

A map of Southeast Asia is shown in the top right corner. The Dawei region in Myanmar is highlighted in grey, and a black dot marks its location on the Andaman coast. The rest of the region, including Thailand, Laos, Vietnam, Cambodia, and the Malay Peninsula, is shown in white with black outlines.

# LAND GRABBING IN DAWEI (MYANMAR/BURMA): A (INTER)NATIONAL HUMAN RIGHTS CONCERN

Land grabbing is an urgent concern for people in Tanintharyi Division, and ultimately one of national and international concern, as tens of thousands of people are being displaced for the Dawei Special Economic Zone (SEZ). Dawei lies within Myanmar's (Burma) southernmost region, the Tanintharyi Division, which borders Mon State to the North, and Thailand to the East, on territory that connects the Malay Peninsula with mainland Asia. This highly populated and prosperous region is significant because of its ecological diversity and strategic position along the Andaman coast. Since 2008 the area has been at risk of massive expulsion of people and unprecedented environmental costs, when a Memorandum of Understanding (MoU) between the Thai and Myanmar governments, followed by a MoU between Thai investor Italian-Thai Development Corporation (ITD) (see Box 1) and Myanma Port Authority, granted ITD access to the Dawei region to build Asia's newest regional hub.<sup>1</sup> Thai interest in Dawei is strategic for two reasons. First, the small city happens to be Bangkok's nearest gateway to the Andaman Sea, and ultimately to India and the Middle East.<sup>2</sup> Second, the project links with a broader regional development plan, strategically plugging into the Asian Development Bank's (ADB) East-West Economic Corridor, a massive transport and trade network connecting Myanmar, Thailand, Laos, and Vietnam; the Southern Economic Corridor (connecting to Cambodia); and the North-South Economic Corridor, with rail links to Kunming, China. If all goes as planned, the Dawei SEZ project, with an estimated infrastructural investment of over USD \$50 billion<sup>3</sup> will be Southeast Asia's largest industrial complex, complete with a deep seaport, industrial estate (including large petrochemical industrial complex, heavy industry zone, oil and gas industry, as well as medium and light industries), and a road/pipeline/rail link that will extend 350 kilometers to Bangkok (via Kanchanaburi).<sup>4</sup> The project even has its own legal framework, the Dawei Special Economic Zone Law, drafted in 2011 to ensure the industrial estate is attractive to potential investors.<sup>5</sup>

### Box 1. About Italian-Thai Development Corporation (ITD)

The Italian-Thai Development Public Company Limited (ITD) was established in 1954 by Thai businessman Dr. Chaijudh Karnasuta and Italian businessman Mr. Giorgio Berlingieri. Based in Bangkok, and listed on the Stock Exchange of Thailand since 1994, ITD is Thailand's largest infrastructure construction company and one of the country's largest corporations.<sup>1</sup> In 2011 the Company's reported revenue was over Baht 44,000 million (USD \$1.4 billion), a 22.6 per cent increase from 2010.<sup>2</sup> The company expects, by the end of 2012, to have over Baht 200 billion (USD \$6.4 billion) worth of investments.<sup>3</sup> According to the Dawei Development Company website (2012), ITD has completed more than 1,500 projects both in Thailand and internationally in Bangladesh, Cambodia, India, Indonesia, Laos, Maldives, Madagascar, Myanmar, Philippines and Taiwan. Construction projects include: buildings; industrial plants; pipelines and utility works; highways, railways, bridges and expressways; airports, ports and marine works; dams, tunnels and power plants; mining; steel structures; and telecommunications.

In regards to the Dawei Industrial Estate and SEZ, the company initially committed a 75 per cent investment, with possible renewal. However, there has been speculation that the company will announce its withdrawal of 50 per cent of the total project investment due to financial constraints.<sup>5</sup> In any case, ITD will remain the primary stakeholder in the project, as it seeks Japanese and other potential investors to step in to assist in the projects development. This does not change the scope of the existing project though, it remains that ITD was granted access by the Myanmar Government a total of 250 square kilometers for which they will pay USD \$37.5 million for 60 years (according the company's annual report, the stated 204.9 square kilometers will be developed, however the remaining 44.9 square kilometers have not been accounted for).<sup>6</sup>

Dawei is not ITD's only interest in Myanmar; in 2007 ITD, under the name Myanmar ITD Co. Ltd., gave a USD \$3.79 million loan to the Defense Ministry of the Union of Myanmar for the construction of a steel mill.<sup>7</sup> In Tanintharyi division, near Myeik (south of Dawei), ITD together with Windfall Energy Services Ltd. (Singapore) signed an MoU in 2008 to construct a hydroelectric project on the Tenasserim River.<sup>8</sup> Nearby, in Shan State, the company has signed a tariff MoU with the Electricity Generating Authority of Thailand, in relation to a coal mining project in Mhai Kok for the exportation of coal and electricity (369 megawatts) to Thailand,<sup>9</sup> and has conducted a feasibility study in Nam Kok for a hydropower dam.<sup>10</sup>

1. Italian Thai Development (2011) Annual Report 2011: The Leading Contractor in South East Asia. Bangkok, Thailand.

2. *ibid.*

3. *ibid.*

4. Italian Thai Development (2010) Annual Report 2010. Bangkok, Thailand.

5. Anonymous (A2), Dawei Community Activist, Personal Communication [email], 14.09.2012.

6. Italian Thai Development (2011) Annual Report 2011: The Leading Contractor in South East Asia. Bangkok, Thailand.

7. Thakhin, T. (2012) "Dawei Development Project is Creating the Negative Impacts of Land Confiscation, Changing Lifestyles, and

Lack of Livelihoods for Local People East and West of Dawei" in Where the Change has Yet to Reach: Exposing Ongoing Earth Rights Abuses in Myanmar. Thailand: EarthRights International.

8. Italian Thai Development (2011) Annual Report 2011: The Leading Contractor in South East Asia. Bangkok, Thailand.

9. Thakhin, T. (2012) "Dawei Development Project is Creating the Negative Impacts of Land Confiscation, Changing Lifestyles, and Lack of Livelihoods for Local People East and West of Dawei" in Where the Change has Yet to Reach: Exposing Ongoing Earth Rights Abuses in Myanmar. Thailand: EarthRights International.

10. Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.

Upon completion, the Dawei project will be ten times larger than a similar petrochemical industrial estate in Map Ta Phut in neighbouring Thailand. Map Ta Phut is currently the fifth largest of this type in the world, and has raised alarm over human rights and ecological abuses.<sup>6</sup> As former Thai Prime Minister Abhisit Vejjajiva was infamously quoted in January 2011, “(s)ome Industries are not suitable to be located in Thailand. This is why they decided to set up there in Dawei”.<sup>7</sup> One could argue that the nexus of private and public actors can no longer get away with new catastrophic industrial developments of this kind anymore on Thai territory, because of an increasingly progressive human rights and environmental legal framework. Alternatively, Myanmar—despite the recent parliamentary approval of two land laws (the Farmland law and Vacant, Fallow and Virgin Land Management Law), and the imminent passing of the Foreign Investment Law—remains relatively attractive for investors wanting to develop projects that come at social and environmental costs (see Box 2).<sup>8</sup>

Direct displacement and rural dispossession have the potential to double initial official survey

**Cause for Concern** Land in Dawei has extensive historical and ecological importance. Archeological findings suggest that the area was inhabited up to 4,000 years ago (around 2,000BC). Buddhist relics and ancient artifacts dating back to the 6<sup>th</sup> century (Pyu era) suggest that Dawei was home to an ancient civilization, which flourished from regional trade.<sup>10</sup> According to oral tradition and local belief, Buddha himself is said to have left a footprint in Nabule (which lies directly within the SEZ area), the only left-foot footprint in the country, making this site one of religious pilgrimage

estimates as speculation of an economic boom is on the rise. Land grabs are a concern as a whole region falls under threat: the locals are left with no choice but to relinquish control over their land, often under pressure by local authorities, which ends up in the hands of more powerful elites (both local, from upper and lower Myanmar, and foreign). What is at stake? Concerns about the quality of health, livelihood, and environmental consequences associated with the proposed petrochemical industrial development are being raised by the Dawei Development Association (DDA), a network of individuals and organizations opposed to the Dawei SEZ. There is an urgent need for enquiry and systematic research into the scope and scale of land grabbing, which is potentially at the heart of the other threats linked to the SEZ. While initial research on land grabs directly resulting from the expansion of the Dawei SEZ project has been conducted by key stakeholders, no attention has been given to the wave of land grabs resulting from the speculation of economic growth in the region. Indirect land grabs are certainly land grabs, as they are also resulting in the change of control over land,<sup>9</sup> and its concentration into the hands of a more powerful class of foreign and domestic elites.

for some of Myanmar’s Buddhists.<sup>11</sup> Today, the area hosts both rural and urban populations, with total population estimates in the city and surrounding region reaching as high as 500,000.<sup>12</sup> Both highland and lowland farmers have cultivated and prospered along the mountains and valleys for generations,<sup>13</sup> while urban centers like Dawei also thrive off of small agriculture processing industries, such as cashew nut processing and rubber processing and trading. An estimated 85 per cent of local livelihoods rely on plantation agriculture.<sup>14</sup>

## Box 2. The Current Legal Climate: Farmland and Vacant Land Laws

Prior to the political transition of March 30 2011, and the inauguration of President Thein Sein, the previous military government last implemented new land laws in 1991, with the creation of the Cultivable Land, Fallow Land and Waste Land Law and a new Central Committee whose responsibility was to oversee the law's implementation. This law permitted private (domestic and foreign) business investors to lease land (for up to 30 years) from the government, so long as the land was classified as wasteland or fallow land. Officially, the law sought to encourage development in so-called 'wastelands' by enlisting the private sector.<sup>1</sup> Despite its classification as 'non-productive' on paper, in reality, the land was often occupied by smallholder farmers. Corruption was rampant, and with the right connections, land control could easily be classified and transferred to any entity considered to be more 'productive'. This was all despite the 1963 Protection of Peasants' Rights Law (Peasant Law), in place since the country's socialist era, which was supposed to support the tiller's rights to the land. What transpired was the facilitation of (primarily domestic) political and economic elite land control, as the Foreign Investment Law (including export restrictions and taxation) and foreign trade sanctions due to the status of the government discouraged foreign investors from entering the country. Only a few countries, like China and Thailand, took advantage the opportunities to invest during Myanmar's politically repressive era.

One year after President Thein Sein's inauguration, The Pyidaungsu Hluttaw (the Assembly of the Union of Myanmar, i.e. the joint Lower and Upper Houses of Parliament), on the 30<sup>th</sup> of March, 2012, approved the revision of two land laws: The Farmland Law and The Vacant, Fallow and Virgin Lands Management Law (Vacant Land Law). Following their approval, and the repeal of the 1963 Peasant Law, reports of land confiscation and ownership disputes have been on the rise.<sup>2</sup> According to the Farmland Law, the state remains the sole owner of land in the country, and retains the right to decide upon its use. The law also defines farmland as mainly for the growth of agricultural production, which limits smallholders to cultivate what is deemed as productive by the government.<sup>3</sup> If the government disapproves a smallholder's land use, they can claim confiscation rights to the land. The Vacant Land Law compliments the Farmland law, by affirming that the government has the right to lease land (up to 50,000 acres) to a private entity (for up to 30 years, renewable) based on the classification of land (much like in the 1991 Wastelands Law).<sup>4</sup> Just as in 1991, it remains the Central Committee's responsibility to decide upon who has the right to use land, so long as it is in accordance with the Foreign Investment Law (FIL). Despite a recent amendment in the FIL, which allowed 100 per cent foreign-owned companies to invest in Myanmar,<sup>5</sup> entirely-foreign ventures are rare: most continue to operate in agreements (official and unofficial) with Myanmar businesses. A new and revised FIL is currently pending approval by the Pyidaungsu Hluttaw.

1. Burma Environmental Working Group (BEWG) (2011). *Burma's Environment: People, Problems, Policies*. Chiang Mai: Wanida Press/Burma Environmental Working Group.

2. Lwin, S. (2012) "Farmland Laws Should be Amended: Committee" in *Myanmar Times* [online] <http://www.mmtimes.com/2012/news/632/news63201.html> [Accessed 11 September 2012].

3. Human Rights Foundation of Monland (2012) "Examination

and Critique of the 2012 Farmland Bill" in *Rehmonnya* [online] <http://rehmonnya.org/archives/2238#more-2238> [Accessed 12 September 2012].

4. *ibid.*

5. Kramer, T. & K. Woods (2012) "Financing Dispossession: China's Opium Substitution Programme in Northern Burma". Amsterdam: Transnational Institute.

Every individual here is linked to the region's rich ecology, whether through livelihood or by heritage. For example, the ethnic Karen living in the road link area do not associate their heritage closely with the land they currently occupy – a result of having been displaced multiple times due to decades conflict between the Karen National Union and successive military governments. But land-based-livelihoods are

the key to their current survival, and people do not want to move for they are “deeply attached to their land and the homes they have built themselves”.<sup>15</sup> Consequently, the direct and indirect land grabs associated with the Dawei SEZ will forever alter and ultimately erase the mainly Karen and Dawei peoples' livelihoods, and their cultural, spiritual, historic, and personal affiliations with the land.

**Land Grabs** No universal definition exists of land grabs, as the character of global land grabbing is changing quickly, and rarely transpires the same twice. It can be suggested however, that when a farmer loses control over their land to a domestic or foreign individual, corporation, or state, without fair participation in the transfer process, and if the land is then used for a different purpose, then it can be considered a land grab. At first glance, it is easy to associate land grabbing in Myanmar today with similar waves of land-control-change that have occurred throughout the country's history. The difference in the current wave of land grabs is the nature, direction, pace and extent in the way they are occurring.<sup>16</sup> A rise in global crises (food, fuel and financial), has led to the displacement of farmers around the world from the control or access to their land, commonly through economic and political means, though it can also include physical or violent means as well. Such an economic and political squeeze is what is occurring in Tanintharyi division: while formally the central government remains the legal owner of all land, farmers are facing dispossession by losing access and control over their land to a more powerful elite, resulting in a change in how the land is being used. The land deals are marked

by secrecy and corruption, making it difficult to obtain a clear picture of the scope and scale of the land deals. In the Dawei case, the hunger to accumulate capital by the Myanmar state, the Thai state and ITD is a principal incentive for the land grab. On the side of the farmers however, many are unsure about what their future will bring, and sometimes do not even receive compensation. What is concerning and most urgent is the pace and frequency of the transactions.

Two kinds of land grabs occurring in Dawei: direct land grabs and indirect land grabs (see Box 3). Some of the land grabbing that is happening is directly associated with the SEZ project through the transfer of access and land-use to ITD and other SEZ-affiliated companies for the industrial zone, deep sea port, road link, and dam reserve. Apart from these direct land grabs, additional land grabbing is happening because of speculation and large-scale financial investment in the region, as an indirect ripple effect of the establishment of the SEZ project. With the proposed multi-billion dollar SEZ underway, land is being grabbed by local and foreign elites even for projects not directly associated with the SEZ. Land-rights are being sold because of a speculative surge in land prices that is squeezing out (primarily) Dawei and Karen

### Box 3. Dawei SEZ Land Grabs At a Glance

#### Direct Land Grabs

*Officially Reported:* 32,274 people to be relocated by ITD in SEZ area (50,631 acres or 204,9 km<sup>2</sup>). Additional preliminary estimates of 182 households in the proposed Dam Reserve area (1,730 acres or 7km<sup>2</sup>). Official (i.e. published) data is currently unavailable for the road link area and (the potential) four relocation sites.

*Unofficial Estimates/Research Findings:* ITD data fails to recognize the number of SEZ, dam, road link, and relocation area residents who are internally displaced, and those who migrate to Thailand for employment, many of whom, given the opportunity would return to their homes and agricultural land in the Dawei Region. Therefore, an exact affected-population estimate is not possible, however the total calculated acreage of the direct land grabs is potentially 63,768 acres.

#### Indirect Land Grabs

*Officially Reported:* No ITD or Myanmar government reports have linked an indirect wave of land grabbing to the SEZ project.

*Unofficial Estimates/Research Findings:* Potentially 500,000 people from the region surrounding Dawei will be directly and indirectly affected by massive land grabs, economic speculation, and the decimation of the current rural economy. Already, total land confiscation from only four insider-reported projects is 153,919 acres (see case list).

farmers and rural dwellers. A recent report on land grabbing in Shan and Kachin state highlighted a similar dynamic, stating that "(l)and grabbing as a form of land speculation is tantamount to stealing

the country's greatest and most valuable asset".<sup>17</sup> This latter speculative type of land grabbing, is still linked to the SEZ project, albeit indirectly, and therefore should not be overlooked.

**Direct Land Grabs** Initial official figures suggest that 32,274 people in at least nineteen villages (or twenty-one in unofficial reports, ) will ultimately be displaced as a result of the 204.5 km<sup>2</sup> industrial estate (i.e. the SEZ project).<sup>18</sup> Hundreds more in Kalone Htar village may be displaced as a result of a 7km<sup>2</sup> dam construction along the Kalone Htar Stream.<sup>19</sup> The total area of these two sites is 52,361 acres (50,631 acres for the SEZ and 1,730 for the dam reservoir), with well over 32,000 people affected. Key informants suggest that massive relocation will commence as early as November 2012, and ITD stated in their 2011 financial report, that relocation for the industrial estate area will be completed by 2012.<sup>20</sup>

At least 100 people have already been dispossessed due to an 80 meter-wide, 160 kilometer-long access road near the Myitta sub-township, from the project area to Kachanaburi in Thailand. Even more people will lose their land as the road link expands an additional 120 meters, to include a highway, rail link, power, and gas pipeline (which excludes the additional service roads that will be built provisionally during the construction phase). The total road link land grab, which will affect primarily ethnic Karen relying on cashew and betel nut plantations, could total 7,907 acres. One Dawei native and DDA activist warns

that “the total displaced population from the road link related development could reach up to 50,000 people”.<sup>21</sup> Most are already internally displaced peoples (IDP) having been forced to leave their land at least twice already, because of conflict – once in 1982 and another in 1997 – resulting in the migration of many of their family members to Thailand. In one interview, a farmer and local activist highlighted that many of the houses and lands have been abandoned, as their owners are seeking peace and prosperity in nearby Thailand. Lacking accurate data, we may never know exactly how many people have already left their homes in hopes of returning one day, while “everyone who is left will also migrate to Thailand because of the (ITD) land grab anyway”.<sup>22</sup>

Ironically, the relocation sites are also sites of dispossession, as the project’s main financial stakeholder, ITD hurriedly constructs relocation homes.<sup>23</sup> The relocation sites have displaced farmers from their livelihoods – farmers who apparently stand in the way of national and regional “development” strategies. An additional 3,233 acres may be converted for relocation sites, which is a fraction of the amount of land its future residents had occupied prior to the Dawei SEZ project. Despite these shocking numbers, what remains hidden from reports and ITD project land surveys, is perhaps just as alarming (if not more).

## DIRECT

Proposed Project	Location (Villages affected)	Size and # affected
Dawei SEZ	Nabule Area (19 Villages, including: Ka Maung Chaung, Pu Gaw Zun, Ya Laing, Thit To Thaunt, Kya Khat Ta, Pein Shaung, Ka Myaing Swea, Mu Du (West), Mu Du (East), Pan Det Inn, Na Bu Lei, Le Shaung, Pa Ra Dat, Nyaungbin Hseik, Ma Yin Gyi, Htain Gyi, Hlaine, etcl) [1]	50,631 acres (204.9km <sup>2</sup> ) Total Population: 32,274 (3,977 households). [2]
SEZ Dam Reserve	Kalone Htar	1,730 acres (7km <sup>2</sup> ) Population: 200 households. [4]
SEZ Road Link	From Nat Taung to the Thai Border. (At least 35 Villages affected: Nat Taung, Kah Yua, Lan Gra Ya, Dauk Tauk, Dauk Lauk, Ta Liang ya, Myauk Pu, 198, 476, Bo Lin Taung, Kha Maung Thaw, 448, 407, 434, 529, 591, 211, 268, 187, 256, Myitta, 451, 539, 487, 428, Taese Chaung, 405, Pa Thi C, 679, Sin Byi Daing, Naw Law Khao, 397, 431, 291, 517) 51]	Access road link: 160km*80m (12.8km <sup>2</sup> or 3,163 acres) Total Proposed Highway Project: 160km*200m (32km <sup>2</sup> or 7,907 acres) [6]
SEZ Relocation Site 1	Bawar	333 acres (completed), 800 acres total (expected)
SEZ Relocation Site 2	Htwet Wa [7]	300 acres [8]
SEZ Relocation Site 3	Wazwam Taw [9]	1,500 acres [10]
SEZ Relocation Site 4	~3km (2 miles) south of Kalone Htar	300 acres + 600 acres (for a sample garden by ITD's corporate social responsibility team).
<b>TOTAL ACRES:</b>		<b>63768</b>

Company (local, foreign, mix)	Status	References
Italian Thai Development	2008, Ongoing with expected completion in 2012. [3]	[1] Thant Zin (14.08.2012) Current Situation of Dawei Project, Presentation, Dawei.; [2] "Dawei: Points of Concerns" (2012) Thailand: Ecological Alert and Recovery (EARTH), Healthy Public Policy Foundation, and Towards Ecological Recovery and Regional Alliance (TERRA).; [3] Italian Thai Development (2011) Annual Report 2011: The Leading Contractor in South East Asia. Bangkok, Thailand.
Italian Thai Development	Expected 2012	[4] Thabchumpon, N., Middleton, C., Aung, Z. (2012) "Development, Democracy, and Human Security in Myanmar: A Case Study of the Dawei Special Economic Zone" ICIRD Conference Paper, Chiang Mai, Thailand.
Italian Thai Development	2011, Ongoing	[5] This data was collected from the unpublished ITD Road Link Maps, acquired by an anonymous source in Dawei. Where numbers are listed, village names are unknown, but are as they appear on the ITD road link maps; [6] Dawei Development Company Limited (2012) "Dawei Project Presentation June 2012". Accessed 1.10.2012: <a href="http://daweidevelopment.com/index.php/en/downloads/cat_view/74-dawei-project-">http://daweidevelopment.com/index.php/en/downloads/cat_view/74-dawei-project-</a>
Italian Thai Development	2011	Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.
Italian Thai Development	Proposed	[7] Ko Wild (2011) "21 Villages to be relocated for Dawei Project" Mizzima News. Accessed 1.10.2012: <a href="http://www.mizzima.com/news/inside-burma/6311-21-villages-to-be-relocated-for-dawei-project.html">http://www.mizzima.com/news/inside-burma/6311-21-villages-to-be-relocated-for-dawei-project.html</a> ; [8] Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.
Italian Thai Development	Proposed	[9] Ko Wild (2011) "21 Villages to be relocated for Dawei Project" Mizzima News. Accessed 1.10.2012: <a href="http://www.mizzima.com/news/inside-burma/6311-21-villages-to-be-relocated-for-dawei-project.html">http://www.mizzima.com/news/inside-burma/6311-21-villages-to-be-relocated-for-dawei-project.html</a> ; [10] Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.
Italian Thai Development	Proposed	Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.

**Indirect Land Grabs** As noted earlier, also emerging in Dawei since the birth of the project in 2008, is an indirect land grab phenomenon that is fueling human rights violations against the primarily ethnic Dawei and Karen living in this region. A rush of speculators and investors, both foreign and local (both from Dawei and more recently, upper Burma, including government officials), are keen to cash in on promises of an economic boom in the area, and have already begun pouring over regional land registry maps.<sup>24</sup> In an interview, one Dawei land broker suggested that the local prices of farmland have multiplied up to fifteen times the pre-SEZ price, effectively squeezing farmers out

of the nearby countryside.<sup>25</sup> In one case, a Max Myanmar director acquired 300 acres just near the Kalone Htar (in the SEZ dam reservation zone), in hopes of making a windfall profit by re-selling it to ITD for a relocation site for Kalone Htar.<sup>26</sup> Investors like these offer quick cash to a rural population that is both frightened and uncertain of what the future will bring. Reports on the ground suggest that business-elites with strong ties to the military-backed government are easily securing hundreds of acres for eventual re-sale and to develop smaller industries (e.g. coal mines, gas refineries, etc), while foreigners are keen to cash-in on a potential boom in the hotel and hospitality industry near relatively

## INDIRECT

Proposed Project	Location (Villages affected)	Size (acres) and # affected
Land Price Speculation	Near Road Link (Kalone Htar, Myitta sub-townships)	Complete Data Unavailable.
For Sale to ITD for 4th relocation site	2 Miles South of Kalone Htar	300 acres
Taninthayi Hydropower Project (1000MW)	Between Kaw Thaug and Myeik	Total size unknown.
Coal-fired Power plant	Palaw Township (Nan Taung Village)	1,000 acres
Rubber and Oil Palm Plantation	Near Tanantharyi Township	150,000 acres
Oil Refinery	Laung Lon	2,619 acres (1,235 acre extension area, 889 acre port area, 350 acre dam area, 90 acre gas pipeline area, 55 acre access road area)
<b>TOTAL (calculable) ACRES:</b>		<b>153919</b>

undeveloped—but occupied—coastal areas. This year, for example, Htoo Trading Company—owned by U Tay Za, believed to be Burma’s wealthiest businessman—began investment for a 1,000-acre coal-fired power plant in Palaw Township.<sup>27</sup> The Htoo Group (Htoo Trading Company’s parent corporation) has also teamed up with Guangdong Zhenrong of China (one of China’s top four state petroleum traders) and Union of Myanmar Economic Holdings Limited, to build a USD \$2.5 billion, 2,619-acre oil refinery in Launglon (22 kilometers South of Dawei).<sup>28</sup> One villager also reported businessmen were buying land in the road link due to speculation of rising land prices.<sup>29</sup>

Indirect land grabs have occurred within the SEZ project areas and have extended to the surrounding landscape as well. Every day, land-rights are being sold-off at an unprecedented pace as property prices reach up to fifteen times their pre-2008 value. Meanwhile, the local people often remain in the dark about the price tag placed on their land, and often fear future consequences if they resist.<sup>30</sup> Sometimes people receive compensation, often delayed and always below market value, while in many cases, they receive no compensation. Compensation, or no compensation, corruption is rampant and transparency is lacking.

Company	Status	
Companies from Dawei and Upper Myanmar.	2008, Ongoing	Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.
Max Myanmar (Myanmar) Director	2012	Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.
ITD (Thailand) and Wind Fall Energy Services (Singapore)	2008	Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.
Htoo Trading Company (Myanmar)	2012	Anonymous (A5), NGO Representative, Personal Interview, Yangon, 08.09.2012.
Vantage Myanmar Company Limited (Myanmar)	2012	Anonymous (A5), NGO Representative, Personal Interview, Yangon, 08.09.2012.
Guangdong Zhenrong (China), Htoo Group (Myanmar) and Union of Myanmar Economic Holdings Limited (Myanmar)	Expected 2015	Anonymous (A5), NGO Representative, Personal Interview, Yangon, 08.09.2012.

## Resistance or Resettlement?

Indirect land grabs are a big challenge for resistance, because it is difficult to pinpoint who is to blame. According to one activist interviewed for this paper, “with ITD at least we can directly oppose the land grabs, they are more visible to us, but it is impossible to trace all of the indirect land grabs” especially with the secrecy and pace in which they are occurring.<sup>31</sup> Indeed, indirect land deals are happening behind closed doors, in effect making local land administration offices ‘out of bounds’ for the local people who have held both formal and informal land access rights in the area for generations. Villagers are confused about who they should approach during land disputes because while the land is owned by the central government, it is the regional government authorities who ultimately decide who gets what.<sup>32</sup> One recent report highlighted that because of the land grabbing, “local people worry there will be no land, or no land they can afford, for them to resettle on or to purchase.”<sup>33</sup>

For the moment, the regional government,<sup>34</sup> as well as most of the appointed village heads, express support for ITD and the project, maintaining that it will help to bring infrastructure and employment to the region. This is their idea of “sustainable development”: a model that sees no place for the rich ecology, culture, history, and livelihoods that have sustained the region’s residents for hundreds, and even thousands of years. What is clear is that both ITD and the Government of Myanmar have no future plan for local livelihood opportunities: relocation sites will isolate formerly fishing and farming communities from any means of subsistence. Those being excluded from this regional “development” plan have said that they have little choice but to leave, and join the thousands of displaced refugees and migrant workers already living in Thailand, where they can still attempt to secure enough land to sustain their families. This is rather ironic: while ITD is financing land grabbing in Dawei, the dispossessed rural and coastal populations of Dawei will ultimately seek land and livelihood security in Thailand.

**Is there still hope?** In July, the government publicly announced its decision to assign parliamentary members to a land confiscation committee whose responsibility will be to assess current land grab cases as they occur across the country. More recently, Mi Myint Than, a Lower House Member of Parliament, announced that she would soon lead a team to investigate the land grab allegations in Dawei.<sup>35</sup> While this announcement demonstrates the government's official commitment to an increasing problem in the country, some civil society groups are claiming that members of this committee have direct financial stakes in the Dawei SEZ and industrial development project, creating cause for concern that any engagement with this committee could be tainted by conflict of interest.<sup>36</sup>

Despite this, there is an urgent need for all levels of government to consider the serious consequences of the project. Changes at the national level are happening fast, with revisions being made to existing land bills, and the pending introduction of a new foreign investment law. Changes in policy do not stand alone, on the ground changes in control over rural spaces are happening even faster, as a country in transition falls deeper into the hands of a few who see little room for the country's predominantly rural population (up to 80% of the country's total population) in their 'development' ambitions. Dawei is no exception: massive relocation ongoing, it is urgent that all of the stakeholders in the Dawei SEZ take a step back and re-evaluate the scale and scope of the "development" plan for one of the most ecologically-diverse, historically significant, and

productive lands in all of Myanmar. If not, the region will continue to fall prey to widespread land grabbing, both directly and indirectly linked to the Dawei SEZ. Land grabbing, resettlement, and migration will not only reconfigure livelihoods in the region, but there are additional concerns being raised. The repercussions from the proposed toxic industries include ecological degradation such as air and water pollution, as well as the degradation of coastal areas: all of which can be lessons learned from the similar, though smaller Map Ta Phut Industrial Estate and Sea Port in Rayong Province, Thailand.<sup>37</sup>

In order to address these concerns, there needs to be balanced and fair engagement, conducted openly, which must include all of the voices of the Tanintharyi division. Right now, though, there is a lack of political space for communities and organisations that represent them to oppose the project, beyond a few village-level meetings with ITD, despite strong opposition coming from those living in affected areas: "We do not need this project, we have everything," argues one Dawei resident.<sup>38</sup> The activists opposing the project, including the DDA, are calling for a different development plan for the region's forested mountains, rushing waterfalls, rivers which flow with rich aqualife, and the pristine Andaman beach surrounded by nearby islands. Urgent enquiry should thus raise questions about who are the true beneficiaries of the project, and what is the vision of development for the people and land of Dawei. The answers can, and should, reflect upon the overarching vision of development that policy-makers have for all people (regardless of class or ethnicity) and land in Myanmar.

1. In Myanmar, ITD operates under the name Dawei Development Company Limited (DDC) Myanmar.
2. A 623 kilometer-drive from Yangon, Dawei SEZ sits much closer to Thailand, and will ultimately serve Bangkok as it seeks to become the "economic gateway of the region" (ITD presentation, date unknown).
3. Italian Thai Development (2011) *Annual Report 2011: The Leading Contractor in South East Asia*, Bangkok, Thailand.
4. (<http://www.daweidevelopment.com/index.php/en/dawei-project/project-overview->)
5. Italian Thai Development (2011) *Annual Report 2011: The Leading Contractor in South East Asia*, Bangkok, Thailand.
6. Over two decades ago, ITD helped to build the infrastructure for the Map Ta Phut Industrial Estate in Rayong Province, Thailand.
7. International Herald Tribune, November 26, 2010.
8. According to the Burma Environmental Working Group (BEWG), "Burma has some laws and policies related to protecting people and the environment, but the country lacks the necessary administrative and legal structures, standards, safeguards and political will to enforce such provisions" [BEWG(2011) *Burma's Environment: People, Problems, Policies*: 8]. Furthermore, "(t)he majority of Burma's income comes from selling off natural resources, including billions of dollars from gas and hydropower development. Investment comes from countries within the region— most significantly China, India and Thailand. Malaysia, Singapore, Japan, Vietnam and Korea are also key investors looking to increase investments after the elections. These resource extractive investments damage the environment and threaten local resource-based livelihoods, particularly in ethnic areas" (BEWG 2011: 51)
9. Often companies are giving farmers no choice but to relinquish their control over land, with the support of local authorities, or else they may face uncertain consequences.
10. Anonymous (A1), Community Activist & University Teacher, Personal Interview, Dawei, 14.08.12.
11. Anonymous (A1), Community Activist & University Teacher, Personal Interview, Dawei, 14.08.12. Though actual documentation of Buddha's visit to Nabule cannot be traced, it is important to nevertheless recognize the value of this exact land for the region's local values and belief systems.
12. Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.
13. Farmers harvest betel, cashew, and rubber in plantations along the hillsides, and in the valleys, rice, and seasonal fruits. (Anonymous [A2], Dawei Community Activist, Personal Interview, Dawei, 14.08.12).
14. Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.
15. Anonymous (A3), Road Link Area Community Activist, Personal Interview, Dawei, 16.08.12.
16. Borrás, S.M. Jr. and J. Franco (2010) "Towards a Broader View of the Politics of Global Land Grab: Rethinking Land Issues, Reframing Resistance" *ICAS Working Paper Series No. 001*, Amsterdam: Initiatives in Critical Agrarian Studies, Land Deal Politics Initiative and Transnational Institute.
17. Kramer, T. & K. Woods (2012) *Financing Dispossession: China's Opium Substitution Programme in Northern Burma*, Amsterdam: Transnational Institute. (Page 34).
18. "Dawei: Points of Concerns" (2012) Thailand: Ecological Alert and Recovery (EARTH), Healthy Public Policy Foundation, and Towards Ecological Recovery and Regional Alliance (TERRA). However, unofficial reports suggest that due to high incidence of migration (on average 1 person in every household), this could be much higher. Local fishermen will also lose their livelihoods due to ecological degradation and the destruction of mangroves. (Anonymous [A2], Dawei Community Activist, Personal Interview, Dawei, 14.08.12).
19. Villagers have rejected all relocation plans offered by ITD (Anonymous [A4], Personal Interview, Kalone Htar, 15.08.2012).
20. According to Article 34 of the Dawei Special Economic Zone Law, the developer or investor is responsible for household and farmland compensation. In this case, it is Italian Thai who must take full responsibility for compensation, something it is currently finding challenging because of local resistance.
21. Anonymous (A5), NGO Representative, Personal Interview, Yangon, 08.09.2012.

22. Anonymous (A3), Road Link Area Community Activist, Personal Interview, Dawei, 16.08.12.
23. Though still uninhabited, two of the new homes have already deteriorated due to what is considered normal seasonal weather patterns.
24. Land Broker, Personal Interview, Dawei, 18.08.2012.
25. Land Broker, Personal Interview, Dawei, 18.08.2012.
26. Anonymous (A2), Dawei Community Activist, Personal Interview, Dawei, 14.08.12.
27. <http://www.ft.com/intl/cms/s/0/690f437c-b8dc-11e0-bd87-00144feabdc0.html#axzz26AhEqys0>
28. Aizhu, C. (2012) "China Energy trader eyes 2.5 billion Myanmar refinery" in *Reuters* [online] <http://www.reuters.com/article/2012/01/12/china-myanmar-refinery-idUSL3E8CB7B220120112> [Accessed 12 September 2012].
29. Anonymous (A3), Road Link Area Community Activist, Personal Interview, Dawei, 16.08.12.
30. Land disputes are consequently on the rise: between villagers and businessmen; villagers and other villagers; between businessmen and ITD, and between ITD and the villagers.
31. Anonymous (A5), NGO Representative, Personal Interview, Yangon, 08.09.2012.
32. Anonymous (A6), Cashew Processor, Personal Interview, Dawei, 08.09.2012..
33. Southern Society Network, Dawei Development Association, Loka Ahlinn, and TroCaire (March 2012). *Local People's Understanding of the Dawei Special Economic Zone*.
34. Admin (2012) "Dawei company to construct power plant in Dawei" in *Tavoyan Voice* [online] <http://www.tavoyanvoice.com/eng/2012/06/20/thai-company-to-construct-power-plant-in-dawei/> [Accessed 25 September 2012]
35. Weng, L. (2012) "Land Grabs Probe Travels Across Burma" in *The Irrawaddy* [online] <http://www.irrawaddy.org/archives/14968> [Accessed 2 October 2012].
36. Anonymous (A5), NGO Representative, Personal Interview, Yangon, 08.09.2012.
37. "Dawei: Points of Concerns" (2012) Thailand: Ecological Alert and Recovery (EARTH), Healthy Public Policy Foundation, and Towards Ecological Recovery and Regional Alliance (TERRA).
38. Anonymous (A1), Community Activist & University Teacher, Personal Interview, Dawei, 14.08.12.

## TNI AGRARIAN JUSTICE PROGRAM

In recent years, various actors, from big foreign and domestic corporate business and finance to governments, have initiated a large-scale worldwide enclosure of agricultural lands, mostly in the Global South but also elsewhere. This is done for large-scale industrial and industrial agriculture ventures and often packaged as large-scale investment for rural development. But rather than being investment that is going to benefit the majority of rural people, especially the poorest and most vulnerable, this process constitutes a new wave of land and water 'grabbing'. It is a global phenomenon whereby the access, use and right to land and other closely associated natural resources is being taken over - on a large-scale and/or by large-scale capital - resulting in a cascade of negative impacts on rural livelihoods and ecologies, human rights, and local food security.

In this context TNI aims to contribute to strengthening the campaigns by agrarian social movements in order to make them more effective in resisting land and water grabbing; and in developing and advancing alternatives such as land/food/water sovereignty and agro-ecological farming systems.

September 2012

Text: Elizabeth Loewen based on research and interviews with many people in Myanmar

Design: Ricardo Santos

Print: PrimaveraQuint

Published by Paung Ku  
and Transnational Institute



**Paung Ku** is a Myanmar civil society strengthening project that provides funding and capacity building to local civil society organisations across a range of sectors for service delivery (in particular to poor and marginalised people), networking, and advocacy projects.

[www.facebook.com/pages/Paung-Ku/240532326018147](http://www.facebook.com/pages/Paung-Ku/240532326018147)

**T**

**N**

**I**

The **Transnational Institute** (TNI) was established in 1974 as an international network of activist researchers committed to critical analyses of the global problems of today and tomorrow. It aims to provide intellectual support to movements struggling for a more democratic, equitable and environmentally sustainable world. The Agrarian Justice Programme of TNI brings together research and analysis on political struggles in rural areas around access, control and ownership of resources and land, as well as on international agrarian movements struggling against dispossession and working to construct alternatives

[www.tni.org](http://www.tni.org)

For more information contact:

[tni@tni.org](mailto:tni@tni.org)