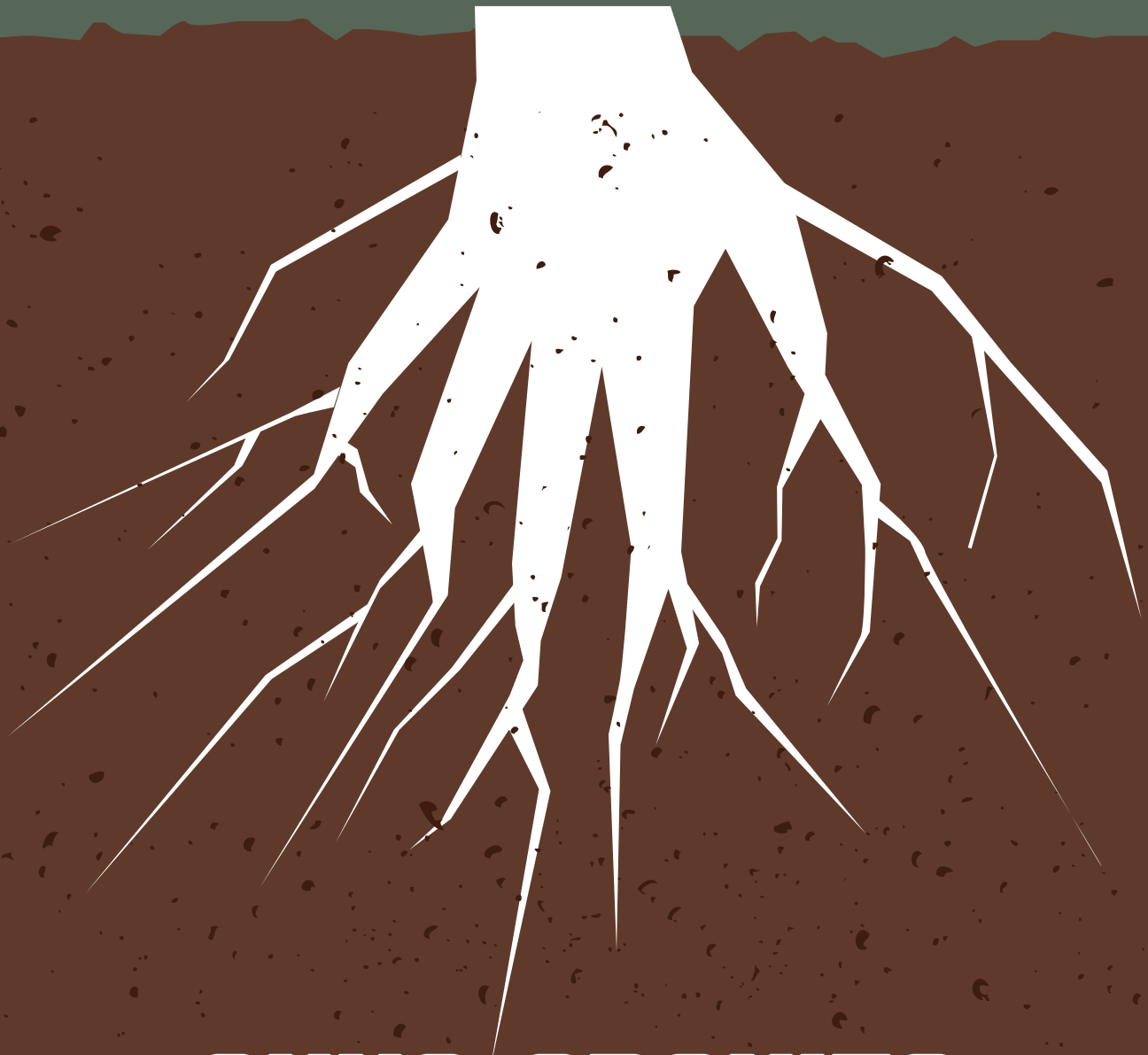




global witness



GUNS, CRONIES AND CROPS

HOW MILITARY, POLITICAL AND BUSINESS CRONIES
CONSPIRED TO GRAB LAND IN MYANMAR

CONTENTS

Executive Summary	4
Chapter 1 - Myanmar: The national context	6
Who owns the land?	7
The 'rush for rubber' in Myanmar	8
The role of the Tatmadaw in land confiscations	9
Time for change?	9
Chapter 2 - Focus on northeastern Shan State	10
Land confiscations in northeastern Shan State – what's the context?	12
I) The ethnic dimension	12
II) The legacy of the civil war	13
Land confiscations in northeastern Shan State – what are some of the drivers?	14
I) The Privatisation Programme	14
II) Drivers from China	14
Chapter 3 - Focus on Sein Wut Hmon	16
Sein Wut Hmon – an introduction to the company	17
Sein Wut Hmon's rubber investments	18
Production and export of Sein Wut Hmon's rubber	20
Modalities of confiscations: How Sein Wut Hmon gained control of the land	21
Cronyism: the military and political elites who enabled Sein Wut Hmon to gain control of the land	25
Impacts of Sein Wut Hmon's rubber plantations on the local population	28
Chapter 4 - Other actors involved in land confiscations in northeastern Shan State	36
Militia Groups	37
Union Solidarity Development Party (USDP)	38
Members of Parliament (MPs)	39
Conclusion and recommendations	40
Annex	44
Notes	45

Please note, with regards to Maps 1, 2, 3 & 4: Areas of rubber have been identified through field surveys and visual inspection to detect land clearing and the distinctive rubber plantation pattern using mid and high resolution satellite imagery.

March 2015

EXECUTIVE SUMMARY

Guns, Cronies and Crops is Global Witness' first report on the land sector in Myanmar. Following an eighteen-month investigation, the report details how military, political and business cronies conspired to confiscate land from ethnic-minority villagers in order to establish commercial rubber plantations. It examines the toxic legacy of these land grabs on the local population, for whom little has changed since the country's much-lauded transition to civil democracy. The Myanmar government is currently devising its first overarching National Land Policy, an unprecedented opportunity for Myanmar's citizens to protect their rights to land and thus secure a more equitable and sustainable future.

Since ushering in a new era of civilian rule in 2011, claims by the Myanmar government that it is alleviating poverty and improving its human rights record have been plagued by widespread reports of land grabbing. By 2013, 5.3 million acres of land - thirty five times the size of Yangon - had been leased out to investors for commercial agriculture, the majority without the consent of its owners. Rubber plantations alone cover more than a quarter of this area. This rush for land is decimating the livelihoods of Myanmar's people, seventy per cent of which rely on farmland and forests.

With the advent of civilian rule, Myanmar's political system and economy is supposedly being disentangled from the pervasive grip of the *Tatmadaw* (Myanmar's armed forces) following almost five decades of military rule. However, the majority of those acquiring land are domestic cronies with links to the former military government, and land deals continue to be conducted behind a wall of secrecy enabling corruption to flourish.

Focussing on northeastern Shan State, *Guns, Cronies and Crops* details how the *Tatmadaw*'s North East Regional Command collaborated with the district government and private companies to confiscate large swathes of land. These confiscations largely

took place in 2006 when, under the veneer of the nationwide 'Privatisation Programme', the Generals were reportedly busy ensuring that, post-transition, they and their associates would retain control of the state's assets and natural resources. Once the land had been confiscated, the army appears to have handed it over to private companies and political cronies. Now villagers' lands are under commercial rubber plantations which have destroyed their livelihoods, pushing them deeper into poverty.

Evidence unearthed by Global Witness reveals that the confiscations were conducted by local regiments under direct orders from the North East Regional Command. In charge at the time, and alleged to have visited some of the confiscation sites, was U Myint Hlaing, Myanmar's current Minister of Agriculture and Irrigation. He is one of the most powerful and controversial ministers in the current government and reported in national media to be ruthless in his dealings with ethnic minority groups. Since becoming Agriculture Minister, U Myint Hlaing has been widely criticised for pushing industrial-scale agriculture at the expense of Myanmar's smallholder farmers.

Aiding the military, the district-level government was also complicit in the land grabs. Officials from the Land Statistics Department in Lashio accompanied soldiers to conduct the confiscations. Global Witness investigators obtained a government document which lists allocations of 'vacant and fallow land' to a variety of actors in 2010 and 2011. However, field investigations and satellite imagery appear to show that the land being allocated in this document had, in reality, been confiscated three to four years' earlier and already converted into rubber plantations. Therefore, this official document issued by the Ministry of Agriculture and Irrigation (MoAI) in Lashio, appears to be an attempt to retrospectively 'legalise' the land confiscations.

The main beneficiary of the land confiscations described above was the private, domestic company Sein Wut Hmon. As well as taking over land confiscated by the North East Regional Command, the company also directly conducted its own confiscations in three villages between 2008 and 2011. It now controls the largest amount of land of any rubber company in northeastern Shan State, with a total of 4608 acres (1865 hectares) of plantations. Their plantations have all been established on confiscated land spread across eleven villages in government-held areas in Lashio District and the Wa Self-Administered Division.

Sein Wut Hmon colluded with the North East Regional Command and the Land Statistics Department in Lashio in order to gain control of the majority of their land holdings, evidence



suggests. A manager of the company accompanied soldiers as they confiscated land in some villages while, in others, officers in uniform presented themselves as Sein Wut Hmon representatives. The officer who led the confiscations, Major Myo Yee, now works for the company.

The confiscations largely targeted hillside land, used by the villagers for *taungya* (shifting cultivation). This form of agriculture is common among the ethnic minorities of northern Myanmar, including the Shan, Palaung and Kachin who make up the communities impacted by Sein Wut Hmon's rubber operations. *Taungya* fields are viewed by the authorities as 'unproductive' and therefore classified as 'vacant' or, put in other words, 'up for grabs'. In the context of decades of discrimination towards ethnic minority groups, this can be seen as an attempt by the Burmese authorities to undermine these groups' means of subsistence and way of life.

At no point before or during the land confiscations did the army, district government or Sein Wut Hmon consult the villagers whose land they took. None of the villagers had hard titles for their land, relying instead on land tax receipts as their only proof of ownership. However, regardless of whether villagers could show receipts, their land was confiscated with almost no compensation paid by the company or military. As a result, some villagers are struggling to feed their families or have had to send their children to Thailand to find work. The company has done nothing to develop infrastructure in the area and not a single person from the local villages interviewed by Global Witness had been employed on its plantations. The confiscated land included ancestral graveyards and spirit shrines belonging to the villagers which are all now under rubber plantations.

At the time of the confiscations, the inhabitants of these remote villages were too scared to protest or even complain about their lost land due to fear of retribution by the Tatmadaw born out of six decades of on-going conflict. Since 2012, the inhabitants of three villages have sent appeal letters to the authorities requesting the return of their land. Not one has received a response.

There are many other political and business cronies involved in land confiscations for rubber plantations in northeastern Shan State. As well as private companies (other than Sein Wut Hmon), the list includes the Manpang People's Militia Force and current Members of Parliament, U Shauk Chang and U Kyin Wong.

The ruling Union Solidarity and Development Party (USDP) appears to also have benefited. Government documentation proves that the Party was illegally allocated 1300 acres of

state-owned land in July 2010. This was seven weeks after the USDP formally registered as a political party, by which time it was supposed to have rid itself of all state assets.

This level of collusion, and the accompanying violations of land tenure and human rights, should be of serious concern to potential investors and customers of Myanmar's rubber. At least seventy per cent of the rubber grown in the country is exported. This figure is likely to be much higher for northeastern Shan State due to its proximity to China - the biggest importer from Myanmar and the sole destination of Sein Wut Hmon's rubber. However, the global rubber industry is only just starting to consider the social and environmental impacts of its supply chains. As both the quality and quantity of Myanmar's rubber production increases, tyre companies and other major consumers of natural rubber must conduct stringent checks to ensure that their supply chains are free from corruption and do not drive social and environmental damage.

In 2012, the Myanmar government embarked on a process to formulate a new National Land Policy and Land Law. This is a major opportunity to put an end to the land confiscations blighting the country's reform process and to secure a more equitable future for its citizens. With foreign investors poised to access what is often referred to as 'Asia's ultimate frontier market', getting this right has never been more important. As well as looking to the future, however, true reform must also redress the problems of the past. The Myanmar government must take responsibility for the abuses of the previous era and ensure that impacted communities receive restitution. Otherwise, the toxic legacy of military rule will continue to undermine attempts at poverty alleviation and drive corruption, human rights abuses and land grabs, and could ultimately deter foreign investors.

In February 2015, Global Witness wrote to Sein Wut Hmon's owner and director, U Maung Myint, Agriculture Minister U Myint Hlaing, and attempted to contact all of the other various military and political actors mentioned in this report in order to obtain their comment on the evidence presented. U Maung Myint responded on 7th March denying all the allegations made against him and Sein Wut Hmon and the details of his response are outlined in the body of this report. However, at the time of publishing, no response had been received from U Myint Hlaing or the other military or political actors allegedly involved.



Villager who had land confiscated by Sein Wut Hmon walks Global Witness investigators through rice fields in Wein Htein Village-tract, Shan State, in November 2014.



**CHAPTER 1. MYANMAR:
THE NATIONAL CONTEXT**



← **Left.** Villagers from northeastern Shan State harvesting rice in November 2014.

The Republic of the Union of Myanmar is a country blessed with abundant natural treasures and yet cursed with unfettered corruption and entrenched armed conflict. Over five decades of military dictatorship, management of natural resources in Myanmar became a black box and the country is consequently subject to high levels of corruption and conflict, and low levels of economic development.

Ethnic minorities have been systematically driven from their homes in military operations of staggering brutality and their ancestral lands and forests turned over to crony tycoons. Exports of natural resources generate substantial revenues, yet a quarter of the population lives below the poverty line.¹

In 2003, however, the military government loosened its political grip on Myanmar and announced a 'roadmap to democracy'.² Subsequent political and economic changes have led to Western sanctions being suspended and, for the first time in nearly thirty years, Myanmar's doors thrown open to increased foreign investment.³

Officially, poverty reduction has been at the core of Myanmar's economic reform package.⁴ But if there is one word which exemplifies what is at the heart of the country's foreign investment strategy, it is land.

The importance of this cannot be overstated: more than seventy per cent of the population live in rural areas and rely on farmland and forests for their livelihoods. Due to a host of reasons, primarily to on-going civil war, poverty is twice as high in rural areas as it is in urban areas and approximately one quarter of all households in government-controlled areas are landless. However official policy has shifted from relying on small-scale farmers to reach national agricultural production quotas to using private companies to achieve national targets.⁵ Investment is desperately needed in Myanmar's approximate 40 million smallholder farmers.⁶ Instead, the government is promoting industrialised agriculture on a massive scale at the expense of Myanmar's people.

WHO OWNS THE LAND?

The rules around land use in Myanmar over the last few decades have become a legal quagmire. Up until recently, there were over 73 active laws, amendments, orders and regulations passed under different governments that overlapped, conflicted and did not refer to preceding laws.⁷ Both statutory (national state laws) and customary laws (those that follow local traditional cultures and non-state systems) are followed in Myanmar. As a general rule, the former are followed in the lowlands and the latter in the upland areas dominated by ethnic minorities (including Shan State) where smallholder farmers practice *taungya*, or shifting cultivation.⁸ Also referred to as 'swidden agriculture', this is a type of rotational farming common across the Mekong region in which small areas of land are cultivated temporarily, then left for regrowth whilst the smallholder moves on to another area to cultivate.

Land tenure security provided under Myanmar law is weak. Up until recently, the *1894 Land Acquisition Act* gave the state the legal right to take over any land with compensation to its original owners.⁹ Following independence from Britain in 1948, the government passed the *1953 Land Nationalization Act* and the *1963 Tenancy Law* which gave the state claim to all land for redistribution under socialist principles.¹⁰ In contrast, the *1963 Law Safeguarding Peasants Rights* was designed to strengthen farmers' rights by outlawing the confiscation of their land.¹¹ However, under Article 3.3 of the law, the confiscation of land for rubber plantations was stated as an explicit exemption.¹² In addition, although the *1953 Land Nationalization Act* recognised private rights over agricultural land, it also allowed the state to legally expropriate land regarded as 'fallow' in order to turn it over to more productive use.¹³

In the early 1990s, the state then passed the *Wasteland Law* which allowed for the expropriation and reallocation of 'wasteland' (also referred to as 'vacant' or 'fallow' land) to the private sector for more productive use.¹⁴ As well as including fallow *taungya* fields, under this law the category of 'wasteland' also included land without title.¹⁵ The majority of Myanmar's rural population do not have hard titles for their land, leaving them vulnerable to confiscations. Although, on paper smallholders were able to apply for 'wasteland', few allocations were made by the government on the grounds that smallholders lacked the capacity to be able to put the land to productive use. As such, this marked the start of an official shift within the government to favouring private agribusiness companies over smallholder farmers.¹⁶



In the absence of land titles, often the only documentation smallholder farmers have which pertains to ownership of their land are land tax receipts. Land tax receipts were issued to land owners under the 1963 *Tenancy Law*, whereby farmers 'as tenants of the government' paid tax on the land to the military government.¹⁷ However, even when land taxes are paid, the state still does not legally recognise *taungya* as a legitimate land-use system. It routinely confiscates land used by smallholders for *taungya*, turning it over to large private companies. Smallholders in these areas are therefore particularly vulnerable to losing their land in the transition to a capitalist economy.

Over the last decade, the Ministry of Agriculture and Irrigation (MoAI) has gained jurisdiction over large areas of land in the country.¹⁸ In 2012, the MoAI brought in two new laws as part of the agrarian transformation from rural subsistence farming to an industrial cash-crop economy: the *Farmland Law* and the *Vacant, Fallow and Virgin Lands Management Law* (VFV Law).¹⁹ Both laws have been criticized by civil society groups in Myanmar for potentially further undermining land rights and prioritising private investment over smallholders.²⁰ According to Chapter 2, Article 8 and Chapter 3, Article 9 of the Farmland Law, land can be legally bought, sold and transferred on a land market but the process only applies to those with land use titles – a minority of the population.²¹ Chapter 3, Article 4 of the VFV Law states that the aim of the law is to convert 'vacant, fallow and virgin land' into agricultural industrial estates.²² Under the VFV Law, those without land titles are classified as 'squatters', again leaving them vulnerable to losing their land to concessions as land used by smallholders can be allocated to domestic and foreign investors.²³ What's more, national laws do not currently require public participation by local communities in the decision-making processes of large-scale development projects or the undertaking of Environmental Impact Assessments (EIAs). Neither are there requirements to develop resettlement plans nor provide compensation.²⁴

THE 'RUSH FOR RUBBER' IN MYANMAR

The last 15 years has already seen domestic companies in Myanmar investing heavily in land.²⁶ Burmese agribusinesses with close affiliations to the government have been given considerable opportunities to access land at low or no cost.²⁷ According to a

LAND ACQUISITION INVESTIGATION COMMISSION

The Land Acquisition Investigation Commission (LAIC) was established in 2012 by the National Democratic Force party as part of its Farmers' Affairs Committee. Made up of nine groups composed of parliamentary representatives, its task is to investigate disputed land acquisitions since 1988 in specific regions. The LAIC reports directly to the President's Office and received broad parliamentary support. However, its mandate is narrow in focus, investigating cases and formulating recommendations but without holding any decision-making powers.²⁵ Although reported to have a genuine commitment to helping farmers regain their land, the LAIC's influence is limited and, as yet, few cases have been brought to justice. Appeals can be made to the Commission but are outside judicial processes. It can therefore be argued that any project deemed in the 'national interest' can be pushed forward without question. Current laws continue to leave farmers with little legal protection from investors confiscating their land, and those who protest continue to face the threat of jail.

recent Forest Trends report, by 2013 approximately 5.3 million acres – thirty five times the size of Yangon - had been awarded to mostly domestic companies, predominantly for agriculture.²⁸ As in neighbouring Cambodia and Laos, much of the area is allocated to rubber – 1.5 million acres, according to the Myanmar Rubber Planters and Producers Association.²⁹

Two new patterns of expansion in Myanmar have emerged. Over the past decade, a new 'non-traditional' frontier area is being targeted for plantation development due to the government's partial agricultural liberalisation. As such, rubber has now expanded into northern Myanmar in Kachin State and northern and eastern Shan State. Large-scale plantations are sweeping across the hills in areas that were formerly *taungya* fields. Secondly, in the past few years, additional new areas are being targeted by large-scale rubber concessions, this time near to where smallholder rubber farms already exist, reducing their access to land



Protest against military land grabs in Yangon, September 2013.
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↓ Below. Man tapping rubber on a Sein Wut Hmon plantation outside Hopan Town near the Myanmar-China border.

and natural resources. This can already be seen in areas such as Rakhine State, Mon State, Kayin State and northern Tanintharyi Region. Often allocated over smallholders' farmland, or what the government deems 'wasteland', these new land confiscations within both patterns threaten to increase deforestation, deepen poverty and, in some areas, to undermine the peace process due to their potential to increase conflict over land and other natural resources.³⁰

Approximately seventy per cent of rubber production in the country is targeted for export. Ninety per cent of exports head to China and five other ASEAN countries – Malaysia, Singapore, Vietnam, Thailand and Indonesia. However, production levels of rubber across Myanmar are low considering the area planted. This is partly due to the substandard quality of the rubber trees and poor tree management.³¹ As a result, the rubber produced is of insufficient quality to enter the global market for tyre production.³² Low production may also be due to companies receiving agricultural concessions with no intention of planting rubber but as a cover for accessing 'conversion timber'. Some companies simply abandon the concession following forest clearance, as has been seen in neighbouring countries such as Cambodia and Laos.³³

What's more, the global rubber price crash has seen natural rubber slump from a high of US280 cents per pound in February 2011 to just US72 cents in December 2014 - its lowest in a decade. As of March 2015, the price remains extremely low and analysts are uncertain about the future of the industry.³⁴ This price drop has stunted 'tapping' worldwide, including in Myanmar.³⁵

THE ROLE OF THE TATMADAW IN LAND CONFISCATIONS

The *Tatmadaw* (Myanmar's armed forces) has been responsible for confiscating vast tracks of land from Myanmar's rural population.³⁶ Land has been confiscated to grow cash crops or to be leased to private companies to raise revenue for an already powerful military elite.³⁷ In border regions, the military has also expropriated land for military bases and training.

Such expropriations by the military for rubber and other cash crops have typically been pushed through without any compensation paid to local farmers. Instead, local people have been forced from being land owners to land labourers, working on plantations for free and coerced into paying rent for the continual use of the land.³⁸ In some areas, villagers are not even offered work on the plantations with labour being brought in from other parts of the country. Threat of military force has meant there has been little opposition to these land seizures.³⁹

The *Tatmadaw's* role in land confiscations is increasingly seen as a major problem by the country's reformers. In May 2013, the Farmland Investigation Commission submitted its first report to Burma's Union Parliament, choosing to focus on military land confiscations. The report revealed that, between late July 2012 and January 2013, the Commission had received 565 complaints alleging that the *Tatmadaw* had forcibly confiscated 247,077 acres (almost 100,000 hectares) of land. The Commission recommended that land that had not yet been developed by the military be handed back to its original owners or the state. Where the land had already been put to use, the military should pay adequate compensation to affected farmers.⁴⁰ In February 2014, the *Tatmadaw*



announced a commitment to return 154,116 acres of confiscated land to its original owners – giving some indication of the vast scale of its previous land seizures.⁴¹ Following this announcement, national media has reported that land is slowly being returned to farmers.⁴² However, a total lack of transparency makes progress impossible to monitor.

TIME FOR CHANGE?

There is an opportunity for change. In 2012, the Myanmar government initiated the development of an overarching land policy.⁴³ Despite the MoAI being responsible for the allocation of land, the mandate for the drafting of the land policy was given to the Ministry of Environmental Conservation and Forestry (MoECaF).⁴⁴ In October 2014 the government released a draft National Land Policy and plans for a subsequent Land Law, for public consultation.⁴⁵

This process provides a critical opportunity to both reform and align the weak and contradictory current laws governing land concessions in Myanmar in order that they protect land and resource rights. Crucial to the policy will be the inclusion of the recognition of existing customary and communal tenure systems.

Myanmar stands at a crossroads in terms of how it moves forward with its development agenda. As the peace process continues and new rounds of ceasefire agreements are signed between the government and armed ethnic groups, more resource-rich areas will be opened up to resource extraction fuelled by foreign investment. If comprehensive, Myanmar's National Land Policy could halt further land confiscations, resolve current disputes and social injustices related to land grabs, and provide future protection for the country's smallholders. Anything less could prove to be disastrous for Myanmar and its people, with the effects felt for years to come.



**CHAPTER 2. FOCUS
ON NORTHEASTERN
SHAN STATE**



← **Left.** Rice fields near Marmane Village, Hopan Town. The Tatmadaw confiscated 200 acres of land from the village in 2005.

The largest of Myanmar's fourteen administrative divisions, Shan State is 38.5 million acres (155,800km²) and covers almost a quarter of the country. It is an equivalent size to 86 per cent of the area of Cambodia and borders Thailand and Lao PDR to the south and southeast and the Yunnan province of China to the north-east.⁴⁶ With an estimated total population of approximately four million, the state is named after its majority ethnic group – 'the Shan' – but also contains many other ethnic groups including the Pa-O, Kokang, Lahu, Danu, Palaung (also called Ta'ang), and Wa.⁴⁷ Shan State has over 1.5 million acres of cultivated areas including over 500,000 acres dedicated to paddy fields (used to grow rice). Crops cultivated in the state also include maize, rubber, sugarcane, pineapples, tea and coffee.⁴⁸

Myanmar is the world's second largest producer of opium after Afghanistan and the majority is grown in Shan and Kachin States.⁴⁹ In December 2014, the UN Office on Drugs and Crime (UNODC) announced that the country's poppy cultivation had risen for the eighth consecutive year.⁵⁰ According to UNODC's Southeast Asia Opium Survey, as in previous years, in 2014 Shan State accounted for 89 per cent of all opium cultivation in Myanmar.⁵¹ There are many armed groups involved in Shan State's opium production and, over the years, most have relied on income from the opium trade.⁵² This is the result of the central government's monopolisation of access to legal trade and business forcing ceasefire groups to rely on illegal economic activities.⁵³

As discussed in the previous chapter, tenure security is extremely weak in Shan State and the majority of farmers don't have titles for their land, making the local population particularly vulnerable to land confiscations. This problem is exacerbated by the state's high levels of militarisation, one of the legacies of six decades of conflict.⁵⁵ The Tatmadaw has been reported to directly confiscate land from villagers, and companies that receive rubber concessions are often owned by or linked to military commanders and armed militia groups.⁵⁶

One of Myanmar's two northern States targeted for investments in large-scale rubber in the last decade, rubber plantations have been increasingly appearing across northern and eastern Shan State, which together account for 99.5 per cent of the state's total rubber production.⁵⁶ Data from the Myanmar Rubber Planters and Producers Association (MRPPA) for 2013 to 2014 shows that Shan State has 182,362 acres of rubber plantations, which constitutes approximately 12 per cent of Myanmar's total planted area for rubber.⁵⁷ Of this total, just 25,481 acres (14 per cent) are currently being tapped for latex.⁵⁸ This low figure may just be the result of many of the plantations being relatively young and therefore the rubber plants not yet being ready to start producing latex. However, it could also be an indication of the low productivity of many plantations, as discussed in Chapter 1.

Global Witness' investigation has focussed specifically on northeastern Shan State, mainly around the area's largest town, Lashio. Investigators also followed the road from Lashio up to a number of smaller towns near the Myanmar-China border, most notably Hopan (see Map 1, p.19). These areas have been intensely



targeted for commercial investments in rubber plantations.⁵⁹ The concession sizes are fairly small, usually averaging between 200 and 400 acres per village or village-tract, and they tend to be located in government-held areas.⁶⁰

The areas around Hopan and Lashio are both highly militarised, the former largely due to its proximity to the borders with China, Wa State and the Kokang Region. Meanwhile, the North East Regional Command, which is responsible for the whole of northern Shan State, is headquartered in Lashio with approximately thirty infantry battalions. Across Myanmar, the Tatmadaw has pursued a policy of "living off the land" in which battalions are forced to pay their own wages by becoming farmers and businessmen. The North East Regional Command therefore holds various large-scale farms, forests and plantations along the road leading from Lashio up to Muse on the Chinese border.⁶¹ Further contributing to the military involvement in land, informal permission for concessions in the area to go ahead will usually be required from the Tatmadaw, either by regional military commanders or top military officials from the central level.⁶²

Many of the villages in this area are to be found at high altitudes and are extremely remote, cut off by bad roads and non-existent public transportation. In addition, the villagers are from ethnic minorities, mostly ethnic Shan, and the majority do not speak Burmese. This prevents them from accessing the Burmese-dominated media and bureaucracy and further solidifies their marginalisation.

↓ Below. Boys are ordained as Buddhist novice monks at Poy Sang Long, a three-day rite of passage ceremony practised by the Shan people. ©PONGMANAT TASIRI/epa/Corbis



Official government data obtained from the MoAI office in Lashio and dated 31st August 2014 states that northeastern Shan has a total of 162,324 acres allocated to rubber plantations. Of this total, the focus areas for Global Witness' investigation - the Lashio and Hopan regions - contain 28,650 and 41,414 acres respectively.⁶³ Therefore these two regions together constitute 43 per cent of the total amount of land allocated for rubber in northeastern Shan and are the two major rubber-growing areas by a large margin. Of the planted acreage, 39.5 per cent of Hopan Region's rubber is already producing latex while in the Lashio Region this figure is just 7.9 per cent.⁶⁴ The same government data source also gives the total amount of rubber produced by northeastern Shan State in 2014 as 22.2 million kilos (24,471 tons) which is 13.8 per cent of total national output according to figures from the MRRPA.⁶⁵ Lashio and Hopan Regions together account for 48 per cent of the total output for northeastern Shan and 6.7 per cent of all rubber production nationwide.

LAND CONFISCATIONS IN NORTHEASTERN SHAN STATE – WHAT'S THE CONTEXT?

1) THE ETHNIC DIMENSION

The bulk of profitable natural resources in Myanmar are found in ethnic states and sold on to neighbouring countries.⁶⁶ Local populations have rarely enjoyed the benefits of these deals as the profits went directly to the military, a fact which has served

to both perpetuate the animosity among ethnic groups towards successive military governments and marginalise them further from the mainstream Burmese bureaucracy.⁶⁷

The exploitation of Shan State's natural resources therefore comes in the context of decades of discrimination against the minority ethnic groups, including the Shan, who populate the area and are forced to give way to rubber plantations and other extractive developments due to the military's "suffocating economic grip on the region".⁶⁸ Thus, ethnic discrimination and resource exploitation in these "resource-rich, contested ethnic territories" have gone hand-in-hand.⁶⁹

Ethnic minority groups are thought to comprise at least one third of Myanmar's population, and to populate half of its land.⁷⁰ Yet, both the Burmese nationalist movement under colonialism and the state authorities after independence have been dominated by ethnic Burmans, and have "often sought to perpetuate – and impose – a notion of Burmese-ness [sic], derived from the Bama historical tradition", thereby consolidating the 'Myanmafication' (or Burmanisation) of culture and suppressing diverse social identities.⁷¹

This 'Myanmafication' is embedded into the legal framework governing land which discriminates against ethnic minorities, despite provisions in the 2012 *Foreign Investment Law* formally granting them special protections.⁷² For example, the *Farmland Law*, which is supposed to issue legal titles to land, fails to recognise land used for *taungya* which is common in ethnic minority areas.⁷³ Taken together with the *Vacant, Fallow and Virgin Lands Management Law*, which (as described in the previous chapter) stipulates unused land can be claimed and utilized by willing individuals, this leaves ethnic minority land particularly vulnerable to confiscation.

In addition to the lack of recognition of *taungya*, in the context of land grabs, the other most obvious facet of Burmanisation is employment. Plantation operators overwhelmingly decline to employ labour from local ethnic minority communities, preferring instead to bring in migrant workers from other parts of the country. Many businessmen are reported as labelling local ethnic populations as backwards, stupid, and lazy, and refuse to train local farmers how to maintain a rubber plantation. This migration affect is contributing to claims by the local ethnic populations that the government purposefully seeks to dilute their ethnicity by promoting Burmese labour migration into their indigenous territory. For them, this is yet another government 'Burmanisation' strategy to defeat them.⁷⁴

In addition to the discrimination they face from central government, ethnic minority groups also remain underrepresented in Shan State's recently formed regional Government. The USDP and Tatmadaw together currently hold 63 per cent of seats in the state legislature and are therefore able to dominate democratic decision-making.⁷⁵ The USDP controls all key posts in the state executive.⁷⁶



Tatmadaw soldiers march during the 69th Armed Forces Day in Myanmar's capital, Naypyidaw, in March 2014.
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II) THE LEGACY OF THE CIVIL WAR

Inextricably intertwined with the issues of ethnicity, Shan State's civil war has been ongoing with varying intensity for much of the last 60 years.⁷⁷ The conflict has pitted the forces of the central government against a constellation of insurgent groups calling for greater autonomy for several ethnic minorities.⁷⁸ It has also provided the context for the ongoing military intimidation of ethnic minority civilians.⁷⁹ This has created a strong culture of fear among the local ethnic minority groups of Shan State which has, in turn, enabled cronies, particularly those with military links, to confiscate land with impunity.⁸⁰

The history of the insurgencies in Shan State is complex, as armed groups split from and merged into each other, and alternated between co-optation, ceasefire and open hostilities, both with the military government authorities and each other.⁸¹ In the course of the civil war, according to press reports and monitoring organisations, the Tatmadaw frequently forced civilians into forced labour including portering work, a practice that is targeted particularly at minority ethnic populations and, in Shan State, dates back to at least the 1980s.⁸²

In 1998, Shan refugees in Thailand were interviewed about their experiences of forced labour. Almost all of the villagers interviewed had been forced to perform various types of labour for the military. Many of the men had been seized randomly to serve as porters for the army and beaten if they didn't perform their duties to the soldiers' satisfaction. They were fed very little and never received any payment.⁸³ Despite official denials by the Myanmar government, recent reports indicate that the practice is ongoing.⁸⁴

In addition to forced labour and portering, monitoring and advocacy organisations have also documented other ways in which the Tatmadaw has given civilians reason to fear them. Civilians in Shan have reported to have been subject to human rights violations by the military and other government authorities both when there is active fighting and when there is not, including arbitrary detention, torture, rape and extrajudicial killings.⁸⁵ In addition, the military has been accused of being involved in widespread abuses linked to land grabbing.⁸⁶

Conflict continues to cast a long shadow over northeastern Shan and fighting still erupts at regular intervals. In February 2015, violent clashes between the Tatmadaw and Kokang rebels left dozens of soldiers dead and sent tens of thousands of refugees fleeing to China. On 17th February 2015, the government declared a 90-day State of Emergency in the Kokang Region which still stood at the time of writing.⁸⁷

Six decades of conflict have left their mark on the ethnic minority population of northeastern Shan State, leaving them too scared to protest when their lands are confiscated. The fact that the majority of confiscations in the area tend to be conducted either directly by the Tatmadaw or by companies and other actors with strong military ties exacerbates this situation.⁸⁸ Military, political and business cronies have capitalised on this fear to take land from a marginalised ethnic population too scared of 'uniforms' to speak out.⁸⁹

LAND CONFISCATIONS IN NORTHEASTERN SHAN STATE – WHAT ARE SOME OF THE DRIVERS?

I] THE PRIVATISATION PROGRAMME

In an attempt to revive Myanmar's isolated and stagnated economy, in the late 1980s the military government began to seek a path towards economic and political liberalisation.⁹⁰ The 1990 *Private Industrial Enterprise Law* established a framework for the private sector and, in January 1995, a Privatisation Commission was formed to push forward a privatisation programme.⁹¹ However, by 2004, the programme had had very little success largely due to an undercapitalised private sector.⁹²

Myanmar's opaque form of government makes verifiable, comprehensive information hard to come by, but it appears that the privatisation programme accelerated considerably in the mid to late-2000s. According to Xinhua, the official news agency of the People's Republic of China, by July 2005 approximately 100 enterprises had been privatised over the past decade.⁹³ By April 2007, that figure had more than doubled to reach 215.⁹⁴ Looking back at why this acceleration occurred, the issuing of the seven step "roadmap to disciplined democracy" by the military government on 30th August 2003 is labelled as a key turning

point.⁹⁵ The roadmap included provision for a new constitution, the holding of free and fair elections for legislative bodies and step-by-step implementation of the process necessary for the emergence of a genuine and disciplined democratic system.⁹⁶

Therefore, from 2003, the generals of the Tatmadaw knew for certain that they would soon have to relinquish their grip on the country's political system and, from this date onwards, intensified their efforts to secure economic control of the country. In an interview in 2011, Professor Sean Turnell from the Burma Economic Watch project stated that "*Really the motivation for them [people closely connected to the current regime] is making sure their wealth remains in their hands, regardless of what happens to the political situation.*"⁹⁷ Reflecting on the privatisation programme in March 2014, U Myint, chief economist to President Thein Sein, reportedly said that it had been carried out without sufficient legal basis or transparency; "*People are worrying that all the state-owned property went to cronies.*"⁹⁸

The majority of the land confiscations investigated by Global Witness in northeastern Shan State (and discussed in Chapters 3 and 4) were conducted by the Tatmadaw around 2006, coinciding with the acceleration of the privatisation programme.⁹⁹ It is therefore reasonable to assume that these confiscations were part of the wider push of the Tatmadaw and its associated political and business cronies to gain control of Myanmar's natural resources and state assets. They did this in order to ensure that the economic power ceded by the military institution passed to the hands of the military elite and their associates before the country opened up to the world in 2011.¹⁰⁰

II] DRIVERS FROM CHINA

In addition to these domestic factors, the increase in rubber production in northeastern Shan State, and the prevalence of



A soldier from the Tatmadaw's North East Regional Command oversees the burning of seized narcotics in Lashio in 2007. Myanmar remains the world's second biggest opium producer, with 89% grown in Shan State.
©Khin Maung Win/ASSOCIATED PRESS



Rising demand for tires from China's emerging middle class is driving a land grabbing crisis across the Mekong region as rubber plantations replace community land and forest.
© JASON LEE/Reuters/Corbis

associated land confiscations, is also caused by powerful drivers coming from Myanmar's most influential neighbour – China.

The first Chinese rubber projects in Myanmar began in the 1990s and were small-scale projects in northeastern Shan State. These projects were implemented as part of China's Opium Crop Substitution Program (OCSP).¹⁰¹ Initiated by the Chinese government, this development programme offers financial incentives to Chinese companies to replace narcotic poppy crops with alternative cash crops such as rubber. The programme aims to reduce China's domestic drug problem and associated HIV/AIDS epidemic and is also reportedly an attempt to deal with what the Chinese authorities view as a major 'non-traditional' security concern right on its doorstep.¹⁰² Following a revamp of the OCSP programme in 2006, Chinese investment in rubber plantations in northern Myanmar grew significantly, with increasing numbers of private businesses moving into the sector. By 2009, there were 198 Chinese companies participating in the scheme – 80 per cent from Yunnan Province. Rubber was by far the most popular crop in terms of planted area.¹⁰³

In addition to the OCSP, since the 1990s, an increase in Chinese demand for rubber, coupled with a scarcity of domestic land suitable for rubber cultivation, has also driven land confiscations in northeastern Shan.¹⁰⁴ Both state-owned and private Chinese companies have pursued overseas investments in rubber plantations.¹⁰⁵ In 2012, global natural rubber production was forecast to reach 16 million tonnes by 2020 with demand estimated at around 14.6 million tonnes, leaving a potential annual global shortfall of 1.4 million tonnes.¹⁰⁶ Over a third of this increase in demand was forecast to come from China.¹⁰⁷ This is largely due to the rise in car ownership, and therefore demand for tyres, from China's growing middle classes.

Driven by both the OCSP and commercial demand, Chinese investors allegedly now have a strong hold on rubber production in Shan State.¹⁰⁸ In fact, it is alleged that, in contrast to the lowlands of Myanmar in which the majority of agricultural concessions are formally run by domestic companies, only Chinese companies, or ethnic Burmese businessmen backed by Chinese companies, can obtain rubber concessions in the area.¹⁰⁹

Given that 70 per cent of Myanmar's rubber production is targeted for export, and the close proximity of northeastern Shan to China, it is reasonable to assume that the majority, if not all, of the rubber produced in the area is exported to China.¹¹⁰ Between October and December 2014, Global Witness investigators visited two of Shan State's border crossings into China to obtain rubber export data. At the border gate in Chin Shwe Haw, a relatively minor crossing sandwiched between the Wa State and the Kokang Region in northeastern Shan State (see Map 1, p.19), customs officers told investigators that the total amount of rubber exported through this border gate in September 2014 was 270 tons (244,940 kilos).¹¹¹ Presuming that this figure is fairly average in terms of monthly exports, this would mean that a third of all the rubber produced in the Lashio and Hopan regions, and approximately seven per cent of the rubber produced in the whole of northeastern Shan State, passes from Myanmar to China through the Chin Shwe Haw customs gate.¹¹²

Investigators then visited Customs Gate 105 in December 2014. Located in Muse in northern Shan State, 180 kilometres (111 miles) north of Lashio Town, it is the main border crossing between Myanmar and China's Yunnan Province.¹¹³ Data supplied by officials at the Customs Gate stated that, from 4th April to 5th December 2014, 16,678 tons (15.13 million kilos) with a value of US \$24.4 million was exported from Myanmar to China via Customs Gate 105. Over the same time period in 2013, the figures were just 15,124 tons (13.72 million kilos) of rubber but this time worth US \$34.6 million.¹¹⁴ Therefore, the amount of rubber being exported through the Muse gate is roughly 7.5 times the amount passing through Chin Shwe Haw.

The ten per cent increase in the amount of rubber being exported but drop in value, as stated above, means that growing numbers of plantations in northeastern Shan State are starting to produce latex but are not getting the desired price due to the slump in global rubber prices as outlined in Chapter 1. Whether the price drop will slow land confiscations for rubber in Shan State remains to be seen. As yet, Myanmar's agricultural policy appears to be unaffected and the government continues to push rubber plantations as a priority crop.¹¹⁵



CHAPTER 3. FOCUS ON SEIN WUT HMON

← **Left.** Sein Wut Hmon's rubber plantations in northeastern Shan State have been established on farmland confiscated from ethnic minority villagers.

Global Witness investigations into land confiscations in northeastern Shan State have revealed that a multitude of military, political, and business elites have collaborated behind closed doors to confiscate land with impunity from the local villagers.¹¹⁶ The result is an opaque and confusing free-for-all in which land confiscations, secrecy and human rights violations are the standard. Despite this lack of transparency, Global Witness was able to identify that the rubber company with the largest land holdings in northeastern Shan State is Sein Wut Hmon.¹¹⁷ Investigations also revealed how Sein Wut Hmon managed to acquire its land through dubious means, including formal collaborations with the Tatmadaw and local government officials.

Global Witness conducted individual and group interviews with 124 affected villagers from eleven villages and more than twenty government officials, retired military officers, journalists and land activists. Almost all of the interviews were conducted in person by Global Witness investigators apart from three which were done by telephone. In addition, investigators conducted desk-based research and were able to obtain a number of official government documents.

The investigation took eighteen months and the field research was conducted between August and December 2014. During this time period, five separate trips to northeastern Shan State were conducted by Global Witness investigators, totalling approximately nine weeks of time on the ground.

This chapter contains a detailed case study of the company Sein Wut Hmon and its rubber plantations in northeastern Shan State. It looks particularly at how the company managed to gain control of the land against the will of local people and what the main impacts have been on their lives. The following chapter (Chapter 4) then briefly describes some of the other major players involved in land confiscations for rubber plantations in northeastern Shan State.

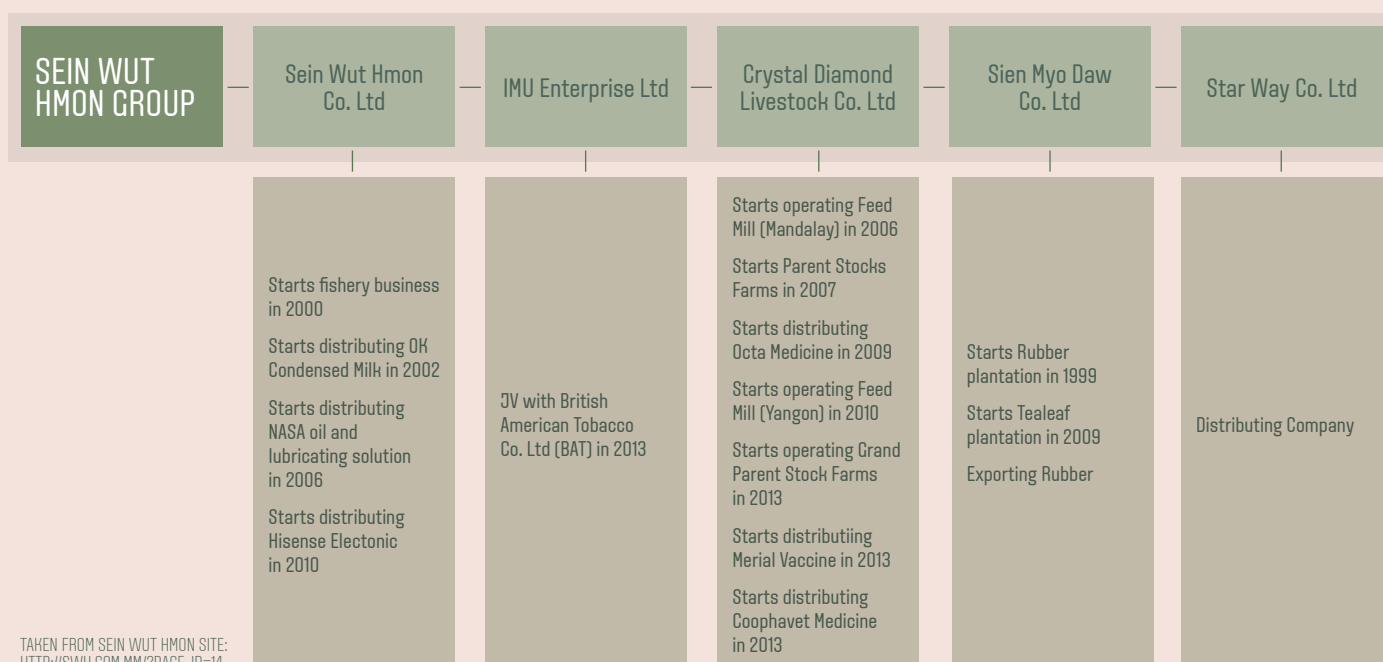
Global Witness wrote to Sein Wut Hmon's owner and director, U Maung Myint, on 16th February 2015 to request comment on

the evidence presented in *Guns, Cronies and Crops*. In the response, received on 7th March, U Maung Myint denied all the allegations made against him and Sein Wut Hmon in this report. He also repeatedly emphasised that he and the company are separate entities, although did acknowledge that both have investments in rubber plantations in northeastern Shan State. U Maung Myint's responses, both on his own behalf and on behalf of Sein Wut Hmon, are outlined in the chapter below.

SEIN WUT HMON – AN INTRODUCTION TO THE COMPANY

Established in 1994, Sein Wut Hmon Co Ltd is one of the leading conglomerate companies in Myanmar. Describing itself as a 'distribution company', its portfolio grew in the 2000s, expanding to distribute brands including OK condensed milk, NASA Oil and Lubricating Solution and Chinese state-owned Hisense electronics. The company is part of the Sein Wut Hmon Group – an informal cluster of five Myanmar companies covering a range of business activities from livestock and feed manufacturing to tea and rubber plantations.¹¹⁸

The influx of international investment following Myanmar's political transition has seen the Sein Wut Hmon Group enter new partnerships with Western companies. It has expanded into fashion, in 2012 becoming the official exclusive distributors in Myanmar of both Skechers Footwear and surf and snowboard brand Quiksilver, Roxy & DC Apparel & Footwear.¹¹⁹ In 2013, one of the Group's five member companies, IMU enterprises, entered into a joint venture with British American Tobacco (BAT) to manufacture, distribute and market BAT cigarette brands in the domestic market. The BAT and IMU enterprises joint venture is planning to invest approximately US \$50 million over five years to establish a cigarette manufacturing facility.¹²⁰ None of these companies appear to have any connection to Sein Wut Hmon's land confiscations.



The remainder of this report will focus on Sein Wut Hmon Co Ltd which, for the purpose of this research, will be referred to as ‘Sein Wut Hmon’. When referring to the Sein Wut Hmon Group, the full name will be used.

Sein Wut Hmon is 100 per cent owned by Director U Maung Myint who holds all of the company’s 2,900 shares.¹²¹ Despite confirming to an investigator that he was the owner of the company and involved in its management, U Maung Myint stated in a letter to Global Witness that he is *‘just an ordinary director who owns some shares and takes no role at the Sein Wut Hmon Company.’*

There is almost no public information available on U Maung Myint but a Sein Wut Hmon staff member in the company’s office in Lashio Town, told Global Witness that he is ethnic-Chinese but born in Myanmar.¹²² A reporter in Lashio claimed that he was allegedly granted control of numerous concessions and project licenses by the authorities after building close ties to a military commander of the Tatmadaw.¹²³ In addition, U Maung Maung, Sein Wut Hmon’s site manager, told Global Witness investigators *‘There is no one in the local area who does not know our company’s owner, U Maung Myint. He has to accompany the generals [from the Tatmadaw]... when they make tours here in the northeastern Shan State.’*¹²⁴ However, U Maung Myint denied this saying that, although he has some social relationships with military personnel, he has no business relationship with them and has never accompanied them on their tours of the region.

SEIN WUT HMON'S RUBBER INVESTMENTS

Sein Wut Hmon began investing in rubber in 1996, establishing its first 400 acre rubber plantation near the Chinese border in Hopan Township in northeastern Shan State. According to the company’s website, this plantation was established with the aim of creating jobs for former opium producers. The 400 acres of rubber was fully planted by the year 2000 and extraction of latex began in 2004.¹²⁵

In order to produce high-quality raw rubber products from its own plantations, Sein Wut Hmon constructed a ‘Rubber Distillery Plant’ in Chin Shwe Haw Township, approximately one kilometer (0.62 miles) from a border crossing to China. The plant has the capacity to produce three tons (2721 kilos) of processed rubber per day. The company website states that Sein Wut Hmon is currently building a second factory which will have four times the capacity of the first plant.¹²⁶ There is no information available as to where it will be located.

U Maung Myint, Sein Wut Hmon’s owner told Global Witness investigators that the company’s rubber plantations are all in northeastern Shan State.¹²⁷ He stated that Sein Wut Hmon controls the largest amount of land for rubber plantations of any other private company in the region, a claim that has been confirmed by interviews with other sources and field visits.¹²⁸ A letter from U Maung Myint to Global Witness in March 2015 claims that Sein Wut Hmon established its rubber plantations under orders from













Inside Sein Wut Hmon's rubber processing factory in Chin Shwe Haw on the Myanmar-China border in November 2014.

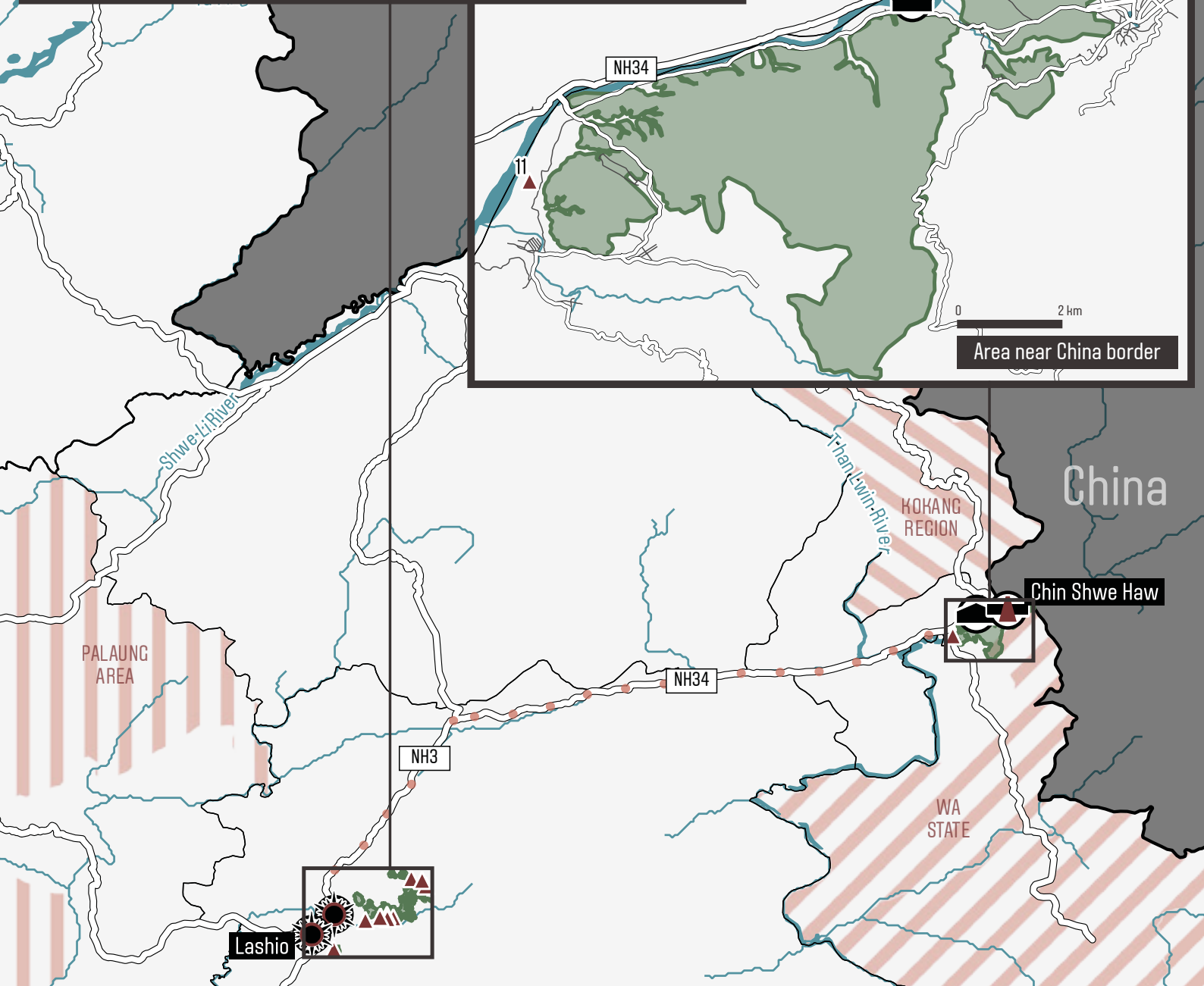
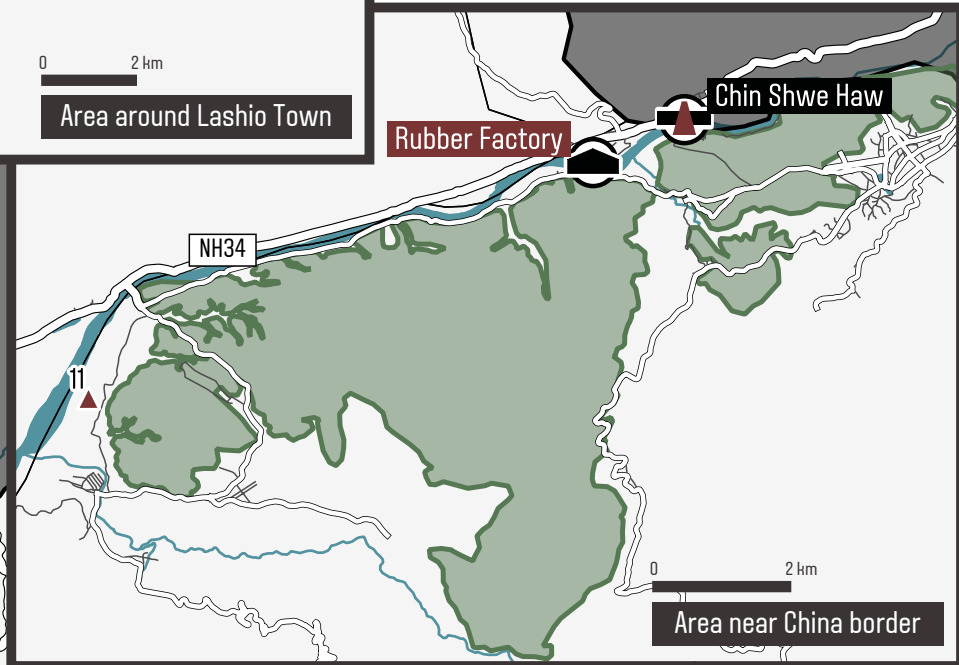
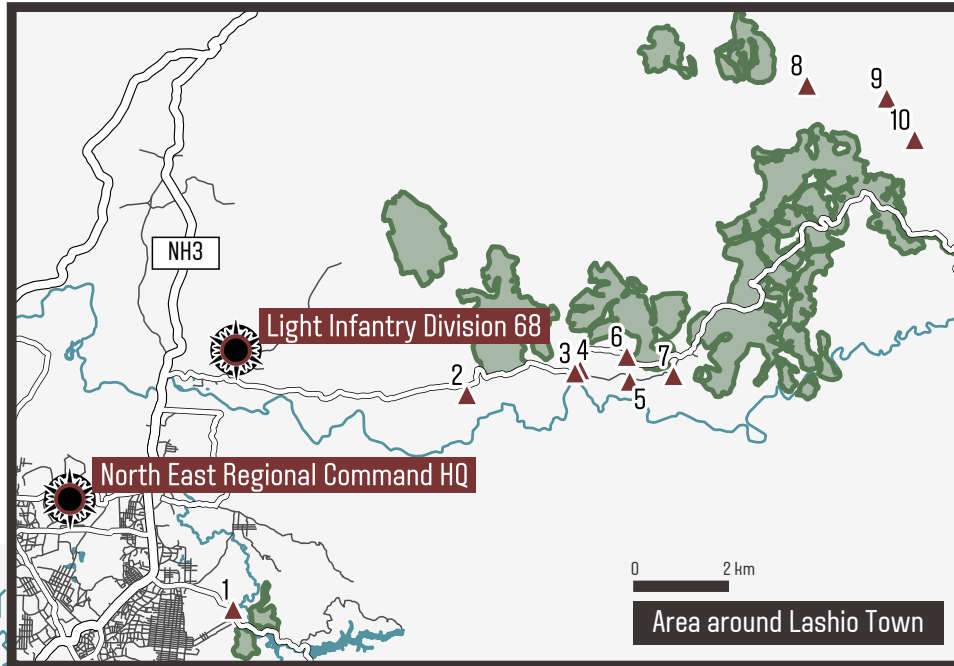
MAP 1: SEIN WUT HMON RUBBER OPERATIONS

AFFECTED VILLAGES:

- | | | |
|---------------------------|----------------------|----------------------|
| 1 Homu Village | 5 Naungmo Village | 9 Kunhi Village |
| 2 Narlyan Marmane Village | 6 Kaung Lin Village | 10 Mang Pane Village |
| 3 Phai Taung Village | 7 Kaung Khan Village | 11 Marmane Village |
| 4 Wein Htein Village | 8 Honam Village | |

LEGEND

- | | |
|---|--|
|  MILITARY BASES |  DISTRICT BOUNDARY |
|  SEIN WUT HMON'S RUBBER FACTORY |  NON-GOVERNMENT HELD AREAS |
|  BORDER CROSSING |  MAJOR ROADS |
|  VILLAGE AFFECTED BY SEIN WUT HMON'S RUBBER PLANTATIONS |  RUBBER ROUTE TO CHINESE BORDER |
|  RUBBER PLANTATIONS INVESTIGATED - INCLUDES SEIN WUT HMON'S HOLDINGS |  RIVERS |



the previous military government to plant rubber around Lashio Town in order to provide development and jobs for the region. ↓

According to its website, Sein Wut Hmon was the first private company to invest in rubber in the area. This, it claims, has paved the way for other investors to come in which has created extensive employment opportunities therefore raising the standard of living for local people.¹²⁹ However, Global Witness investigations in the villages where Sein Wut Hmon's plantations are located have revealed that the opposite is true – its operations have not created jobs for local people and have in fact decimated local livelihoods.

Official information on the exact size and locations of Sein Wut Hmon's rubber plantations is almost entirely unavailable and what information does exist is incomplete. However, Global Witness investigations between August and December 2014 have revealed that the company holds at least 4608 acres (1865 hectares) of rubber plantations.¹³⁰ This is roughly equivalent to the size of 4500 football fields. When asked about the company's plans to expand, U Maung Myint told a Global Witness investigator that, although he would like to expand his plantation area, the company is finding it difficult to do so because of widespread discontent and complaints from local farmers.¹³¹

The company's eleven plantations are all situated within approximately 16 kilometers (10 miles) of the road which leads from Lashio Town to the Myanmar-China border town of Chin Shwe Haw where Sein Wut Hmon has its rubber factory (see Map 1). Despite their proximity to rebel-controlled areas such as Wa State, the plantations are all located in government-held areas.¹³² They have been established on confiscated land in and around eleven villages largely made up of ethnic Shan but also including inhabitants from Palaung and Kachin ethnic minorities.¹³³ In Myanmar, individual villages are grouped into village-tracts – a basic administrative unit made up of one or more villages depending upon the size of population in each village.¹³⁴ Government statistics are usually collected per village-tract rather than for individual villages. The eleven villages where Sein Wut Hmon's rubber plantations are located are part of five separate village tracts.¹³⁵ They are as follows:

Area/ District	Village-tract/town	Village	Current size of Sein Wut Hmon rubber plantation (acres)
Lashio District	Wein Htein Village-tract	Wein Htein Village	2396
		Kaung Khan Village	67
		Kaung Lin Village	104
		Nuangmo Village	446
	Tarpone Village-tract	Phai Taung Village	433
		Narlyan Marmane Village	50
	Mang Pane Village-tract	Mang Pane Village	200
		Honam Village (Honam Village is also sometimes described as part of Honam Village-tract)	12
		Kunhi Village	500
Homu Village-tract	Homu Village (also known as 'Homusel' and 'West Homu')	200	
Wa Self-Administered Division	Hopan Town	Marmane Village	200

Below, Truck outside Sein Wut Hmon's rubber factory in Chin Shwe Haw in November 2014. The company exports all of its processed rubber to China.



However, when asked for comment on these land confiscations, U Maung Myint stated that Sein Wut Hmon holds substantially less than 4608 acres. He claimed that the land holdings directly linked to him personally total just 1600 acres and that, although permits for the plantations were applied for under Sein Wut Hmon, there is no connection to the company and the plantations belong to him only. His letter also stated that the company only holds 125 acres in Homu Village.

Interviews with 124 villagers revealed that the land confiscated in order to establish Sein Wut Hmon's rubber plantations was previously all farmland belonging to individual villagers, rather than residential land.¹³⁶ However the letter from the company to Global Witness stated that, in fact, no farmland was included in the confiscations.

Although the size of the confiscated land is relatively small compared to the huge rubber plantations common in neighboring Cambodia, Laos and Vietnam, Global Witness investigations have revealed that the impacts for the local population have been exclusively negative.¹³⁷ This is in stark contrast to the claims made on Sein Wut Hmon's website that the company has created jobs for local people thus raising their standard of living.¹³⁸

PRODUCTION AND EXPORT OF SEIN WUT HMON'S RUBBER

Rubber trees take six to seven years to mature, after which the liquid rubber (latex) is hand-harvested through a process called 'tapping'. All but one of Sein Wut Hmon's rubber plantations were established between 2005 and 2008 and therefore should theoretically already be producing latex.¹³⁹

However, in reality, Global Witness investigators observed very few rubber trees inside Sein Wut Hmon's plantations being tapped and met almost no one working as a tapper during the field visits. Tappers were only encountered in Marmane Village on the outskirts of Hopan Town in September 2014. However they claimed to be working for another rubber company in the area and not Sein Wut Hmon.¹⁴⁰ In addition, although Sein Wut Hmon does appear to have cleared and planted all of the confiscated land, the majority of the company's rubber trees do not look to be fully-grown and the company's rubber production capacity is subsequently low.

In a letter from Sein Wut Hmon to Global Witness, the company explains that, although the rubber trees are nine years old, they are not yet producing latex due to poor soil quality, altitude and humidity. This echoes problems faced by rubber planters all over Myanmar and is ultimately the result of substandard rubber stock, as outlined in Chapter 1.

Global Witness investigators visited Sein Wut Hmon's processing factory in Chin Shwe Haw, a town on the Myanmar-China border, in September 2014 and interviewed two of the factory workers. They confirmed that all of the rubber processed in the factory is exported to China in trucks.¹⁴¹ This was also confirmed by U Maung Myint in the company's response letter to Global Witness.

MODALITIES OF CONFISCATIONS: HOW SEIN WUT HMON GAINED CONTROL OF THE LAND

A close examination of how Sein Wut Hmon was able to gain control of the land against the will of local people exposes how Myanmar's military, political and business cronies have collaborated to take land from marginalised communities in northeastern Shan State. It reveals the extent to which these three groups' interests were intertwined under the previous military rule and the toxic legacy that this has left for local people.

This section will deal with the way in which the land for Sein Wut Hmon's rubber plantations was confiscated. It will be followed by a description of the impacts these confiscations have had on the villagers whose farmland was taken.

Between 2005 and 2011, the Tatmadaw formally collaborated with the district level government (primarily the Land Statistics

TIMELINE: HOW AND WHEN SEIN WUT HMON ACQUIRED LAND

SEIN WUT HMON

COMPANY ESTABLISHES RUBBER PLANTATIONS ON:

2396 ACRES IN WEIN HTEIN VILLAGE

67 ACRES IN KAUNG KHAN VILLAGE

104 ACRES IN KAUNG LIN VILLAGE

446 ACRES IN NUANGMO VILLAGE

433 ACRES IN PHAI TAUNG VILLAGE

200 ACRES IN HOMU VILLAGE

200 ACRES IN MARMANE VILLAGE

COMPANY CONFISCATES:

200 ACRES IN MANG PANE VILLAGE AND ESTABLISHES PLANTATION

COMPANY CONFISCATES:

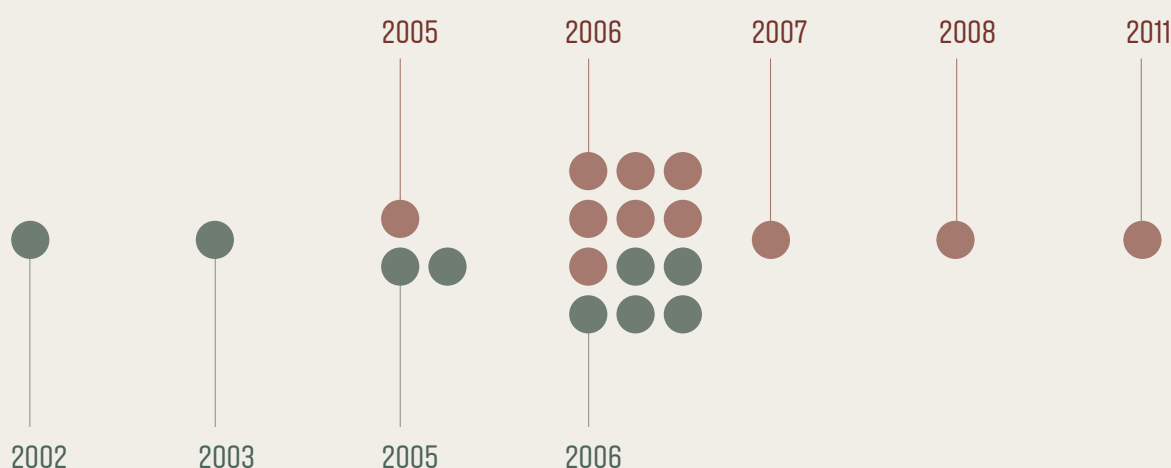
12 ACRES IN HONAM VILLAGE AND ESTABLISHES PLANTATION

COMPANY CONFISCATES:

500 ACRES IN KUNHI VILLAGE AND ESTABLISHES PLANTATION

COMPANY ESTABLISHES RUBBER PLANTATIONS ON:

50 ACRES IN NARLYAN MARMANE VILLAGE



TATMADAW (MYANMAR ARMED FORCES)

NORTH EAST REGIONAL COMMAND CONFISCATES:

500 ACRES IN WEIN HTEIN VILLAGE

NORTH EAST REGIONAL COMMAND CONFISCATES:

1200 ACRES IN NUANGMO VILLAGE

NORTH EAST REGIONAL COMMAND CONFISCATES:

50 ACRES IN NARLYAN MARMANE VILLAGE
200 ACRES IN MARMANE VILLAGE

NORTH EAST REGIONAL COMMAND CONFISCATES:

1896 ADDITIONAL ACRES IN WEIN HTEIN VILLAGE
67 ACRES IN KAUNG KHAN VILLAGE
104 ACRES IN KAUNG LIN VILLAGE
433 ACRES IN PHAI TAUNG VILLAGE
200 ACRES IN HOMU VILLAGE

NOTE: EACH CIRCLE CORRELATES TO AN EVENT (EITHER TO A CONFISCATION OR TO THE ESTABLISHMENT OF A RUBBER PLANTATION ON CONFISCATED LAND)

Department in Lashio,) and Sein Wut Hmon to confiscate land from eleven villages in the Lashio district and government-controlled Wa Self-Administered Division of northeastern Shan.¹⁴²

Wein Htein Village-tract is approximately thirteen to sixteen kilometers (eight to ten miles) north of Lashio Town. It is made up of twelve villages and is the main confiscation zone of Sein Wut Hmon which holds at least 3013 acres spread across four villages.¹⁴³

In the village of **Wein Htein**, home to 4000 ethnic Shan, a group of soldiers turned up in 2002 to confiscate 500 acres of land from the village. The soldiers didn't give any prior warning or consult with villagers before they came.¹⁴⁴ These 500 acres of confiscated land was then transferred in 2006 to Sein Wut Hmon to establish a rubber plantation.¹⁴⁵ Neither the company nor the Tatmadaw consulted the villagers, or provided them with any information, before or after the land transfer took place.¹⁴⁶ When, in 2006, Sein Wut Hmon officials came to the village to start planting rubber, a farmer who had personally lost two acres asked them how the company had managed to acquire his old land from the Tatmadaw. The company officials refused to tell him.¹⁴⁷

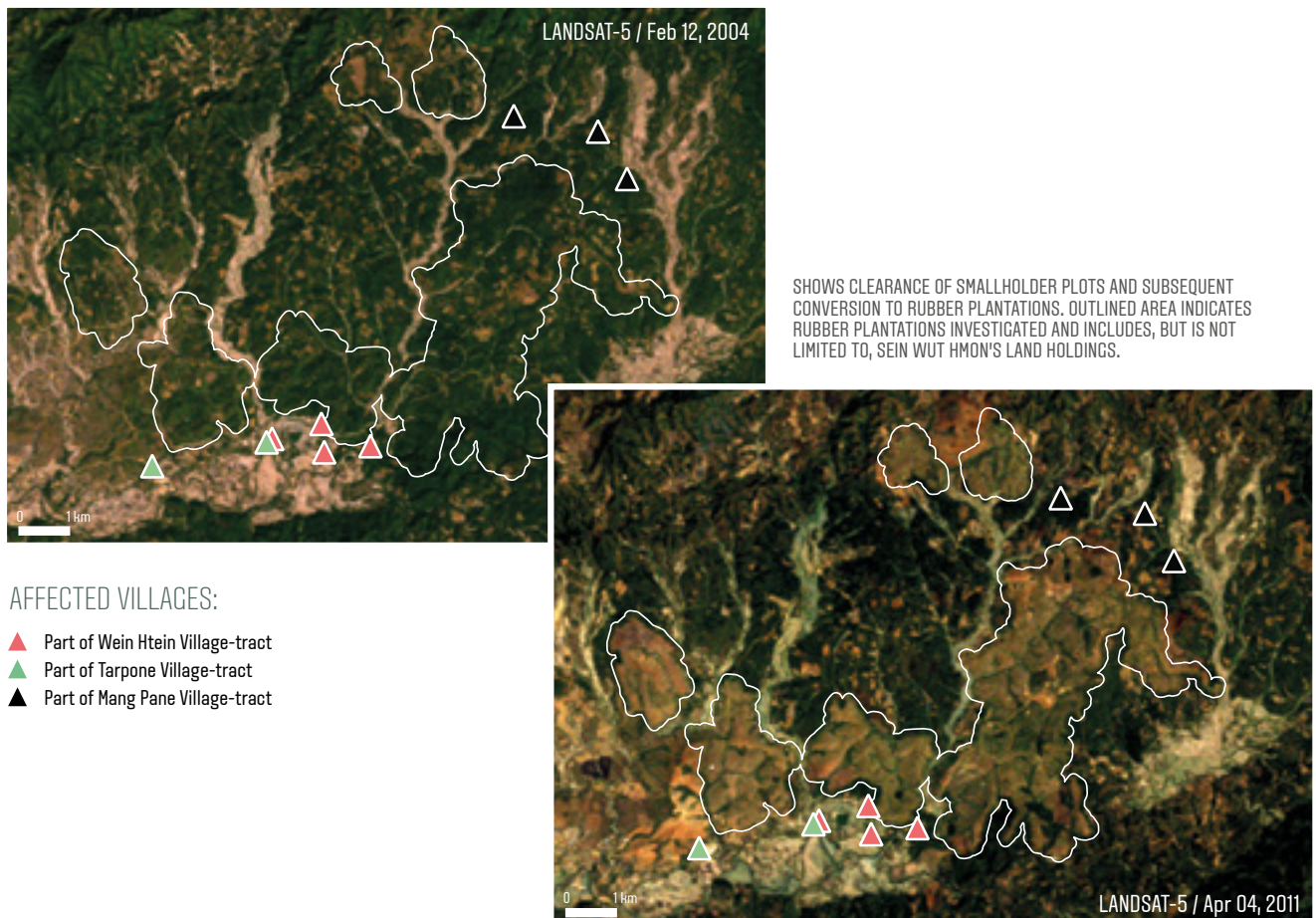
As well as taking over the land that had been confiscated by the Tatmadaw in 2002, Sein Wut Hmon also controls an additional 1896 acres in Wein Htein Village which was confiscated in 2006.¹⁴⁸

This second confiscation was conducted by soldiers from Light Infantry Division 68, a local regiment which has had a military base and checkpoint on the road leading from Lashio Town to the villages where Sein Wut Hmon has its rubber plantations since before the confiscations took place.¹⁴⁹ Soldiers from Light Infantry Division 68 were accompanied by Major Myo Yee and a number of other officers from the Tatmadaw's North East Regional Command, who came to the village in uniform while presenting themselves as representatives of Sein Wut Hmon. Without consulting the villagers, they used posts to mark out the area of land to be confiscated. The villagers were too scared to complain or protest.¹⁵⁰

The soldiers were also accompanied by U Aung Myint Lwin, an official from the Land Statistics Department in Lashio. He told the villagers that the land was being confiscated by the government because it was 'vacant land' (also referred to as 'wasteland' or 'barren' as described in Chapter 1). In fact, the villagers were using the land to grow crops such as pineapple and corn. The police were present while the confiscations were taking place, intimidating the villagers into not complaining or resisting.¹⁵¹

These land confiscations occurred despite the fact that approximately half of the villagers interviewed by Global Witness had

MAP 2: LAND SATELLITE IMAGERY SHOWING RUBBER PLANTATIONS IN AND AROUND VILLAGES IMPACTED BY SEIN WUT HMON'S OPERATIONS



receipts for the taxes they had paid on their land.¹⁵² As discussed in Chapter 1, tax receipts are the only proof of ownership available to these villagers, many of whom had farmed the same area of land for generations. Farmers from Wein Htein Village had receipts dating back to 1980 showing land tax being paid annually to the Land Statistics Department in Lashio up until the year 2000.¹⁵³ Just six years' later, the Land Statistics Department helped the Tatmadaw to confiscate their land.¹⁵⁴

The other villages in Wein Htein Village-tract where Sein Wut Hmon has established rubber plantations have experienced an almost identical story. In **Nuangmo Village**, which has 300 residents all of whom are ethnic Shan, the Tatmadaw confiscated 1200 acres in 2003 without consulting the villagers. Again, the confiscation was carried out by Light Infantry Division 68.¹⁵⁵ Many of Nuangmo's villagers used to have receipts showing the annual land tax they had paid.¹⁵⁶ However, at the time of the confiscation, Light Infantry Division 68 ordered the village head to confiscate the receipts and villagers lost the only proof of land ownership they had.¹⁵⁷ In 2006, Sein Wut Hmon established a rubber plantation on 446 acres of the total 1200 confiscated.¹⁵⁸

Kaung Lin and **Kaung Khan Villages** also in Wein Htein Village-tract are both home to approximately 500 ethnic Shan.¹⁵⁹

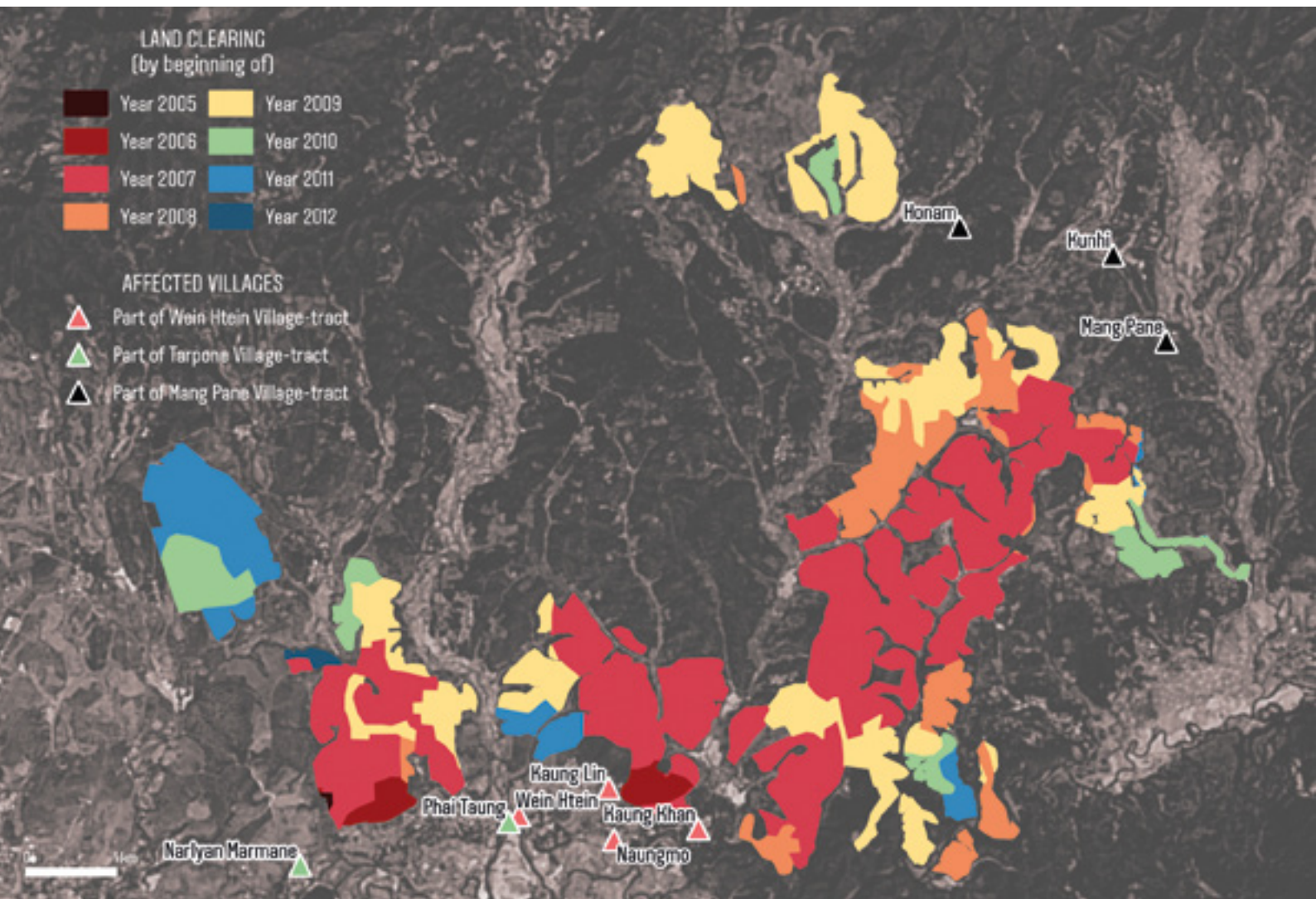
Major Myo Yee and Light Infantry Division 68 confiscated a total of 171 acres of land in the two villages in 2006, again without warning or consultation. Sein Wut Hmon began operating on the confiscated land that same year.¹⁶⁰

Interviews conducted with villagers by Global Witness in Wein Htein Village-tract have revealed that Sein Wut Hmon currently holds a total of 3013 acres of rubber plantations in the area.¹⁶¹ This almost exactly matches the figure of 3013.31 acres stated in an official government document issued by the Ministry of Agriculture and Irrigation office in Lashio and obtained by Global Witness investigators. This document shows the allocation of 'vacant or fallow' land in the area by village-tract and lists the allocation of 3000 acres of land in Wein Htein village-tract to Sein Wut Hmon as taking place on 2nd July 2010. It also lists an allocation of 13.31 acres to the company exactly a month earlier.¹⁶²

The field research and satellite imagery strongly indicates that this is not additional land but in fact the same 3000 acres as the army confiscated and transferred to Sein Wut Hmon between 2002 and 2006.¹⁶³ This document, issued between four and eight years after the confiscations took place, would appear to be an attempt by the Ministry of Agriculture and Irrigation to retrospectively 'legalise' the confiscations. To anyone going through the paperwork,

MAP 3: LAND CLEARANCE BY YEAR IN AND AROUND VILLAGES IMPACTED BY SEIN WUT HMON'S OPERATIONS

SHOWS THAT BY 2009 THE MAJORITY OF LAND HAD ALREADY BEEN CLEARED FOR CONVERSION TO RUBBER PLANTATIONS. OUTLINED AREA INDICATES RUBBER PLANTATIONS INVESTIGATED AND INCLUDES, BUT IS NOT LIMITED TO, SEIN WUT HMON'S LAND HOLDINGS.





Land tax receipts belonging to farmers in Hopan Town. Despite having these documents, the villagers' land was confiscated without compensation.

these confiscations now appear to be legitimate allocations of vacant land conducted through the correct protocols and procedures of the MoAI. When asked if this was indeed the purpose of the document by Global Witness investigators, an official from the MoAI in Lashio responded that he dared not comment on this matter, even anonymously.¹⁶⁴

Global Witness wrote to the MoAI office for Lashio District on 16th February 2015 requesting their comment on the findings outlined above. However, at time of publishing, no response had been received. When asked about the same document, Sein Wut Hmon stated that the company had begun to apply for land permits from the first day they established their plantations, but didn't receive permission for this 3000 acres of 'vacant and fallow' land until 2010. The letter claimed that, of this 3000 acres, Sein Wut Hmon only required 1400 acres and have informed the authorities that they do not need the additional 1600 acres.

Narlyan Marmane Village in Tarpone Village-tract is between Wein Htein Village-tract and Lashio town, just five miles (eight kilometers) from the latter. It is a Shan ethnic village with a population of 1800 people. Without any prior notice or consultation, in November 2005, more than twenty soldiers and officers from Light Infantry Division 68 entered the village.¹⁶⁵ Using bamboo posts, the soldiers began marking out an area for confiscation and used bulldozers to clear the rice and maize the villagers had been growing on the land.¹⁶⁶ They moved into the head of the village's house for one week, forcing him and other villagers to help destroy their own crops. The soldiers stayed in the village to ensure the task was completed.¹⁶⁷ A farmer recalled to investigators how, "Armed soldiers came and the company destroyed the crops with bulldozers. We did not know who they were at first. When we pleaded with them to stop destroying our crops, they [verbally] abused me."

The soldiers from Light Infantry Division 68 were accompanied by a manager of Sein Wut Hmon. He threatened the villagers against protesting against the confiscation saying, "The company [Sein Wut Hmon] is a very rich company. If you make noise, you will go to jail."¹⁶⁸ Once confiscated by Light Infantry Division 68, the villagers' land was then transferred to three separate, private companies including Sein Wut Hmon who currently holds fifty acres.¹⁶⁹

The official government document issued by the MoAI office in Lashio shows that Sein Wut Hmon were allocated 500 acres of land in Tarpone Village-tract on 2nd July 2010.¹⁷⁰ As with Wein Htein Village-tract, this figure almost exactly matches Global

Witness' findings that Sein Wut Hmon has rubber plantation totalling 483 acres in two villages of Tarpone Village-tract, namely Narlyan Marmane (50 acres) and **Phai Taung** (433 acres).¹⁷¹ Both of these confiscations were conducted by the Tatmadaw in 2005 and 2006.¹⁷² As detailed above, the purpose of this document issued four to five years later appears to be to 'legalise' these confiscations retrospectively. In reality, the Tatmadaw had actually transferred the villagers' land to Sein Wut Hmon which had established its rubber plantations long before this official 'allocation' was made.

Hopan Town is approximately 100 kilometers (60 miles) from Lashio town and is located near the Chinese-Myanmar border in the Wa Self-Administered Division (see Map 1). Although located in a government-controlled area, the town borders the territory of the United Wa State Army, said to be the most powerful armed ethnic group in Myanmar. Sein Wut Hmon has a 200 acre rubber plantation in **Marmane Village** on the outskirts of Hopan Town.¹⁷³ This appears to be the only village outside of Lashio district where Sein Wut Hmon has a rubber plantation.¹⁷⁴

Marmane Village has a population of 377 people made up of Shan and Palaung ethnic groups.¹⁷⁵ The village has been the victim of a number of land grabs by a multitude of players.¹⁷⁶ According to government data obtained by Global Witness from the MoAI office in Hopan district, the 200 acres controlled by Sein Wut Hmon is just part of a total of 5605 acres allocated to rubber in and around Hopan Town.¹⁷⁷ As in Wein Htein Village, the inhabitants of Marmane Village were not consulted before the confiscation took place, despite many of them having receipts for their annual land tax payments dating back to the 1980s.¹⁷⁸

A farmer from Marmane Village, who personally lost three acres of land to Sein Wut Hmon, described how Major Myint Soe from the Tatmadaw summoned the villagers to come to his office in Hopan and sign a statement formally giving up their land. He was not able to name the specific military unit involved.¹⁷⁹ "Before we were summoned to his [Major Myint Soe's] office, he threatened us that whether we signed or not, he would grab our land anyway. So that's totally nonsense and I did not go to his office. That's how my land was confiscated."¹⁸⁰ Major Myint Soe also threatened the villagers that anyone who tried to resist or encourage others to protest would be thrown in jail.¹⁸¹ Global Witness attempted to contact Major Myint Soe on 16th February 2015 in order to request his comment on the evidence presented in this report. However, all correspondence was either refused or ignored and, at the time of publishing, no response had been received.

↓ Below. Map of rubber plantations in Chin Shwe Haw, northeastern Shan State, showing 1820 acres of rubber plantations interspersed between villages. Photo taken in the local Ministry of Agriculture and Irrigation office in September 2014.

To summarise, in eight of the eleven villagers that had land confiscated for Sein Wut Hmon rubber plantations, the confiscation was conducted by the Tatmadaw before the land was then transferred over to Sein Wut Hmon.¹⁸² These villages span across three village-tracts – Wein Htein, Homu and Tarpone – plus Hopan Town.¹⁸³ In at least three of these eight villages, the Tatmadaw collaborated with the Land Statistics Department in Lashio District in order to conduct the confiscations.¹⁸⁴ In addition, a document issued by the MoAI in Lashio, showing allocations of ‘vacant and fallow’ land to a variety of actors including Sein Wut Hmon between February 2010 and May 2011, appears to be an attempt to retroactively ‘legalise’ these confiscations which had taken place years earlier. In a response letter to Global Witness, U Maung Myint denied having used affiliations to military personnel in order to confiscate land. He also denied that Sein Wut Hmon has established rubber plantations on land confiscated by the military but failed to respond to allegations that the company conspired with the district authorities.

Totaling 712 acres of confiscated land, Sein Wut Hmon’s remaining rubber plantations are to be found in the villages of **Mang Pane, Kunhi** and **Honam**.¹⁸⁵ These villages are all in Mang Pane Village-tract and are home to a total of 1500 people, all ethnic Shan.¹⁸⁶ These confiscations were conducted between 2007 and 2011 by Sein Wut Hmon company staff officials and do not appear to have directly involved the Tatmadaw or district government in contrast to those that occurred earlier.¹⁸⁷

The official government document issued by the MoAI office in Lashio shows that Sein Wut Hmon was allocated 200 acres of ‘vacant’ land in Mang Pane Village-tract on 2nd June 2010.¹⁸⁸ However, Global Witness interviews and field visits have revealed that Sein Wut Hmon currently holds almost four times this amount in Mang Pane Village-tract, with 200 acres of rubber plantations in Mang Pane Village alone and an additional twelve and 500 acres in Honam and Kunhi Villages respectively.¹⁸⁹ Therefore, unlike in Wein Htein and Tarpone Village-tracts, the figures on this document do not appear to match the land holdings on the ground.

Regardless of who conducted the land confiscations, in all eleven villages where Sein Wut Hmon’s rubber plantations are located, villagers were not given any prior warning that their land was going to be taken. Not a single villager was consulted before the confiscations took place nor given the chance to give or withhold consent to their land being taken. In addition, the potential social and environmental impacts of the land confiscations appear to have been completely disregarded by both the Tatmadaw and Sein Wut Hmon. Global Witness was not able to find any evidence of Environmental and Social Impact Assessments (ESIAs) being carried out or of any steps taken by either actor to mitigate the negative impacts of the confiscations on the local population or environment. In its response to Global Witness, Sein Wut Hmon denied that it failed to consult villagers during the process of acquiring the land, but provided no comment on the lack of ESIs undertaken before it took control of the land for its rubber plantations.

At the time of the confiscations, there were in fact no requirements for companies to conduct ESIs before acquiring land (see Chapter 1). However, in 2012, Environmental Impact Assessment rules were drafted by the Myanmar government and it is anticipated that these, along with guidelines for Social Impact

Assessments, will be aligned with and incorporated into the National Land Policy when it is finalised in 2015.¹⁹⁰ Sein Wut Hmon must retrospectively carry out ESIs in order to make an assessment of the restitution it owes to villagers.

CRONYISM: THE MILITARY AND POLITICAL ELITES WHO ENABLED SEIN WUT HMON TO GAIN CONTROL OF THE LAND

Too afraid to ask at the time, many of the villagers whose land now lies under Sein Wut Hmon rubber plantations aren’t aware of which specific military unit confiscated their land. However, villagers interviewed in Wein Htein, Kaung Khan, Kaung Lin, Naungmo and Narlyan Marmane Villages all stated with certainty that it was soldiers from **Light Infantry Division 68** who physically conducted the confiscations in their village.¹⁹¹

Light Infantry Division 68 has its military base and a checkpoint on the road from Lashio Town to the villages and Sein Wut Hmon rubber plantations (see Map 1).¹⁹² The inhabitants of the eleven villages affected by Sein Wut Hmon’s plantations must therefore regularly pass through this checkpoint. Although they are allowed to pass free of charge, this ensures that the villagers do not forget that Light Infantry Division 68 is ever-present and that the Tatmadaw controls the area.¹⁹³



Almost no information is available on Light Infantry Division 68. However it has been reported that, on 2nd January 2006, a patrol consisting of twelve of its soldiers shot and killed five Kachin Independence Army (KIA) soldiers and one civilian in ‘cold blood’ at a KIA administrative office in Bum Pri Bum. The patrol was allegedly led by Light Infantry Division 68’s Major Hla Moe.¹⁹⁴ According to a former corporal in Light Infantry Division 68 interviewed by Global Witness investigators, Major Hla Moe is also one of the officers who oversaw the land confiscations in Lashio district.¹⁹⁵ Global Witness attempted to contact both Light Infantry Division 68 and Major Hla Moe on 16th February 2015 in order to obtain a response to the findings presented in this report. However, the correspondence was either rejected or ignored and, at time of publishing, no response from either party had been received.

However, when interviewing more than 120 villagers who lost their land to Sein Wut Hmon, one officer’s name kept being repeated - that of **Major Myo Yee**, an officer in the North East Regional Command.¹⁹⁶

Villagers in Wein Htein, Kaung Khan, Kaung Lin and Phai Taung Villages described how Major Myo Yee, led soldiers into the village to confiscate their land.¹⁹⁷ He repeatedly ignored villagers’ appeals for information and verbally abused them when they requested

permission to chop down the trees they had planted for firewood before their land was confiscated.¹⁹⁸ Despite serving as a Major in the Tatmadaw and being in military uniform, Major Myo Yee presented himself to the villagers as a representative of the company Sein Wut Hmon during the confiscations.¹⁹⁹ While serving as a Major in the North East Regional Command, Yee is also alleged by interviewees to have been the Administrative Chief of Lashio Region from 2005 to 2006, the period during which the majority of the confiscations in the eleven villages took place.²⁰⁰ U Maung Maung, Sein Wut Hmon’s site manager, told Global Witness that, since retiring from the army, Major Myo Yee (now U Myo Yee) has become the general manager of Sein Wut Hmon.²⁰¹ He is still seen regularly in the villages where the confiscations took place but no longer in military uniform.²⁰² When asked, Sein Wut Hmon confirmed that Major Myo Yee (now U Myo Yee) is currently employed by the company as a ‘project manager’.

Global Witness attempted to contact U Myo Yee on 16th February 2015 to request his comments on the findings presented in this report, but no response had been received at time of publishing.

Major Myo Yee and other soldiers from the North East Regional Command collaborated with the **Land Statistics Department in Lashio** in order to confiscate the villagers’ land, and in



Young people impacted by Sein Wut Hmon's land confiscations have left their villages in search of work, no longer able to survive from farming.

particular with an official called **U Aung Myint Lwin**.²⁰³ U Aung Myint Lwin was present during the confiscations in Wein Htein and Phai Taung Villages when Major Myo Yee presented himself to villagers as being a representative of Sein Wut Hmon and was therefore aware that the Tatmadaw was confiscating the land in order to hand it over to the company.²⁰⁴ Villagers described how, despite being a government official, U Aung Myint Lwin, ignored their pleas for their firewood and ancestral graveyard not to be confiscated.²⁰⁵

In addition, U Aung Myint Lwin and the Land Statistics Department in Lashio appear to have been involved in land confiscations by private companies other than Sein Wut Hmon. They are both mentioned in an appeal letter (dated 17th September 2014) sent to Dr Sai Mauk Kham, one of Myanmar's two vice-presidents, from 430 villagers from Tarpone Village-tract. The letter details how, on 9th September 2012, U Aung Myint Lwin went to the office of a rubber company (not Sein Wut Hmon) that the villagers accuse of confiscating their land. However, the villagers saw no outcome from that meeting. The letter also details how, on 11th May 2013, officials from the Land Statistics Department in Lashio came to Narlyan Marmane Village and did nothing other than tell the villagers to “perform plenty of prayers.”²⁰⁶ On 16th February 2015, Global Witness wrote to Aung Myint Lwin and the Land Statistics Department in Lashio requesting comments on the evidence presented in this report, but at time of publishing, no response had been received.

Although Light Infantry Division 68 and other local regiments conducted the land confiscations in eight of the eleven villages where Sein Wut Hmon now has rubber plantations, four interviewees (including a retired corporal from Light Infantry Division 68 and an official from the MoAI office in Lashio) all stated with certainty that these local regiments were acting under the direct orders of the **North East Regional Command**.²⁰⁷ One of thirteen regional commands which cover the whole of Myanmar, the North East Regional Command is made up of thirty Infantry Battalions including Light Infantry Division 68.²⁰⁸

An ex-corporal who served in Light Infantry Division 68 for sixteen years and retired in 2004, said that the land confiscations in Wein Htein, Mang Pane, Nuangmo and Phai Taung Villages were conducted by Light Infantry Division 68 under the direct orders of the North East Regional Command in collaboration with the Land Statistics Department in Lashio.²⁰⁹ In addition, the appeal letter mentioned previously from 430 villagers from Tarpone Village-tract to Dr Sai Mauk Kham details how the ‘North East Regional Command confiscated 500 acres on 8th April 2005, saying they want to grow 500 nursery plants. Light Infantry Division 68 provided security while Infantry Division 507 cleared the land...’ The letter goes on to list the three private companies which are now operating on the land, including Sein Wut Hmon.²¹⁰

Confirming the involvement of the North East Regional Command, an official from the MoAI in Lashio described how the Tatmadaw ordered him and other staff in his office to assist Sein Wut Hmon with their rubber projects. “We were completely ignorant about how these lands were confiscated. We just had to obey the army's orders.” Although he was not in a position to ask who specifically had issued the orders he was adamant that no ordinary military officer could have initiated the confiscations and that they must have been planned by the top military generals of the

North East Regional Command. His presumption was that Sein Wut Hmon must have a deal with the most powerful generals of the North East Regional Command.²¹¹ Global Witness attempted to contact the North East Regional Command on 16th February 2015 in order to obtain comment on the evidence presented in this report. However, the correspondence was either refused or ignored and, at time of publishing, no response had been received.

The man in charge of the North East Regional Command in 2005 and 2006, when the majority of the confiscations took place, was U Myint Hlaing, Myanmar's current Minister of Agriculture and Irrigation.²¹²

U Myint Hlaing was the Commander of the North East Regional Command and military governor of Northern Shan State from 2001 until approximately May 2006.²¹³ Two-thirds of the land confiscated by the army and now under Sein Wut Hmon rubber plantations took place during this time period (see Annex). Two interviewees described to Global Witness how U Myint Hlaing was the most aggressive general ever to serve in northeastern Shan State.²¹⁴ In addition, he is widely referred to as the most hardline of all of the regional commanders to serve across the country at that time.²¹⁵



U Myint Hlaing on a USDP election campaign poster in October 2010. ©Khin Maung Win/ASSOCIATED PRESS

Reported to be particularly ruthless, especially in his dealings with ethnic groups, on 7th February 2005, U Myint Hlaing orchestrated the arrest of several prominent Shan leaders on charges of treason and defamation of the state in the build-up to the military government's constitution-drafting National Convention.²¹⁶ As well as allegedly being involved in the drugs trade thanks to close associations with a number of drug lords active in northern Shan State, the Kachin Independence Army (KIA) charge U Myint Hlaing with regularly allowing soldiers under his command to use excessive violence and cite numerous examples of his brutality.²¹⁷

A farmer from Homu Village described to investigators how, between 2001 and 2006, he sporadically worked as an unofficial translator for the North East Regional Command. He was hired to accompany then Commander U Myint Hlaing on trips to the countryside outside Lashio in order to translate between Burmese and the Shan language spoken by the villagers. He claims that U Myint Hlaing was aware of the confiscations and even visited some of the sites.²¹⁸

U Myint Hlaing has also been controversial in his current post as Minister for Agriculture and Irrigation, which he has held since March 2011. This is largely due to two events that occurred in 2012 and received a great deal of domestic media attention. The first took place in April when, following a decision by Myanmar's parliament to cut his ministry's budget, U Myint Hlaing accused parliamentarians of being both 'thoughtless and uneducated'. He was forced to apologise publically a month later, the first time in Myanmar's history that a government minister has issued an apology to parliamentary representatives.²¹⁹ That same year, the media reported that U Myint Hlaing told impoverished villagers that they should make do with just one meal a day. This angered villagers all over Myanmar and caused uproar on social media.²²⁰

Despite these events, U Myint Hlaing remains one of the most powerful ministers in the current government and is said to still be close to Than Shwe (the Senior General who led Myanmar's military government from 1992 to 2011). Under U Myint Hlaing's rule, national agricultural policy is proactively prioritising mechanized agriculture at the expense of smallholder farmers.²²¹ He was also responsible for overseeing the drafting and adoption of both the Farmland Law and Vacant, Fallow and Virgin Lands Management Law.²²² As discussed in Chapter 1, both laws are criticised for failing to recognise customary tenure rights which puts rural villagers under real threat of land confiscations, particularly ethnic communities living in highland areas such as north-eastern Shan.

Therefore U Myint Hlaing, both as Commander of the Tatmadaw's North East Regional Command and later as Agriculture and Irrigation Minister, has been consistent in promoting commercial large-scale agriculture at the expense of Myanmar's smallholders. In both roles, he has taken actions which undermined the traditional agricultural practices of ethnic minority groups, specifically *taungya*. Global Witness wrote to U Myint Hlaing on 16th February 2015 in order to obtain his comments on the findings outlined in this report. However, at time of publishing, no response had been received.

IMPACTS OF SEIN WUT HMON'S RUBBER PLANTATIONS ON THE LOCAL POPULATION

According to testimony collected by Global Witness between August and December 2014, the impacts of the Sein Wut Hmon land confiscations on the villagers in northeastern Shan State



"My land was ancestral land. It was handed down from one generation to another." – Farmer from northeastern Shan State who had two acres of land confiscated by the military and transferred to Sein Wut Hmon in 2006.

have been exclusively negative. They include countless human rights violations with regard to both livelihood and expressive rights (namely freedom of speech and association) which have left villagers poorer and unable or too frightened to voice their grievances.

The eleven villages where the company's 4608 acres of rubber plantations are located are populated by a total of 22,127 people.²²³ The impacts of Sein Wut Hmon's plantations on their lives are described below according to the following categories; loss of land, lack of compensation, loss of livelihood and food insecurity, lack of employment and the impacts on family life, undermining of villagers' ability to keep cattle, scarcity of firewood, failure to invest in developing the area, and confiscation of ancestral graveyards and religious sites.

LOSS OF LAND

*“There was no negotiation at all before the land was taken away. We were completely in the dark about who and how the confiscations were done.”*²²⁴

- A farmer from Naungmo Village who had four acres of land confiscated.

Between August and December 2014, Global Witness investigators interviewed 124 people from eleven villages, all of whom had had land confiscated either by Sein Wut Hmon directly or by the Tatmadaw who had then transferred the land over to the company. Previously all smallholders, the majority of these farmers had between one and five acres of land confiscated, while a third lost

MAP 4: RUBBER PLANTATIONS IN AND AROUND VILLAGES IMPACTED BY SEIN WUT HMON'S OPERATIONS, SHOWING AREA COVERED BY PLANTATIONS AND PROXIMITY TO VILLAGES.





"I was not given a cent for my lost land." – A farmer from northeastern Shan State who had 10 acres of land confiscated by Light Infantry Division 68 and handed over to Sein Wut Hmon in 2006.

between ten and thirty acres. These losses include both permanent fields and those used as *taungya*, including areas that were fallow at time of confiscation. Almost all of the villagers interviewed did still have some land left to cultivate which they have to rely on to survive, now more than ever.

As referred to in Chapter 1, like the majority of those living in Myanmar's uplands, the villagers live under a customary land tenure system and therefore don't have hard titles for their land. As their only proof of ownership, approximately a third of the villagers interviewed were still in possession of their land tax receipts. Roughly a third had had their receipts confiscated when their land was taken or had destroyed them afterwards thinking they were no longer of any use. The remainder of the villagers had never paid tax on the land and therefore never possessed any kind of documentation to prove ownership.²²⁵ However, the Tatmadaw confiscated the land of all the villagers interviewed by Global Witness regardless of whether they could show land tax receipts. A farmer from Phai Taung Village described how he lost fifteen acres of pineapple and peanut fields. "*Despite the fact that my family had tax receipts, my land was confiscated without any compensation at all.*"²²⁶

A farmer from Naungmo Village in Wein Htein Village-tract, who lost 3 acres of ancestral land, described how "*All the areas on the hillside were confiscated. The only remaining areas are flat land areas where we grow rice.*"²²⁷ This is common to all eleven villages and every villager interviewed had lost agricultural land on hillside slopes where they planted crops such as maize and pineapple and grew hardwood trees locally called 'Mezali'

(*accacia siamea*) which they use for firewood.²²⁸ They had also previously used this hillside land as *taungya* plots. Some villagers also lost paddy fields, flat areas used to grow rice, however this was less common.²²⁹ This may be because the military government did not recognise *taungya* but recognised the paddy fields as 'productive' under the *Land Nationalization Act*.²³⁰ It may have therefore been easier to legitimise confiscating the farmers' land on the uplands and to leave the paddy fields.

By targeting the fields used as *taungya* for confiscation, Sein Wut Hmon's rubber plantations have affected the villagers' rights as Indigenous Peoples (IPs). The United Nations Declaration of the Rights of Indigenous Peoples, while not legally binding, provides international standards for the rights of IPs. The provision of land for Sein Wut Hmon's rubber plantation on indigenous land is contrary to numerous articles in this declaration, particularly articles 20-32 which pertain to the rights of IPs to use and maintain land in accordance with traditional social, cultural and economic practices.²³¹

In Kaung Khan, Homu and Nuangmo Villages, some of those who had their land confiscated went and cleared other scrubland in order to establish new areas to cultivate further from the village. These sites tend to be between three and six miles from the villages so farmers are unable to keep an eye on their crops and are forced to either walk great distances or spend money on motorbike fuel.²³² A farmer from Kaung Khan Village in Wein Htein Village tract told Global Witness investigators, "*It is so difficult to maintain the crops in these new areas because we cannot always sleep there at night when monkeys and jungle pigs*



Farmer from northeastern Shan State whose 20 acres of ancestral land is now under a Sein Wut Hmon rubber plantation. Left landless, he struggles to make a living working as a casual labourer.

rampage our crops.” This damage to crops negatively affects the villagers’ livelihoods.²³³

Six of the 124 affected villagers interviewed by Global Witness had been left totally landless as a result of the confiscations and have had to eke out a living as casual labourers. One inhabitant of Homu Village had four acres of fields where he grew maize, beans and rice confiscated in 2006. Left landless, he is no longer able to survive as a farmer and has had to become a casual labourer, looking for odd jobs such as helping out on other people’s farms and carrying water. *“I now earn from hand to mouth, taking any chores in the village. I don’t have any more land to grow crops.”*²³⁴ Another farmer from Phai Taung Village had twenty acres of pineapple and peanut fields confiscated in 2006. He also survives as a hired labourer, doing chores and working on other villagers’ fields.²³⁵ A woman from Marmane Village near Hopan Town has also been left landless. She told Global Witness investigators, *“I don’t just work on farms. I also take odd jobs. With no land and no crops, I have no choice but to do that.”*²³⁶

LACK OF COMPENSATION

*“They did not explain to us at all why our land was confiscated. And we did not receive any compensation. Not even one Kyat (US \$0.001) did we get for compensation.”*²³⁷

– A farmer who lost 1.5 acres of peanut fields in 2006, speaking on behalf of the eighteen villagers present in Kaung Lin Village.

In ten of the eleven villages where Sein Wut Hmon has rubber plantations, not a single villager has received any kind of compensation for their confiscated land.²³⁸ An appeal letter sent by twenty-one villagers from Homusel (the eastern part of Homu Village) to the Speaker of the Union Parliament dated 17th September 2013, requests the return of their 150 acres occupied by Sein Wut Hmon saying, *“the ancestral lands of Homusel in Lashio were confiscated in 2006 and the areas have now become the rubber plantations of Sein Wut Hmon company which did not compensate the affected villagers either financially or by providing new areas of land.”*²³⁹

Only in Kunhi Village, a remote village of 200 ethnic Shan in Mang Pane Village Tract, did some of the villagers receive financial compensation for the land that was taken. This confiscation of 500 acres was conducted by Sein Wut Hmon staff in 2011, three to six years later than the rest of the confiscations. Approximately five percent of the villagers in Kunhi Village received financial compensation from Sein Wut Hmon, despite not having land tax receipts.²⁴⁰

One farmer from Kunhi Village, who had one of his two acres of paddy fields confiscated, described how Sein Wut Hmon came to confiscate the land without any negotiation or explanation. He received 400,000 Kyat (US \$400) as compensation and continues to work on his remaining one acre.²⁴¹ In contrast, a woman from the same village who had four to five acres of paddy fields confiscated, received just 120,000 Kyat (US \$120).²⁴² The ten villagers interviewed by Global Witness in October 2014 had all received substantially different amounts of financial compensation from Sein Wut Hmon. This could be the result of the company

dealing with each person separately, a tactic which can divide a village and often means that the least-educated and most marginalised villagers get little or no compensation.²⁴³

It is not surprising that the only confiscation for which Sein Wut Hmon has paid some compensation occurred much more recently. By 2011, when Kunhi Village's 500 acres of land was confiscated, the new reformist government was already in place. Stories of land confiscations in national media were becoming commonplace. In this respect, it makes sense that Sein Wut Hmon would feel that it should pay compensation to avoid conflict with the villagers and associated reputational damage. The case of Kunhi Village could potentially set a precedent for the other ten villages impacted by Sein Wut Hmon rubber plantations to retrospectively seek restitution for their confiscated land and lost livelihoods.

Global Witness asked for Sein Wut Hmon's response to the allegations that no compensation was paid for the confiscated land. The company responded that, in return for land for their first rubber plantation in the Hopan area, it 'built a primary school in the village' and in others, contributed to the Village Development Fund. However, when asked about benefits, not one of the 124 villagers interviewed by Global Witness mentioned either of these.

LOSS OF LIVELIHOODS AND FOOD INSECURITY

*"We were not rich before. We were not poor either. We could survive on our land. But now with less land, life has become very difficult."*²⁴⁴

– A farmer from Kaung Lin Village who had 1.5 acres of land confiscated.

The impacts of the confiscations on the villagers' livelihoods have been extremely damaging which, in turn, has impacted upon food security in the most severe cases. All of the 124 villagers interviewed by Global Witness expressed the same sentiment when asked about the impacts of Sein Wut Hmon's rubber plantations on their lives - they now have less land, less harvest, less money.²⁴⁵

One villager from Kunhi Village estimates that since the confiscation of one of his two acres of paddy fields he has lost half his annual income.²⁴⁶ In nearby Honam Village, also in Mang Pane Village-tract, another villager lost around 600,000 Kyat (US \$600) per year since Sein Wut Hmon confiscated his seven acres of land in 2008. A farmer from Narlyan Marmane Village in Tarpone Village-tract had eight acres confiscated by Light Infantry Division 68 on behalf of Sein Wut Hmon in 2005. He has now been left with just two acres of paddy fields. He estimated that the confiscation has negatively affected his income by three million Kyat (US \$3000) per year. He also explained that the loss can't solely be measured in monetary terms as the villagers still use a barter system, swapping the rice they grow for other foodstuffs with each other and also with merchants who come to the village regularly. Having had 80 per cent of his land confiscated, he is longer able to produce sufficient amounts of rice to trade and therefore must rely solely on rice to feed his family.²⁴⁷

The livelihoods of those that have been left landless have been most negatively affected by the confiscations. A villager from Phai Taung Village described how he used to earn around two million Kyat (US \$2000) per year from his twenty acres of land. Now he is a casual laborer who makes just 1000 to 3000 Kyat per day (US \$1-\$3) and only when he can find work. He sometimes only gets paid in rice and is struggling to survive.²⁴⁸

Another villager from Marmane Village has a very similar story. Since becoming landless she takes whatever odd jobs she can find but says, "My grandchildren are growing up. I can't earn enough income for an entire household of six people [working as a casual laborer]." The confiscation has also affected her food security. She used to have paddy fields which yielded sufficient amounts of rice to feed her large family and have some leftover to sell. "I also used to grow corn on the hillsides which are now replaced with rubber plantations. So it has become difficult for us to have a bag of food ready for the kitchen."²⁴⁹

This obliteration of local livelihoods is contrary to international human rights standards, specifically the right of everyone to an adequate standard of living, which includes "the



The stump of a hardwood Mezali tree on a Sein Wut Hmon rubber plantation near Mang Pane Village-tract. Villagers relied on these trees for firewood until they were cleared when the land was confiscated.

continuous improvement of living conditions”, provided for under the International Covenant on Economic, Social and Cultural Rights (ICESCR), article 11(1). Whilst the ICESCR is not yet ratified by Myanmar, this standard reflects international human rights law and has been recommended for ratification by Myanmar’s National Human Rights Commission.²⁵⁰ The land confiscations also violate the villagers’ right to food which the UN Special Rapporteur on the Right to Food defines as *‘the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear.’*²⁵¹ Many villagers who had their land confiscated have suffered a reduction in both the amount and variety of food available.

When asked, Sein Wut Hmon stated that the company’s plantations had raised the standard of living for the local villagers.

LACK OF EMPLOYMENT AND THE IMPACTS ON FAMILY LIFE

*“Our village used to be a prosperous one. Now it has become a dull place since the younger people are leaving for other towns in search of jobs. They have no land here to make a living.”*²⁵²

– A farmer from Narlyan Marmane Village in October 2014.

Sein Wut Hmon claims on its website that their first plantation in Hopan was established *‘with the aim of creating jobs for former opium planters’* and that *‘nowadays, the [company’s] plantation business was able to give jobs to over 150 people’*.²⁵³ However, Global Witness investigations suggested that the company has not offered or provided a single job to the local villagers. In addition, even if Sein Wut Hmon’s claim of providing 150 jobs were true, such a small number of jobs could not mitigate against the impacts of the land confiscations on local livelihoods. The villages where Sein Wut Hmon’s rubber plantations are located are home to just over 22,000 people. Therefore 150 jobs would not make a significant contribution to alleviating rural poverty. In addition, when asked, villagers all said that they mistrust Sein Wut Hmon and don’t want to work on the company’s rubber plantations.²⁵⁴

Instead of providing jobs for local villagers, Sein Wut Hmon has hired people from lower parts of Myanmar or other parts of Shan State to both guard the plantations and work as rubber tappers collecting latex.²⁵⁵ Combined with the loss of farmland, this has led to many young people in Wein Htein Village finding themselves unemployed - a new phenomenon for a village whose inhabitants have survived from subsistence farming for generations.²⁵⁶

In its response to Global Witness, Sein Wut Hmon said that the company had created *‘100 per cent employment in the region’*, always giving priority for jobs to farmers from the surrounding villages. They claim that 50 per cent of their current workforce comes from local villages and that people from other areas are only hired when there isn’t sufficient local labour available.

The confiscations have also affected family life in the villages. A farmer from Wein Htein Village had ten acres of land confiscated by Light Infantry Division 68 in 2006. She has since had to send her children to work in Thailand. *“I don’t want to let them work in Thailand. I just want them to work on the farm here [in the village] instead of having to work in a foreign country in difficult situations. I am always worried about my children. They might be in trouble while they are far from home. They cannot even come back once a year. If I got my land back I would recall my children from Thailand. I am not happy with my current life.”*²⁵⁷ Another

farmer from Narlyan Marmane Village shares her experience. Since he had all of his two acres of land confiscated by Light Infantry Division 68 in 2005 his children have also had to go and work in Thailand. He now survives off the remittances they send home.²⁵⁸ When asked for comment, Sein Wut Hmon replied that young villagers left due to fear of being recruited by ethnic armed groups and it was unrelated to their plantations.

UNDERMINING OF VILLAGERS’ ABILITY TO KEEP CATTLE

*“Now that cattle cannot be kept for lack of pastures, it has become more difficult to survive as a farmer.”*²⁵⁹

– A farmer from Nuangmo Village who had ten acres of land confiscated.

One of the grievances most often repeated across all eleven villages was the negative impact of Sein Wut Hmon’s rubber plantations on the villagers’ ability to keep cattle. As well as losing land for growing crops, many of the villagers had pasture land confiscated and no longer have an area of sufficient size for grazing. Sein Wut Hmon issues fines to the villagers if cattle are found to be impacting in any way upon the rubber plantations.²⁶⁰ *“The company would even fine us for a single footprint of a cow found in the rubber plantations”* said a farmer from Homu Village.²⁶¹ A resident of Wein Htein Village described how, *“If a buffalo was caught by the company guards in the rubber plantations area, then we would be fined 50,000 Kyat (US \$50) if we want to get back our buffalo”*²⁶² Meanwhile, inhabitants of Nuangmo Village are fined 7000 Kyat (US \$7) for every rubber plant damaged by a cow or buffalo.²⁶³

As a result of these fines, villagers have had to sell off their cattle and many villages such as Nuangmo have almost no cattle left.²⁶⁴ Without cattle, the villagers must find other ways to plough their fields and buy fertilizers to replace manure, all of which increases the cost of their agricultural production and negatively impacts upon their livelihood.²⁶⁵

SCARCITY OF FIREWOOD

*“There are no more Mezali trees which we relied on so much for firewood. All have become rubber,”*²⁶⁶

– A farmer from Mang Pane Village who had six acres of land confiscated.

Villagers in all eleven of the villages investigated by Global Witness have been suffering from a serious shortage of firewood since their land was confiscated. They had previously relied on Mezali trees which they grew on their land specifically for the purpose of harvesting firewood.²⁶⁷ However, these hardwood trees planted on the sloped hills were chopped down to clear the land for the rubber plantations and firewood is now extremely scarce, forcing them to walk great distances to find it.²⁶⁸ What used to be large trees on the villagers’ land now remain as mere stumps.²⁶⁹

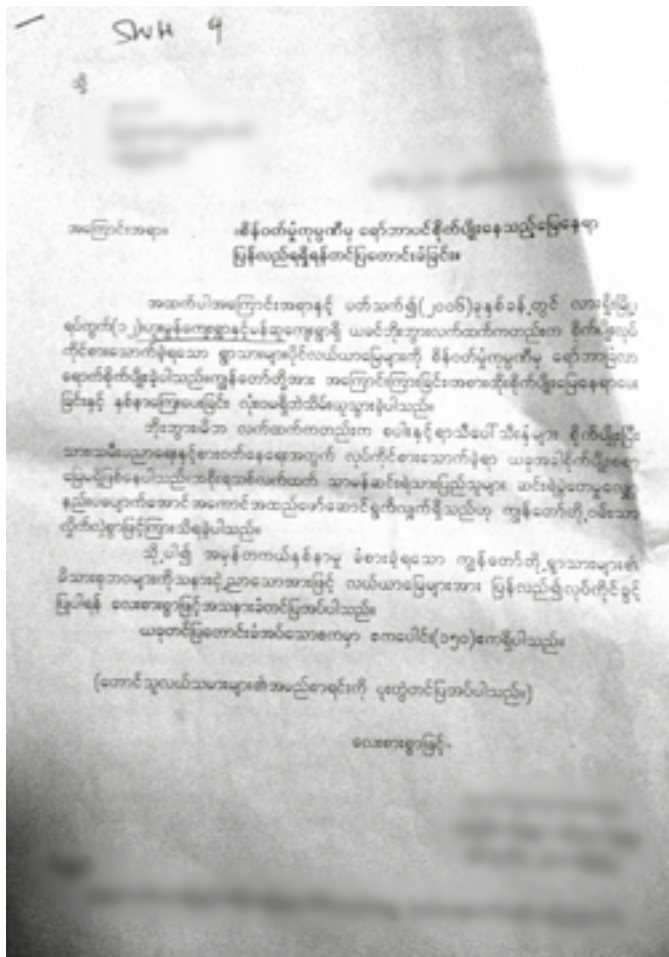
In Phai Taung Village, in 2006, the Myanmar Army cleared the villagers’ land including their Mezali trees.²⁷⁰ During the confiscation, a farmer, who had all twenty hectares of his land taken, appealed to Major Myo Yee from the North East Regional Command and Aung Myint Lwin from the Land Statistics Department in Lashio to at least allow him to clear his own trees and keep the firewood. In response he was verbally abused. *“There were some trees I wanted to chop in the seized plantations for the firewood but I was not let in. I dared not argue with them. So I kept quiet.”*²⁷¹ He saw the soldiers take away the timber they had cleared from his land. He is unsure what they did with it but presumes they used it for firewood as he would have done.²⁷² Sein Wut Hmon declined to comment on whether their plantations had negatively impacted the villagers’ ability to keep cattle or led to a scarcity of firewood.

FAILURE TO INVEST IN DEVELOPING THE AREA

Sein Wut Hmon has done nothing substantial to help the development of any of the villages where its rubber plantations are located. For example, like the majority of the other eleven villages, Nuangmo Village doesn't have a school, health clinic or electricity. Despite this, Sein Wut Hmon has done nothing to help the village apart from donate a small, electric generator to the village's abbot for the monastery.²⁷³ Mang Pane Village had a similar experience where the company did nothing to help the development of the village but instead donated 150,000 Kyat (US \$150) and thirty sheets of corrugated iron to reconstruct a house belonging to the village's school teacher.²⁷⁴ Making small donations to the abbot and teacher, usually two of the most influential people in a village, is a common approach used to win over the inhabitants.

A few years after the confiscation took place in Phai Taung Village in 2006, one local farmer approached Sein Wut Hmon officials who were in the village to observe the status of the rubber plantation. He requested that the company helps the village by building a paved road. The request was ignored.²⁷⁵ On 17th September 2014, 430 villagers in Tarpone Village-tract sent an appeal letter to the Vice-President of Myanmar, Dr Sai Mauk Kham. The letter outlines how the villagers are facing difficulties in areas of 'religion, health, business, education and social matters' due to the land confiscations by Sein Wut Hmon and other companies.²⁷⁶ The letter has never received a response.²⁷⁷ When asked, Sein Wut Hmon stated in a letter to Global Witness that the company provides ample assistance to local villagers and never rejects their requests.

↓ Below. Appeal letter from 21 inhabitants of Homu Village whose land was confiscated by the North East Regional Command in 2006. Villagers' names have been hidden to protect their identities.



CONFISCATION OF ANCESTRAL GRAVEYARDS AND RELIGIOUS SITES

“You villagers won’t die anymore so we will take the graveyard as well.”²⁷⁸

– A joke made by Aung Myint Lwin from the Land Statistics Department in Lashio when the villagers of Wein Htein Village pleaded with him not to take their ancestral graveyard.²⁷⁹

As well as impacting upon the villagers’ livelihood and standard of living, Sein Wut Hmon’s rubber plantations have also affected their spiritual lives and traditions. Light Infantry Division 68’s land confiscations in Wein Htein and Narlyan Marmame Villages in 2006 both included the villages’ traditional graveyards.²⁸⁰ Mang Pane Village also lost its ancestral graveyard when Sein Wut Hmon company officials confiscated their land in 2007.²⁸¹ All three of these graveyards, where the villagers’ ancestors are buried, are now under Sein Wut Hmon rubber plantations.²⁸²

Many villages also lost their spirit shrine (known as ‘nat sin’) in the confiscations. These shrines are found mainly in ethnic minority villages and consist of small bamboo structures where people put offerings to the village guardian spirit. The villagers in both Nuangmo and Mang Pane Villages talked about losing their spirit shrines, the former when Light Infantry Division 68 confiscated 1200 acres of their land and the latter to Sein Wut Hmon company officials.²⁸³ When asked, Sein Wut Hmon denied that the land they had confiscated included village graveyards or spirit shrines.

In summary, not only has Sein Wut Hmon failed to deliver any positive impacts for the local villagers but, in reality, the company’s rubber plantations have caused serious and wide-ranging negative impacts. As detailed above, the company has not paid compensation, provided employment opportunities or invested in rural

To/

Speaker of Union Parliament
Naypyidaw

Sept 17th 2013

Subject: Appeal for the return of areas occupied by Sein Wut Hmon’s rubber plantations.

Regarding the aforementioned topic, the ancestral lands of Homusel in Lashio were confiscated in 2006 and the areas have now become the rubber plantations of the Sein Wut Hmon company which did not compensate the affected villagers either financially or by providing new areas of land.

We have survived on seasonal crops, including rice, for generations but now we have no land. We have welcomed the new government which announced that it would fight against poverty and work on behalf of people who are impoverished.

In light of this policy and the sufferings of the villagers who have been affected by the land confiscation, we would like to appeal for the return of our land.

We are therefore requesting the return of 150 acres of land.

Regards,
Villagers of Homusel (Homu Village)
Lashio

Copied to the chairman of the Parliamentary Land Investigation Commission in Naypyidaw.

development in the area. The land confiscations have undermined the villagers' ability to keep cattle and caused serious shortages of firewood. Every person interviewed has had their livelihood negatively impacted which, in some cases, has led to food insecurity. The land confiscations have also challenged the traditions and way of life in the villages as religious sites have been confiscated and people are forced to send their children away to find work. Finally, the way in which the confiscations were conducted through intimidation has increased the villagers' levels of fear of government and the military and violated their right to freedom of expression.

CLIMATE OF FEAR AND THE VILLAGERS' STRUGGLES FOR JUSTICE

*"We did not want to be sent for by anyone [by the Tatmadaw]. That's why we all kept silent while the Tatmadaw confiscated our land. We didn't want to be jailed."*²⁸⁴

– A farmer referring to the 2006 confiscation conducted by Light Infantry Division 68 in Wein Htein Village.

At the time of the land confiscations, all of the inhabitants of the eleven villages were too scared to protest or even complain due to fear of retribution from the Tatmadaw. This is indicative of the effect years of civil war has had on human rights in Myanmar, with villagers too afraid to exercise their right to freedom of expression, particularly in ethnic minority areas. Villagers in Wein Htein Village recalled to Global Witness investigators how, during the conflict, they would flee if they heard Tatmadaw soldiers coming. As described in Chapter 2, those who didn't get away were forced to serve as porters for the army, carrying the soldiers' equipment without pay. Some never returned to the village.²⁸⁵

Of note is the fact that this same level of fear was felt by inhabitants of the three villages in Mang Pane Village-tract in which Sein Wut Hmon officials conducted the confiscations themselves between 2007 and 2011. A farmer from Mang Pane Village said, *"We dared not speak out against that as we all feared."*²⁸⁶ The fact that the villagers were equally scared to protest whether it was armed soldiers or company officials confiscating their land, highlights the extent to which military and private interests were, and arguably still are, intertwined. For the villagers in northeastern Shan State, at the time of the confiscations, the Tatmadaw and private companies appeared indistinguishable.

Despite Myanmar's political transition, the fear of retribution still prevents many of the villagers impacted by Sein Wut Hmon's rubber plantations from speaking out, even today. In Nuangmo Village, which had 1200 acres of land confiscated by Light Infantry Division 68 in 2003, the villagers have still not approached the authorities about the dispute.²⁸⁷ A farmer from the village who personally lost three acres, told Global Witness investigators, *"We still dare not complain about this to any official. Even if someone here in our village will lead us to complain about it these days, the villagers will not support him out of fear."*²⁸⁸

However, Myanmar's political transition is bringing some change to the area. Although the majority of villagers remain too scared to protest, in three of the eleven villages where Sein Wut Hmon has its rubber plantations the villagers have appealed to the authorities for restitution. Referring to when the Tatmadaw confiscated 200 acres of village land in 2006, a resident of Homu Village, said *"We were under the military rule at that time. We all feared."*²⁸⁹ However, the inhabitants of Homu Village no longer feel as afraid and have started trying to pursue restitution for their lost land. In September 2013, twenty-one villagers sent a letter to the Speaker of Parliament appealing *"for the return of Sein Wut Hmon Company's rubber plantation."*²⁹⁰ However, the villagers never received a response.²⁹¹

The villagers of Tarpone Village-tract also sent an appeal letter, dated 17th September 2014, regarding the land confiscations, this time to Dr Sai Mauk Kham, an ethnic Shan politician and currently one of Myanmar's two Vice Presidents.²⁹² This long and detailed letter entitled *'Report and complaint against the squatting companies'* outlines both the problems with the way in which the villagers' land was taken and the negative impacts this has caused. The letter requests that the President's Office takes action against Sein Wut Hmon and two other companies that have confiscated land from the village. It also details the involvement of the North East Regional Command and Light Infantry Division 68.²⁹³ Under the old military government, before 2011, writing a letter making allegations of this nature against such powerful military and private actors would have been unthinkable for these marginalised ethnic-Shan villagers.

While this decrease in fear is a positive step forward, the villagers' letters never received a response and they continue to suffer the impacts of the confiscations on their daily lives.²⁹⁴ Despite the villagers' renewed confidence, they remain too scared to engage in what is commonly referred to as 'ploughing protests', whereby angry farmers go and till their confiscated land in defiance of the authorities. This type of protest is increasingly common across Myanmar's lowlands and many farmers and land activists have been arrested and charged with trespassing as a result of such activities.²⁹⁵

Villagers in Narlyan Marmane and Homu Villages told Global Witness that they didn't feel safe to raise their land confiscation cases with the authorities until July 2012 when the Land Acquisition Investigation Committee was established.²⁹⁶ In early 2014, some officials representing this Committee came to Narlyan Marmane Village and discussed the confiscations with the villagers.²⁹⁷ The group included Sai San Min, one of the MPs for Shan State, along with a number of his counterparts which the villagers were unable to name. However, since the visit, the villagers have heard nothing from the authorities in terms of follow up and none of the MPs have returned.²⁹⁸

WHAT THE VILLAGERS WANT TO HAPPEN

*"I want no financial compensation for my lost land. I just want to get back my land."*²⁹⁹

– A farmer from Narlyan Marmane village

The 124 villagers interviewed by Global Witness across all eleven villages were unanimous in their desire to get back the land that was confiscated from them.³⁰⁰

A farmer from Kaung Lin Village, who personally lost three acres, spoke on behalf of seventeen of his fellow villagers in a group interview, *"We will be very happy indeed if we were returned our land which was passed to us from one generation to another."*³⁰¹ The appeal letter sent by twenty-one villagers from Homu Village to the Speaker of Parliament (on 17th September 2013) did not ask for financial compensation but included just one request; the return of 150 acres of land now occupied by Sein Wut Hmon's rubber plantations.³⁰² Even the few villagers in Kunhi Village who did receive some financial compensation from Sein Wut Hmon were united in wanting to reclaim their confiscated land. Regardless of whether the company had paid compensation, their land had been forcibly taken and they want it back.³⁰³

However, as their land is now under Sein Wut Hmon's rubber plantations, villagers have also had to come to terms with what kind of restitution is realistic to hope for. A farmer from Wein Htein Village, who personally lost 10 acres of land during the confiscations, told Global Witness investigators, *"If possible, we want to get back our land. If not, then [the company must pay us] compensation in accordance with the market rate."*³⁰⁴



**CHAPTER 4. OTHER
ACTORS INVOLVED IN
LAND CONFISCATIONS
IN NORTHEASTERN
SHAN STATE**

← **Left.** Rubber plantations now cover 1.5 million acres of land in Myanmar, equivalent to more than eight times the size of Singapore.

Sein Wut Hmon is the largest rubber company in northeastern Shan State in terms of land holdings but there are many other players, including numerous private companies, also involved in confiscating land to establish rubber plantations and other large-scale agricultural projects in the area. However, building an accurate picture of who confiscated and now controls which land is extremely challenging as land deals are conducted behind a wall of secrecy and the situation on the ground is therefore both confusing and chaotic. This total lack of transparency has enabled military units, militia groups, ex-warlords turned Members of Parliament (MPs), political parties and private companies to confiscate villagers' lands without having to give warning, let alone hold consultations or pay compensation.

An official government document obtained by Global Witness lists an additional twenty individuals and companies that have been allocated land as agricultural concessions in and around Lashio District between February 2010 and May 2011. These private companies don't appear to be linked to Sein Wut Hmon but are part of a broader trend which has swept across Mekong countries, whereby private companies grab land from marginalised communities in order to feed the global demand for rubber.



↑ Above. Sign for Shan Yoma Aye Chan Yey's 1200 acre rubber plantation in Mang Pane Village-tract in August 2014. This company belongs to the Manpang People's Militia.

The same government document also shows six separate allocations of land to the Tatmadaw's North East Regional Command. These allocations are all dated either February or May 2011 and, together, total 3,349 acres across six village-tracts, including Tarpone Village-tract where Sein Wut Hmon has two rubber plantations.³⁰⁵ However, Global Witness was only able to obtain part of this document so presumably the full list of actors and land allocations is considerably longer.

The impacts of land confiscations by these various actors on the inhabitants of the local villages are overwhelmingly negative and almost identical to those caused by Sein Wut Hmon's confiscations, as described in detail in the previous chapter. In addition, the way in which Sein Wut Hmon acquired the majority of its land from the Tatmadaw appears to be a common model.³⁰⁶

Instead of focussing on additional private companies, this chapter will give a brief description of some of the other actors involved in land confiscations in order to illustrate the extent of the collaboration between military, political and business elites.

MILITIA GROUPS

There are large numbers of 'People's Militias' across Northern and Southern Shan State.³⁰⁷ First created in the 1960s as part of the Tatmadaw's counter-insurgency strategy, they are intended to act as a buffer between the Tatmadaw and armed ethnic opposition groups. Remaining directly under the control of the Tatmadaw and often fighting on its behalf, their role is also to stop armed ethnic groups from claiming control of land, resources and population.³⁰⁸ People's Militias are able to exert considerable influence over northeastern Shan State and have become notorious for taxing the local population, drug trafficking and a wide variety of human rights abuses.³⁰⁹

A party organiser from the Shan Nationalities Democratic Party (SNLD) told Global Witness investigators that the Tatmadaw confiscated land to then hand over to militia groups in order to build or cement truces. He explained that some militia groups founded their own rubber companies and established plantations, while others sold the land on to private companies.³¹⁰

The Manpang People's Militia Force (PMF) is led by U Bo Mon, also known as U Sai Mon, who is reported to be one of the most powerful people in northeastern Shan State.³¹¹ The group is alleged to have been founded in the mid-1990s. Rumoured to be the second largest grower of rubber in northeastern Shan after Sein Wut Hmon, PMF has its own rubber company called Shan Yoma Aye Chan Yey which confiscated 1,200 acres of land in Mang Pane Village-tract in approximately 2006.³¹²

The official government document entitled 'Allocation & Management of Vacant and Fallow Land in Northern Shan State' issued by the MoAI, shows an allocation of 1200 acres of land in Mang

Pane Village-tract on 11th June 2010 to what is listed as 'Sai Mon (Shan Yoma Aye Chan Yey Company)'. As is the case with a number of Sein Wut Hmon's plantations which are also featured on this document, field investigations and satellite imagery indicate that this may be a retrospective attempt to legalise a confiscation which happened four years' earlier. The document also lists an additional 1000 acres in Nampawng Village-tract as also being allocated to 'Sai Mon (Shan Yoma Aye Chan Yey)'.³¹³ Global Witness has not investigated this second allocation further.

Global Witness attempted to contact U Bo Mon in February 2015 to obtain his comments on the evidence presented in this report. However, it was not possible to reach him.

USDP

The Union Solidarity and Development Party (USDP) is the successor to the Burmese government's mass organization, the Union Solidarity and Development Association (USDA).³¹⁴ The USDP's registration as a political party was approved on 8th June 2010 and the party is headed by Myanmar's current President Thein Sein.³¹⁵ Interviews with villagers and official government documentation have revealed that the USDP is one of the actors involved in land confiscations in northeastern Shan State.

In an appeal letter dated 17th September 2014, 430 villagers from Tarpone Village-tract state that "...around three companies and the Union Solidarity and Development Party (Central) have confiscated the land in the villages of Tarpone village tract since 2005. We request that the concerned officials take appropriate actions against them".³¹⁶ Official government documentation also confirms that the USDP was allocated 300 acres in Tarpone Village-tract plus an additional 1000 acres in Wein Htein Village-tract, both on 28th July 2010. The document clearly states that these allocations were made to 'USDP Central' rather than to a local division of the Party.³¹⁷

However, when Global Witness investigators visited Wein Htein Village in September 2014, they were unable to find any sign of land controlled by the USDP. Therefore, the USDP doesn't appear to have used the land it was allocated and, instead, the land around the village is now all owned by private companies including Sein Wut Hmon.³¹⁸ One explanation for this could be that, after being allocated the land by the MoAI, the USDP transferred it on to private companies. As Sein Wut Hmon is the largest rubber investor in Wein Htein Village-tract, holding a total of 3013 acres, the company is therefore the most likely buyer of the USDP's land.³¹⁹

Regardless of who now controls the land, the allocation of 1300 acres of state land to the USDP is illegal as it violates Article 7(c) of the *Political Parties Registration Law*, whereby political parties in Myanmar are not allowed to own state assets.³²⁰ In the run up to the 2010 general election the USDA was disbanded and all of its assets and property were transferred to the USDP.³²¹ However, as many of the USDA's assets were in fact state assets the USDP was required to sell them off before it formally registered as a political party on 8th June 2010.³²² Interestingly, this allocation of 1300



Led by President Thein Sein, the USDP has ruled Myanmar since winning the 2010 election. The Party currently holds a majority in both houses of Myanmar's national parliament plus all regional and state legislatures, with the exception of Rakhine State. ©Khin Maung Win/ASSOCIATED PRESS



Latex being collected from a rubber tree on a plantation outside Hopan Town. Rubber plantations are displacing villagers across Myanmar, but the quantity and quality of the country's rubber production remains low.

acres of state-owned 'vacant and fallow' land to the USDP in Tarpone and Wein Htein Village-tracts occurred on 28th July 2010.³²³ This is seven weeks after the party was supposed to have rid itself of all its state assets and therefore illegal. Global Witness wrote to the USDP on 16th February 2015 requesting the Party's comments on the evidence presented in this report, however at time of publishing, no response had been received.

MPS

Confusing the picture on the ground even further is the involvement in land confiscations of Members of Parliament (MPs) for areas in Shan State, one of which is a representative of the USDP.³²⁴

Villagers in Hopan Town, which includes Marmane Village where Sein Wut Hmon has a 200 acre rubber plantation, have suffered confiscations by many different actors and official government data shows that Hopan District has a total of 5605 acres of rubber plantations.³²⁵ Two MPs, alleged to have previously been warlords affiliated with armed groups, own rubber plantations in and around Hopan Town.³²⁶ They are U Shauk Chang representing Kunlone Town for the USDP and U Kyin Wong for Hopan on behalf of the Wa Democratic Party.³²⁷ Official government data shown to Global Witness investigators by an official from the MoAI office in Hopan Town, showed that U Shauk Chang has 350 acres of rubber plantations while U Kyin Wong holds 250 acres.³²⁸

A detailed and emotional open letter from villagers from Hopan Town who are suffering the impacts of the confiscations conducted to make way for the two MPs' rubber plantations was published on the website of the Shan Herald Agency for News. The letter is addressed to 'President Thin Sein' and dated 21st

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စုစုပေါင်း	5605	1300000	
U Shauk Chang	350		
U Kyin Wong	250		

↑ Above. Government document: Hopan district rubber data for 2013 to 2014, issued by the MoAI office in Hopan District. Hopan District has 5605 acres of land allocated to rubber, 2135 acres of which is already cleared and planted. Annual output of rubber for the district is shown as 1.3 million pounds (591,000 kilos).

January 2013. It details some of the worst impacts of the two MP's plantations on the local inhabitants and also accuses U Shauk Chang of bribing government officials.³²⁹

Global Witness wrote to both U Shauk Chang and U Kyin Wong on 16th February 2015 requesting their comments on the evidence presented in this report. However, at time of publishing, neither had responded.



CONCLUSION AND RECOMMENDATIONS

← **Left.** Woman walks through a rubber plantation near Hopan Town. She was left completely landless by Sein Wut Hmon's confiscation and now earns a meagre living as a casual labourer.

Since transitioning to democracy in 2011, Myanmar's civilian government has made strong commitments to stamping out corruption, alleviating poverty and addressing the country's woeful human rights record.³³⁰ However, despite these promises, the country remains one of the poorest and most corrupt in the world and human rights violations continue to be rife, particularly in areas populated by ethnic minorities.³³¹ Overall, reforms on paper and the government's rhetoric therefore seem to be far outstripping actual changes on the ground, leading many critics to accuse the government of promising much to attract foreign investment but delivering very little.

The evidence presented in our *Guns, Cronies and Crops* report would certainly confirm this view. It reveals that, for the ethnic minority villagers interviewed in northeastern Shan, nothing has improved since Myanmar's transition. They are still living with the negative impacts of having their land confiscated by the Tatmadaw during the country's privatisation programme. Despite their appeals, the current government has done nothing to resolve the land disputes or provide them with any kind of remedy.

Sein Wut Hmon, the private company which controls rubber plantations across more than 4500 acres of confiscated farmland, has also done almost nothing to compensate the villagers for their losses. The fact that government authorities were complicit in the confiscations, in no way removes the duty of the company to provide restitution. Sein Wut Hmon must take responsibility for the negative impacts of its rubber plantations and establish an effective grievance mechanism in order to provide remedy to the local people affected by its land confiscations.

As accounts of land confiscations have become increasingly prevalent in Myanmar's political and media circles, a number of high-profile cases, such as the on-going protests against land seizures for the Letpadaung copper mine, are tainting the reform process and deterring foreign investors.³³² The Tatmadaw's involvement in land confiscations is increasingly being recognised as a major problem and the *Amyotha Hluttaw* (the Upper House of Myanmar's parliament), among others, are having discussions as to how to deal with it.³³³

Meanwhile, international donors have flocked to Myanmar since 2011 and some of those involved in the land sector are directly funding the MoAI.³³⁴ As the Ministry is led by U Myint Hlaing, who ordered the confiscations outlined in this report while serving as Commander of the North East Regional Command, the provision of direct budget support to the MoAI by these donors is a strategy that must be questioned.

In terms of natural rubber production, Myanmar's output is currently fairly low as is the quality of its rubber. As a result, rubber from Myanmar is currently unlikely to be found in the supply chains of international companies. However, with government plans to increase both the quantity and quality of Myanmar's rubber over the next decade, tyre companies and other major consumers of natural rubber will need to conduct stringent due diligence to understand the risks associated with land tenure, human rights violations, military involvement and corruption, before considering purchasing rubber from Myanmar.³³⁵ Where possible, these companies should source rubber from the country's smallholder farmers.

Beyond land governance, the management of Myanmar's other natural resources also remains a massive challenge. Myanmar is now a candidate member of the Extractive Industries Transparency Initiative (EITI), a global scheme to stem corruption in the world's oil, gas and mining businesses.³³⁶ This is a positive development but the real test is the implementation which so far has been slow. Cases like the fatal shooting by police of a villager at the Letpadaung Copper Mine in December 2014 are already putting Myanmar's EITI process under considerable strain. There is also the question of whether the government is willing to push through reforms of the multi-billion dollar jade business which, as Global Witness has highlighted, is both highly corrupted and enmeshed in the country's most serious armed conflict.³³⁷

The land confiscations plaguing Myanmar are part of a global rush for land which has seen more than 95.8 million acres (38.8 million hectares) of land change hands in the last decade with an additional 39.5 million acres (16 million hectares) currently under negotiation.³³⁸ The majority of this land has been taken from



The 124 villagers interviewed by Global Witness across all eleven villages were unanimous in their desire to get back the land that was confiscated from them.

communities and sold on to private and state investors, pushing millions of people deeper into poverty.

As in Myanmar, globally, land deals tend to be conducted behind a wall of secrecy, meaning that the total amount of land grabbed is likely to be much higher than the figures quoted above. As land becomes increasingly scarce, the struggle to control it is intensifying and villagers are finding themselves alone on the frontline, pitted against state and private interests in the struggle to save their homes and livelihoods. In 2014, research revealed that at least 908 people were killed in 35 countries protecting rights to land and the environment between 2002 and 2013.³³⁹ Until villagers like those in northeastern Shan feel they are protected by the authorities to defend their land, then intimidation and killings of environmental defenders will continue. The current situation, in which authorities actually conspire with private companies to grab land from local communities (of which this report provides a powerful example), is all too common.

With the drafting of a new National Land Policy and subsequent Land Law, the Myanmar government now has an important opportunity to ensure that land is governed in a way that promotes transparency and accountability, increases tenure security and leads to sustainable and equitable outcomes. However, true reform also requires that the wrongs from previous eras are remedied. If not, their toxic legacy will continue to be felt for years to come. The Myanmar government must take action to remedy the impacts of land confiscations on the villagers of northeastern Shan State who lost land to Sein Wut Hmon, as well as other communities around the country who are also suffering.

With a strong National Land Policy to govern future land allocations, and an effective mechanism for remedying the impacts of past confiscations in place, Myanmar could potentially overcome its legacy of military rule to create a just land sector which benefits the country's citizens rather than its cronies.

THE SEIN WUT HMON COMPANY MUST URGENTLY UNDERTAKE THE FOLLOWING ACTIONS:

- 1.** Conduct independent and participatory Environmental and Social Impact Assessments for all the company's rubber holdings, paying particular attention to the impacts on local livelihoods. Publicly disclose the results of these assessments, ensuring they are available to the affected villagers. Use the results of these assessments to inform what remedy the company will put in place for those villagers negatively impacted by its plantations.
- 2.** Establish a transparent and effective local dispute-resolution mechanism, accessible to all villagers affected by the company's plantations in local ethnic languages. Ensure this mechanism is independent and participatory, involving the affected villagers and civil society groups.

3. Return to villagers land which was confiscated. In addition, pay financial compensation at market rate for loss of crops and livelihoods.

4. End corrupt practices, including collusion with the Tatmadaw, to gain control of land in the future.

5. Ensure that future land investments and company operations do not undermine land tenure or violate human rights. This includes implementation of the international standard of Free Prior Informed Consent.

THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR SHOULD:

In relation to the Sein Wut Hmon company;

6. Ensure that the evidence presented in this report is investigated, affected villagers receive restitution and perpetrators of the land confiscations are held to account and, where appropriate, prosecuted.

7. Fully support and publically endorse the Sein Wut Hmon company's efforts to conduct independent and participatory Environmental and Social Impact Assessments.

8. Fully support and publically endorse the establishment by Sein Wut Hmon of a transparent and effective local dispute-resolution mechanism which is independent and participatory, involves the company and local government authorities, and has civil society oversight, at all stages. This process must be completed satisfactorily and have the capacity to meet demands from local villagers for the return of land, and/or compensation at market rate for loss of land, crops and livelihoods.

In relation to governance of large-scale land concessions and land reform policy;

The following recommendations apply to the National Land Policy (being finalised at time of writing) and the Land Law which must both meet the following requirements:

9. Recognise and protect legitimate collective and customary land tenure and user rights, including *taungya*, across all laws. Adequate safeguards should be put in place to ensure land conflicts do not occur in the future.

10. Undertake a participatory national land-use planning process in line with the National Land Policy in order to develop a formal framework that guides decisions about existing and future land allocation, use, management and protection. This needs to include recognition of collective and customary land and user rights and



identification of the areas most agronomically and economically feasible for rubber and other commodity production. Draft land use plans should be made available for review and comment by smallholder farmers, civil society, government representatives, and the private sector. Finalized land use plans should be made freely accessible to the public and government authorities, in all relevant languages.

11. Ensure that Environmental and Social Impact Assessments are undertaken for all land investments prior to contracts being secured in order to prevent deforestation and other environmental impacts, and prevent forced evictions. Ensure such assessments are sufficiently rigorous to prevent projects from going forward if the negative impacts are too great. Harmonise such assessments with existing environmental laws and related regulation and ensure the results of such assessments are made public.

12. Strengthen the capacity and assign decision-making powers to the Land Acquisition Investigation Commission. Establish legal and judicial recourse for the protection of land and user rights in order that socially unjust decisions around the use of land may be challenged by affected communities.

13. End all land acquisitions that do not offer compensation to affected communities in line with international standards.

14. End the Tatmadaw's formal and informal involvement in allocating and confiscating land. Where land confiscated by the military remains unused, ensure it is returned to its original owners. Where the land has already been put to use, the military should pay compensation at market rate for loss of land, crops and livelihoods.

15. Adopt and implement the UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests and make these standards legally binding.

16. Adopt the standard of Free, Prior and Informed Consent as defined in the UN Declaration on the Rights of Indigenous Peoples – to which Myanmar is a signatory – for all communities potentially affected by rubber and other commodities.

17. Establish and enforce a moratorium on the allocation of any further large-scale land concessions until the above actions have been implemented.

MYANMAR'S DEVELOPMENT PARTNERS:

To development partners directly assisting with the National Land Policy;

18. Support the adoption of a National Land Policy which meets the standards listed above (recommendations 9 to 17). Publically withdraw support should the final Policy fail to meet these standards.

To development partners providing development aid to the Ministry of Agriculture and Irrigation;

19. Ensure that funds are dedicated to programmes which strengthen land tenure security for smallholders and do not undermine legitimate tenure rights or violate human rights. Place conditions to this effect on all future disbursements.

To all development partners and International Financial Institutions;

20. Use leverage with the Myanmar government to ensure that the evidence presented in this report is investigated, affected villagers receive restitution and perpetrators of the land confiscations are held to account and, where appropriate, prosecuted.

21. Undertake a comprehensive analysis of land governance issues before designing development programmes in Myanmar's land or agricultural sectors. Specifically this should:

- be founded on an evidence-based baseline of the national land sector in order to track real progress.
- be based on a broad, participatory dialogue between the government and wider stakeholders, including civil society.
- be guided by indicators based on international standards and, in particular, be consistent with the UN Voluntary Guidelines on Responsible Governance of Tenure of Land, Forests and Fisheries.

22. Ensure that all development support provided to the land and agricultural sectors strengthens land tenure security for smallholders, and does not lead to human rights violations or environmental damage.

STAKEHOLDERS IN THE RUBBER INDUSTRY CONSIDERING INVESTING IN OR PURCHASING FROM MYANMAR SHOULD:

23. Conduct stringent due diligence to ensure that supply chains and investment chains are free from harms associated with land tenure, human rights violations, environmental damage or corruption. Ensure that the due diligence process is independent and conducted with the participation of civil society groups in Myanmar. Where potential harms are identified, do not proceed with the investment or purchase.

24. Where possible, tyre companies and other major consumers of natural rubber should source rubber from Myanmar's smallholder farmers.



Area/ District	Village-tract/ town	Village	Ethnicity of village	Number of people (according to village head)	Year of confiscation	Confiscated by who	Year Sein Wut Hmon established its rubber plantation	Current size of Sein Wut Hmon rubber plantation (acres)
Lashio District	Wein Htein Village-tract	Wein Htein Village	Shan/Hachin	4,000	500 acres in 2002 1896 acres in 2006	North East Regional Command Light Infantry Division 68, North East Regional Command alongside the Land Statistics Department, Lashio District	2006	2396
		Kaung Khan Village	Shan	500	2006	Light Infantry Division 68, North East Regional Command	2006	67
		Kaung Lin Village	Shan	450	2006	Light Infantry Division 68, North East Regional Command	2006	104
		Nuangmo Village	Shan	300	1200 acres in 2003	Light Infantry Division 68, North East Regional Command	2006	446
	Tarpone Village- tract	Phai Taung Village	Shan	200	2006	North East Regional Command alongside the Land Statistics Department, Lashio District	2006	433
		Narlyan Marmane Village	Shan	1,800	2005	Light Infantry Division 68, North East Regional Command	2005	50
	Mang Pane Village-tract	Mang Pane Village	Shan	1,000	2006- 2007	Sein Wut Hmon company officials	2006-2007	200
		Honam Village (Honam Village is also sometimes described as part of Honam Village- tract)	Shan	300	2008	Sein Wut Hmon company officials	2008	12
		Kunhi Village	Shan	200	2011	Sein Wut Hmon company officials	2011	500
	Homu Village- tract	Homu Village (also known as 'Homusel' and 'West Homu')	Shan	13,000	2006	North East Regional Command alongside the Land Statistics Department, Lashio District	2006	200
Wa Self- Administered Division	Hopan Town	Marmane Village	Shan/ Palaung	377	2004-2006 (villagers unsure)	North East Regional Command	2006	200

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- 140** Interview with group of people working as rubber tappers, interview conducted on 22nd September 2014 near Marmane Village, Hopan Town.
- 141** Interview with two Sein Wut Hmon factory workers conducted at the Chin Shwe Haw factory in September 2014.
- 142** Information compiled from more than 140 interviews and ten documents obtained by Global Witness between August and December 2014 (see Annex).
- 143** Document: Allocation & Management of Vacant and Fallow Land in Northern Shan State, undated, obtained by Global Witness from a farmer and land activist from Narlyan Marmane Village on 7th August 2014. Document issued by the Ministry of Agriculture and Irrigation office in Lashio. Document confirmed as authentic and correct by an official from the Ministry of Agriculture and Irrigation in Lashio on 25th September 2014; Information compiled from more than 140 interviews and ten documents obtained by Global Witness between August and December 2014 (see Annex)
- 144** Interview with villager from Wein Htein Village, on 24th September 2014 in Wein Htein Village; Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village
- 145** Interview with a farmer from Wein Htein Village on 23rd September 2014 in Wein Htein Village
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- 147** Interview with a farmer from Wein Htein Village on 23rd September 2014 in Wein Htein Village
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- 149** Group interview with twenty-six villagers from Nuangmo Village on 27th September 2014 in Nuangmo Village; Global Witness field investigations between August and December 2014; Global Witness satellite imagery.
- 150** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village
- 151** Interview with a farmer from Wein Htein Village on 23rd September 2014 in Wein Htein Village
- 152** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village
- 153** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village; Global Witness photos of villagers' tax receipts.
- 154** Interview with a farmer from Wein Htein Village on 23rd September 2014 in Wein Htein Village
- 155** Group interview with twenty-six villagers from Nuangmo Village on 27th September 2014 in Nuangmo Village
- 156** Group interview with twenty-six villagers from Nuangmo Village on 27th September 2014 in Nuangmo Village
- 157** Interview with a farmer from Nuangmo Village on 27th September 2014 in Nuangmo Village
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- 160** Group interview with eighteen villagers from Kaung Lin Village on 26th September 2014 in Kaung Lin Village. Group interview with eight villagers from Kaung Khan Village on 24th September 2014 in Kaung Khan Village
- 161** Group and individual interviews with sixty-three villagers from Wein Htein, Nuangmo, Kaung Lin and Kaung Khan Villages between 24th and 29th September 2014 in Wein Htein Village-tract
- 162** Document: Allocation & Management of Vacant and Fallow Land in Northern Shan State, undated, obtained by Global Witness from a farmer and land activist from Narlyan Marmane Village on 7th August 2014. Document issued by the Ministry of Agriculture and Irrigation office in Lashio. Document confirmed as authentic and correct by an official from the Ministry of Agriculture and Irrigation for Lashio District on 25th September 2014
- 163** Group and individual interviews with sixty-three villagers from Wein Htein, Nuangmo, Kaung Lin and Kaung Khan Villages between 24th and 29th September 2014 in Wein Htein Village-tract
- 164** Phone interview with an official from the Ministry of Agriculture and Irrigation (MoAI) for Lashio District, conducted on 19th January 2015.
- 165** Interview with a farmer from Narlyan Marmane Village on 11th October 2014 in Narlyan Marmane Village
- 166** Group interview with ten villagers from Narlyan Marmane Village on 11th October 2014 in Narlyan Marmane Village
- 167** Interview with a farmer from Narlyan Marmane Village on 11th October 2014 in Narlyan Marmane Village
- 168** Interview with a farmer from Narlyan Marmane Village on 11th October 2014 in Narlyan Marmane Village
- 169** Group interview with ten villagers from Narlyan Marmane Village on 11th October 2014 in Narlyan Marmane Village

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- 171** Information compiled from more than 140 interviews and ten documents obtained by Global Witness between August and December 2014 (see Annex).
- 172** Group interview with ten villagers from Narlyan Marmane Village on 11th October 2014 in Narlyan Marmane Village. Group interview with twenty-two villagers from Phai Taung Village on 16th October 2014.
- 173** Document showing allocations of land for rubber in and around Hopan Town. Shown to Global Witness investigators on 14th October 2014 at the Ministry of Agriculture and Irrigation office in Hopan Town. However, not permitted to take a photo or a copy
- 174** Information compiled from more than 140 interviews and ten documents obtained by Global Witness between August and December 2014 (see Annex).
- 175** Interview with a farmer from Marmane Village, Hopan Town, conducted on 22nd September 2014 in Marmane Village, Hopan Town
- 176** Group interview with six villagers from Marmane Village, Hopan Town, conducted on 22nd September 2014 in Marmane Village, Hopan Town
- 177** Information compiled from more than 140 interviews and ten documents obtained by Global Witness between August and December 2014 (see Annex); Document: Hopan district rubber data for 2013 to 2014, obtained by Global Witness from the Ministry of Agriculture and Irrigation office in Hopan district on 22nd September 2014
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- 179** Interview with a farmer from Marmane Village, Hopan Town, conducted on 22nd September 2014 in Marmane village, Hopan Town
- 180** Interview with a farmer from Marmane Village, Hopan Town, conducted on 22nd September 2014 in Marmane village, Hopan Town
- 181** Interview with a farmer from Marmane Village, Hopan Town, conducted on 22nd September 2014 in Marmane Village, Hopan Town
- 182** Information compiled from more than 140 interviews and ten documents obtained by Global Witness between August and December 2014 (see Annex).
- 183** Note: in government documentation obtained by Global Witness, Homu is referred to as 'Humon'. However the inhabitants refer to the Village and Tract as 'Homu' and therefore so will this report.
- 184** Information compiled from more than 140 interviews and ten documents obtained by Global Witness between August and December 2014 (see Annex).
- 185** Group interview with eight villagers from Mang Pane Village on 27th September 2014. Group interview with four villagers from Kunhi Village on 12th October 2014 conducted in Kunhi Village. Group interview with three villagers from Honam Village conducted in Honam Village on 12th October 2014; Note: inhabitants of Honam Village state that the village is in Mang Pane Village tract. However, government documentation lists Honam as a Village Tract. For the purpose of this report we will count Honam Village as part of Mang Pane Village Tract.
- 186** Interview with a farmer from Mang Pane Village, on 27th September in Mang Pane Village. Group interview with four villagers from Kunhi Village on 12th October 2014 conducted in Kunhi Village. Group interview with three villagers from Honam Village, on 12th October in Honam village.
- 187** Group interview with eight villagers from Mang Pane Village on 27th September 2014. Group interview with four villagers from Kunhi Village on 12th October 2014 conducted in Kunhi Village. Group interview with three villagers from Honam Village conducted in Honam Village on 12th October 2014
- 188** Document: Allocation & Management of Vacant and Fallow Land in Northern Shan State, undated, obtained by Global Witness from a farmer and land activist from Narlyan Marmane Village on 7th August 2014. Document issued by the Ministry of Agriculture and Irrigation office in Lashio. Document confirmed as authentic and correct by an official from the Ministry of Agriculture and Irrigation office in Lashio on 25th September 2014.
- 189** Information compiled from more than 140 interviews and ten documents obtained by Global Witness between August and December 2014 (see Annex).
- 190** Draft Environmental Impact Assessment Rules Burma Library Online http://www.burmalibrary.org/docs15/2013-03-draft_eia_rules-en.pdf (Accessed 25th February 2015); USAID, personal communications, November 2015
- 191** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village. Group interview with eight villagers from Kaung Khan Village on 24th September 2014. Group interview with eighteen villagers from Kaung Lin Village on 26th September 2014 in Kaung Lin Village. Group interview with twenty-six villagers from Nuangmo Village on 27th September 2014. Group interview with ten villagers from Narlyan Marmane Village on 11th October 2014 in Narlyan Marmane Village
- 192** Global Witness field visits between August and December 2014; verified using satellite imagery
- 193** Information compiled from 124 interviews with villagers in eleven villages. Interviews conducted between August and December 2014 in the Lashio district and Wa self-administered region in northeastern Shan State
- 194** The Global Intelligence Files website, http://wikileaks.org/gifiles/docs/67/678214_thailand-myanmar-rok-kachin-rebels-seek-inquiry-into-burma.html (Accessed 20th January 2015); Irrawaddy website, Burma's Vice-President Implicated in Kachin Massacres, http://www2.irrawaddy.org/article.php?art_id=21705&page=2 (Accessed 28th January 2015)
- 195** Interview with a former corporal from Light Infantry Division 68 (retired in 2004). Interview conducted on 12th December 2014
- 196** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village. Group interview with eight villagers from Kaung Khan Village on 24th September 2014. Group interview with eighteen villagers from Kaung Lin Village on 26th September 2014 in Kaung Lin Village. Group interview with twenty-two villagers from Phai Taung Village on 16th October 2014
- 197** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein village. Group interview with eight villagers from Kaung Khan Village on 24th September 2014. Group interview with eighteen villagers from Kaung Lin Village on 26th September 2014 in Kaung Lin Village. Group interview with twenty-two villagers from Phai Taung Village on 16th October 2014
- 198** Interview with a landless villager and now casual labourer from Phai Taung Village conducted on 16th October
- 199** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village. Group interview with eight villagers from Kaung Khan Village on 24th September 2014. Group interview with twenty-two villagers from Phai Taung Village on 16th October 2014
- 200** Interview with a Party Organiser from the Shan Nationalities Democratic Party (SNLD) and a farmer from Homu village. Interviewed together on 8th December 2014
- 201** Interview with U Maung Maung, site manager of Sein Wut Hmon, on 7th August 2014 in the company's management office in the region of Homusel in Lashio; Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein village
- 202** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village. Group interview with eight villagers from Kaung Khan Village on 24th September 2014. Group interview with twenty-two villagers from Phai Taung Village on 16th October 2014
- 203** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village; Group interview with twenty-two villagers from Phai Taung Village on 16th October 2014; Group interview with twenty villagers from Homu Village on 18th and 19th September 2014 in Homu Village
- 204** Interview with a farmer from Wein Htein Village on 23rd September 2014 in Wein Htein Village. Group interview with twenty-two villagers from Phai Taung Village on 16th October 2014

- 205** Interview with a landless villager and now casual labourer from Phai Taung Village on 16th October 2014 in Phai Taung Village; Interview with a farmer from Wein Htein Village on 23rd September 2014 in Wein Htein Village
- 206** Document: Report and Complaint About the Squatting Companies, Appeal letter from 430 villagers in Tarpone Village-tract to Dr Sai Mauk Kham, Vice-President of Myanmar, dated 17th September 2014, obtained by Global Witness from a farmer from Narlyan Marmane Village on 16th October 2014
- 207** Interview with a Party Organiser from the Shan Nationalities Democratic Party (SNLD) and a farmer from Homu Village. Interviewed together on 8th December 2014. Interview with an official from the Ministry of Agriculture and Irrigation (MoAI) for Lashio District on 7th December 2014. Interview with a former corporal from Light Infantry Division 68 (retired in 2004). Interview conducted on 12th December 2014.
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- 209** Interview with a former corporal from Light Infantry Division 68 (retired in 2004). Interview conducted on 12th December 2014
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- 211** Interview with an official from the Ministry of Agriculture and Irrigation (MoAI) in Lashio, on 7th December 2014
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- 232** Group interview with eight villagers from Kaung Khan Village on 24th September 2014 in Kaung Khan Village. Group interview with twenty villagers from Homu Village on 18th and 19th September 2014 in Homu Village. Group interview with twenty-six villagers from Nuangmo Village on 27th September 2014 in Nuangmo Village
- 233** Interview with a farmer from Kaung Khan Village, on 24th September in Kaung Khan Village
- 234** Interview with an ex-farmer and casual labourer from Homu Village, on 18th September 2014 in Homu Village.
- 235** Interview with an ex-farmer and casual labourer from Phai Taung Village, on 16th October 2014 in Phai Taung Village
- 236** Interview with an ex-farmer and casual labourer from Marmane Village, on 6th November 2014 in Marmane Village
- 237** Interview with a farmer from Kaung Lin Village, on 26th September 2014 in Kaung Lin Village
- 238** Information compiled from 124 interviews with villagers in eleven villages. Interviews conducted between August and December 2014 in the Lashio district and Wa self-administered region in northeastern Shan State
- 239** Document: Appeal letter for the return of areas occupied by the Sein Wut Hmon rubber plantations, dated 17th September 2013, sent by 21 villagers from Homusel to the Speaker of the Union Parliament, and copied to the Chairman of the Parliamentary Land Investigation Commission, obtained by Global Witness from an ex-farmer and casual labourer from Homu Village on 19th September 2014. Note: Sein Wut Hmon confiscated 200 acres in Homu Village (see Annex). However this letter is only on behalf of 21 villagers who lost a total of 150 acres
- 240** Group interview with four villagers from Kunhi Village on 12th October 2014 conducted in Kunhi Village
- 241** Interview with a farmer from Kunhi Village, on 12th October conducted in Kunhi Village
- 242** Interview with a farmer from Kunhi Village, on 12th October in Kunhi Village
- 243** Group interview with four villagers from Kunhi Village on 12th October 2014 conducted in Kunhi Village
- 244** Interview with a farmer from Kaung Lin Village on 26th September 2014 in Kaung Lin Village
- 245** Information compiled from 124 interviews with villagers in eleven villages. Interviews conducted between August and December 2014 in the Lashio district and Wa self-administered region in northeastern Shan State

- 246** Interview with a farmer from Kunhi Village, on 12th October conducted in Kunhi Village
- 247** Interview with a farmer from Narlyan Marmane Village, on 11th October 2014 in Narlyan Marmane Village
- 248** Interview with an ex-farmer and now casual labourer from Phai Taung Village, on 16th October 2014 in Phai Taung Village
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- 255** Group interview with three villagers from Honam Village, on 12th October in Honam Village. Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village
- 256** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village
- 257** Interview with a farmer from Wein Htein Village, on 5th November 2014 in Wein Htein Village
- 258** Interview with an ex-farmer and now casual labourer from Narlyan Marmane Village, on 11th October 2014 in Narlyan Marmane Village
- 259** Interview with a farmer from Nuangmo Village, on 27th September 2014 in Nuangmo Village
- 260** Information compiled from 124 interviews with villagers in eleven villages. Interviews conducted between August and December 2014 in the Lashio district and Wa self-administered region in northeastern Shan State.
- 261** Interview with a farmer from Homu Village, on 19th September 2014, in Homu Village
- 262** Interview with a farmer from Wein Htein Village, on 24th September 2014, in Wein Htein Village.
- 263** Interview with a farmer from Nuangmo Village, on 27th September 2014 in Nuangmo Village
- 264** Interview with a farmer from Nuangmo Village, on 27th September 2014 in Nuangmo Village; Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village
- 265** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village
- 266** Interview with a farmer from Mang Pane Village, on 27th September 2014 in Mang Pane Village
- 267** Information compiled from 124 interviews with villagers in eleven villages. Interviews conducted between August and December 2014 in the Lashio district and Wa self-administered region in northeastern Shan State
- 268** Interview with a farmer from Homu Village, on 19th September 2014, in Homu Village
- 269** Interview with a farmer from Phai Taung Village, on 16th October 2014 in Phai Taung Village
- 270** Group interview with twenty-two villagers from Phai Taung Village on 16th October 2014
- 271** Interview with an ex-farmer and now casual labourer from Phai Taung Village, on 16th October 2014 in Phai Taung Village
- 272** Interview with an ex-farmer and now casual labourer from Phai Taung Village, on 16th October 2014 in Phai Taung Village
- 273** Interview with a farmer from Nuangmo Village, on 26th September 2014 in Nuangmo Village.
- 274** Group interview with eight villagers from Mang Pane Village on 27th September 2014
- 275** Interview with an ex-farmer and now casual labourer from Phai Taung Village, on 16th October 2014 in Phai Taung Village
- 276** Document: Report and Complaint About the Squatting Companies, Appeal letter from 430 villagers in Tarpone Village-tract, to Dr Sai Mauk Kham, Vice-President of Myanmar, dated 17th September 2014, obtained by Global Witness from a farmer from Narlyan Marmane Village on 16th October 2014
- 277** Interview with a farmer from Narlyan Marmane Village, on 7th August 2014 in Narlyan Marmane Village
- 278** Interview with a farmer from Wein Htein Village, on 23rd September 2014 in Wein Htein Village
- 279** Interview with a farmer from Wein Htein Village, on 23rd September 2014 in Wein Htein Village
- 280** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village; Interview with a farmer from Narlyan Marmane Village, on 11th October 2014 in Narlyan Marmane Village
- 281** Interview with a resident of Mang Pane Village, interview conducted on 10th August 2014 in Mang Pane Village.
- 282** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village; Interview with a farmer from Narlyan Marmane Village, on 11th October 2014 in Narlyan Marmane Village; Interview with a resident of Mang Pane Village, interview conducted on 10th August 2014 in Mang Pane Village
- 283** Interview with a resident of Mang Pane Village, interview conducted on 10th August 2014 in Mang Pane Village; Interview with a farmer from Nuangmo Village, on 26th September 2014 in Nuangmo Village
- 284** Interview with a farmer from Wein Htein Village, on 24th September 2014, in Wein Htein Village
- 285** Group interview with seven villagers from Wein Htein Village on 24th September 2014 in Wein Htein Village
- 286** Interview with a farmer from Mang Pane Village, on 27th September 2014 in Mang Pane Village
- 287** Group interview with twenty-six villagers from Nuangmo village on 27th September 2014 in Nuangmo Village
- 288** Interview with a farmer from Nuangmo Village, on 26th September 2014 in Nuangmo Village
- 289** Interview with a farmer from Homu Village, on 19th September 2014, in Homu Village
- 290** Document: Appeal letter for the return of areas occupied by the Sein Wut Hmon rubber plantations, dated 17th September 2013, sent by 21 villagers from Homusel to the Speaker of the Union Parliament, and copied to the Chairman of the Parliamentary Land Investigation Commission, obtained by Global Witness from an ex-farmer and now casual labourer from Homu Village on 19th September 2014
- 291** Group interview with twenty villagers from Homu Village on 18th and 19th September 2014 in Homu Village
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- 298** Interview with a farmer from Narlyan Marmane Village, on 16th October 2014 in Narlyan Marmane Village.
- 299** Quote from a farmer in a group interview with villagers in Narlyan Marmane Village conducted on 11th October 2014
- 300** Information compiled from 124 interviews with villagers in eleven villages. Interviews conducted between August and December 2014 in the Lashio district and Wa self-administered region in northeastern Shan State
- 301** Interview with a farmer from Kaung Lin Village, on 26th September 2014 in Kaung Lin Village
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- 303** Group interview with four villagers from Kunhi Village on 12th October 2014 conducted in Kunhi Village
- 304** Interview with a farmer from Wein Htein Village, on 5th November 2014 in Wein Htein Village
- 305** Document: Allocation & Management of Vacant and Fallow Land in Northern Shan State, undated, obtained by Global Witness from a farmer and land activist from Narlyan Marmane Village, on 7th August 2014. Document issued by the Ministry of Agriculture and Irrigation office in Lashio. Document confirmed as authentic and correct by an official from the Ministry of Agriculture and Irrigation for Lashio District, conducted on 25th September 2014
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Global Witness, Lloyds Chambers, 1 Portsoken Street, London, E1 8BT, United Kingdom

Phone: +44 (0)207 4925820 Fax: +44 (0)207 4925821
mail@globalwitness.org www.globalwitness.org

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