



Humanitarian
Aid Relief Trust

'They All Came to the Spotlight and They Didn't See Us in the Darkness'¹

Report of visit to Shan State, Burma² and the Thai Burma Border by Humanitarian Aid Relief Trust (HART) February 2012

The following report is based on the testimonies and consistent concerns expressed by leaders and representatives of ethnic national groups, including: Leadership of Shan Women's Action Network (SWAN); Sai Leng (Chairman of Camp Committee of Koung Jor refugee camp); Lt. General Yawd Serk (Lt General Shan State Army-South (SSA-S) and Chairman of Restoration Council of Shan State); Lt Col Korn Jern (commander of SSA-S in eastern Shan State); Pippa Curwen (Director of Burma Relief Centre); Hseng Nong (Women's League of Burma); Greg Constantine (longstanding experience with Rohingya people); Tim Jolliff; representatives from Burma Rivers Network; Kachin Development Networking Group; School for Shan State Nationalities Youth (SSSNY); and other HART partners working with Chin, Shan and Karenni peoples. Together with over 40 interviews with local people in Shan State and on the Thai-Burma border.

Grounds for Cautious Optimism?

Recent developments in Burma have created a prevailing mood of cautious optimism in the international community. The improvement of relations between Aung San Suu Kyi and the Burmese government; the offer of electoral opportunities to the National League for Democracy (NLD); the release of over 900 political prisoners and the halting of the agreement with China to build the Myitsone Dam have all been welcomed by the international community as indicators of significant reform.

The international community has also responded very positively to recent reports of cease-fires, especially those with the Karen National Union (KNU) and the Shan State Army (SSA).

The Burmese ruling regime has been rapidly rewarded by visits from such high level American and British politicians as Hillary Clinton and William Hague; potential massive aid and development programmes; the privilege of hosting the Asian Games and the Chairmanship of the next ASEAN Conference in 2014.

There have also been some indications of improvements in some ethnic national States. In January 2012 HART visited the India-Burma border to meet representatives from Chin State and we were

¹ Words spoken by a Shan leader describing the perception by his people of recent affirmation by the international community of developments in Burma.

² We use the term 'Burma' rather than 'Myanmar' because this is the usage preferred by our partners

pleased to report some positive developments. The Chief Minister had offered an amnesty to the armed rebel group, the Chin National Front; Burmese soldiers had stopped their long-standing policies of violations of human rights. Nascent liberalising reforms in Rangoon and Naypyidaw seemed to be spreading out into the ethnic national areas and our HART January report reflected and endorsed the optimism so widely expressed by international media and politicians.

On this visit, reports from Karenni and Karen States indicated some improvements, including some reduction in fighting, cessation of forced labour, fewer atrocities, almost no IDPs still hiding in the jungle and some increase in freedom of movement for civilians.

“For the first time for many years people have a chance once again to enjoy eating apples and eggs” according to HART partner medical worked in Karenni State.

But there is still no ceasefire in Karenni State and the population has been massively reduced through forced displacement in the past decade. Elsewhere, as this report shows, there is no improvement for the peoples of Kachin, Shan and northern Arakan States.

Representatives of the ethnic national groups whom HART met on this visit believe that there are some members of the current Government, including the President, who are genuinely in favour of some liberalisation and reforms. They are opposed by hard-line ‘conservatives’.



Two Ladies in Shan State.

Grounds for Deep Concern

Despite the positive reports from Rangoon, reflected in the international media, HART is deeply concerned for the worsening plight of people in the ethnic national areas. Problems are particularly

intractable in the ethnic national rural areas *'because the government does not pay proper salaries to its military in the rural areas, this allows outpost military personnel license to exact extortionate taxes; to 'buy' food for very low prices; to impose forced labour; still to use human minesweepers; and to inflict human rights abuses such as rape, where recent cases have been reported in Kachin State.'*

The perception by the ethnic national peoples of recent developments as 'reforms' by the international community is that they have enabled the Burmese government to achieve all its aspirations without any substantive or lasting concessions. Even the halting of the construction of the Myitsone Dam was only agreed 'for the duration of this government' – meaning that it can be restarted in due course. None of the equipment has been removed and local people have not been allowed to return to their land.

There have also been the numerous cease-fires which have been broken throughout the last 60 years. There is widespread concern amongst ethnic national peoples that the cease-fires are being exploited by the Burmese government to build up their local military personnel and supplies.

HART is also concerned about the implications of unconditional foreign engagement: we were told *"when foreign leaders stepped on Burmese soil, they brought great advantages to the Burma Government and nothing to the ethnic national peoples."*

1. Recent Developments in Shan State

Significant fighting erupted in March last year in northern Shan State after a 22 year ceasefire, when the Shan State Army-North (SSA-N) refused the Burmese government's instructions to become a Burma Border Guard group. Fighting was particularly fierce along the proposed gas and oil pipeline route (see below). This was accompanied by widespread violations of human rights inflicted on the civilian population by the Burma Army.

In June 2011, when the regime dropped the requirement to become part of the border guard forces, formal ceasefires were signed with the Wa army, also operating in Shan State in September and later with SSA-N.

In December 2011, a cease-fire agreement was signed by the leader of SSA-S, Lt. General Sao Yawd Serk, and the Burmese Government, represented by the Railway Minister (previously an officer in military intelligence).

However, there have been no withdrawals of the Burma Army from any areas they occupy since the signing of the ceasefire. Problems began on January 25th at the north of Keng Tung township, in the areas of Kart Htai, Kart Tao, Yang Law and Loi Loung. The first outbreaks of renewed fighting occurred in two areas: near Tachilake and Mon townships, both east of the Salween River, in eastern Shan State

Subsequently, unarmed Burmese military engaged the SSA in 'friendly talks', consistently requiring the SSA to withdraw, while simultaneously advancing their own armed forces. Initially, under instruction of the SSA-S General, the SSA-S soldiers refrained from military response and withdrew

50km. While still engaging on a friendly basis, Burma Army troops again moved around them. This continued until February 6th, when SSA-S asked the Burma Army to halt their advance.

This cease-fire was broken only after sustained and escalating provocation, when, on 18th February, 3 Battalions of Burma Army advanced with mortar fire the SSA-S resorted to a military response. Full scale battle broke out on February 21st-23rd involving heavy fighting which ended at 0300 on February 24th. The Burma Army occupied several villages, where the men had to flee and the women suffered forced labour as porters.

"During 53 years of fighting, we have gained nothing, there has only been loss on both sides. Many have died from landmines." Lt. General Sao Yawd Serk.

Dislocation and humanitarian concerns in Shan State

The last two decades have seen mass emigration from Shan State into Thailand as civilians had to flee from their homeland. In 1996, 300,000 were displaced from their homes through forced relocation. Since then, many more have fled because of fighting, forced labour, exorbitant taxes and theft of land. It is estimated that this number is now at 500,000. Many have been forced to become migrant workers in Thailand where they are marginalised, with no formal recognition of their refugee status. The vast majority are unable to obtain work permits and associated rights and benefits in Thailand.

In many areas, new communities have been brought in to Shan State, indicating the possibility of implementation of a trans-migration policy.

In Shan State, as in many of the other ethnic areas, there has been a complete neglect of provision of essential services such as healthcare and a collapse of education systems. Teaching of Burmese language and curriculum are compulsory; teaching of 'unofficial' traditional language or history may lead to arrest.

Local Shan people say, in a spirit of resignation, *'This has happened before, so many times...'*

They also emphasise that *'decades of Burmese rule have brought us nothing but destruction of our history, our culture, our land and our livelihood.'*

2. Conflict in Kachin State

A 17 year ceasefire was broken when fighting broke out between Kachin Independence Army (KIA) and Burma Army in July after the Burma Army tortured and killed a KIA soldier before an agreed prisoner exchange (of 1 KIA soldier and 3 Burma Army soldiers). Torture of KIA soldiers who have been captured is not uncommon.

Tensions were already high owing to widespread land confiscation by the Burmese government and the continued development of the Ta Pein dam. This is the second dam in the area and Burma Army soldiers have been sent in to secure the area, bringing with them forced labour, land confiscation and forced relocation, often without compensation.

Reportedly, 105 battalions of Burma Army soldiers are now fighting in Kachin State.

The fighting between Burma Army and KIA has spilled into northern Shan State, along the route for the Shwe Gas Project and Trans-Burma oil pipeline. The associated human rights abuses, including forced labour, land confiscation, destruction of villages and farmland, and forced relocation into camps (often without compensation) along the pipeline corridor, have been documented by Shwe Gas Movement (SGM).

The KIA state that they are fighting for a federal Burma, for the right for the people of Kachin State to self determination, and to retain the spirit of the Panglong agreement - for all ethnicities to live together as equals within Burma. They do not feel that the government of Burma wishes to live with the ethnic minorities in this way.

The Kachin representatives state that they have experienced 17 years of ceasefire which only increased the suffering of the Kachin people through exploitation of the land, particularly mining and building of dams. We were told: *'A ceasefire is meaningless without real political reform - it is always the people who suffer.'*

The Humanitarian Crisis in Kachin State

The fighting has caused widespread displacement of rural communities across Kachin State. Most affected is eastern Kachin State, from the Irrawaddy River to the Chinese border.

An estimated 30,000 Internally Displaced People (IDPs) are living with relatives or in Churches in Myitkyina and Wiamaw towns. Some Shan and Burmese refugees have also congregated in the Temples. There is severe overcrowding, no electricity, little sanitation and shortages of water for these groups.

Over 20,000 IDPs have congregated at the Chinese border.

Approximately 1,000 IDPs are living in the jungle near the border: the road to the border is covered in BA checkpoints and landmines. There are widespread reports of women being raped and men (assumed to be KIA soldiers) being killed fleeing on this road.

New IDPs continue to arrive - many have tried to return to their homes but have been unable to do so due to continuing instability. A full report on this humanitarian crisis is available from Kachin Women Association Thailand: *'Burma's Covered Up War: Atrocities Against the Kachin People'*.

The Kachin Representatives stated that they wished the International Community to visit Kachin State to see the situation on the ground. They stated that the situation in Kachin State has deteriorated since the elections in Burma - with increased conflict and displacement.

3. The Rohingya People in and from Northern Arakan State

The Rohingya were stripped of citizenship in Burma in 1982, when a list of 135 recognised ethnic communities was published. The Rohingya, estimated with a population of 1 million, were the largest unrecognised ethnic group. The Government and the Buddhist communities in southern Arakan State view the Muslim Rohingya as outsiders.

NaSaKa, created in 1992, controls life in northern Arakan State and comprises five government departments: the police, the military intelligence, the riot police, customs and the Immigration and Manpower Department (IMDP). It is run from the capital of Arakan State, Sittwe. Its rules are enforced by local Burmese soldiers.

Administrative controls have made daily life almost impossible. For example, NaSaKa requires permissions and exorbitant taxes for a Rohingya to travel between adjacent villages, stunting employment and causing paralysing poverty.

To marry, a young Rohingya must go to the local NaSaKa office for permission, the entire family will be questioned and photographed, they are repeatedly, heavily taxed and may have to wait several years for the required permission. Some couples marry secretly through religious services, but face a jail sentence of up to 7 years. This has caused high abortion rates. Many young Rohingya couples have fled Burma.

Around twice a year, and without warning, NaSaKa arrive to photograph and document every household. Taxes must be paid for any member of the household who has been born or died.

As in other ethnic areas, the Rohingya suffer forced labour and arbitrary land seizure. The Burma Army have destroyed mosques and built on top of Rohingya graveyards. Several Buddhist communities have been moved into Rohingya land in northern Arakan State.

The government in Burma has built a fence along the length of the border between northern Arakan State and Bangladesh.

Displacement of Rohingya and a humanitarian crisis

These policies have resulted in mass migration over the past three decades. In 1978, 250,000 Rohingya fled to Bangladesh. This was followed by forced repatriation into Burma in 1979. In 1991-1992, 250,000 again fled into Bangladesh. Smaller, continual waves of migration between Burma and Bangladesh have continued since.

28,000 Rohingya from the exodus of 1991 live in two official UNHCR monitored camps near the border. Here, there is some provision for education and food.

A further 280,000 are estimated to live as illegal migrants, dispersed along the Burma-Bangladesh border. Several makeshift camps are growing up around the UNHCR camps. The migrants work for \$1.5 per day and 90% of the Rohingya living on the border have no education. There is almost no humanitarian access to northern Arakan State and very little humanitarian assistance for the 280,000 unofficial refugees in southern Bangladesh.

There is a growing intolerance for the Rohingya by several of the political parties in Bangladesh, already struggling with poverty and unemployment. Checkpoints along the highway make it hard for Rohingya to travel to find employment in Bangladesh.

Thousands of Rohingya are being smuggled from the border into India and Malaysia in boats from Bangladesh. There is also a growing community in Saudi Arabia, estimated at 400,000.

These extreme policies of oppression, carried out over several decades, have resulted in a lack of organised leadership or community structure within northern Arakan State and among the migrant community in Bangladesh. We were told that these policies have resulted in a culture of distrust and informants, and a loss of Rohingya culture, history and tradition.

Northern Arakan State is rich in natural resources. The Trans-Burma oil and Gas pipeline currently being constructed will cross through the region. Lacking citizenship and rights, HART is concerned that the Rohingya people are extremely vulnerable to exploitation as international investment into Burma grows.

The Plundering of Resources in the Ethnic National States.

There are deep concerns that development aid (\$66 million reportedly requested) and potential massive economic investment from the international community may be used in ways that are harmful for the ethnic nationals, exploiting their land, dislocating their local communities, and triggering armed resistance.

Local people should have the right to prior, free and informed consent on development projects. At present many are given no information or compensation. Of particular concern are the building of mega-dams, the plundering of resources and the Trans-Burma Oil and Gas Pipelines.

1. Water resources and the Building of Dams.

The widely publicised cancellation of the contract with China to build the Myitsone dam has been interpreted by ethnic national peoples as a tactical move to bring temporary encouragement to the local people and to influence Aung San Suu Kyi and the International community. However, critics point out that the contract was only suspended for the term of office of the current government; relocated people have not been allowed back; equipment is still in place, and proposals for all the other dams, together with their adverse effect for local people, are still going ahead.

Over 25 mega-dams are being planned and constructed; most are located in ethnic national areas. The local populations are not consulted; they are driven off their lands, with little or no compensation or provision of alternative land; the 'clearing' of a dam site by the military prior to construction and the displacement caused by the flood zones created by the dams has already displaced many tens of thousands of people and hundreds of thousands more will be displaced if all the projected dams are built.

For example, according to local leadership in eastern Shan State, the building of the Mong Pan and Mong Tong dams in the east Salween River, led to the enforced displacement of local villages with no compensation and it has been reported that when people tried to return to their homes, they were shot by the local military.

Burma Rivers Network's report 'Save Burma's Rivers' emphasises the seriousness of the regime's policy:

'Burma's rivers support the agriculture on which 60% of the population depend for their livelihoods. Fisheries are also an important industry. The Irrawaddy delta is literally the rice bowl of Burma yet the river is being dammed without any public impact assessments. A lack of land rights prevents farmers from protecting their lands from seizure and inundation.'

2. Shwe Gas and Oil Pipeline

The construction of these two parallel pipelines continues through Arakan and Shan States.

The gas pipeline will take gas from the Shwe gas field off the Burmese coast 2,800 kilometres to Nanning in China. The other pipeline will transfer Middle Eastern and African oil from the new deep-sea port and oil-handling facility being constructed on the Burmese coast 2,100 kilometres to a refinery in Kunming, China. Construction began in June 2010. Both are due to become operational in 2013.

They will benefit the Chinese economy and society long-term, where the electricity produced will power development in S.W China, but there is no plan to use this rich natural resource for the benefit of the Burmese economy and people, and the creation of new jobs.

While the most obvious abuse resulting from the pipelines is the dispossession of thousands of acres of land in Shan and Arakan States, there are many others, including:

- provocation of further armed conflict with national armies and resistance groups; including the March 2011 Burmese military offensive against the Shan State North, breaking a 22-year ceasefire, associated with the needs of the pipeline;
- abuse of women by large-scale importation of alien workers, and the growth of a sex-industry for the construction workers;
- abuse of workers, through dangerous work, often forced labour, denial of payment and punishment for those who protest;
- destruction of local infrastructure, such as drainage and irrigation canals necessary for farming, and local roads, by heavy equipment needed for infrastructure for the pipelines;
- destruction of historical towns;
- dumping of waste on agricultural land;
- killing of those slow to respond to the demands and commands of the construction companies and security forces.

Above all, there is the dispossession of land which is taken for the pipelines themselves, the roads, military camps and secure surrounding areas. Farmers placed in threatening circumstances are required to sign away their land for small compensation. The latter is a one-time payment in exchange for the livelihood of generations. An example cited in the Shwe Pipeline Report of September 2011 is of farmers in Shan State forced to sell their land for 40,000 kyat/ acre when each acre is capable of producing an income of 500-600,000 kyat/ acre. Compensation is thus less than one tenth of one year's income.

3. The Plundering of Resources in the World's largest Tiger Reserve.

In the Hugawng Valley, WCS (Wildlife Conservation Society) funds the world's largest tiger reserve. Here, Kachin Development Networking Group (KDNG) provides evidence that the Burmese Government has given 200,000 acres of land to Yuzana (a Burmese company) to undertake mono-planting of tapioca, sugar cane, and jatropha plantations. Fleets of tractors, backhoes, and bulldozers have destroyed forests, razed bamboo groves and flattened existing small farms. The military has undertaken land confiscation, destruction of villages, logging of the timber forests and gold mining. This has been documented by KDNG in their report "*Tyrants, Tycoons and Tigers*" – we have been informed that WCS has neglected to respond to the report.

4. Coal Mining.

Mong Kok, in Eastern Shan State is the location for a proposed open-pit coal mine and power plant which will ravage a pristine valley and poison the Kok River, impacting countless Shan and northern Thai communities.

According to a report by Hark Mong Kok, July 2011, 'Save Mong Kok From Coal':

'Home to over a thousand Shan, Lahu and Akha farmers, Mong Kok lies in a conflict zone, where troops from the Burmese junta regularly clash with armed resistance forces, and commit systematic abuses against local peoples. The regime has poured troops into the area to secure the mining site. Villagers have been forced to sell their lands for a pittance and are being forced into a resettlement site directly adjacent to the mining area. Many have fled to the Thai border. Conducted in secrecy and with armed intimidation, this project blatantly contradicts any standards of responsible investment...'



Casualty of conflict in ethnic national States.

Recommendations

1. With the current international response to the perceived reforms in Burma, including the proposed massive escalation in 'aid' and 'development', there is a grave danger that exploitation of ethnic national lands will escalate with hundreds of thousands more displaced, irreversible destruction of the environment and loss of natural resources. Local populations will bear the costs of the projects but not receive any benefits.

HART received widespread and consistent requests from the ethnic peoples that they should be involved in any programmes and project which will affect them, with particular reference to potential forced dislocation, adequate compensation and protection for their security.

THEREFORE, IT IS IMPERATIVE THAT URGENT MEASURES ARE TAKEN TO ENSURE THAT FUNDERS OF INTERNATIONAL 'AID' AND 'DEVELOPMENT' PROGRAMMES VISIT THE AREAS TO BE AFFECTED; ASSESS THE IMPACT ON THE PEOPLE AND THE ENVIRONMENT; ENSURE THAT THEY HAVE AGREEMENT OF ALL STAKEHOLDERS AND THAT NO UNACCEPTABLE EFFECTS ON POPULATIONS AND THE ENVIRONMENT ARE IMPOSED ON THE PEOPLE TO WHOM THE LAND BELONGS.

IT IS ALSO ESSENTIAL THAT IMPLEMENTATION OF PROGRAMMES IS MONITORED TO ENSURE THAT LOCAL PEOPLE ARE NOT SUBJECTED TO MILITARY FORCE, INTIMIDATION OR EXPLOITATION.

2. Increased attention to be given to the Ethnic Nationalities, ensuring consistent and comprehensive inclusion of their representatives in international talks, conferences, and decision making by the international community.
3. There is a strong plea from the ethnic peoples' leaders for the international community to send representatives of human rights organisations, the media, and academics to all part of Burma to study the situation closely, and to analyse the effects of the proposed reforms.
4. Within Burma, the Burmese government should be willing to negotiate with ethnic national peoples through the UNFC, and they should be fully involved in all aspects of the political process and policy-making. According to representatives of all the ethnic national peoples: the Burmese government must engage in serious, systematic dialogue and engagement with all the ethnic national peoples, who constitute 40% of the population of Burma and who inhabit 60% of the land.
5. An office could be established for the UNFC to promote communication and collaboration and development of agreed common position.
6. The National League for Democracy (NLD) should develop a comprehensive policy, in consultation with the UNFC, on Development Projects, including extraction of natural resources, in the ethnic national areas.
7. Some members of the ethnic nationals' representatives have argued against the lifting of sanctions prematurely, because they have put pressure on the Burmese Government to involve ethnic national people in discussions and negotiations. If sanctions are to be lifted, this must be conditional on recognition that cease-fire agreements with the ethnic national peoples are

insufficient; what is essential is that there should be comprehensive Peace Agreements, including political solutions to currently intransigent problems such as:

- a. cessation of fighting everywhere
 - b. protection of civilians from abuses such as forced labour, rape and theft of land and livestock.
 - c. provisions for the return and reintegration (many now have no homes to which to return – for example, land confiscated by the military and sold to other people) of refugees and IDPs,
 - d. demining;
 - e. return of – or compensation for - confiscated lands;
 - f. political space for freedom of speech without any reprisals;
 - g. establishment of civil society and the rule of law;
 - h. resolution of problems associated with the narcotics trade.
8. It is important for the international community to recognise the importance of such genuine Peace Agreements and associated cessation of armed conflict in the ethnic national areas if the regional stability necessary for major development and investment is to be achieved. Seventeen ethnic armed groups control Burma's borders, most of the resource-rich regions and have a presence in approximately 30% of Burma's overall territory.
 9. The international community should be aware of the shared commitment by leaders of ethnic national groups to acceptance of the concept of federal status within a united nations of Burma, similar to the USA. However, they believe the Government of Burma does not understand, or wish to understand, this possibility.
 10. The Burmese government should engage in negotiations to allow constitutional amendments to enable ethnic national peoples to elect their own ministers at State level.
 11. Ethnic National people should be given the opportunity to invest money from Development Projects in their own Development Banks, similar, for example, to the Norwegian precedent. These would be able to make loans to local people, encouraging investment in their own lands, thereby diversifying economic enterprise, encouraging sustainable and decentralised development.
 12. Government aid for border and cross-border work. The reduction of food aid from TBBC due to budgetary constraints has created problems for internally displaced people on the border of Shan State. For example they report rations have decreased from 16kg of rice pc per month was reduced to 13.5kg with a further reduction to 12kg. Oil has decreased by 50% and there is now very little salt.
 13. To grant to the Rohingya people proper citizenship within Burma as a first and essential step to their receiving a just benefit from human rights and development.

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