

Housing, Land and Property Rights and Development
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Organization presenting: Burma Environmental Working Group (BEWG)

The **Burma Environmental Working Group (BEWG)** brings together Burma focused ethnic environmental and social organizations. Each member organization monitors Burma development policy and advocates for alternative development policies meeting their specific traditional and comprehensive understanding of local sustainability. BEWG provides a forum for member organizations to combine the successes, knowledge, expertise and voices of ethnic peoples in pursuit of not just local livelihoods, but sustainable and peaceful national, regional and international development policy. Members collaborate on research, reporting, advocacy campaigns, capacity-building initiatives and policy formulation. BEWG also networks with non-member organizations to encourage harmony and diversity in its own activities as well as to strengthen democracy and civil society in Burma.

BEWG consists of Arakan Oil Watch, EarthRights International, the Kachin Development Networking Group, the Karen Environmental and Social Action Network, the Lahu National Development Organization, the Network for Environmental and Economic Development, the Pan Kachin Development Society, the Pa-Oh Youth Organization, the Shan Sapawa Environmental Organization and the Shwe Gas Movement.

Issues: Housing, Land and Property Rights:

The Burmese government (SPDC) wields extraordinary power over Burma's population, housing, land and property (HLP) through constitutionally guaranteed state ownership of "all lands, and all natural resources above and below the ground, above and beneath the water and in the atmosphere"^{1,2}. In predominantly ethnic and contested areas of Burma, State sanctioned development projects pursued through militarization; foreign direct investment; unilateral government action without impact assessment, local stakeholder consultation or independent monitoring; and land and resource expropriation provide the SPDC with even further HLP control. Authoritarian and economically driven government control³ of HLP comes at the expense of HLP rights for individuals and communities and results in human rights abuses and the direct contravention of Burma's international treaty obligations.

BEWG community consultations in areas of Burma under firm government control demonstrate that land and community forest tenure pathways, while open to anyone, are only accessible to well financed and connected individuals and companies. Even if obtained, land leases overwhelmingly favor private companies; ignore traditional land ownership boundaries; actively ban traditional agricultural practices; and offer little recourse against future land confiscation. In short, a land lease in Burma does not confer HLP rights.

State-sanctioned development projects and the impacts:

State sanctioned development projects occur in all areas of Burma on land expropriated from its traditional owners and leased to the highest bidder. Immediate human rights violations resulting from the armed pursuit of State development projects include forced labor, arbitrary killings and beatings, rape, torture, arson, forced conscription, illegal and arbitrary confiscation of land and property, arbitrary taxation, forced farming, the destruction of entire villages and restrictions on movement. Downstream impacts from projects include polluted water sources, destruction of ecological systems, death of key subsistence species, altered and dangerous river flows, destruction of livelihoods and increased potential for disaster. In ethnic areas, where most of Burma's remaining natural resources exist, development projects often impact communities already facing long standing conflict, crushing poverty⁴ and crises in health⁵.

Development projects and foreign direct investment in Burma are concentrated in energy and extractive industries⁶. Project revenue, which can reach billions of US dollars, ends up in personal coffers,⁷ rarely benefits impacted communities and cycles through government accounts to fund further armed pursuit of natural resources. Examples of energy, resource extraction and mega-development projects that violate HLP rights and are planned or currently operating in Burma include:

- the Salween River's **Hatgyi Dam** enters a region reeling from over 60 years of armed conflict, forced displacement, and refugee/hostage manipulation. Project commencement has led to renewed conflict, the additional destruction of villager livelihoods and further forced displacement. Downstream impacts are expected to affect half a million people.⁸
- the Salween River's **Tasang Dam** is also situated in an active armed conflict area with a long history of forced eviction and human rights abuses. The project will involve further forced displacement and human rights abuses. Downstream impacts center on the destruction of villager subsistence and livelihood practices⁹.
- the **Irawaddy Myitsone Dam** brings with it militarization, forced eviction and unregulated pollution. Projected downstream impacts involve millions of people¹⁰ and include placing the capital of Kachin State in an earthquake disaster zone.¹¹
- **plantation monocultures in Hugawng Valley** of western Kachin State involve forced eviction, intimidation, worker exploitation and conflict.¹²
- **biofuel cropping in Karen and Mon States** offers areas with histories of armed conflict, forced displacement and refugee/hostage manipulation more of the same.
- **iron mining and cement production on Pinpet mountain** in southern Shan State involves forced eviction, land confiscation, livelihood losses, food insecurity and downstream health and livelihood impacts.¹³
- **coal mining and power production in Tigyt**, southern Shan State involves forced eviction, land confiscation, livelihood losses, limited local job creation and dangerous living and health conditions.¹⁴
- the Burma to Thailand **Yadana/Yetagun pipeline and Kanbauk/Myaing Kalay spur** involves increased militarization, systematic human rights abuses, forced labor, land confiscation without compensation, forced relocation, rape, torture and murder.¹⁵
- the Burma to China **Shwe Gas and oil pipeline project** runs over four times the inland length of the Yadana/Yetagun and spur projects and is expected to involve similar human rights abuses on a respectively larger scale.¹⁶
- the construction of **Naypidaw**, the new capital city of Burma displacing entire villages and forcing many villagers to flee and establish the Ei Htu Hta IDP camp on the Thai/Burma border.

Forced eviction and land confiscation threaten the people of Burma's right to adequate housing, a basic human right protected by international treaties¹⁷. Burma has ratified two human rights treaties which recognize the right to adequate housing– the Convention on the Rights of the Child¹⁸ and the Convention on the Elimination of All Forms of Discrimination against Women¹⁹. Forced eviction of women and children violate the government's obligations under these treaties. HLP abuses are likely to continue and exacerbate in a post-election context as the markets are increasingly opened up to foreign investment²⁰ and power stays with the military. This situation recently led the National League for Democracy to analyze Burma's economy and determine the pressing need for foreign investment and development to benefit local people and have a positive social and environmental impact.²¹

The Hatgyi Dam

Flooded area:	311,167 square kilometers
Installed capacity:	1,200 MW
Villages in flooding area:	6 ²² to 13 villages
Villages impacted:	41 villages
Families impacted:	440 families
Locally impacted:	2,460 ²³ people
Additionally impacted:	tens of thousands people ²⁴
Cost of construction:	1.4b to 2.6b USD ²⁵

The Tasang Dam²⁶

Locally impacted:	60,000 ²⁷ people
Additionally impacted:	10,000 and up people
Installed capacity:	7,110 MW
Cost of construction:	6b USD and up

The Irawaddy Myitsone Dam

Locally impacted:	15,000 people
Installed capacity:	6,000 MW
Cost of construction:	up to 3.6bUSD

Biofuel-cropping in Hugawng Valley

Concession area:	809 square kilometers
Crops:	sugar cane, tapioca, jatropha
Villages impacted:	14 villages
Households impacted:	1,112 households
Land confiscated so far:	14.6 square kilometers

Biofuel-cropping in Karen and Mon States

Concession area:	4,000 square kilometers
Crop:	rubber
Villages impacted:	? villages
Households impacted:	? households

Iron mining and cement production on Pinpet mountain

Project area:	44.5 square kilometers
Villages impacted:	25 villages
Locally impacted:	7,000 people
Additionally impacted:	35,000 people
Land confiscated so far:	44.5 square kilometers

Coal mining and power production in Tigyt

Villages impacted: 25 villages
Locally impacted: 12,000 people
Land confiscated so far: 2 square kilometers
Open pit mine area so far: 2.2 square kilometers
Deposit potential: 20.7 million tons
Estimated investment: 53m USD

Yadana/Yetagun pipeline and Kanbauk/Myaing Kalay spur

Inland Length: 240 kilometers
Villages impacted: 50 villages
Locally impacted: more than 50,000 people²⁸
Revenue as of Dec 2009: 7b USD²⁹

Shwe Gas and oil pipeline project

Inland Length: 980 kilometers
Expected revenue: more than 29b USD over 30 years

Dawei Port, coal power plant, industrial zone & transport corridor

Area: 250 square kilometers
Villages impacted: ? villages
Locally impacted: ? people
Project Cost USD: 8.6b³⁰

Nay Pyi Daw New Capital City

Affected area:
Displaced from: 4,000 IDP's in Ei Htu Hta + countless more
Displaced to: ? govt servants
Cost of construction: countless billions of USD

Endnotes

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- ⁷ EarthRights International. "Total Impact 2.0: A Response to the French Oil Company Total Regarding Its Yadana Natural Gas Pipeline in Military-Ruled Burma (Myanmar)." <http://www.earthrights.org/publication/total-impact-20-response-french-oil-company-total-regarding-its-yadana-natural-gas-pipel>, 2009.
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- ¹³ Pa-Oh Youth Organization. "Robbing the Future: Russian-backed mining project threatens Pa-O Communities in Shan State." [http://www.burmalibrary.org/docs07/Robbing_the_Future\(en\).pdf](http://www.burmalibrary.org/docs07/Robbing_the_Future(en).pdf), 2009.
- ¹⁴ Pa-Oh Youth Organization. "Poison Clouds: Lessons from Burma's Largest Coal Project at Tigyit." <http://www.scribd.com/doc/47176385/Poison-Clouds-English>, 2011.
- ¹⁵ EarthRights International. "Total Impact 2.0: A Response to the French Oil Company Total Regarding Its Yadana Natural Gas Pipeline in Military-Ruled Burma (Myanmar)." <http://www.earthrights.org/publication/total-impact-20-response-french-oil-company-total-regarding-its-yadana-natural-gas-pipel>, 2009a.
- ¹⁶ Shwe Gas Movement. "Corridor of Power: China's Trans-Burma Oil and Gas Pipelines." www.shwe.org/Attachments/CorridorofPower.pdf, 2009.
- ¹⁷ See "International Covenant on Economic, Social and Cultural Rights." United Nations General Assembly, 1966.
- ¹⁸ See "Convention on the Rights of the Child". United Nations General Assembly, 1989.
- ¹⁹ See "Convention on the Elimination of All Forms of Discrimination against Women." United Nations General Assembly, 1979.
- ²⁰ See Irrawaddy and Mizzima business coverage.
- ²¹ National League for Democracy. "Analysis of the Economy." January 4 2011.
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- ³⁰ Ital-Thai, DAWEI PROJECT BOARD MEETING 16-10-09 AS PowerPoint presentation