

The Mon Forum

Issue No.2/2010

February 28, 2011

The Publication of Human Rights Foundation of Monland (BURMA)

Contents

News:

- (1) Authorities in Ye Township seize land ostensible for community development; development remains absent

Commentary:

Minority Rights in Ethnic States of Burma

Report:

“Sitting on the fire”:
forced labor demands during Kanbauk to Myaing Kalay Pipelien expansion

Some Acronyms in This Issue

- NMSP- New Mon State Party
MRP- Monland Restoration Party
KNU- Karen National Union
MNRC- Mon National Relief Committee
UNHCR- United Nations Refugee Agency
MOGE- Myanmar Oil and Gas Enterprise
ILO- International Labor Organization
IB- Infantry Battalion
LIB- Light Infantry Battalion

News

Authorities in Ye Township seize land ostensible for community development; development remains absent

Feb.28.2011, Southern Ye Township:

Residents in Southern Ye Township, Mon State, are facing efforts by local village headmen and staff, to seize farmlands owned by local residents. These are being ostensibly sold for raising funds for community development. Residents whose land is has already been seized describe being upset and explain the effort as a ploy to provide extra income for the village head and staff. They also note that none of the promises of community development or public services have been met. While residents whose lands has been taken reported the seizer to District and Township authorities, no response has yet occurred. This seizure appears to signify a growing trend in which land seizure under the guise of community and economic development is on the rise.¹

Since late January the Khaw-Zar sub-township headman U Kyaw Moe, the Kaloh village headman, U Aye Lwin, and administrative staff, have been overseeing the measurement and division of private and community land in the area around Kaloh village. In February, sub-township and village authorities seized residents' land that had been included in the measured areas. First documenting cases of land seizer around Kaloh sub-township, in late February, the Human Rights Foundation of Monland (HURFOM) has confirmed the seizure of over 210 acres of land.

According to residents, the land seizure is an illegal act and though it has been described by U Kyaw Moe as a means to raise funds for community development, residents believe the effort is intended to



Farmland is seen near Kaloh village, Ye Township, before it it is seized by the local headman.

Minority Rights in Ethnic States of Burma

According to the new constitution, Burma is divided into 7 Burman dominated Divisions and another 7 ethnic States for Kachin, Karen, Chin, Shan, Karenni, Mon, and Arakanese areas with some special ethnic regions for the Wa and others. Although the recent military regime pretended to form an ethnic Union of Burma, a real union would provide equal rights to all ethnic nationalities in the country.

During the long course of civil war in Burma, the ethnic people have been the people to suffer the most for decades. They never obtained any political rights and fundamental freedoms like the majority population in the country. They are never the decision-makers for their natural resources in their homelands.

The military regime and the Burmese Army have operated intensive military operations against these ethnic minorities and committed gross human rights violations on a daily basis. Thousands of ethnic people have had to flee from their homes.

The new government elected from the November 2010 election is as same as the previous government. But if this government wants stability and economic prosperity, they must cease their decades old civil war and offer the possibility of ethnic rights to the minorities according to international principles. The population of all combined ethnic nationalities is about one-third of the total population of Burma, and they occupy half of the country's area. But their rights and the benefits from their land are limited. If the government continues to ignore the rights of these minority people, this will lead to continuous civil war.

bring U Kyaw Moe and village administration extra profit. According to some residents portions of the land have already been given to members of U Aye Lwin's family, though HURFOM has been unable confirm who other land buyers have been.

The land seized is being sold off as 60 by 40 foot residential plots. In many cases, while land was not cultivated, or had only been initially prepared for cultivation, land owners were not consulted about the seizure or warned in advance other than by the sudden presence of village administration taking measurements of their land. U Win Tin [a fake name], 55, a Kaloh villager, has already lost his land to the seizer by the Kaloh village administration. He describes what has happened to the land since then, and the result of his effort so far to bring the issue of land seizure to the attention of senior government officials:

Because of this situation of the [land seizure cases], I'm very upset. They, the authorities, also do not admit [that they have done] it. They, the village headman and township authorities, together came to oppress us, the landowners. I had my 2.9 acres of land taken over. As it is obvious that they took over my land illegally, one and half months ago, I reported about it to the District authorities in Ye town and Moulmein city, but they took no action. Last week U Kha and Daw Hla Bon who owned 2.7 acres of land, which is just next to my 2.9 acres of land, also had their land

seized by the village headman U Aye Lwin. Now, that seized land has been divided into 71 land plots and each plot sized 40 by 60 ft in length. The money from that sold land...[has been announced] to be allocated as funds for community development, but, obviously, this money will go into the authorities' pockets instead... If it were not risky to report to the State or Central government, I would report about it. I just want to get my land back.

Besides seizing portions of land that are privately owned, local residents report that the Kaloh village headman U Aye Lwin and administrative officers are also selling 30 plots of land from that had been designated public land for local residents, lying in western Kaloh village, and 20 plots of land located just next to the community cemetery. Such land has been used for public ceremonies, cremations, festivals, and markets in the past, and is important to the function of the community.

Residents' fears that land is being sold only to benefit the sub-township chair and village administrative staff come from promises made by the village headman who said proceeds from sales would go towards community development. A Kaloh villager whose land was taken, describes specifically waiting to see if the village administration would follow through on its promises to use funds from land sales to buy a fire engine and crematorium:

Continued on page.. 3

Even though they the village headman and his fellow workers promised to buy a fire engine and crematorium after selling these land plots, they have not done anything yet. I think they just coordinated with the Township authorities on this money they got from selling our land plots and they will share the money. That is what I heard. We'll just wait for a while [to see] whether or not they will do what they promised to do.

According to local residents, U Kyaw Moe, who initially began the process of seizing land to be divided and sold, has a history of similar abuses of power. A resident of Khaw-Zar sub-township, Ye Township, who works closely with village chairmen, described why he thinks township authorities haven't responded to complaints about the land seizure and how U Kyaw Moe has abused his power:

U Kyaw Moe, 53, the Kaw-Zar Sub-township Chairman, said that he will sort out any problems committed by the village chairmen, but he [already] got some benefits from the village headmen, even though these cases are reported to district authorities and township authorities. U Kyaw Moe has power as high as at the level of the state authorities [because of his connections to the regime in Naypyidaw and the Mon State headman] and he is well known among the village chairmen. Besides, the Township Headman U Kyaw Moe is not only exposed as the person who took over the lands just this time, but he was also exposed 3 years ago, he sold the lands belonged to local residents near Kaw-Zar town. He demarcated the lands into land plots and sold out to people who are not natives of this region. He is also known as the person who collected Loh Ah-pay fees and charged arbitrary taxes often.

Mi Yin Aye, a Kaloh village resident, describes how gangs of thugs have been hired to suppress protest from villagers whose land has been seized. She also highlights that though land has been sold ostensibly for local development, actual projects undertaken for the community never receive support or assistance from the local administration or headman:

Kaloh village headman U Aye Lwin and his fellow workers said that now if the Kaloh villagers who want to, regarding this land seizure case, they can report it to the State or Central government. They [the village headman and administrative staff] do not

care what the villagers are reporting as what they [have said] they are doing is raise funds for community development. Also, in the village, to guard the village headman and his fellow workers, they hired some tough guys. [The leader's] name is Myat Htun, who is brother in law of former village headman U Myo Lwin. He has a gang of tough guys who are always ready to violate [laws] if ordered to threaten any people who are not satisfied with [the administration] taking their land and selling the land for fund-raising. Because they use their power as they want, what can we do? In our village, neither of the two headmen – both the former headman U Myo Lwin and the present headman U Aye Lwin – are good. Both of them [have] threatened or oppressed the villagers after becoming village headmen. Now, we by ourselves have to build a small bridge in the village. They help with nothing in building the bridge. Now, the money from the seized lands will definitely go into their pockets.

The use of community development as an excuse for the seizure of private and community land is a significant concern that appears to be increasing with frequency in southern Burma. HURFOM has documented frequent cases of direct land seizure by military battalions around the Kanbaw to Myaing Kalay gas pipeline and other areas that see frequent violence, though these instances have decreased somewhat since 2005.² Instead, the above accounts add to a series of reports by HURFOM that indicate that in similar areas land seizure is now couched in terms of "community development" that either specifically gives money to local officials, or provides land and economic opportunities to government connected companies. To illustrate this point, Kaloh village is spontaneous and not connected to any of the larger land seizure and development projects occurring in southern Burma such as those found near the Tavoy deep sea port or the cement plant projects in Kyaikmyaw Township.³

Ownership of land is key to the livelihoods of local residents, even if it is not immediately cultivated, as the land embodies the potential for long-term multi generational investment. The seizure of such land, and use for either private government connected companies or for sales to profit local government officials, is likely to have a strong negative impact on the livelihood and function of local communities. As seen above, there is a desire amongst community members to seek justice for such abuses committed by local leaders. Communities that have the capacity to develop a strategic means to lodge complaints will be best able to address this threat locally as it appears in their areas.

Report

“Sitting on the fire”: forced labor demands during Kanbauk to Myaing Kalay Pipelien expansion

Introduction

In early January 2011, large steel pipes were delivered to villages along the Kanbauk to Myaing Kalay gas pipeline in southern Burma. The delivery of the pipes marked the first step in a larger process currently undertaken by the Burmese government operated Myanmar Oil and Gas Enterprise (MOGE), to expand the capacity of the pipeline.

The introduction of this expansion project marks a significant potential point of increase in the ongoing abuses committed by Burmese soldiers against local civilian communities. The proposed pipeline expansion has begun a labor intensive campaign in which residents excavate and extract the current 20" diameter pipes, and in some cases re-direct and dig the pipeline route so that the new 30" diameter pipes can be installed. Additionally, these laborers are used to guard the new pipe segments prior to installation, portions of the pipeline that will be replaced, build bamboo cover for exposed pipes, and re-bury and cover pipes. Civilians along the pipeline, who often live in significant poverty, are nonetheless used to perform a large portion of the labor during this process without compensation of money or food, and no regard for health or the impact that such extended forced labor would have on community livelihoods.

As a result of demands for forced labor, communities that already suffer financial hardship due to economic mismanagement by successive military regimes are now facing an even greater economic burden as they are denied the opportunity to work for much needed daily income. Those pressed into service must not only pay for their own food, construction supplies, and tools, but also are unable to work at other daily wage jobs, for example day labor, rubber tapping, and wood chopping, that residents engage in to survive.

The data collected in this report comes from one months worth of research in the areas of Ye Township and Thanbyuzayat Township. Working with several field reporters, HURFOM has gathered a sample of accounts from residents who have directly experienced forced labor orders. The following accounts address instances of laborers guarding pipe segments or the current pipeline, destroying old protective fences and building new ones, and expanding pipeline ditches. These accounts go on to highlight the negative impact such forced labor has already had on laborers and their families, in particular respect to the refusal of military units to allow residents to buy their way out of the labor duty. Due to the significant security concerns in which reporters operate, the personal details of those interviewed have been removed for the security of the speaker.

History of forced labor

In November 2000, construction on the Kanbauk to Myaing Kalay gas pipeline began just outside the village of Kanbauk, Tenasserim Division, at a gas junction connecting to the Yadana gas pipeline. From this junction the pipeline was built north approximately 180 miles, to a cement processing plant in Myaing Kalay, Karen State. Gas from the pipeline is then later sent on to an electricity turbine near Rangoon. The pipeline is a direct result of foreign investment into the nearby Yadana pipeline. In a contract guaranteeing the Burmese government's support of foreign investors Total, Unocal (now Chevron), and the Petroleum Authority of Thailand-Exploration & Production (PTT-EP), in building Yadana, the state operated Myanmar Oil and Gas Enterprise (MOGE) was guaranteed 20% of Yadana's production.¹ This 20% is the gas that is routed through the Kanbauk to Myaing Kalay gas pipeline.

While construction on the pipeline was underway, in 2002, the International Labor Organization (ILO) signed an agreement of understanding with the Burmese government to allow an ILO Liaison Officer to monitor issues of forced labor in country. Later, to more directly clarify the role of the ILO a supplementary understanding of the ILO powers were granted in 2007 to implement a mechanism by which victims of

¹Initially only taking a 10% share, approximately 40 to 50 million standard cubic feet per day (mmscfd)., MOGE began taking the full 20%, 100 mmscfd, allotment in 2006.



A portion of newly laid pipeline is seen recently installed, waiting to be recovered by village laborers from Lamine sub-township.

forced labor would be able to make complaints. However, it is not clear if any of the cases of forced labor that have been successfully reported are from the Kanbawk to Myaing Kalay pipeline area in southern Burma. In recent years, while the ILO has been somewhat successful in assisting in the resolution of some cases of forced labor by civilian employers, and underage or child recruitment of soldiers, reporting on forced labor implemented by military forces remains risky for victims who can be harassed or imprisoned for attempting to make a report.²

During the 4 years of construction and the 7 years of operation since, the presence of the Kanbawk to Myaing Kalay gas pipeline and a significant increase in Burmese military battalions, has led to the seizure of over 12,000 acres of land, and the commission of crimes against humanity ranging from theft and torture to rape and even summary execution.³ A large number of victims of these crimes came directly from the thousands of residents forced to work as laborers for often little to no pay or support. Forced labor practiced at this time covered a wide range of abuses ranging from digging, land clearing, sentry duty, and fence repair. Residents forced to work without compensation were a range of ages, some as old as 70, while others were as young as 12.

Since the pipeline's completion, forced labor has continued to be a problem that has impacted local communities. Battalions that are based in the area, dependent on a self-reliance policy, have implemented extensive policies of forced labor and extortion or bribery to raise funds.⁴ Residents, required by battalions to serve as guards, work to clear the brush, or rebuild fences, have been able to opt out by paying a fee.⁵ The taxation from such practices results in the loss of a significant portion of income of local residents over time, as noted in the Network for Human Rights Documentation – Burma's (ND-Burma's) report *Hidden Impacts*.⁶ Such taxation arbitrarily undermines the financial ability of local residents for whom small payments, like those extracted to avoid portering, as well the loss of a day's income, is a significant blow to a family's livelihood.

Since November 2010, evidence has indicated construction on the Kanbawk to Myain Kalay gas pipeline will

²According to HURFOM's field reporters, residents who attempted to contact the ILO about forced labor orders by local battalions, were harassed and threatened by members of village level government, military, and other authorities in southern Burma starting in 2003. Anecdotal progress made on decreasing cases of forced labor amongst civilian employers was noted by the ILO in '*Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)*,' ILO, November 2010.

³After construction began on the pipeline, strikes by insurgent forces of the Karen National Liberation Army (KNLA) and smaller armed Mon splinter groups, periodically disrupted the construction and later operation of the pipeline. However, the significant militarization that has occurred along the pipeline though cannot be justified by these rare attacks. Instead it is apparent that battalions predominately exist to ensure maintenance and security of the pipeline operation, specifically through the use of civilian labor. For further reading, please see HURFOM's 2009 report, '*Laid Waste: human rights along the Kanbawk to Myaing Kalay gas pipeline*'. 'Begging in 1996 or 1997 a policy of 'self-reliance' in which Battalions, facing underfunding and support, were expected to survive of resources and funds taken directly from local communities. Such policies keep communities intentionally under the thumb of local battalions, and battalions dependent on continued division from the local community though extraction of labor, arbitrary taxation, and resources.

⁵HURFOM has released update reports through 2009 and 2010 detailing continued abuses committed by Burmese units against residents along the pipeline. Please see, "["I am very tired": Three months of abuses along the Kanbawk to Myaing Kalay gas pipeline in Northern Ye and Sothern Thanbyuzayat Township, from August 2009 to October 2009,](#)" HURFOM, 29 October 2009; '[We all must suffer: Documentation of continued abuses during Kanbawk to Myaingkalay pipeline ruptures,](#)' HURFOM, 5 July 2010;

⁶ Please see, '[The Hidden Impact of Burma's Arbitrary & Corrupt Taxation,](#)' ND-Burma, May 2010.

resume, with the expansion of the pipeline volume, increasing the diameter of the pipeline from 20" to 30", the overall thickness of the pipeline wall, and the quality of material used in the pipeline. In Total's 2010 document *'Total in Myanmar: a Sustained Commitment'*, after explaining the presence of the Kanbauk to Myaingkalay pipeline in relation to the Yadana pipeline, the company highlights, "A new MOGE-operated pipeline carrying gas from the Yadana field to Yangon was inaugurated in 2010 and will double the amount of gas for local consumption."⁷ This would indicate that plans for the expansion of the pipe may have been made



New segments of pipe for the Kanbauk to Myaing Kalay gas pipeline are seen sitting in a pile near Weakhami village, Thanbyuzayat Township.

well in advance of November 2010, and could bear some relationship to the international oil giant. However, according to one Mon college graduate interviewed in February, who is close with a civil engineer in Ye, constant ruptures of the pipeline, and resulting loss of power for Rangoon and the Myain Kalay cement plant, have prompted the governments' current project of reinforcing the Kanbauk to Myainkalay pipeline by substituting the old 20" diameter for thicker 30" diameter pipes.

Once the introduction of this pipeline expansion project began, HURFOM began to receive reports on increases in the use of residents in forced labor. Accounts directly recorded by HURFOM's field reporters indicate that the expansion of forced labor has already negatively impacted residents only after a little more than a month of the projects

implementation. Moreover, in the majority of the current cases, techniques to avoid the dangerous and costly labor, such as payment of a bribe have been refused. Denied the ability to negotiate a settlement regarding the army labor demands, villagers face greater risk from income loss, injury and sickness, or possible implication in a rupture of the pipeline.

Ongoing forced labor on the pipeline

Forced labor is used throughout all stages of the construction project along the Kanbauk to Myaing Kalay gas pipeline. Later residents are used to clear ground around the pipe, dig trenches, straighten the route, and reconstruct and rebuild protective fences along the pipeline route. In the final stages, residents are again used to guard the pipeline and rebury pipes that have been fitted together by engineers from the MOGE.

Prior to construction beginning, residents are used to guard piles of pipes and portions of the pipeline that are due to undergo construction. While attacks are rare, pipes and pipe segments are potential targets for armed insurgent groups to bomb before they're replaced and buried. Villagers are held responsible for the security during these guarding demands, and are constantly under the threat that something may occur during their duty. On the 1st of January 2011, Captain Tin Tun Aung, the officer of Infantry Battalion (IB) No. 62, based in Waekhami village, Thanbyuzayat Township, ordered the Waekhami villagers to guard the pipes piled beside the road from 6 pm to 6



A stack of pipe segments is seen a transfer station where segments will be sent to portions of the pipeline that will be completed.

⁷*'Total in Myanmar: A sustained commitment,'* Total 2010.

am. If a villager could not serve his turn, he had to find a replacement. According to residents who were ordered to serve, the fee for substituting out of the order is two thousand kyat per night. According to a village headman, Captain Tin Tun Aung stated that he himself will take firm action on those who miss their duty. The pipe segment pile has been placed near Za-myo-pin public rest house between Waekhami and Ywa-thar-aye village. This pile consists of 50 pipes, each of which is about 40 feet long. The pipes in this group will be substituted near the Kyaung Ywa section of the Kanbuak to Mayaing Kalay pipeline.

Nai La Gon, a Sat Kaw villager, Thanbyuzayat Township, Mon State, describes the current situation in which he must guard the segments of 30" pipes prior to the substitution construction near his village. While opportunities are available to opt out of labor in his village, he is unable to pay the fee and so must serve:

The governmental engineers group started substituting the 30-inch pipelines six month ago.⁸ One pile of pipes has about 50 items. We, the villagers, have to guard this [pile]. The army units from Ye and from Thanbyuzayat have to guard [the pipeline] according to their commander's order. [The commander] claimed that the whole village will be punished if something was wrong so that we have to guard [the pipeline] carefully during our duty. If you were caught sleeping (during your duty), it's really bad. There could be a punishment [physical or financial]. I [pray] that the pipeline will be in use quickly so that we don't need to guard the pipeline pile and will be free from this burden. As usual, I have to guard the underground pipeline at least four times per month. I can't afford [the substitution fee] like others, so I have no alternative but to guard the pipeline.

Another use of forced labor during the preliminary stages of the pipeline substation involves knocking down, and later rebuilding, protective fences around exposed portions of the pipeline. Used partially as camouflage for the pipeline, and partially to provide nominal protection from possible tampering or sabotage, residents must not only perform the labor but cover the costs of the building supplies and use their own tools for the construction process.

Nai Kyauk, a Ba-line-gee resident of northern Ye Township, Mon State, was forced to work on fencing portions of the exposed pipeline. He describes the difficulty of the process and the loss of time and resources villagers experienced while doing the work:

Additional fencing had to be made. The fence made in the previous years was ordered destroyed...The skeletons of the fence and all associated decayed bamboo poles have been destroyed. One male per household has been called to destroy [the old fence] for four days – from January 10th to 13th. The soldiers [who came from IB No. 62 by cars to monitor the forced labor] stood guard on the road. We were in a stream area that the gas pipeline passes through. Some [villagers] were removing the old pillars [of the fence] and we were carrying the substitute wood and bamboo poles from the village to the workplace. It took in total eight days to finish all of the work. We had to work daily without rest. We had to spend our own money for everything. Every year, there are at least five instances of forced labor. This time was the longest one. We cannot do any of our [regular] jobs.



Pipeline segments are seen stacked in a pile near Kaungywa village, Thanbyuzayat Township prior to construction.

A Wae-win-kara villager describes the difficulty and loss of work days and money that occurs from being forced to work rebuilding fences along the pipeline:

⁸ While it is possible that actual substitution of pipes has begun prior to January, HURFOM has not been able to confirm the claim made by Nai La gone.

This [fencing of the pipeline] has been a sort of forced labor since the start of the pipeline. Now, it has become worse... Unlike in the past, the exposed part [of the pipeline] can't be covered with loose bamboo poles or betel nut tree leaves. The army has ordered [us] to make a fence [that is] good and strong... Now, the fencing of the part [of the pipeline] which passes the stream nearby the village has just been finished. The length [of the fencing] is about fifty feet and all the villagers had to work for five days [to finish it]. [It involves] chopping down bamboo, making bamboo-strips, setting up the pillars [of the fence]; all of the work has to be done with care. Captain Min Htet of the army unit himself came to monitor the work and ordered us like slaves. We had to spend our personal money for everything including our food and fence material costs.

Residents face the threat of injury from military pressure to work quickly, lack of rest or recuperation, rigorous manual labor, and retributive punishment by military forces if pipes or the pipeline are damaged during guard duty. With no access to professional medical care, over exertion, strained muscles, work-related injuries, and wounds caused by beatings or torture all are significantly more dangerous. Such physical exertion requires extended periods of rest, and in cases of more severe injury, a family will face catastrophic difficulties trying to pay for both basic medical treatment and being unable to make an income from that injured member of the family.

The villagers of Kaloh and Hangan villages, which are south of Ye town near Koe-mile village along which the Kanbawk to Myaing Kalay gas pipeline passes through, have been forced to serve as security along the pipeline. These two villages have relatively more residents and households, therefore each household has to guard the pipeline only one time per month according to a basic rotation system. Nevertheless, residents still report significant concerns about the potential for a rupture in the pipeline while fulfilling their guarding duty. According to Mehm Atar, 22, of Kaloh village, even labor like standing guarding is exhausting and life threatening:

They [Burmese military] said that we will be punished by death if there is something wrong with the pipeline during our turn, so we don't dare sleep in the guard-hut. We have to patrol with a flashlight to inform them if something is special and to be aware in advance of normal [accidental] ruptures or intentional [sabotage] ruptures during our time of duty. We have to worry till the sun rises. We lose sleep for the whole night so we can't work the next day. Because of that guarding, I had to cancel my work of tapping rubber for two days.

An Anin villager, who wishes to remain anonymous, was beaten severely while filling his duty as a forced porter. He also highlights some of the other abuses that frequently occur to residents due to the presence of the Kanbawk to Myaing Kalay gas pipeline:



New pipe segments are seen stacked in a pile with a guard shack for villagers to guard seen in the background near Wackhami village, Thanbyuzayat Township early in 2011.

If I have to say something regarding the pipeline and railway guard... Some people have hit rock bottom. Some lost their businesses. Even I have been abused by the Burmese soldiers and my head bled due to being struck with the butt of a gun and my teeth were broken from the pounding by the soldiers. Some women have been raped by the pipeline security soldiers. The land and properties of the civilians have repeatedly been confiscated. When will these kinds of violations come to an end? This is the question of everyone here asks.

Aung Lwin, a Burmese private from IB No. 62 near Kyaung Ywa village, through unusual circumstances, expressed regret to a HURFOM field reporter over the physical mistreatment residents in the area experienced:

We feel concerned about [our treatment of] you – Karen people. However, we have no alternative but to obey the higher officials' order. Please understand us as you can.

One older woman from Kyaung Ywa village, described briefly the feeling of living close to the pipeline:

I feel as if I sit on the fire. I always get in trouble due to the pipeline.

Nai Myaing, 55, a Koe-mile village, southern Ye Township, describes the danger of filling a guarding duty, and the risk if the pipeline ruptures or is damaged:

...If any villager can't guard [the pipeline], a substitute would be found to do the absentee's task. If the pipeline ruptures, the villagers will be in trouble and they have already been warned many times. If the pipeline rupture occurs during your duty, it will seem like you are going to hell while you are still alive.



A portion of the Kanbauk to Myaing Kalay pipeline is seen outside Lamine sub-township in late February 2011.

No option for escape

Since 2000, some residents have had the opportunity to pay their way out of forced labor demands. Generally ranging between 3000 to 5000 kyat, a worker would be able to skip that day and a substitute would be found. However during this January and February, in an increasing number of villages, residents have been denied the opportunity to pay

to avoid orders for forced labor. According to Nai Myaing, a VPDC member of Koe-Mile village, in most places of southern Ye Township, there are no options for people who are ordered to guard the pipeline. Hiring a substitute or paying money to the local army authorities has not been allowed and the locals have had to guard the pipeline in person. Additionally, local authorities have used tactics of intimidation against local residents, making threats that if a pipeline rupture occurs in the guards area during their duty that that person will be heavily punished possibly experiencing arrest, extortion, or worse, beatings and torture.

Min Ah-lon, 24, a Koe-mile resident, described how the commander of Light Infantry Battalion (LIB) No. 299, which operates under the South East Command and is based near his village, has not allowed villagers to hire a substitute to replace their rotation of guard duty, and forced them to guard the pipeline in person:

Now, we have to guard the pipeline in person. The commander [locally goes by the name 'Aba'] ordered that [we could] not be replaced with a substitute nor [by] paying money. We and the captains from [LIB No.] 299 have a weekly meeting. [Orders] To repair the pipeline, to guard the pipeline without fail, and to accept the heavy punishment if a pipeline rupture occurs, have been repeated [frequently]. This means they absolutely don't want any pipeline ruptures. It is your own bad luck if the pipeline ruptures during your turn. We can't avoid [this situation] and have to live with worry.

According to a resident of Thanbyuzyat Township, the new order that no resident can opt out of labor by paying a fee is unusual, since in the past such opportunities benefited both residents and soldiers:

It's strange. I mean the conditions have become worse. Five years ago you didn't need to pay money, just fill your duty for two nights of guarding per month. After that there were options – guard the pipeline or pay money. The rich persons or households could bypass their turn by paying

money. Yet, the army enjoyed this because they made money. Now, it's strange [in our village]. I don't know about other villages. In our village, you absolutely have to guard [the pipeline] in person. Your turn comes one time per week. You can't pay. The captain of Thanbyuzayat IB No.62 said that that was due to an order from the Nay Pyi Daw government. That is strange. They seem to care so much for the pipeline security so it is sure that they are doing a been doing an important project relating to the pipeline.



A crane belonging to MOGE is seen installing new pipes on the Kanbawk to Myaing Kalay near Lamine sub-township.

Economic impacts

A pressing threat for victims of forced portering is the significant financial impact that result from serving as a porter. Without compensation, workers face a double loss, being taken from possible work that would pay a much needed daily wage, and being expected to provide food costs, or costs for construction materials and tools while working on the pipeline. As noted by residents above, the majority of families survive on day laborer wages. Often, families in the area use 50% to 70% of their income on food alone, relying on the possibility of making an average of only 50,000 kyat per month.⁹¹⁰¹¹

A source close to the Waekhami village headman recalled how he described his role in taxing villagers who wish to avoid the forced labor orders in the area:

Most of the military officers who have moved to this area for the pipeline security have become rich relying on this pipeline. It seems that the higher officials have intentionally ignored [these cases of forced labor] to make more money for their army families' welfare... Either the commander or an officer gives a compulsory order to guard [the pipeline, railway or bridge]. And then they say that they would accept a fine for the households who couldn't provide a guard due to various issues. We, the village headmen, have mainly been responsible to collect the fines and all the fine was given to them [battalion commanders]. The collected fine has been quite big. Even though they are poor, the people earn money by borrowing or pawning [their belongings] to pass their turn [to guard]. If a pipeline rupture occurs during your turn, you will be in trouble.

According to one villager who lives near Waekhami village, compound demands for guarding have undermined his family's ability to feed themselves as they are taken from their day labor, and pay to avoid labor so that they can work:

We are poor. We are not rubber plantation or land owners. We have picked rubber remnants in other people's rubber plantations and make our livings by selling these.¹² Sometimes it is enough for food but the whole family needs to work. However, we have to guard the pipeline and railway one time per week due to [the orders of] a captain of IB No. 62 so we can't work for food on that day.

⁹This is according to Burma's own Central Statistical Organization (MCSO), "Country Brif Note - Myanmar" (Sic), Inception Seminar/ Workshop on Upgrading Statistical Capabilities on MDG Indicators, Trivendrum, 13-15, December 2004. www.unsiap.or.jp/mdg_project/Inception/DOCS/CBN_Myanmar_016.doc Accessed 4/1/2009.

¹⁰According to a joint report released by the United Nations Development Program (UNDP, *Impact of the UNDP Human Development Initiative in Myanmar, 1994-2006*. UNDP 2006

¹¹This is the approximate baseline income of residents in Mon State during 2009. Between two parents and expected income would reach approximately 100,000 kyat per month.

¹²After tapping trees by making cuts, and the latex is collected, trees will continue to bleed, leaving small amounts of residual latex in the cup or in the grooves of the cuts, which can be picked off later.

Information on HURFOM and Invitation for Feedbacks from Readers

Dear Readers,

Human Rights Foundation of Monland (HURFOM) was founded in 1995, by a group of young Mon people. The main objectives of HURFOM are:

- Monitoring the human rights situation in Mon territory and other areas in southern Burma
- Protecting and promoting internationally recognized human rights in Burma,

In order to implement these objectives, HURFOM produces the monthly "Mon Forum" newsletters. If publication is delayed it is because we are waiting to confirm information, and it comes with our heartfelt apologies.

We encourage you to write to us if you have feedback or if you know someone who you think would like to receive the newsletter. Please email or mail a name and address to:

HURFOM, P. O. Box 2237, General Post Office
Bangkok 10501, THAILAND
E-mail: [hurformcontact@yahoo.com](mailto:hurfomcontact@yahoo.com)
Website: <http://www.rehmonnya.org>

With regards,

Director
Human Rights Foundation of Monland

This process has continued week to week. Guarding the pipeline at night, paying money [to avoid guarding], and being involved in forced labor has lasted for ten years; [the number of times it has happened], it is uncountable.

Impacts worsen for residents who have been denied the opportunity to pay off their sentry or labor duty ordered by the battalion. Frequently, residents have made use of techniques such as negotiation or bribery in order to overcome dangerous or costly orders placed on them, like forced labor.¹³ However, families that had anticipated the possibility of being able to pay off forced labor demands are likely to face greater disruption since a formerly relied on form of resistance is thwarted.



A sticker is seen on a segment of new pipe that indicates shipments came from Korea.

According to a Wae-win-kara villager, the change in rules regarding payment to bypass the forced labor demands have caused problems:

It is difficult because the turn of guarding can't be passed like before by paying money. Our work has to be canceled. The turn of guarding [must be] met three times per month even though our village has more houses than other villages.

A Karen man from Waekhami village describes the impacts that forced guarding have on his family and specifically highlights their importance of his normal daily income in being able to provide even the most basic supplies for his family:

Kyaung-ywa village is a place where the people are living in hand-to-mouth situations. It has over two hundred houses but the houses of land or plantation owners do not number [over] twenty. It is a really poor village. In the era of sharply increased commodity prices, they [villagers] have to rely

¹³For further reading on methods of resistance, please see the Karen Human Rights Group's (KHRG's) report, 'Village agency: rural rights and resistance in militarized Karen State', KHRG, November 2008.

on daily income so they have no interval of non-work time. In this situation, [demands for] guarding the pipeline and railway have been increased, so rice gruel becomes their food during the days of their duty. With many children, only rice gruel can be afforded; the rice is not enough [for all the children]. After the next two days, I [will] have to go guard the pipeline. [The meal for] that day will also be rice gruel.



A exposed portion of the old Kanbuak to Myaing Kalay pipeline is seen as it crosses over a dry creek bed near Lamine sub-township

Conclusion

Since 2000 the use of forced labor in the construction of the Kanbauk to Myaing Kalay gas pipeline has been a key catalyst in the commission of crimes against humanity by Burmese soldiers along the pipeline. Now, as construction has begun again in January 2011, residents around the pipeline, already battered by years of abuse and economic hardship, face continued forced labor demands by Burmese soldiers.

Working without compensation or support, villagers must not only cover the cost of food, construction materials and tools, but also spend the day working in grueling labor conditions, along a notoriously dangerous pipeline, or in guarding pipes or pipeline that, if attacked or damaged, can lead to the torture, imprisonment or execution of the laborer by the supervising battalion. Denied the preferred opportunity to avoid labor demands by paying a fee, communities' attempts to negotiate their own economic instability are slashed. Such changes in informal policy represent a step back for communities who build their local financial stability around improvised methods to best improve their financial stability.

The use of forced labor in both southern and northern areas of the Kanbauk to Myaing Kalay pipeline reveals a continued ignorance or intentional disregard for the conventions of the ILO working to ban the use of forced labor by Burmese military forces. Though reporting on abuses like those documented here remains dangerous for residents and victims of labor ordered by military forces, the recent renewal of the ILO convention for the 2011 to 2012 year promises an opportunity in which the ILO may be able to assist communities in addressing these abuses. HURFOM hopes that communities and Burmese government forces are able to work effectively with the ILO this year to curtail the potential use of forced labor in projects in resource extraction, industrial development, and construction already in their nascent stages in southern Burma.

HURFOM

P. O. Box 2237

General Post Office

Bangkok 10501, THAILAND

E-mail: hurfomcontact@yahoo.com

<http://www.rehmonnya.org>

Printed Matter



Address Correction Required