

KYAIKMAYAW TOWNSHIP VILLAGERS CAMPAIGNING AGAINST COAL-FIRED POWER PLANTS



August 2, 2016

On 18 July 2016, a campaign, organized by Pyar Taung Regional Development Association and local youths, posted and distributed stickers to raise awareness

about coal-fired power plantations. The stickers were dispatched around 7 villages: Kaw Pa Naw, Kaw Don, Kwan Ngan, Ka Don Si, Nidon, Me Ka Ro and Pauk Taw villages in Kyaikmayaw Township, Mon State.

Nai Shwe Win, from Me Ka Ro village, who is also a member of Pyar Taung Regional Development Association, stated “Our purpose for this campaign is to let the company know that we keep protesting against coal-fired power plants and we will always take action to oppose it.”

The aim of this campaign is to send a message to the company and the government that local villagers are not naive and will keep taking action by different types of protests and campaigns. Youths are distributing stickers and films in both Thai and Burmese language. The benefit of

[Read more on page4>>](#)

HURFOM CONDUCTS FDI STUDY TO HALT EXPLOITATION AND VIOLATION IN MON STATE

EXAMINING FDI IN MON STATE

ဖွံ့ဖြိုးရေးအတွက် နိုင်ငံခြားသို့ နှိပ်စက်မှုများကို ရှောင်ကြားရန်

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NEW MON STATE PARTY AND MON FARMERS INITIATED MON REGIONAL LAND POLICY DISCUSSIONS



September 12, 2016

A workshop was held on 4 and 5 September 2016 to discuss the development of a Mon Regional Land Policy in order to guarantee ethnic Mon people have rights to land. Over 120 representatives, comprised of leaders from four areas of the New Mon State Party (NMSP), civil society

organizations (CSOs) including the Human Rights Foundation of Monland (HURFOM), and farmers from 14 townships. The representatives from farming communities have repeatedly reported the complexity of land issues in Mon areas, especially land grabbing and land confiscations by both the Burmese Army and investment companies. The difficulty lies in the registration of the land; the 2012 land law is in favor of companies and the Army, not the local people.

Nai Shwe Win, a farmer from Kyaikmayaw Township, stated, “Farmers were under threat in 2011 when a

[Read more on page10>>](#)

HURFOM Activities

BURMA GOVERNMENT’S REFORMS MUST ADDRESS ROOT CAUSES OF DISPLACEMENT IN ETHNIC AREAS

INVISIBLE LIVES:

The Untold Story of Displacement Cycle in Burma



August 12, 2016

By Burma Link, Burma Partnership and Human Rights Foundation of Monland

The new government should promote durable solutions for internally displaced persons (IDPs) and refugees along Burma’s southeast border by eliminating obstacles to return and tackling root causes of conflict and displacement, Burma Link, Burma Partnership, and Human Rights Foundation of Monland (HURFORM) said in a joint report released today.

The 65-page report, “Invisible Lives: The Untold Story of Displacement Cycle in Burma,” focuses on the continuing concerns of the displaced ethnic nationality

communities, particularly ethnic Mon, from Burma living along the southeast border and finds that the recent reforms have not yet addressed the causes of their displacement.

“The discriminatory policies of the successive military regimes and the previous Thein Sein-led Government, coupled with decades of armed conflicts waged against ethnic minority communities by the Burma Army have led to a devastating number of displaced and disenfranchised ethnic minorities along the southeast Burma,” said Nai Aue Mon, Program Director, Human Rights Foundation of Monland. “The new government led by the National League for Democracy (NLD) must work to guarantee that those who have survived decades of protracted displacement will not face secondary displacement upon their return to their origin by ensuring that political and economic reforms address the root causes of conflict and displacement,” he continued.

The “Invisible Lives” recalls the case of Mon refugees who were sent back to Burma in 1994 from Thailand, yet became IDPs on their return and have remained so for over 20 years. From their experiences, the report aims to shed light on lessons that can be learned from the past for all stakeholders involved in every stage of planning for the return of refugees and IDPs.

A visit by the State Counselor, Daw Aung San Suu Kyi to Thailand in July 2016 highlighted plans to repatriate the over 100,000 refugees from the

IN THIS ISSUE

- **HURFOM Activities** HURFOM conducts FDI study to halt exploitation and violation in Mon State
- **News:** Telenor cell phone tower disturb villagers
- **News:** Local villagers protest against companies
- **News:** Conflict between Telenor Company and Rubber Plantation Owners

HURFOM Activities

Thailand-Burma border. However, the ongoing armed conflict in northern Shan and Kachin States, as well as related human rights abuses such as sexual violence, forced portering, routine use of torture and extrajudicial killing by the Burma Army signals the precarious and uncertain future of the peace process. In addition, the border-trade, land disputes and natural resource extraction as well as mega projects have the potential for renewing outbreaks of armed conflict in southeast Burma.

In addition, since political and economic reforms that began in Burma in 2011 and the triumphant victory of the NLD in the 2015 elections, donors have been shifting their priorities from along the Thailand-Burma border to inside the country. This has led to a further decline in aid and funding for ethnic service providers and community-based organizations (CBOs) who have traditionally supported the displaced and disenfranchised ethnic communities along the border.

“As the NLD takes the reins in furthering political and economic reforms in Burma, all parties must ensure that the efforts of the ethnic community organizations who have worked alongside their communities through challenging times are supported and advocated for, and not undermined,” said Khin Ohmar, Coordinator of Burma Partnership. “In order to find durable solutions for IDPs and refugees, all plans for repatriation and resettlement must ensure ownership and participation by IDPs, refugees and ethnic communities in all aspects of decision making,” she continued.

According to the findings of the report, since Burma opened its borders to foreign trade, increase in foreign investment and land confiscation has led to further violations of housing, land and property (HLP) rights across Mon State. The report found that the ongoing HLP rights violations continue to pose a threat to durable livelihood solutions in southeast Burma and must be addressed in any peace negotiations, including the upcoming 21st Century Panglong Conference. These violations, coupled with the continuing impunity of the Burma Army, presence

of landmines, the fractured and exclusionary ceasefire negotiations and the absence of a sustainable political solution, has kept IDPs from returning to their place of origin.

“National reconciliation must include those who were victims of past human rights violations,” said Leena Zieger, International Coordinator and founder of Burma Link. “International donors and peace donors must ensure that their projects, particularly in ethnic areas, are transparent, accountable, and sustainable. The projects must address root causes of displacement linked to conflict and fundamentally support ethnic communities’ aspirations for equality, self-determination and the establishment of a genuine federal union,” she continued.

The report is based on interviews with Mon IDPs, villagers and victims of human rights abuses, representatives from civil society and international non-government organizations, ethnic armed organizations, and political parties.

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News

NEW GOVERNMENT BUT SAME OLD HABITS

July 11, 2016

The new government took administration in April 2016, promising equal land rights; however, rubber plantation owners are claiming that the Advanced Military Training No. 4 in Waekalee, Thanbyzayat Township, continually are extorting taxes from rubber plantation owners that are located in the Military Shooting Training Field.

Rubber plantation owner Mi Bay from Da Don Chit village, Thanbyzayat

complained that “Since last year, this is the first time they extorted taxes. As the rubber price is dropping, we thought they would not extort taxes anymore but they still do. We don’t know how much they extort for one acre. It depends on how large the land is. In previous years, they extorted money from us twice a year. However, last year, they stopped extorting money. We thought they stopped because of the new government but we were wrong”.

Mi Bay continued “Although the price of rubber is dropping, they still collect the same amount of taxes. My land was included in the Military Shooting Training Field for half an acre. I was forced to pay 18300 Kyat per year. They take 36600 Kyat per acre. Some people are extorted for 5, 7, and 8 acres”.

Around 1000 acres of rubber plantation became the part of the Military Shooting Training Field.

Rubber plantation owners reported to Hluttaw and the commission after the 2010 election regarding this matter, however, to date, the government has not yet taken action.

HURFOM Activities

HURFOM CONDUCTS FDI STUDY TO HALT EXPLOITATION AND VIOLATION IN MON STATE

July 30, 2016

Today the Human Rights Foundation of Monland (HURFOM) releases 'Examining Foreign Direct Investment in Mon State, Burma', a report focusing on the effects from the recent surge of Foreign Direct Investment (FDI) coming into Mon State, Burma.

This report will discuss the different and complex ways in which FDI influences and changes the lives of local people, not only changes in agriculture but also how they have to adjust their way of life. FDI cripples their livelihoods, physically and mentally, changing Burma's minority ethnic communities.

Research for this report was conducted from January to June 2016. During this 6 month period, 4 field reporters mainly focused on Kyaikmayaw Township and Ye Township, visiting these areas 15 times in 6 months. The field researchers also visited Moulmein Township,

Kyaikhto Township, and Paung Township in order to collect broader fact-finding information and evidence relating to FDI and the impacts.

The report contends that FDI has been causing a lot of instability and insecurity for the local populations in Mon State. Many villagers have expressed their concerns about new projects developing, especially those that will use coal-fired power. It is clear that local people accept FDI; however, there should be transparency and compensation in full.

Nai Aue Mon, Program Director of the Human Rights of Monland (HURFOM) draws attention to the impacts of FDI in Mon State, saying,

"We need investment, but only the ethical investment which known as sustainable, environmentally and socially responsible investments for our people. However, by looking the results

of the field works, we can say that the positive effect is hard to quantify but the negative consequences of the projects are enormous. Many researches showcase that the rights of our people are not respected by the investors and people are not fortunate enough to be everyone who benefit from the FDI, instead, they are facing serious hardships for their living. Hence, we aim to share this finding to the public, highlighting the negative impacts of the current FDI circumstances to help seeking solutions for the affected communities in Mon State. We are looking forwards to get back to a level of responsibility from both the investors and the government."

HURFOM concludes that with the help of this research project and the incumbency of the new democratic government, hopefully the abuses will slowly become less.



HURFOM Activities

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News from page no. 1

KYAIKMAYAW TOWNSHIP VILLAGERS CAMPAIGNING AGAINST COAL-FIRED POWER PLANTS

distributing these is for people to simply understand the impacts of coal-fired power.

A monk from Nidon village also expressed, “we are only protesting coal-fired power. If it does not produce a negative impact, we will not be against it. We just worry about the dangers of its impact. If we don’t speak up about the dangers of coal-

fired power, villagers in this region will not know about it. That is why we have organized this sticker campaign.”

Daw Myint Aye, a nurse from Kaw Pa Naw village, expressed, “it is mainly to protect our region, to protect people in this region from the dangers of it [coal-fired power plants] and diseases the pollution can cause”.

Mawlamyine Cement Limited (MCL), a joint venture between SGC and Pacific Link Cement Industries, is building a US\$400 million cement plant in Kyaikmayaw Township, Mon State, due to open mid-2016.



News

CONFLICT BETWEEN TELENOR COMPANY AND RUBBER PLANTATION OWNERS

July 27, 2016

During the last three weeks, a Telenor Company has been digging in the ground where rubber plantations are located, in Ye Ta Gon and Zee Bin villages along the Three Pagoda Pass road, in Thanbyuzayat Township. The company dug into the ground in order to set up their cable wire, this is causing conflict with the rubber plantation owners. The conflict has not yet been resolved or settled.

Along an 8 mile stretch, from Ye Ta Gon village to Si Bin village, the company has been digging into rubber plantations in order to install their cable wire. Rubber plantation owners are not happy with this and it is causing a lot of unrest.

Nai Kwut Sar, from New Mon State Party, who is negotiating this conflict between the company and the plantation owners stated that “it [cables] goes very far inside to plantation. On the Three Pagoda Pass road, the rule from the government is that the company can only use 100 ft. but the company is using 230 ft., this is

causing conflict with plantation owners. It goes beyond 100 ft so it affects their rubber trees. Plantation owners want compensation”.

Nai Kwut Sar continued “Plantation owners called us to compromise on this conflict. For rubber plantation owners, they want compensation because the company dug into their ground and this has affected their rubber trees. For the company, due to the affects to rubber trees, they want to do something for development instead. For compensation, they said they cannot give compensation because; it is along the Three Pagoda Pass Road and has nothing to do with them. It has to do with the Construction Company.”

The company claimed that they would only use 100ft of the rubber plantations along the Three Pagoda Pass road. Since 2014, the Ministry of Construction Department has re-planned to enlarge the road to 230 ft.

“Those rubber plantations which are affected in Ye Ta Gon village by the Telenor Company, rubber plantation owners want compensation. The

company said they cannot give compensation. Now this case has been brought to township level in Thanbyuzayat. It is still being investigated. We don’t know the decision yet. It is true that their cable wire is in the rubber plantation gardens. As the construction company has not explained what they were doing before, conflict occurs when the Telenor Company came to dig in the ground”, explained Nai Kya Mon Ong, another individual who is negotiating the conflict.

According to road laws, released in 2014, from the Ministry of Construction, there are official road territories, for instance, highway are 400ft; special designated roads are 300 ft; international highways are 230 ft; Union local highways are 150 ft; Region/ State highways are 150 ft; District/ Township highways are 150 ft; and township/village road are 100 ft.

If the company is digging in the ground without permission from the Ministry of Construction, they will be breaking the law and they should abide to road laws.



News

CORRUPT VILLAGE ADMINISTRATOR CAUSING LAND CONFLICTS

July 11, 2016

Since 2013, the land of several villagers in Kaung Hmuu village, Phaung Taw village tract, Yebyu Township, Thanintaryi region, was confiscated by another villager, Ko Htein Win, due to a corrupt village administrator allowing the confiscation to occur. The villagers who lost their land are known as U Thi Shwe, U Myint Thein, Daw Aye Mar, and Ko Hla Myo.

In 2013, U Khin Maung Myint was the village administrator of Kaung Hmuu village. During his term, villagers claimed that he was corrupt. Seemingly, he favored those who were rich and together they would confiscate land from poorer villagers.

Ko Htein Win cooperated with the village administrator and confiscated land for his own benefit. Villagers alleged that he was rich and used to work in Thailand. It was also claimed

that he took the land without giving any sort of compensation. After confiscation, he also cleared all plants and trees, and he replanted new trees.

U Thi Shwe from Kaung Hmuu village stated "I have been working on my land since 1990-1991. I planted many things such as betel nut, cashew, and other plants. In 2013, most of my plants were cut down. There are only a few left. Now they own my land. Although, they might not have documents to prove that it is their land".

U Thi Shwe detailed "In Kaung Hmuu village, we did not need to have any documents to be able to work on plantations and farms. Regarding our confiscated land, we submitted letters to the relevant departments to get our land back. However, the local administration did not solve the problem for us but asked us to go to the township administration. Because it is very costly to travel there, we don't

always go to the township. We only went there once and submitted a letter but they did not reply".

Daw Ma Yi from Kaung Hmuu village also told HURFOM that "We began planting in 2005. We planted rubber, cashew, betel nut, lime, and mangoes tee plants. Not all plants are producing fruits yet, but should be producing fruit within 11 years. They confiscated my land in May, 2015. The person who confiscated the land is called Ko Htein Win, from this village. When he came, no one was with him. He came alone to tell us that it is his ancestral land. I lost the case, even though I spoke to the village headman. It is because I am a poor person. The poor always lose. We rely on this land for our livelihoods. Now our land has been taken and we have difficulties. We want our land back. We don't know what to do next in order for us to get our land back. To win this case, we need money. With our current aptitude, we will not get our land back."

It is known that Ko Htein Win confiscated over 200 acres of land.

LOCAL VILLAGERS DISAPPOINTED BY THE MILITARY SHOOTING RANGE

August 10, 2016

There are two military training ranges in Thanbyuzayat Township, Advanced Military Training School No. 4 in Wae Kalee Village and in Wae Tay village. The advanced military shooting training school in Wae Kalee in Thanbyuzayat, Mon State, are operating around rubber plantations in the village. The training occurs consecutively after each other. Villagers are disappointed by the training and the training hours because the bullets they use are landing on rubber plantation gardens.

Nai San Aye explains, "In the past, they did not operate the training very often but this year, they came very often; one group after another. On the hill top, they created a military shooting range. The surrounding area is covered in rubber plantations. There is no blank space in this area. Their bullets drop in

rubber plantation but sometimes it drops on tents too. We are very scared of it. Sometimes their bullets have not exploded yet. We do not dare to go around it and it is very dangerous".


Furthermore, "When they conduct the training, we have to cancel our rubber tapping work because we are scared. Those young rubber trees near the shooting range are being destroyed, so far around 6/7 trees".

Villagers are worried that the military will confiscate the land as they have done in Wae Kalee where they took land for military purposes.

Nai Hla Thein expressed, "rubber plantation owners have come to me to discuss where and how to report this matter. They want to submit compliant letters regarding the issue. I am still considering submitting letters. However, even if we submit letters, they are not going to solve it for us but they

[local villagers] thought that it is still better to submit letters than not doing anything."

When they train in the summer, rubber plantations are often set on fire. Rubber plantation owners around the training area said that they cannot continue to replant rubber tree again and again. It takes many years to grow a good rubber plantation.

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News

LAMINE LAND OWNERS STRUGGLING TO RETAIN LAND

August 17, 2016

In 2004, part of MiKyin Pan's land in Lamine, Ye Township, Mon State, was confiscated by the former Lamine administrator, U NyuntAung. Today, My Kyin Pan is still trying to retain her land back.

The land is situated in Lamine and Kaw Dwoot village road. The village administrator claimed that the land is located on grazing ground.

MiKyin Pan's daughter, Mi Mar Aye, told HURFOM, "They came to ask us for the land which they want to use for agricultural purposes. They asked us to sign a document but my mother refused and responded that we make a living off of the land. 3 or 5 years after they took our land, they told us they would allow us to work on the land again but we have to pay them for using it. My mother responded that she will not work on the land if she has to pay for using her own land. She will only work if they give the land back."

During U Thein Sein's government, Mon State Prime Minister, U OhnMyint, came to Lamine. During his visit, Hluttaw representative, MiMyintThan, who is also from Lamine, assisted local people to get their land back. U OhnMyint requested that the land be returned, however, Win WinSoe, from Ye Township administration office, who can make decisions on whether or not to return the land to land owners, said they will return the land after the first harvest. However, after the first harvest the land was not returned because they claimed that the land is grazing ground.

Mi Mar Aye continues, "We have been working on this land for a very long time, since the colonial era. They released a letter and even tried to sue us for disputing the right to grazing land."

VILLAGERS REPORT THEIR VILLAGE ADMINISTRATOR TO HIGHER AUTHORITY FOR MISAPPROPRIATION

September 7, 2016

The villagers from Khaw Zar Chaung Wa Village, Kywe Tone Nyi Ma Village Track, Southern Ye Township, Mon State have submitted a letter of appeal to the Mawlamyine Township General Administrative Office to request to remove their current village administrator.

The villagers have previously submitted letters to higher authority two times to request to remove the current village administration body but there was no response. Villagers are planning to submit another appeal letter.

The letters stated that Khaw Zar Chaung Wa Village administrator, U A Win, has been a village headman for the last two years and during his term he exploited and abused the rights of the villagers and embezzled from the municipal fund granted by the government.

In September 2015, the government granted 15 million Kyat to Kyone Nyae Village Administrative Officer, U Tun Kyi, to repair a 1.5 mile long Kyone Nyae -

Chaung Wa Road. However, villagers are claiming that only 2.5 million Kyat was spent on road reparations and the remaining fund of 12.5 million Kyat was mutually embezzled by the administrative officer and the Chaung Wa Village administrator.

U Pa Nga, the former secretary of Khaw Zar Chaung Wa Village said, "They also didn't repair the road well. The road needs to be repaired often and villagers are forced to contribute to road reparations. They have done a lot bad things and did nothing good for the village. We don't tolerate them. We want to remove them from the village administrative position and elect a new one."

The village authorities have sold 12 acres of community land for 1.3 million Kyat in order to repair the local monastery but they have not started the monastery project yet. The villagers are forced to be involved in the construction of a water tank and after finishing the construction the village headman controlled the tank and sold the drinking water to the villagers for 500

Kyat per tank. The villagers have been disappointed by the actions of the village authorities.

A local resident named U Aung San stated, "To repair the local monastery, they requested the villagers' agreement to sell the community land. Now, the local monastery has been destroyed and they have done nothing. We want to give the money to the village monastery."

Another villager claimed, "They favored their relatives rather than the villagers. Their relatives enjoy the privileges when we get nothing. When business people come here to find workers, they have to meet the village headman first. The village headman also exploits the wages of the employees. If the employers give a hundred thousand (Kyat), the villagers get only fifty thousand (Kyat)."

Khaw Zar Chaung Wa Village is included in Kyone Nyae Village Track, Khaw Zar Sub-Township, Ye Township, Mon State. There are five villages - Khaw Zar Chaung Wa, Mee Tie Dat, Kyauk Eye, Ta Yoke Htaut and Kyone Nyae Villages in Kyone Nyae Village Track.

News

LOCAL VILLAGERS PROTEST AGAINST COMPANIES



August 15, 2016

On August 4, 2016 in Ohn Bin Kwin village, Yebu Township, Dawei District, local villagers came together and protested against companies for not repairing a bridge which has been broken.

The bridge is situated on a stretch of road that companies use daily to get to work. The bridge was broken on July 12, 2016. The companies that the villagers are targeting are called: TOTAL, PETRONAS, and PTTEP.

The bridge is situated between Ohn Bin Kwin and Pa Ra villages in KanBauk region just in front of TOTAL Company.

French company TOTAL, Malaysian company PETRONAS, and Thai company PTTEP, came to Ohn Bin Kwin village in 1995/96. They began operating in 1996. The companies first claimed they would develop the region and fulfill the needs of the local people.

More than 200 villagers from Ohn Bin Kwin began protesting at 7:30am, throughout the day more people joined and eventually around 400 villagers attended.

Ko Min Min from the village stated, "The bridge was broken the flood. We contacted TOTAL Company because it

was built by them but they have said it has nothing to do with them. They claimed they have handed the problem over to the government. However, we know they have not. They just don't want to repair it. We, villagers, have gathered and spoke to the administration office. The administration office have said they [company] have not hand the case over to the government yet".

Another villager explains, "we are protesting not only the bridge issue. In fact, we are also protesting that they have done little for regional development here. When they first came to operate, they said they came to develop the region. When they needed employees, they didn't hire local villagers, they only recruited people who are connected to them".

According to another villager, the government has said that they will repair the bridge. After the bridge broke, the company started using the road in the village. Ohn Bin Kwin village administrator, U Thein Lwin, told HURFOM, from July 24 villager have not allowed the company to use the road.



NEW MON STATE PARTY AND MON FARMERS INITIATED MON REGIONAL LAND POLICY DISCUSSIONS

cement production company (June Company) was planning to buy land. They told farmers that they got orders from the government in Nay Pyi Daw (led by U Thein Sein). Farmers wanted to keep their land but the government gave permits to the company to take the land. Farmers were afraid to go against the permits and sold their land at a low price of 50 000 Kyat (about 40 US Dollar) per acre”.

Land grabbing in Kyaikmayaw Township, Mon State, occurred between 2011 and 2013 when cement companies were planning to take the land in order to build factories. Farmers from Bee Lin Township also spoke about the land confiscation by a company called Max Myanmar during the military regime. Similarly, another military backed company named Union of Myanmar Economic Holding Limited (UMEHL) grabbed land around the coastal area. Consequently, local villagers faced difficulties with their livelihoods and access to natural resources.

Ye Township residents have also reported land problems. Most significantly, over 7 000 acres of land was confiscated by the Burmese Army; coastal areas and fishing communities have also been suffering from land grabbing issues. At the same time, foreign direct investment companies are also planning to build ‘coal power

plantations’ and deep sea ports in the area, which also requires a lot of land. Correspondingly, in Yebyu Township, Mon farmers have reported that they are repeatedly denied land ownership by the governments’ land management authorities when they apply for Form 7, the right to work on land, according to the 2012 Land Laws.

Participants that attended the workshop discussed both the 2012 land laws and the 2016 land use policies. They concluded that these are not practical because of the corruption that occurs within and between government authorities. This poses a serious threat to the land use policy because the government recognizes the indigenous people’s lands as ‘wild and virgin lands’, ‘unused lands’ and ‘forest lands’.

During the 60 years of civil war in the country, the NMSP, and armed organization and the local government for Mon people, have recognized customary land tenancy of local villagers and have issued land registration certificates in Mon controlled areas. However, there certificates are not recognized by the government. Certain NMSP controlled areas are also recognized as ‘forestry areas’ by the government.

NMSP, CSOs and Mon farmers are calling to develop a Mon regional land policy in order to oppose the governments’

2012 land laws; the 2012 Vacant, Fallow, Virgin Land Management Law; the 2016 Land Use Policy; and other forestry land laws. They aim to promote indigenous people’s customary land tenancy for ethnic Mon and other ethnic farmers in Mon regions, covering Mon State, some parts of Karen State and Tenasserim Division.

In the final day of the workshop, the NMSP, CSOs and farmers agreed to form a 15-member committee in order to facilitate and develop new land policies and agreed to conduct surveys and hold meetings with local farmers to share experiences. NMSP guarantees to implement the land policy, if it exists, and participants support the role of the NMSP to manage the ethnic peoples’ lands.

International human rights principles, especially ethnic peoples’ rights to lands and resources, sustainable development and land ownership and empowerment of the local economy and protection of natural environment and climate change, will be considered in the new land policy, as advised by the Transnational Institute, based in Netherlands.

Karen National Union, representing the Karen indigenous people in the eastern part of Burma/Myanmar, also introduced their ‘customary land tenure’ based land policy in May 2016.



News

SEEKING JUSTICE FOR THE MURDER OF TWO MON VILLAGERS

September 13, 2016

It has already been six months since two Mon villagers, U Moe, 41, and Maung Chit Soe, 21, were shot and killed by Captain Zaw Myo Htet from Light Infantry Battalion 280 (LIB-280) in Magyi Chaung Wa village in southern Ye Township, Mon State.

The victims, both fishermen were shot and killed at midnight on March 8, 2016 when they left home to go fishing. The perpetrator claims that it was an accident.

On September 8, 2016, a press conference was held on the six month Memorial event for the murder of the two Mon villagers. The event was held at Paing Khit Hall, Myaing Thar Yar, Moulmein because no action has been taken in the last six months to bring the perpetrator to justice.

At the conference, Dr Nyan Zaw from Myanmar National Human Rights Commission (MNHRC) said the case has already been brought to military court. According to the Law in section (37), MNHRC cannot be involved in the case if it is already being investigating by the court.

Although MNHRC cannot be involved in the case, they have submitted letters to the Ministry of Defense to ask for transparency regarding the case, suggesting that the Ministry of Defense release a statement discussing the outcomes of the case. MNHRC said they will keep following the progress of the case until it finishes.

The victim’s brother U Ba Ye said “we heard that the perpetrator is detained at Battalion No.208 in Dawei. We asked how he is detained: whether he is in

jail or not. They said he is in under house arrest. But we did not see it. We don’t believe it until we see it. We will keep organizing the press conference until justice has been revealed.”

Ko Jimmy, Director of Association of Human Rights and Justice Initiative (AHRJI), who is working for on the case said “we held this conference because it has been 6 months now but there is still no transparency regarding this case. If there is still no action next month, we plan to go to Nay Pyi Taw and hold another press conference. If it still does not help, we are going to organize a protest. We hope the Myanmar National Human Rights Commission will take an action. If they don’t take action, we are going following through with our plan.”

DIVORCED MIDWIFE EMBARRASSED BY CYBER-BULLY

September 12, 2016

It is reportedly known that a divorced midwife from Northern A-nin Village, Thanbyuzayat Township, Mon State has been targeted by a cyber-bully. It has been said that the perpetrator is her former husband who lives in Kyat Zu Taw Village, Lat Pan Shay Village Track, Taung Twin Gyi Township, Magway Division. She left her husband on July 20, 2016. The couple does not live near each other and have therefore not been able to end their marriage legally.

According to the victim, he posted a group photo of the woman with her co-workers and spread a rumor that she was charging her patients an extra fee and that she was involved in the drug trade in her village. He also accused the village headman of A-nin Village for allowing and involving himself in the widespread drug trade.

“He is waiting for my response. When I don’t respond, he starts to spread rumors in my workplace. I’m very

surprised by his manner,” said the woman being cyber-bullied.

After the break-up of his marriage, the man became emotionally unstable and posted both abusive and apologetic messages online. His ex-wife is very disappointed by his actions because she has had to give explanations to his actions.

“A marriage is official but a divorce needs an approval by a jury. If he continues to post abusive messages, I get into more and more trouble. I hired an attorney from Thanbyuzayat and submitted a divorce petition. The jury requested for him to go to court but he didn’t turn up. The jury said if he fails to come three times, the legal process will continue without his presence,” said the victim.

“Since after his marriage to my daughter, he has never treated my family very well. After they divorced, he defamed my daughter. I’m very

sympathetic about my daughter. My daughter is a civil servant so defamation costs her a lot. She just stays in her room after returning from work. We cannot do anything but blame her karma,” said the victim’s mother.

A co-worker of the victim and a member of Shwe Par Ra Mi’s Health Foundation, said he would sue the man if he continues posting abusive messages. He mentioned that he would start legal action to protect her co-workers dignity and that of other women.”We don’t want her to close her pharmacy and quit her job just because of a stupid action. I think her husband is mentally unstable. He has nothing to do but posts abusive status online,” continued the co-worker.



TELENOR CELL PHONE TOWER DISTURB VILLAGERS

September 7, 2016

Telenor Burma, a major mobile operator in Burma, has established its cell phone tower near Kyaung How Monastery in A-lae (middle) Ward in Kwan Sart Village, Thanbyuzayat Township, Mon State. The monks in the monastery, children in a nearby kindergarten and villagers who live near the towers are tired from the disturbance caused by the tower.

The tower has been operating since February 2016 and because of its loud noise, the monks cannot practice their meditation; and the children are unable to take a nap at noon. Moreover, the noise produced by the tower causes the children to suffer from tachycardia (a rapid heart rate) and disturb their sleep. Therefore, local residents, monks and officials from the kindergarten have reported their problem to the authorities.

Local residents have sent letters of complaint to Thanbyuzayat General Administration Office on February 21, 2016; to the office of Ministers' of the Mon State government on April, 2016; to Mon State Minister for Agriculture, Livestock and Irrigation and Mon State Minister for Transport and Communications on July 3, 2016; to Township Administrators in Mawlamyine; and to the Chief Minister of Mon State.

After receiving the complaint letters, the upper-level authority instructed the Telenor Burma to meet with the villagers. The officials from the Telenor Company visited the village and met with locals. The company promised that they would report the problem to their upper officials to end the issues and reduce the noise. However, the problem has still not been solved today. The Company has not responded to phone calls from the villagers too.

Monk Bat Dan Da Mar Lar Na Da, the administrator of the Kyaung How Monastery stated, "As the tower is very close to the monastery, its loud noise disturbs our prayers. The vibration produced by the tower shakes the monastery and the brick-fence. The tower creates a noisy environment."

"The company promised to reduce the noise, the problem has not been solved yet. The kindergarten has been open for 2 years and we are worried that the school has to be closed. I want the Company to reduce the noise or solve the problem," continued the monk.

Kindergarten Teacher Daw Moe War Aung stated, "The school used to have around 40 children, however, now only 20 students remain. The parents of the students are worried that their children will be in danger. Parents are hesitating to send their children to this school. The tower produces a loud noise so the children can't take a nap."

Before establishing the cell phone tower, the company promised the villagers they would make a contract with the people who live on either side of the tower and guaranteed that the tower will not produce noise. However, the company only signed the contract with villagers from two sides of the tower, which excludes the monastery and the kindergarten. According to Daw Di Thar Ohm most of the residents in A-Lae Ward were against the construction of the tower.

Daw Di Thar Ohm elaborated, "My mother's hearing used to be better than mine, however, because of the noise from the tower, she can't hear very well now. The children also can't do their studying due to the noise. The tower produces a constant noise and it's very annoying. They're cruel people. They don't care about the villagers and also don't listen to our complaints."

The tower usually operates from 6am to 12am and from 2pm to 7:15pm. Sometimes, it operates after the midnight. It is reported that there are over 50 villagers against the existence of the cell phone tower.



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:

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Kanchanaburi, 71240 Thailand

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With regards,

Director

Human Rights Foundation of Monland

TRAPPED IN A CYCLE OF OPPRESSION

July 4, 2016

From 1996 to 1997, a total of 81168.72 acres of land in Kywae Thone Nyi Ma village tract, Tae Chaung village tract, Ohn Bin Kwin village tract, Min Tar village tract, Eain Da YarZar village tract, in Yebyu Township, Tanintharyi Region, was confiscated by the Mawyawadi Navy camp.

On February 18, 2011, the Mawyawadi Navy camp announced and distributed letters to villages about land confiscation officially, in which they claimed, the land would now be “Army Land”.

When the army distributed the letter of confiscation in 2011, they did not deliver the letter or inform the government departments. They only distributed it to these 5 village tracts. After the army confiscated the land since 1996/97, villagers were not permitted to work on the land and

because of this, many villagers faced countless difficulties.

Many of the confiscated lands have plantation gardens, which are the livelihoods of many families. The army warned that locals can no longer plant anything on the land. Since the confiscation, it has become increasingly challenging to find new means of survival. Many lives have been affected. Some people have left the village to neighboring countries. Others have become displaced. Several still live in the village and work on the land regardless of the army and their threats.

U Maung Shwe from Kan Taw village expressed that “We have lived in this village since our ancestors. Whether we have documents or not, we want them to know that this place has ancestral rights. If there are any groups or organizations that take away our land, we will try to protect it within the law, no matter what. I don’t have a piece of

land here but I will try to protect it. I have many relatives on this land. We cannot survive without land. If these lands are taken away, we all will become rebels”.

He continues stating that, “During the politically unstable period, our region was recognized as a rebellious area. When the rebel groups left this area, our land turned from a black area to a yellow area, however, it is not a white area yet. Now, when the situation is stable, they [army] came to say that this is their land. We cannot accept this. They should have done something to stand by the people instead during that politically unstable period. Now they came to say this is their land. Do they understand how people here have been oppressed under many difficult situations? No matter what groups or organizations came, villages in this area are always being oppressed. Rebel groups were powerful in this area but

[Read more on page 14 >>](#)

TRAPPED IN A CYCLE OF OPPRESSION

News from page no.13



now the situation is getting stable and they claim it is their lands. We want them to think”.

In Kan Taw village alone, a total of is 3,000 acres of farmland and 347 acres of plantation land was confiscated. Only one letter was submitted to the Prime Minister in Dawei on August 11, 2013 regarding the land confiscation problem in Kan Taw village by Mawyawadi Navy camp.

U Ba Myine from Kan Taw Village stated that “In terms of economy, we have been based on this land since our ancestors. We cannot accept the land confiscation which occurred during the military government. We would be thankful if anyone from Mon technical person could help us resolve this issue”, U Ba Myine continued, “We have been so desperate. 5 acres of my land was also confiscated. Our livelihood is to work on this land. We have been very unhappy since our land was taken. People who have health problems cannot handle this loss. It could even lead to death. We cannot sleep or eat.”

Currently, in accordance with the Land Law, land registration processes are taking place in every township. Yet, regarding land that was confiscated by the army, there is no clear information from the Township Land Record Department for these village tracts about what will happen.

On April 28, 2016, there was a meeting with these village tracts at AungTharWatti Hall, Yebyu Township. Tanintharyi Region Prime Minister, Daw Lae Lae Maw, Electricity Minister, U KyiHlaing, official representatives and village tracts representatives attended the meeting. Daw Lae Lae Maw stated in the meeting that within the next 6 months, the needs of the villages such as electricity and bridges will be fulfilled. The confiscated land will still be further discussed and worked on.

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