to the mainland].

But, later on, it [what they said] changed; [they took over the land] to construct buildings for government servants. Now, not only were the rubber plantations, but also the farmland, were marked with flags. Still, they did not talk about paying compensation; but we expect they will. We do not expect the price we want, and we think, they will threaten us. Now, five owners of



A villager carrying harvested rubber sap in the western part of Kywe Thone Nyi Ma village

the rubber plantations together with their entire families, have moved to villages in northern Ye township, where their relatives live. That was during the time their land was taken over because they became very frustrated. Having their own land taken over, some families will become unemployed as they depended on their land heavily. Some made investments in orchards and rubber plantations, changing from their previous businesses. For example, before, they had invested in digging



Hanging rubber sheets at a villager's rubber plantation

minerals business as a private business; but they also had to pay the authorities from this region a lot. Therefore they could not make a profit and subsequently changed their investment from mineral business to rubber plantations. Some of those rubber plantation owners were included among those who got their land seized. For them, it's just like losing their lives.

In an interview on May 14<sup>th</sup>, 2001, a relative recounted how Nai Shwe La-yaung lost his plantation, paddy land, and lead mining site:

Nai Shwe La-yaung, a 54-year-old resident of Kywe Thone Nyi Ma village, lost a lot of land, including both rice paddy land, rubber plantation, and lead mining land, which was started [the business] by his mother. When his mother was alive, they had focused on a lead mining project and after his mother passed away, he has been working on paddy land and especially on the rubber plantation. As far as I know, not even including his paddy land and lead mining site, about 2,800 of his rubber plants were seized.. He was hit hard.

Nai A-shwe, a 40-year-old rubber plantation owner who owned 600 rubber plants, spoke with a field reporter on May 12<sup>th</sup> in Cha-Bon village about wanting to report the land confiscation:

The land reportedly confiscated by the Navy, though with promises of compensation, includes the site of the old sea dock, which is in the eastern part of the island; it's the [old sea dock] associated land and the land currently settled on by the Navy. This 20-acre land will be bought from the particular owners, said the military commanders. Last December, Major Min Zaw from the Navy army said that. The estimated area of land, plantation, and mining site, which has been seized by the army marking with the flags is not less than 300 acres in total. Maybe it's even more than this amount. We haven't heard anything related to the land being bought in cash and compensation, which equals the current value. The condition is very worrying. The land could be confiscated without any awareness [without official documents]. As for me, I want to report [this case] at least to the Mon State Chief Administer of the South East Command and the senators of the Mon [political] party. That is all we can try to do, but one person can't do it alone, reporting in one letter. In unison is good: Pain together, gain together.

Nai A-shwe continued saying that most of the land owners have been looking for justice and people who can help them seek it.

The newly-instated Burmese government purports itself to be a democracy. Yet, in a democracy, there must be transparency in government. The former Burmese government, still ruling in December 2010 and until March 2011, conducted the beginnings of land confiscation on Kywe Thone Nyi Ma Island. The land confiscation continued under the rule of the new government. This self-proclaimed "democracy" by the current government has unlawfully seized land owned by citizens and refused to pay any form of compensation. The land seizure has even gone so far as to forbid former land owners and residents to work on their land. With no other available option to support themselves, the villagers have been forced to leave their homes.

Nai Ga-Lae, also known as U Kalar, is a 50-year-old resident of Kywe Thone Nyi Ma village, and a rubber plantation owner of around 7,000 currently producing rubber plants. In terms of profitable plants confiscated, he talked about how he has suffered the most by the confiscation led by navy Major Min Zaw:

Since 13 years ago, with all of my investments and some money received from my parents, I have been working on developing this rubber plantation. There were 7,000 rubber plants in total. They all began producing five years ago. My plantation is located north of the sea dock and adjacent to 20-acres of land which has been designated for a military barracks. All plantations alongside my plantation were included [in the land-confiscation]. All the plantations were marked with the red flags by the Navy and the land-surveying clerks since the second month [February]. Some lost 2,000 plants and some lost nearly 3,000 plants. I am the person who was struck most. There



A villager from the eastern part of Kywe Thone Nyi Ma village whose six-acre rubber plantation was confiscated

are about 15 people, including me, who lost a large number of acres. The rest, over 30 people, are those who lost about hundred plants. As soon as our land was surveyed, we went to meet with the Navy Lieutenant Colonel and asked for the reason. That was before Songkran [the Theravadan Buddhist New Year]. What they replied was that more roads were needed to be constructed for our village development because all old roads were constructed on the hillside, and the wider roads would be made by repairing [the old roads] or newly constructing. They continued that the road which connects the west and east halves of the village was very narrow and needed to be

widened; therefore, “the State needed the land,” yelled the officer. After that, no plantation owner was allowed to work on their plantation. I have been depressed and don’t know how to deal with it. The thing I hoped for I won’t be getting back. I want to appeal to the designated higher officers. Please instruct me how to do so.

Nai Rog, 56, a paddy land owner and Kywe Thone Nyi Ma resident told HURFOM of her plight:

My land was seized for making a military training field for the soldiers of the military government. It is eight acres in total. They

said before that they would purchase [the land] but they have seized [it] now. That happened in April [when they confiscated the land]. My land has good soil. Any sort of farmed paddy can produce at least 80 [baskets of paddy]. The primary business of my family is farming. We have 12-acres of land inherited from our grandfather. I gave my younger brother four acres of land and I work on the rest of the eight acres of land. [My land] is precious because it is near the village and free from worry of sea water flowing on it. They [the Navy] show no pity and they make a military training field on such good land. Now the navy unit doesn't purchase anything. Their commanders didn't talk about any compensation. Only our villagers have been circulating rumors that we would get compensation or something. In fact, the army unit said nothing. I will hit rock bottom if there is no land. I would have no alternative but to go to Thailand for work if I still wanted to work as hard labor.



A Navy Unit No. 43 gunboat on patrol around Kywe Thone Nyi Ma Island at sunset

## NO RECOURSE, NO COMPENSATION

Kywe Thone Nyi Ma Island has seen three village headman since 2004. The first held the position from 2004 to 2009, the second lasted one year from 2009 to 2010 and the third is the current. Nai A-Lay, the Kywe Thone Nyi Ma headman, is 28 years old. He finished his high school education, and after the former village headman, Nai Sein, passed away, Nai A-Lay temporarily accepted the village headman role. In May, he remarked on the land confiscation by the Navy:

The prominent persons and the senior monks of the village elected me as the headman just a few months ago. No one wants to be a village headman – neither do I – but they finally elected me. I can't work as a permanent one. We generally agreed that I would temporarily work for the village. The land confiscation occurred during my duty as village headman. From the end of the last year to now, the Navy here has been preparing to seize the land on this island (Kywe Thone Nyi Ma village), owned by the rubber plantation



A sign reading "Army Land" placed between the eastern and western halves of Kywe Thone Nyi Ma Island



A villager whose 8-acre rubber plantation was confiscated

and paddy land owners. Now it has all been confiscated. As a village headman, I can help with nothing. I can do nothing except feel embarrassment. A month ago, the prominent people of the village met with the commanders of the Navy [He said that the Navy currently based on Kywe Thone Nyi Ma has its base in Ohnpinkwin village [south of the island on the mainland], Yebyu Township, Tenasserim Division]. Even though they [the prominent people] appealed against the seizures, [the commanders] replied it was done according to the State's needs.

What else can be done? The last thing I knew was that the land owners of the village united to write a letter of appeal. I suggested to them to write the letter only after discussing it with a lawyer in order to protect them from being charged with the so-called acts ['Electronic Law']<sup>3</sup> because of their appealing letter. That's all [I can do]. A lot of land of my relatives' was also included in the land confiscation by the Navy. I am embarrassed because I can't help them.

During an interview in early May with Nai Own Thaug, who owns four acres of rubber plantation, which includes over 1,500 rubber plants and was seized by the Navy in late April, he explained that he felt frustrated that the senior monks who currently live in the village couldn't protect them against land-confiscation:

Now, the village abbot is Young Monk Tun Tin. Most of the senior monks, including him, aren't active [as representatives] like monks in other villages. I want to say that for example, in Ka-la-Goat Island, La-mine Sub-township, Ye Township, there were land confiscations and seizures of houses, like us, and in those villages, the senior

<sup>3</sup> The act he is most likely referring to is the Electronic Transactions Law from 2004, with which the government would be able to charge those who used any type of electronic device such as a computer, printer, etc. to write a petition or letter to the government, in this case about the land confiscation.

monk from Your-Out monastery [a monastery located in the southern part of the island] made a complaint to the authorities and the government army units for his villagers. He stood up for his villagers. For us, we can't rely on anyone for this land confiscation case. It's really depressing. Even for making an official appeal letter, the village monks have no network. We have known that the State government has forbade the religious staff to deal with politics. But this case is not a political one – just to convince the government not to seize the land and plantations of their [the monks'] supporters. That's why we, the villagers, aren't satisfied with the senior monks. Moreover, our village has lowly educated people. Even though we had some, most of them have already moved to a metropolitan area. We have no educated person, so we can rely on no one when we encounter such a case. It's our bad fortune that our village has no well-educated person or monk.”

## IMPACTING THE SOCIAL AND CULTURAL RIGHTS OF THE LOCAL INHABITANTS THROUGH ETHNIC INFILTRATION

Whenever HURFOM field reporters conducted interviews with residents in Kywe Thone Nyi Ma village, the natives usually mentioned that they had set their hopes for the future on these rubber plantations – with



The entrance to the western half of Kywe Thone Nyi Ma village

which they had spent their lives cultivating. Most residents have been living on their land for generations.

Nai Ha-tay, a 60-year-old resident from the western part of the Kywe Thone Nyi Ma village, who has had to cope with the seizure of five acres of his rubber plantation land explained his predicament:

We are clear that the government naval force took over the rubber plantations for business projects of their own. Given the reason by the Navy Unit No. 43, they will expand their cantonment area and construct more barracks. They just explained that they took the plantations for the construction of the training field for their army. But, the length of the land they seized is too large, how will they build what they said they would? Like other places in Mon State, where they took over, they confiscated the ready-to-use rubber plantations for their families and army budget.. Our family has not moved to another place yet. We have some difficulties moving out with the whole family. And, we have six acres of farmland left in the southern village. Since we still have the farm, we have to work hard on it for survival. Yet, my sons are thinking about going to Thailand to work there tapping rubber. As for me, I would like them to go. Unless these army dogs leave from this island, there will be some problems coming up between young men here and them [the Navy troops] or their relatives called to come here along with them. Yes, there have already been some problems. I think, it's the best to avoid [the Navy and their supporters].

Nai Ha-tay continued talking about the impact on the island after bringing in the navy and other citizens from other areas of Burma onto the mainly ethnic Mon island:

If there is a violation committed on this island, the side that is able to bribe can definitely win [has impunity]. This habit became very common after the naval force moved here. Worse yet, what we are even more dissatisfied about is that if there is a conflict between native residents and Burmese newcomers who were brought in by the naval forces, the Burmese newcomers always find a way to win. If there are any crimes committed, the authorities from the naval force always give the advantage to the Burmese guy's side over the Mon guy's side when they sort out the matter. Now, there are 40 households owned by Burmese people alone. And, the number [of the Burmese households] is just going to increase. Now, the

naval force wants laborers to work in the rubber plantations that they took over. It seems some more problems will come up.

Increasingly evident in the interviews conducted is the difference in the way that the local residents and ethnic Mon people are treated in comparison with the navy and the ethnic Burman population, which arrived with the influx of the navy buildup. The native residents and some local abbots mentioned that the transfer of the army unit to the area in 2004 caused subsequent problems in the community, noticeably affecting the island's ethnicity, language, religion, literature, culture and customs.

Nai Pae, a 37-year-old resident of the eastern part of the village on Kywe Thone Nyi Ma Island, who is actively involved with Mon literature and culture, explained during his interview in June that the arrival of more outsiders has caused problems:

Before, there was no family that spoke Burmese. After they [Navy Unit No. 43] arrived here in 2004, other ethnicities also arrived. What could we say as they came to settle down here? But, they, the different ethnicities, Burmese people, think that we are dumb and deaf and can't speak their language; and they also have an attitude that looks down on us, discriminating against us because they feel noble. The native islanders have never admired them because they don't own any piece of land and are day laborers. Just like that, problems are happening in this community. Now, it's getting worse. It's like that more in the village where the naval force communities live. [They are] getting married here and settling down here. It's fine to live here, but discriminating against the community is the main problem. For those Burmese families living close to the naval force base, they do not have to support any rations for the naval forces and they are not on the lists for tax collection. Also, the Burmese people who support the Navy give information to the naval forces. Because of this, the village once was very peaceful, and has now become a suspicious, unsafe place. Now, taking over the plantations, they will send for more upper Burma people, the Ah-nyar people, to come down here in order to hire them to work on the rubber plantations, scraping rubber trees. If they cannot get along well with the communities in this village, it will definitely cause problems.



A summer school that teaches Mon literature in a Mon village

Nai Pae continued that after 2006, the tradition of holding cultural celebrations and teaching the native [Mon] language in schools became restricted. Before the arrival of the battalion, Mon language and culture schools opened every summer,

teaching Mon language and culture to the people on the island in the hopes of preserving their heritage. When Navy Unit No. 43 arrived on the island they tried to ban the Mon language and culture school, declaring it to be illegal. Then, the Mon Buddhist monks who were supporting Mon literature and culture continuously negotiated with the local communities to keep opening the school [for the summer term]. However, later, the Navy sent an order to local areas explaining that residents in both the eastern village and western village on the island could celebrate their traditions only after receiving permission from the authorities of the naval force and the village administration committee.

One 33-year-old Mon man, who wished to remain anonymous, gave an interview with a HURFOM field reporter on June 28<sup>th</sup>. He is a native resident of the Kywe Thone Nyi Ma eastern village, but he moved to Ye Township in 2009. He used to be involved in the Mon literature and culture activities committee on the island. In the interview he described the nationality/ethnicity problems:

After the naval force came here, whatever we did, we had to do as they [the Navy] ordered. We still opened a Mon literature training/school for the kids and youths annually, but when we did, we had to get a permit from them. We also had to ask for the permit when holding a school closing ceremony. We couldn't give any type of

speech or say we wanted. The Burmese people gradually became their informers [of the Navy]. What happened later on is that they accused us, the ordinary people, of being in contact with and supporting the rebel groups. The Navy build-up and the land confiscation have worsened tensions between the ethnic groups on the island. Now, they [the Navy] already took over hundreds of acres of rubber plantations. On those seized lands, they will do their business projects and call more Ah-nyar people down here. I know the feelings of the villagers here. It's true that they won't keep living here even for a second longer because their land was seized. And, more people will leave the village. With new ethnicities, this island will change. What mainly will change are the language, culture and customs."



A confiscated rubber plantation with newly-planted rubber trees on Kywe Thone Nyi Ma Island

## AREA RESTRICTION DURING THE LAND CONFISCATION BY NAVY No. 43

Across the water, on the Mon State mainland, in Yebyu Township, land confiscation is also rampant. Interviews collected on May 29<sup>th</sup> in Ohnpinkwin, Yebyu Township show that Navy Unit No. 43 has continued confiscating land from Kywe Thone Nyi Ma and into other areas of Yebyu Township.

Nai A-Nyan, a 34-year-old from Min-Thar village, Yebyu Township, Tenasserim Division confirmed that the rubber plantation there included at least 900,000 plants and was currently under the control of the army:

[The navy] is well known as the Mu-pon Unit. It's commanded by the Mawrawaddy Navy Command based in Mu-pon region, Moulmein [the capital of Mon State]. A navy unit from that command has been based in our Ohnpinkwin [village] of Yebyu Township for

a long time. Colonel Ye Lin Tun of the Ohnpinkwin Navy Unit and his group has continuously been seizing the previously mentioned rubber plantations in the Kywe Thone Nyi Ma Island. This time, the rubber plantation owners have hit rock bottom. Some land owners were disappointed and fled to Thailand with their entire families for work. [The land] from the west side of the railway to the coast mostly belongs to Min Thar village's cultivators. Just their [Min Thar's plantation owners] loss is equal to



Two soldiers from Battalion No. 273 inspect a traveler near Min Thar village

70 percent of the seized 3,000-acre land. The rest of the plantation owners are from Maw-Gyi, Lae Kyi, Ye-Ngan-Gyi, and Sinswe [villages]. In fact, the amount they need for the firing range of Ohnpinkwin's Navy is small. I believe that they have intentionally seized the already-farmed rubber plantations for their [the Navy's] families.

Between January and March of this year, travel restrictions on local people's comings and goings were imposed by the local army unit, especially for those travelers arriving from far away. Travel restrictions have intensified, along with the addition of fines. Locals interviewed expressed the belief that Navy Unit No. 43 has systematically controlled the region in order to prevent awareness of land confiscation spreading to the media.

On June 14<sup>th</sup>, Nai Myaing, a resident of west Kywe Thone Nyi Ma, who moved to Cha-Pon village, located on the opposite coast of Kywe Thone Nyi Ma, explained the travel restrictions he has had to deal with:

I'm a native of the west part of the island. I farmed on this island for the last three years and then moved to my mother's native village [Cha-Pon village, Yebyu Township] with my entire family when I couldn't farm anymore because of a break in the dike. On June 14<sup>th</sup>,



A Government Battalion's toll gate near Min Thar village, Yebyu Township

during a visit to my relatives, [I saw that] a sergeant and his four privates of the Navy Unit No. 43 sitting at the check point of the seaport. I hadn't taken my national ID card because I just travelled around my village. When I came up from the seaport, I found that everyone had been checked for a national ID card and inquired in detail where they would stay, how long they would stay, what they came to do, where they came from, etc. I also found that those who couldn't speak Burmese fluently were cursed in foul language. When my turn came, I had no ID card so they didn't allow me to land on the

island. [They] ordered [me] to go back. I apologized to them as I am



A village travel pass required by Navy Unit No. 43, based in Kywe Thone Nyi Ma village

a resident of this village, [but] they didn't allow me to set foot on the island. I was cursed in foul language and expelled. After that, I gave [them] 2,000 Kyat, [but they] didn't accept [it]. I thought [the amount of the money I gave] was little so I gave an additional 2,000 kyat. After that I had to tell the sergeant a detailed address of where I'd stay, the name of my host, a detailed reason for my coming, and the name of the village I came from – even though I am from Cha-Pon village. People from faraway places could be arrested and checked according to my old friend's [the owner of the house where he, U Myaing, stayed] experience. I realized later that they controlled the area because they feared that the news of the seizure of

rubber plantations by the Navy would leak to the public...Every plantation owner living on the island has encountered land confiscation, more or less. Some people had to leave the island because all [of their plantations] were seized.

Referring to a source from the Navy, an old man who used to work as one of the village-appointed officials said the area restriction, controlling the flow of information, and the restrictions on travel had all been ordered by Ka-Dike Navy Command, which commands Navy Unit No. 43:

I used to be familiar with the soldiers who were members of the village administration. According to them, an order was given that reports about the current land confiscation must not leave this island. [There is] a soldier [whose name he knew but refused to mention]

from up-country [upper Burma] who married here. According to him, the Mawrawaddy Navy Command, which is located at the Mu-Pon region, Moulmein directly instructed the Ka Dike Navy Command to control information [on land confiscation] and to suppress [to kill] those who aren't satisfied with the land confiscation. Therefore, leaking information can endanger lives. I don't know who is the highest ranking officer in the Mawrawaddy Navy Command. In Ka Dike Command, Colonel Ye Linn Tun has the highest rank. He is the one who has carried out the orders from Mawrawaddy. He also is the most responsible person.

It is easy to assume that the wish to control information on land confiscation conducted by the Navy stems from the desire to appear to be a free and fair government. Similar to the November 7, 2010 elections, in which foreign media was not allowed to view the election process, the Burmese government has taken measures to limit the flow of information on abuses committed against the residents living in Kywe Thone Nyi Ma Island and villages nearby.



ID card-holders from outside the area are also restricted from entering

In Min-Thar village, situated across the east bank of Kywe Thone Nyi Ma Island, some army units from Tavoy-based Light Infantry Battalion (LIB) No. 375 have encamped on a hill outside Min-Thar village and check all travelers coming by car and train. This information came from Ko Maung Shain, a 33-year-old Tavoyan and local resident, who gave HURFOM the following interview on June 22<sup>nd</sup>:

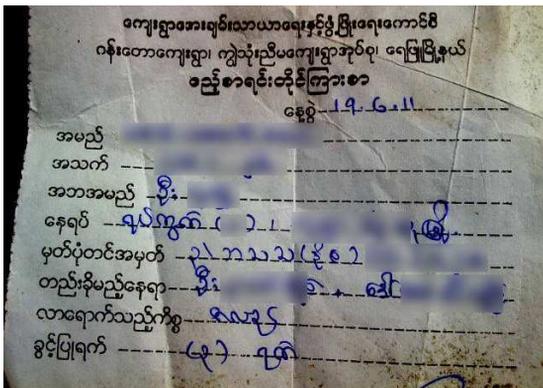
They – the Army units – have encamped here with about 25 members in total. At the check-point in this village, about ten members of the military, the militia and the police force, stand guard every day. None of the travelers can escape [from being checked]. When there was no national ID card, if you were lucky, you'd be expelled; and if you were unlucky, you would be arrested and checked. Persons with Mon State and upper Burma national ID cards have thoroughly been checked. Those who speak Burmese fluently have been checked

more. They have seized video cameras, phones and photo cameras at once. In this region, the military is the most powerful. During the second month [February], two young grandsons from Rangoon visited their grandmother in Min-Thar village and they brought a good digital camera. The captain of the check-point in the mid-village seized it. When its owner requested him to give it back, [he was] punched in the face.

Every Mon and Tavoyan resident living in the villages of Kywe Thone Nyi Ma village track, Min-Thar village, Maw-Gyi, Lae Gyi, Ye-Ngan Gyi, and Sin-swe villages has to hold a village pass for their particular village when they are leaving or entering their village. There was a statement given in a monthly notice that if one has no pass to enter or leave the particular village, the local military can punish him/her as they wish. These monthly notices are announced at the Village Administration Offices by the local military. An anonymous source described the situation to HURFOM:

If it was in the past, I would accept the conditions of requiring a pass for entering and leaving the village because the region was unstable. But now, no armed group has come to this village. Requiring a pass for entering and leaving the village is a money maker for them [the government military]. It is really embittering that the military men who are from a distant region live in *our* region and check us – [the residents of this village]. Amongst the government soldiers, there are some half-caste Indians [half Indian, half Burmese]. You will laugh if you see that the Indians are punishing the indigenous people of this country who have no pass for entering

and leaving village. [These types of incidents] have really happened in this region [laughing while he spoke]. For a pass to enter and leave the village, everyone has to pay about 2,000 [kyat] per month. A photo of the holder must be included. Thumbs need to be fingerprinted. And then, the signature of the local military officer or governor is included.



This permit allows the holder to stay in Kywe Thone Nyi Ma village for 3 days

## EXTORTION

According to Ko Maung Shain, it is on the Kywe Thone Nyi Ma village trail that everyone has to pay a monthly fine for work permission, in addition to the pass for leaving and entering the village in order to scrape the rubber plants. These fees are adding a healthy income to troops' pockets. Residents have had to pay the fee since the Navy Unit No. 43 seized rubber plantations on the island. The fees were reported on more extensively on June 23<sup>rd</sup> by Nai Pan Maung, a west Kywe Thone Nyi Ma resident and a five-acre rubber plantation owner:

Both on this island, where the Navy has been based and in Min Thar village of the east island, the rubber plantation owners have to pay a monthly fine to the particular military group for permission to scrape their rubber plants. This started five years ago. The owners have to pay in unison. There are two types of fines. The plantation owners in both the western group and the eastern group of Kywe Thone Nyi Ma have to pay 100,000 Kyat for the food costs of the Navy on the island. And then, for the Ka-Dike Command, an additional 2500 to 3000 thousand [kyat] per month has to be paid. This occurs every

month. [We] have to pay without fail. If there is a missed payment, [the Navy] creates a problem. Therefore, depending on the area of the plantation, the rubber plantation owners have to pay [the fine] in ratio. The owners like me who own five-acre plantation have to pay at least 20,000 kyat every month [and I have been paying the fine] to get permission to scrape the rubber plants up to this year when [the



Villagers must pay a fee to enter their own land after it is confiscated

plantation] was seized. After Songkran, the Navy Unit No. 43 had placed a signboard reading, "Army Land" at my plantation, and after that I didn't do any rubber scraping. That was last month. Even though the plantations were seized via the new village headman Nai A-Lay, the responsible persons from the Navy had announced that if the designated monthly fine can be paid, the rubber scraping can be made. Therefore, my younger son has re-scraped the rubber plants now by paying 30,000 [kyat] per month. If the heavy rain comes, [scraping rubber] has to be stopped. In conclusion, they have come and managed our own resources using their power. Please ask every plantation owner on Kywe Thone Nyi Ma Island. Even relatives of the village headman had to give up [their plantation] to the Navy if they are a plantation owner. Now the land has been seized, so no rubber scraping is done. It is natural that people don't want to deal with things which are not theirs.

This interview with Nai Pan Maung clearly shows that not only did the navy wrongfully seize villagers' land in the area, but further exploited the villagers by charging unfair fines in order to pay for the Navy's food supplies and other amenities.

A Tavoyan-Karen youth from a village in Yebyu Township, who received a law degree and currently works with rubber trading, opined that the reason for the local military to make strict checks on the locals, to restrict the travel, and to put the navy base directly in the villages is to get regional control and to cut the information flow:

The seizure may be for both their military business and their base extension. Anyhow, they [the Navy] had already broken the international standard of human rights. If they cut the information flow now, the real events can't reach the media and activists. They aren't allowing any leak of this sort of information during this time – the starting era of their so-called 'civilian government'. I think the violations have occurred due to that reason [making an effort to appear like a civilian government that respects the rule of law]. According to human nature, if one has done something wrong, they don't trust anyone, or their surroundings. These violations prove they [the Navy] already know they have done immoral things [unfairly seized land].

## LAND CONFISCATION RESULTS IN FORCED MIGRATION AND A SEARCH FOR NEW LIVELIHOODS

According to a former Village Peace and Development Council (currently known as the Village Administration) staff member ( who served from 2004-2009), after the Burmese government's naval force No. 43 confiscated the rubber plantations, some villagers fell apart, emotionally and financially. They were unable to keep living in their home areas and were bereft of the means to a living which they had formerly depended. Unable to work on their own land, they could only watch as other villagers worked on *their* plantations. This former staff member tells of how,



"Army Land" signboard placed by the Navy Unit No. 43



A sign at Nai Han Sein's plantation in the eastern part of the village, marking it for confiscation

consequently, some of the victims of land confiscation left their home villages to start a new life elsewhere:

Everyone who lives here would see [the signs] and hear [the orders]. It's very frustrating. We have heard the making clicking sounds with the tongues [a sign of

strong displeasure], depression, and sobbing since the beginning of this year. Some rubber plantation owners fell apart when their plantations got taken over right away because they had planned the land to be a long-term business. Most of them were originally working as rubber plantation workers. They are rubber farmers, so what else can they do? After the army set up red-colored signboards, saying, "Army Land" [or literally Tat-Myay in Burmese] [on the rubber plantations that they confiscated] in late April and May, some of those plantation owners who lost their land began to move out of the village. As far as I know, there have been 32 families which have moved out of both villages, the westerly and easterly village. Nothing was taken along with them [when they left]. Just packed their clothes and then they left the villages. Some of those families are very close to me.

Daw Ma Yee is among the villagers, mentioned above, who lost their land and had to move. She is 45-years-old and had lived in the eastern part of Kyol-don Nyi-ma before moving with her family to a suburban area of Thanbyuzayat Township.

One Mon villager who is 61-years-old, and formerly served as a member of the VPDC from 2004-2009, gave an interview on June 24<sup>th</sup> about the fate of villagers who lost their land:

My relative, Nai Han-Sein, lost 6 acres of rubber plantation, from the eastern part of the village. [Afterward] Together with his family, they moved to La-mine Sub-township, Ye Township, and had to rely on what they could find to work and live on. Another family, Nai

<sup>4</sup>Note: concerned with rubber plantations confiscation, names of some sources and local places are not unveiled in the report, that's for the security purposes, but if you want to find out furthermore, you can directly conduct HURFOM.

Kyaw Win and Ma Htwe's family, moved to the Yebyu Township area, working in another owner's plantation [for survival]. Just like the other villagers who lost land After the naval forces took over the rubber plantations, the villagers moved away and it seemed very silent and empty [in the village].

According to detailed accounts of certain villagers living in the western area of Kywe Thone Nyi Ma, nine families chose to move to western and northern Ye township, in order to work as day laborers on other owners' rubber plantations.

Mi Ei Yin, a 44-year-old resident of the western village part of Kywe Thone Nyi Ma island, explained how her family moved to Ye township, settling down there temporarily and working in order to survive:

We chose to work here as we are only capable of working like this. The difference is that we changed from being the employer/owner of a rubber plantation into an employee of a rubber plantation. Now, my husband and I have jobs working at this rubber plantation. The plantation owner is not a stranger, he is our relative. Having to work as an employee, scraping the rubber trees, cutting bushes, and making a route which prevents fire from reaching [the trees]... At the moment, we are thinking about growing some kind of fruit between the rows of rubber trees. ...they already started growing pineapple



"Army Land" signboard seen on Nai Hla Oo's rubber plantation

plants. As long as we can work, it is okay for our daily meals. To support our kids [going] to school in this upcoming rainy season, we, wife and husband, have to work harder. Just like this [as you can see]: life restarts at the beginning.

Mi Ei Yin's husband's name is Nai Hla-Oo,



Another “Army Land” signboard seen on a rubber plantation in the western part of Kywe Thone Nyi Ma village

[estimated to be 45 years old and a former resident of the western village part, Kywe Thone Nyi Ma village ward]. Nai Hla-Oo is only able to understand a little bit of Burmese, yet cannot speak Burmese at all. Nai Hla Oo recalled that because of having difficulty with the language and a low education level, he and his wife were forced

to give away their five acres of rubber plantation which lay in the northern part of Kywe Thone Nyi Ma village ward:

We are persons being forced and have no power at all. We cannot speak their language either. And we just left the village like this because it was not only us whose plantations were seized, but others as well. We tell ourselves that property is just an impermanent thing, and it is not too late: we can start a new life if we can work. After that, we, my wife and I together with three kids, left our home village as other families departed. Regarding the law, if someone is able to help, I still hope to get my plantation back. That's because we feel deep regret for working very hard [on our plantation] and devoting our investment in it [and losing it].

Some residents currently working and living in a new area, stated that they had not wanted to move out of their home villages, where their families had been living for four decades. But they were forced to leave because they had no other opportunity to work and sustain their families.

Like those who decided to settle down in a new place and restart their life, some left their home villages for Thailand, choosing to work as illegal migrant workers. On June 26th, HURFOM made contact with three families who had recently moved to Thailand after their rubber plantations were confiscated on Kywe Thone Nyi Ma Island. The families spoken to ended up in Prachuab Kiri Khan Province, southern Thailand, in the beginning of May this year.

Nai Maung Aye Lin, a 42-year-old former resident of the eastern part of Kywe Thone Nyi Ma village ward, explained that his seven acres of rubber plantation took him 15 years to grow. His parents planted the trees first and then, around five years ago, he began to gain an income from tapping the rubber. He explained, though, that he had been forced to pay the naval force tens of thousands of kyat per month just to be allowed to tap his *own* rubber trees. After his plantation was taken over, he left his village for northern Thailand, along with two other families in May, to work with his younger brother's family. In an interview, he told HURFOM he worries about working in Thailand illegally:

Here, everything is okay for me at the moment. When I see the rubber plantations here, I am reminded of my rubber plantation. I still have a feeling of attachment [to working on my rubber plantation]. I am working illegally, but since the Thai government will issue migrant worker cards now [in June], I will do my best to get one –that's to be able to work legally. Here, as it is not my native place, I have to be careful for everything. No security yet. But, in



These are three families from Kywe Thone Nyi Ma village seen in early June 2011. They left their homes to look for new jobs in late May 2011.

my mind, it is a time I have to struggle to get out of from the worst time just like in a tale. For me, no late night is later than midnight [Burmese proverb]. Nothing will come true if I keep being frustrated. As much as the time I have, I'm here to work. One thing that is better here is having no army dogs [referring to the naval force from his home village]. We do not have to pay monthly fees either. Yet, I am just afraid of the Thai police as I have not got any Thai migrant worker card/work permit card. The other two families, Nai Ah-kyaw family and Nai Bal family, which came to Thailand along with our family, are working in another Thai owner's plantation, which is not really far from here. I hope everything will gradually become okay. I want to get my rubber plantation back if we can manage to do that legally.

Nai Ah-kyaw, 40, and Nai Bal, 46, also have their own hopes for the future. Nai Ah-kyaw commented that he has not been able to forget how his rubber plantation was taken over without him allowing it. He also explained how regretful he feels about the fact that his now 12-year-old trees on his five acres of rubber plantation were tappable. Below he describes his current situation in Thailand:

I feel like I've become very weak as I found out that there is nothing left for me after 10 years of working hard [on my rubber plantation]. They, a group led by Sergeant Htun Wai came to set up a red-colored signboard, illustrating "Cantonment Area" in late April. At the time, I knew that my land was being taken over by the government. My wife was so regretful and she became very depressed. I got her back, cheering her up by suggesting a new start and we left for Thailand. For my two sons, we had to take them out of school to come with us to Thailand. As we came here with the whole family, we faced many different difficulties getting into Thailand. Now, it is not really okay to settle down; but rather we focus our mind on getting good jobs, and then settling down. We are urged by our employer to get a work permit. We might do that to become legal.

Thailand has over one million registered migrant workers from Burma and even more unregistered workers. Most migrants from Burma have come to Thailand in search of better economic opportunities than they originally had in their hometowns inside Burma. The individuals that were

previously interviewed by HURFOM before the land confiscation were indirectly forced to leave their homes with their families due to government policies, which effectively kicked them off of their own land. Without any financial security and means to support themselves, many have been forced to work as daily unskilled labor, living on day-to-day subsistence. And consequently, they are unable to plan for the future.

## ANALYSIS AND CONCLUSION

According to the United Nations statute on Crimes Against Humanity, “the forcible transfer of a population<sup>5</sup>” constitutes a crime against humanity. By seizing land already owned and cultivated by villagers on Kywe Thone Nyi Ma Island and nearby villages in Yebyu Township, the Burmese government has effectively confiscated and forced the former population to evacuate the island and their own land plots. A report which analyzed the effects of land confiscation on the citizens of Burma explains that, “when rural households are driven off their lands, or are gradually and continually impoverished, then the ability to improve the family’s condition is denied and the survival of the family is jeopardized.”<sup>6</sup>

Not only has the Burmese government blatantly disregarded the UN’s statutes on crimes against humanity, by robbing its citizens of their livelihoods, but the government has committed these crimes even after it supported the U.N. Declaration on the Rights of Indigenous People, which stipulates that, “No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”<sup>7</sup> The interviews conducted by HURFOM field reporters clearly show that the seizure of land, though informed of beforehand by the placement of red flags, took no account of the individual owners’ permission. And months later, former landowners have received no compensation. Also, within the UN

<sup>5</sup><http://www.un.org/icc/crimes.htm#humanity>

<sup>6</sup>Hudson-Rodd, Dr. Nancy, Dr. Myo Nyunt, Saw Thamaun Tun, and Sein Htay. *The Impact of the Confiscation of Land, Labor, Capital Assets and Forced Relocation in Burmaby the Military Regime*. [http://www.ibiblio.org/obl/docs/land\\_confiscation1-20.pdf](http://www.ibiblio.org/obl/docs/land_confiscation1-20.pdf). OnlineBurmaLibrary, May 2003. Web. 20 July 2011.

<sup>7</sup>*The Burma-China Pipelines: Human Rights Violations, Applicable Law, and Revenue Secrecy*. Rep. no. Situation Briefer No.1. Earthrights International, Mar. 2011. Web. June 2011. <<http://www.earthrights.org/sites/default/files/documents/the-burma-china-pipelines.pdf>>.

Declaration on the Rights of Indigenous People, there is a specified protection clause of ethnic minorities native to the area. It is evident by the land confiscation conducted on Kywe Thone Nyi Ma Island, in which the total population is ethnic Mon, that this protection of ethnic minorities was completely disregarded. This is especially clear given that many ethnic Mon have been forced off their land and are obligated to make a life elsewhere.

Burma has also ratified the Conventions on the Rights of the Child (CRC) and the Convention on the Elimination of Discrimination of Women (CEDAW)<sup>8</sup>. Both conventions prescribe the necessity by the government of insuring the rights of both women and children and therefore forbidding the government to take action against these two groups in ways that impede their rights to shelter and sustenance. Article 27 of the CRC states that "States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development"<sup>9</sup>. By forcing families off their land, the rights of the child and the rights of women have been violated.

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<sup>8</sup>*The Burma-China Pipelines: Human Rights Violations, Applicable Law, and Revenue Secrecy*. Rep. no. Situation Briefer No.1. Earthrights International, Mar. 2011. Web. June 2011. <<http://www.earthrights.org/sites/default/files/documents/the-burma-china-pipelines.pdf>>.

<sup>9</sup><http://www2.ohchr.org/english/law/crc.htm>

## RECOMMENDATIONS

### **To Mon Political Party: All Mon Region Democracy Party**

Though the national elections, which the Burmese government held on November 7, 2010 were deemed fraudulent and unfair by most international bodies, a small number of officials from the ethnic minority parties gained political positions within the new parliament. Amongst these new officials are politicians from the All Mon Regions Democracy Party (AMRDP). The AMRDP ran on the basis of fighting for the rights of the ethnic Mon people in Burma. Considering their pledges, it is recommended that the AMRDP take note of the land confiscation and human rights abuses ongoing in Kywe Thone Nyi Ma Island. Most of these problems are directly affecting the Mon population living on the island. As parliamentary members in a government-designated "democracy," HURFOM implores AMRDP to take issue with these human rights abuses in Yebyu Township and seek change and compensation.

### **To International Labour Organization in Burma**

Burma has also ratified a convention against the use of forced labor with the International Labor Organization. Many cases of land confiscation in Burma lead to the use of forced labor to cultivate the land formerly seized. HURFOM advises the ILO to pay special attention to the land confiscation abuses ongoing on Kywe Thone Nyi Ma Island in order to insure that forced labor does not begin to occur.

### **To UN Human Rights Special Rapporteur on Myanmar:**

Finally, TTomás Ojea Quintana, the United Nations Special Rapporteur on human rights in Burma, who finished a tour around Thailand in May 2011 to discuss the ongoing abuses conducted by the Burmese government, must insist on a Commission of Inquiry on the violations committed by the Burmese government constituting Crimes Against Humanity. A Commission of Inquiry conducted is a step towards making the Burmese government take responsibility for the abuses it inflicts on the citizens of Burma as well as pressure the government to change its ways and insure the rights of its citizens by providing them with sustenance, shelter, and the ability to make a living.

APPENDICES:

လယ်ယာခြေစစ်တမ်းကောက်ယူခြင်း

ကျေးရွာ ..... မြို့နယ် ..... ဝက်ကွက်

စဉ်	အမည်	အဘဏ္ဍာအမည်	မှတ်ပုံတင်အမှတ်	လက်ရှိနေထိုင်ရာ	ကျေးရွာအထက် လယ်	ခန့်မှန်း ဧရိယာ	လုပ်/မျက် ခွဲ	လက်မှတ်
၁	ဒေါ်...	ဒေါ်...	၆၇/...	ကျေးရွာအတွင်း	၆	၅-၅၀၀		
၂	ဒေါ်...	ဒေါ်...	၆၇/...	"	၁	၁၀-		
၃	ဒေါ်...	ဒေါ်...	၆၇/...	"	၁	၅-		
၄	ဒေါ်...	ဒေါ်...	၆၇/...	"	၁	၁၀-		
၅	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၅၀		
၆	ဒေါ်...	ဒေါ်...	၆၇/...	"	၁၀	၅-၂၅		
၇	ဒေါ်...	ဒေါ်...	၆၇/...	"	၁၇	၈		
၈	ဒေါ်...	ဒေါ်...	၆၇/...	"	၁	၇-		
၉	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-		
၁၀	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-		
၁၁	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-		
၁၂	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-		
၁၃	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-		
၁၄	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-		
၁၅	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-		

လယ်ယာခြေစစ်တမ်းကောက်ယူခြင်း

ကျေးရွာ ..... မြို့နယ် ..... ဝက်ကွက်

စဉ်	အမည်	အဘဏ္ဍာအမည်	မှတ်ပုံတင်အမှတ်	လက်ရှိနေထိုင်ရာ	ကျေးရွာအထက် လယ်	ခန့်မှန်း ဧရိယာ	လုပ်/မျက် ခွဲ	လက်မှတ်
၁	ဒေါ်...	ဒေါ်...	၆၇/...	ကျေးရွာအတွင်း	၆	၅-၀၀		
၂	ဒေါ်...	ဒေါ်...	၆၇/...	"	၁	၅-၀၀		
၃	ဒေါ်...	ဒေါ်...	၆၇/...	"	၁	၅-၀၀		
၄	ဒေါ်...	ဒေါ်...	၆၇/...	"	၁	၅-၀၀		
၅	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		
၆	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		
၇	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		
၈	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		
၉	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		
၁၀	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		
၁၁	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		
၁၂	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		
၁၃	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		
၁၄	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		
၁၅	ဒေါ်...	ဒေါ်...	၆၇/...	"	၇	၅-၀၀		

A report made by Navy Unit No. 43 showing the names, ID numbers, signatures, and home villages of plantation owners on Kywe Thone Nyi Ma village (Appendix 1)



လယ်ယာမြေစစ်တမ်းကောက်ယူခြင်း

ကျေးရွာ . . . . . မြို့နယ်

ရက်စွဲ . . . . .

စဉ်	အမည်	အဘဏ္ဍာအမည်	မှတ်တိုင်အမှတ်	လက်ရှိနေထိုင်ရာ	မျက်နှာပြင်ဧရိယာ လယ် ဧ	ခန့်မှန်း မျက်နှာပြင်ဧရိယာ	ကပ်/မျက်နှာပြင် ပုံ	လက်မှတ်
၁	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၃-၂၂၀	ကျေးရွာ	၁	၄.၀၀		X
၂	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀			၃.၅၀		
၃	ဒေါ်အောင်	ဒေါ်အောင်	၀၂၄-၂၂၂		၇	၄.၀၀		
၄	ဒေါ်အောင်	ဒေါ်အောင်						
၅	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၇.၀၀		
၆	ဒေါ်အောင်	ဒေါ်အောင်	၈၀၄-၃၃၀၄		၈	၃.၅၀		
၇	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၈	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၉	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၀	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၁	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၂	ဒေါ်အောင်	ဒေါ်အောင်	၀၄၂-၃၄၄		၈	၃.၅၀		
			၆၇၉၆၄-၂၂၀		၉	၃.၅၀		
			၀၅၇၂၆၄		၉	၃.၅၀		

လယ်ယာမြေစစ်တမ်းကောက်ယူခြင်း

ကျေးရွာ . . . . . မြို့နယ်

ရက်စွဲ . . . . .

စဉ်	အမည်	အဘဏ္ဍာအမည်	မှတ်တိုင်အမှတ်	လက်ရှိနေထိုင်ရာ	မျက်နှာပြင်ဧရိယာ လယ် ဧ	ခန့်မှန်း မျက်နှာပြင်ဧရိယာ	ကပ်/မျက်နှာပြင် ပုံ	လက်မှတ်
၁	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၃-၂၂၀	ကျေးရွာ	၈	၃.၅၀		
၂	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၃	ဒေါ်အောင်	ဒေါ်အောင်	၀၂၄-၂၂၂		၇	၄.၀၀		
၄	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၅	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၆	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၇	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၈	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၉	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၀	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၁	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၂	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၃	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၄	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၅	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၆	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၇	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၈	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၁၉	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		
၂၀	ဒေါ်အောင်	ဒေါ်အောင်	၆၇၉၆၄-၂၂၀		၈	၃.၅၀		

A report made by Navy Unit No. 43 showing the names, ID numbers, signatures, and home villages of plantation owners on Kywe Thone Nyi Ma village (Appendix 3)

ဝရင်တံကျအက္ခရာနံပါတ်ကျင့်ပွဲ

လှောင်	ယူကြီးယူငြိ	စက	လှောင်	ယူကြီးယူငြိ	စက
၁	နဲ	၄စက	၃၅	နဲ	၈စက
၂	နဲအိင်	၄စက	၃၆	နဲ	၈စက
၃	နဲအေ	၄စက	၃၇	နဲ	၁၀စက
၄	နဲ	၅စက	၃၈	နဲ	၅စက ၅(အိကျအိ)
၅	နဲညာအိ	၅စက ၅(အိကျအိ)	၃၉	နဲ	၈စက
၆	နဲည	၅စက	၄၀	နဲ	၅စက
၇	နဲနာင်	၅စက	၄၁	နဲ	၅စက
၈	နဲ	၅စက ၅(အိကျအိ)	၄၂	နဲ	၅စက
၉	နဲကိင်	၅စက	၄၃	နဲ	၅စက
၁၀	နဲတိ	၅စက	၄၄	နဲ	၅စက
၁၁	နဲ	၅စက	၄၅	နဲ	၈စက ၅(အိကျအိ)
၁၂	နဲ	၅စက/၅(အိကျအိ)	၄၆	နဲ	၇စက
၁၃	နဲ	၅စက	၄၇	နဲ	၅စက
၁၄	နဲ	၅စက ၅(အိကျအိ)	၄၈	နဲ	၅စက
၁၅	နဲသာနိင်	၅စက	၄၉	နဲ	၅စက
၁၆	နဲ	၅စက ၅(အိကျအိ)	၅၀	နဲ	၅စက
၁၇	နဲ	၅စက ၅(အိကျအိ)	၅၁	နဲ	၅စက ၅(အိကျအိ)
၁၈	နဲ	၅စက	၅၂	နဲ	၅စက
၁၉	နဲ	၅စက ၅+၅	၅၃	နဲ	၈စက
၂၀	နဲ	၅စက	၅၄	နဲ	၈စက
၂၁	နဲ	၉စက	၅၅	နဲ	၅စက
၂၂	နဲကလ	၈စက	၅၆	နဲတ	၅စက
၂၃	နဲယ	၅စက	၅၇	နဲ	၈စက
၂၄	နဲအေ	၅စက ၅(အိကျအိ)	၅၈	နဲ	၅စက
၂၅	နဲ	၅စက	၅၉	နဲယ	၈စက
၂၆	နဲ	၅စက ၅(အိကျအိ)	၆၀	နဲ	၅စက
၂၇	နဲလ	၅စက	၆၁	နဲ	၈စက
၂၈	နဲ	၅စက ၅(အိကျအိ)	၆၂	နဲ	၈စက
၂၉	နဲ	၅စက	၆၃	နဲ	၅စက
၃၀	နဲ	၅စက	၆၄	နဲ	၈စက
၃၁	နဲ	၅စက	၆၅	နဲပိုင်	၅စက
၃၂	နဲ	၅စက ၅(အိကျအိ)	၆၆	နဲ	၅စက
၃၃	နဲ	၈စက	၆၇	နဲ	၅စက ၅(အိကျအိ)
၃၄	နဲဟ	၈စက	၆၈	နဲ	၅စက

A list compiled by some villagers showing names of plantation owners and acreage confiscated



# Burma's Navy Attacks Civilians' Livelihood

An Account on Land Confiscation and Human Rights Violations  
on Kywe Thone Nyi Ma Island, Yebyu Township, Tenasserim Division



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