

Executive Summary

1.1 Background of Burma

Burma was officially renamed Myanmar in 1989 by its ruling military junta, the State Peace and Development Council (SPDC). Despite continual international criticism and economic sanctions the SPDC maintain power and suppress dissent by force. Many observers also accuse the junta of severe human rights violations and dire economic mismanagement.

The suppression of the 1988 uprisings and the Saffron revolution in 2007 showed the brutality of the country's rulers. Successive military regimes have ruled with an iron fist whilst keeping ethnic groups divided and opposed. The Burmese army (*Tatmadaw*) is spread across the country to ensure that power and control is kept from the people.

2. Militarisation in Burma

2.1 Militarisation and its Direct Consequences

To sustain the continual growth of the regime's power, the *tatmadaw* is constantly expanding. While military infrastructure is developed, civilian needs are repeatedly neglected. The SPDC's obsession with increasing the size of Burma's army is underlined by the fact that in the period 1993-2004 29% of central government spending went on defence, while the corresponding health and education figures were only 3 % and 8 % respectively.

Today, the SPDC Army numbers around 490,000; having more than doubled in size since 1989. There are additionally about 72,000 people in the Myanmar Police Force, including 4,500 in the paramilitary police. This corresponds to roughly one soldier per 100 citizens, despite Burma facing no external enemies.

2.2 Military Installation and Land Confiscation

As long as the expansion of the military in ethnic states of Burma continues, land will be forcibly confiscated with little or no compensation being given to the owners. The land confiscated is used to house barracks, outposts and training sites for the troops. Furthermore, considerable areas of land are confiscated for farming and gardening in order to supplement rations and generate additional income for the troops.

Evidence shows that the Burma Army steals land, food and other resources from areas near its bases. This evidence is linked closely to an increase in troop deployment throughout the country and as troop deployment and general militarization increases so does the amount of land that is confiscated from individual and collectives throughout the locality. This increase is due to a policy of self reliance where the Army must produce its own food and obtain basic materials.

In 1998, within the Mon state alone, the military confiscated over 3,000 acres of land, primarily to meet the food requirements of the soldiers. While 2000 saw only 100 acres confiscated, a further increase in militarization saw 2,000 acres confiscated in 2001 and over 1,000 acres of lands were confiscated in 2002.

In August 2005, Nai xxx, Zarkalail head villager, cooperated with LIB No.587, who confiscated about 160 acres of land from six families in Lamine sub-township. Although the land owners appealed to the local authority, no action was taken. In total 1,500 acres of rubber plantation in the area were confiscated between 2004 and 2007.

In May 2006, heritage wood and fruit plantations, worth between 5,000 and 10,000 million Kyats (c.US\$3,700 – 7,400), of many local people were confiscated by the military along the Site-tway-Rangoon highway, in the northern part of Ponnagywan Township, Arakan State. Troops permitted the owners to recover their belongings and crops for just one week following the confiscation. A military order stated that if they were found in the plantation after that week was up, they would be fined 100,000 Kyats (c. US\$74). If they were unable to pay, they faced incarceration for three months in the local military camp, where they have to work fencing, cutting grass and cooking for soldiers.

These cases are typical of many that have taken place in Arakan state over the past 3 years amounting to thousands of acres of land being confiscated. In most of these cases, the plantations have been integral to the livelihoods of local communities for countless years.

2.3 Military Troop Deployments & Human Rights Violations

The SPDC's policy of increasing troop deployments has caused many ethnic villagers to flee, abandoning their land and property in the process. Even those who remain are often forced to abandon traditional customary land practices, as they are forced to grow crops or use techniques unsuitable for the land under cultivation.

Confiscated land in Mon State and eastern border regions, as well as in northern Burma is often used to build housing, which is subsequently sold to third parties, ensuring that the displaced owners have no opportunity to reclaim their land. According to The Centre on Housing Rights & Evictions (Switzerland), "This practice establishes a direct link between central government policies, military confiscation, and the transfer and sale of confiscated land for private profit."

Land confiscation and related falsified ownership issues will have a huge impact on any future political transition in Burma. The SPDC's policy forces non-Burman ethnic minorities to relocate, then transfers their former property, income and assets to an elite Burman military Government. In the event of political transition, many people will return to find new, documented, property 'owners' occupying what was once their land.

2.3.1 Forced Labour

Land confiscation in these areas has brought an increase in forced labour, extortion and violence against ethnic nationalities and women. As a result, there has been no freedom of movement, assembly, speech, press, etc.

In Khawzar sub-township, Mon State, five people from different villages were selected each week to serve as porters. These selected villagers had to carry food and ammunition for the troops with no payment or compensation for the days they could not carry out their regular work. Local villagers were also forced to help construct roads, work in military barracks or act as guides for the troops whilst they searched for splinter rebel groups. If the villagers refused they were accused of being rebel supporters and some were arrested and severely punished.

In May 2008 local military forced villagers from Tin-nyo village, Arakan State, to work maintaining the Site-tway – Rangoon highway unpaid if absent from work they would be fined 5,000 Kyat(US\$3.70). Those who could not pay faced 7 days detention at a Military camp where they had to work as manual laborers and cooks

The Burma Army forced villagers from Htaw Day Village, Shan State, to porter for them two to three times a week every week from 7 November 2007 to 1 January 2008, ultimately forcing 9 of the village's 16 households to leave.

These reports echo numerous cases of a similar nature across Arakan, Mon and the southern Shan states.

2.3.2 Burmanisation

Another way in which the military junta is looking to tighten their grip on power is through their policy of “Burmanisation”. Many soldiers, who are deployed to ethnic areas, move their families onto land confiscated from local villagers or are encouraged to marry local women. Additionally, laws are passed to make the teaching of ethnic languages illegal, threatening unco-operating schools with closure.

During LIB 20's tour of duty 5 ladies from Arakan State, married Burma Army soldiers. Two ladies were persuaded to marry because their parents are poor and affected by the famine. Only one lady married for love, the others were forced. Through these tactics of assimilation the SPDC seek to dilute the culture of Burma's many ethnic minorities and spread the influence of the majority Burman race.

2.3.3 Sexual harassment & Rape

A further danger arising from the increased military deployment around the country is the increased security risk that it poses. There are many instances of soldiers occupying villages and townships raping and sexually harassing local women and girls.

For example, in October 2004, four soldiers from LIB-423 and LIB-424 raped three

middle school students after school had finished for the day. The three girls felt very ashamed, so they left the school and gave up their education. Similarly, in July 2005, a lady from Mya Kantar quarter, Hsi Hseng city, was bullied and harassed by a Burmese soldier while she was bathing. Although the villagers reported the incident to the soldier's senior officers no action was taken.

2.3.4 Forced Conscription

While the SPDC has been persistent in expanding its military, it has found it increasingly difficult to obtain willing recruits. This has resulted in a nationwide policy of forced conscription, including the recruitment of child soldiers. Although the SPDC maintains that "the Myanmar Tatmadaw is an all volunteer army," and that "the minimum age for recruitment into the armed forces is 18 years", there is significant evidence to suggest otherwise.

A 1995 UN study concluded that the Burma Army then contained 50,000 children under the age of eighteen., accounting for 19% of the army ranks. By 2002, it is estimated that this figure had risen to 70,000, by that time, approximately 20 %. Furthermore, analysis of the responses from interviews with 20 former soldiers by Human Rights Watch, suggest that 35 to 45% of new recruits to the Burmese Army are under the age of eighteen, with 15 to 20% being under the age of fifteen. Today, Burma is believed to have more child soldiers than any other country in the world.

3. Land Confiscation

3.1 Confiscation of Grazing Land

Much of the land confiscated by the tatmadaw in the Arakan and Mon states was once used by local farmers as pastures for their livestock. In these areas, the ability to raise cattle, sheep and fowls is essential for their living. This has forced many farmers to keep their animals far away from villagers increasing maintenance costs and resulting in numerous thefts of cows and buffalo.

3.2 Migration to Neighbouring Countries

Examples of forcible relocation of people for construction of national development projects, dams, roads, bridges, railways, as well as conflict induced displacement demonstrates the total disregard of the military junta for individual human rights. Additionally, many people are forced to flee due to a lack of educational and employment opportunities or as a result of arbitrary taxes and land confiscation. It is estimated that between 600,000 and 1 million people are internally displaced from their villages across Burma because of the military regime's struggle to control border areas populated by ethnic minority peoples.

In addition to these Internally Displaced People (IDP's), many more people flee to neighbouring countries such as Thailand, Bangladesh, Malaysia and Singapore to seek

employment and an escape from persecution.

3.3 Environmental Damage

Various projects on confiscated land have caused considerable damage to the natural environment. One example of such devastation is in the Kaladan River valley, where there has been widespread deforestation of mangrove forests to accommodate shrimp farming and other army businesses. These forests help to protect the area against natural disasters and provide a habitat for many species of wildlife.

Another project that has caused harm to the environment is the logging of forests in the Khun-chaung mountain range, Arakan state during the 1990s. Despite the profits made from this, those in charge have not undertaken any re-plantation to replenish the lost forests. This has obviously had a huge effect on the ecosystem of the area.

3.4 Restrictions on Local Businesses & Loss of Livelihoods

Between 1998 and 2002, Mon civilians lost over 7,000 acres of land and hundreds of millions of Kyats worth of crops and plantations to the government. Because of the costs involved in the early development of plantations, as well as their land, many people lost a lot of money that had been previously spent on their land. The knock-on effects of this loss of livelihood effect landowners and labourers alike and include an increase in crime and migration to neighbouring countries to seek work. People also suffer from depression, deterioration of social life and are unable to support their children's education. The military regime's policy of land confiscation not only affects those people who directly lose land, but it affects the entire community.

Although this problem has been seen across Mon State, The Mon Relief and Development Committee found that the majority of displaced persons due to land confiscation come from Ye Township.

Due to their dependence on agriculture and fishing, the confiscation of land without compensation causes families severe difficulties. To make matters worse, every local trader has to stop at the checkpoint and pay money in "tax" for the army if they want to pass and conduct their business.

While successive International treaties and declarations have sought to strengthen property rights of individuals, the successive military regimes of Burma have sought to strengthen their right to confiscate the land of its people, without any form of compensation or redress. In the process they have violated the rights of Burma's citizens to adequate housing, to pursue livelihoods and to relocation or restitution to their homes, in direct contravention of universally binding international law.

“The only law in Burma is what the generals from day to day decide it to be”
(Burma's lawyer council 2001)

4. Development Projects in Burma

In recent years, Burma has seen projects ranging from oil drilling sites and refineries, pipelines to transport natural gas, the construction of hydroelectric dams, railroads, roads and bridge construction and, most recently, the forced growing of castor oil plantations. Many of the projects are managed by foreign companies, often contravening or circumnavigating economic sanctions imposed by their host Governments. Alternatively, the SPDC make deals with foreign Governments still prepared to trade with them, selling Burma's natural resources to the highest bidder, thus depriving their own people from enjoying any benefit. The money from these deals enables the junta to strengthen its hold on power through increased military spending.

5. Conclusion

The SPDC's ongoing dual policy of increasing militarization and forced land confiscation, both to house and feed the increasing troop numbers, causes widespread problems throughout Burma. By robbing people of the land from which many make their livings, without any or providing only desultory compensation, many citizens face drastic problems such as food and water shortages, an inability to educate their children and an inability to find work. Additionally, the policy of using forced labour in the Government's construction and development projects, coupled with the disastrous environmental effects of many of these projects, continues to create severe health problems throughout the country. All of this often leads to people fleeing the country in search of a better life.

6. Recommendations

SPDC:

- An immediate end to the policy of land confiscation without compensation.
- Properly enforce and recognize legal ownership of land and property by educating the people of the need to register land with Form 105.

Foreign Investors:

- Withdraw all current investment in development projects, as these lead directly to land confiscation and other human rights abuses.

All Governments:

- Introduce economic sanctions preventing trade with or investment in Burma. Especially the sale of military equipment to the SPDC