

# PIPELINE NIGHTMARE

Shwe Gas fuels civil war and human rights abuses in Ta'ang community in northern Burma



Published by Ta'ang Students and Youth Organization - TSYO

November 2012

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Photo - TSYO

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## Executive Summary

2012 has been featured in international media circles as a time of unique change and reform for Burma towards achieving democracy. However, despite the media shining a light on the positive changes that have occurred in Burma, a dark shadow still remains cast over many of Burma's ethnic states. Mega development projects have fueled civil war with ethnic armed groups and have highlighted the unrelenting brutality of a military reluctant to relinquish its hold on the ethnic people of Burma as they continue to ruthlessly harvest the abundant natural resources in the region while simultaneously stripping the local people of their livelihoods and dignity through human rights abuses.

It is estimated that the Shwe Gas and Oil Pipeline project will yield an income of nearly 29 billion dollars over 30 years; the pipeline spans the breadth of the country from Arakan State, across Central Burma, Shan State and into China. However, nothing has been done to improve the lives of the people affected by the project and many still struggle to make an income to feed their families. The role investing companies play in the project is also pivotal and their blatant disregard for the human rights of the local people affected by the project adds fuel to the already blazing fire of discontent in an area where many of the inhabitants have no access any of the resources being exported.

The 'Pipeline Nightmare' report looks at the effect the Shwe Gas and Oil Pipeline project has had on the Ta'ang people in northern Shan State by focusing on 6 Townships and 51 villages that the massive development project transects. The people interviewed by our researchers have had their lands confiscated to facilitate the project without any prior consultation or consent. In four of the townships we researched we found that approximately 551 households have had their lands confiscated by the Shwe Gas and Oil Pipeline project. Although many have received compensation for the lands taken, the amount paid to them has been inadequate or not yet received in full. In many cases the affected people have not only lost their lands as a result of the project but also have lost their livelihoods and dignity.

The report centers on the increased military presence in the Ta'ang area in order to take security for the Shwe Gas and Oil Pipeline project and how this presence has impacted on the lives of the Ta'ang people especially its impact on the lives of Ta'ang women and the increase in drug use in the area, which has soared since the arrival of the Chinese construction workers to the construction sites. There have been 26 new-

military patrols deployed to the Ta'ang area of northern Shan State since construction of the pipeline began. Military personnel continue to inflict needless human rights violations on innocent civilians and corruption is rife making life extremely difficult for the local people. This situation has been accelerated further by an ongoing civil war with fighting taking place in many of the towns and villages all along the pipeline route leading to many people having to flee their homes in fear of their lives with little or no response from the government and the situation worsening.

The report highlights the lack of planning from the government who has shown little or no regard for standard international frameworks for any mega development projects. There has been no consultation or consent from the communities affected by the projects and although the government and China National Petroleum Company (CNPC) maintain that Environmental Impact Assessments (EIA)'s and Social Impact Assessments (SIA)'s have been carried out, these have not been made available to the public. The environmental impacts of this project will be far reaching with jungles and agricultural lands destroyed and increased flooding due to poor construction has already impacted on local people. The Shwe Gas and Oil Pipeline project has brought masses of revenue for the government but has brought no benefits to the Ta'ang people of northern Shan State, who continue to be subjected to human rights violations and have yet to witness a positive change towards democracy in their area.

## Background of the Ta'ang People

Ta'ang (Palaung) is one of the ethnic nationalities of the multi-national country that is the Union of Burma. They reside in Shan State. The Ta'ang people have a long history and a strong sense of their unique identity. They have their own language and literature, a distinctive traditional culture, their own territory and a self-sufficient economy. Ta'ang people are predominantly Buddhist with less than ten percent of the population being animist and Christians.

There are about one million Ta'ang people; most live in the mountains of the north-western Shan State. However, large numbers also live in towns throughout southern and eastern Shan State. The customary lands of the Ta'ang people have the richest ruby and sapphire mines in the world, including the famous Mogoke mine area, which has been cut out of Shan State and made a part of Mandalay Division by the Burmese dictatorship. There are also many kinds of minerals in the Ta'ang lands including silver, zinc, gold and aluminum.

The Ta'ang people are famous in Burma for the high quality tea that is grown in their highland farms. They also grow a variety of temperate climate fruit crops such as apples, plums, avocados and pears, which are highly valued in the lowland areas and provide their livelihood. Unfortunately, the Ta'ang people have not been able to live on and tend to their lands in peace.



Photo - TSYO

Astounding Scenery of the Ta'ang area



The Ta'ang Students and Youth Organization (TSYO) is a non-profit organization that develops the social status of the whole Ta'ang nationality and young people on the way to peace, justice and equality. TSYO was founded in 1998 on the Thai-Burma border and is based on the needs of the Ta'ang (Palaung) people in terms of education, health, living standards and modernization. The long term goals of TSYO include working for peace, justice, and equality, building a democratic country, and improving the lives of Ta'ang students, youth, and the Ta'ang people.

The objective of TSYO is to protect and advocate to the international community and alliance groups in order to reduce human rights violations and to protect and work on preserving the environment and natural resources in the Ta'ang region as well as to promote the capacity of Ta'ang students and youth through capacity building training. TSYO works on different issues and its sectors include: information and human rights documentation, environmental rights, education and health assistance. This report has been compiled by the TEA -Team (Ta'ang Environmental Action Team) Department of TSYO. The goals of TSYO are:

- To work for peace and development in the Ta'ang area
- To increase the number the Ta'ang youth leading the people
- To achieve gender equality
- To end the military dictatorship system in Burma
- To form a federalist, democratic country, with equality and self-determination



## Terms and Acronyms

ASEAN	-	Association of Southeast Asian Nations
CEDAW	-	Convention on the Elimination of all forms of Discrimination Against Women
CNPC	-	China National Petroleum Company
EIA	-	Environmental Impact Assessment
GAIL	-	Gas Authority of India
IDP	-	Internally Displaced Person
ILO	-	International Labour Organization
TinnDaunn	-	Burmese measurement for rice
KIA	-	Kachin Independent Army
KOGAS	-	Korea Gas Corporation
MOGE	-	Myanmar Oil and Gas Enterprise
MoU	-	Memorandum of Understanding
NGO	-	Non Government Organization
NLD	-	National League for Democracy
ONGC Videsh	-	Oil and Natural Gas Enterprise of India
PSLF	-	Palaung State Liberation Front
SIA	-	Social Impact Assessment
SNDP	-	Shan National Democratic Party
SSA-N/S	-	Shan State Army North/South
TNLA	-	Ta'ang National Liberation Army
TNP	-	Ta'ang National Party
TSYO	-	Ta'ang Student and Youth Organization
UNFC	-	United Nationalities Federal Council

## RECOMMENDATIONS

### **To the government of Burma:**

1. Suspend of the Shwe Gas and Oil Pipeline Project until the withdrawal of Burmese troops from northern Shan State especially along the pipeline project area and a ceasefire of all armed groups to enable genuine political dialogue for a meaningful resolution of the conflict in Burma.
2. Oversee the fair and responsible distribution of compensation and have plans of transition for those that have lost their lands and establish a clear legal process for land ownership.
3. Be responsible for carrying out Environmental and Social Impact Assessments in all development projects and respect community rights through the informed consent of local people and consultation that is conducive to accountable and transparent projects that have benefits like access to resources for the affected communities, and draw up protocol with clear, strong rules and laws for the environment.

### **To companies<sup>1</sup> involved in the project:**

1. Ensure that money given as compensation for loss is appropriately and fairly channeled for the benefit of the communities and those affected by the project.
2. Follow proper standards of free, prior and informed consent, have accountability and transparency and take responsibility for the long - term impacts the project will have on communities.
3. Carry out accurate Environmental and Social Impact Assessments before any development project begins and give the public access to results of these assessments.

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<sup>1</sup> These include Myanmar Oil and Gas Enterprise (MOGE), Gas Authority of India (GAIL), Daewoo International, Oil and Natural Gas Corporation of India (ONGC Videsh), Korea Gas Corporation (KOGAS) and China National Petroleum Company (CNPC), the company predominantly working on the Shwe Gas and Oil Pipeline project in northern Shan State

**To the Ta'ang National Party:**

1. Protect the interests and rights of the Ta'ang people by representing their concerns about the Shwe Gas and Oil Pipeline project properly in parliament and cooperate and work more cohesively with other political parties in Shan State in order to better represent their constituency.

**To the Ta'ang people:**

1. Make it your priority to take interest and learn more about the Shwe Gas and Oil Pipeline and other development projects taking place in your area; spread awareness to others and take action to protect your communities' rights.
2. Work together to form strong civil society groups that represent the interests of the community.

**To ASEAN, International Governments and Foreign Investors:**

1. Foreign governments should ensure that companies investing in Burma adhere to the same investment legislation and standards that they required to meet when working in their own country in an effort to put an end to human rights violations.
2. Foreign investors must make sure all transactions and investments for development projects are transparent, accountable and encourage participation from the affected communities in order to respect the rights of the people.
3. Economic sanctions must not be lifted until genuine peace talks with opposition groups including ethnic armed groups, based on political solutions, are established in Burma.

## Research for the Report

TSYO's TEA-Team (Ta'ang Environmental Action Team) Department focuses on the human rights violations and environmental impacts of mega development projects in the Ta'ang area northern Shan State. We researched and documented the impacts of the Shwe Gas and Oil Pipeline project over four different timeframes: October to December 2010, March to July 2011, February to March 2012 and June to September 2012. We took nearly two years to collect and research the project's impact. During the first three months of research from October to December 2010, our fieldworkers interviewed local people who lived along between the Muse, Lahsio to Naungcho highway in northern Shan State but we couldn't find out much information from them other than the local people saying they heard that the pipeline route will run through their townships. After this we held a meeting with our fieldworkers and began to collect research from Namkham, Maiwee, Namtu and along the Shweli power transmission line to Naungcho Township. We organized one weeklong training on research documentation with 6 fieldworkers who live along the pipeline, and those fieldworkers along with other TSYO staff collected information from April 2011 until September 2012.

The initial planned route of the Shwe Pipeline was from Arakan State will across Naungcho, Lahsio, and Muse to China-side. However, the pipeline route was changed to follow the Shweli power transmission line and will therefore cross many more townships in the Ta'ang area; Naungcho, Kyaukme, Hsipaw, Namtu, Mantong and Namkham Townships in northern Shan State and into China.

TSYO fieldworkers and staff faced many challenges while carrying out research on the Shwe Pipeline project. There were many soldiers and police taking control of the project security and the new government deployed many of their military troops to the Ta'ang area. This led to difficulties in carrying out the research as efficiently as we wished. Another problem we faced in the field was the civil war which left our fieldworkers having to suspend their research because of fighting in the Ta'ang area between Burmese troops and the Kachin Independence Army (KIA) and the Ta'ang National Liberation Army (TNLA). Our fieldworkers were stopped from taking photos and interviewing local people by the police.

We interviewed 53 Ta'ang people who live along the route of the pipeline project and most of the interviewees had suffered as a result of the pipeline project. Many of those interviewed had land confiscated from them and received compensation payments from the authorities. Many of the local people were afraid to give interviews and had to be reassured that we would not use their real names in order to protect their security, all the names used in this reports are aliases. Our fieldworkers gathered interviews and data from recordings via MP3, video documentation, social networks, email and photos from along the projects areas, we also sourced other information through telephone calls and TSYO networks inside northern Shan State.

## Background of the Pipeline Project



Photo Internet

Ministerial representatives from Burma and China signing the Pipeline project agreement



Photo Internet

The opening ceremony part two of the pipeline project in Naungcho Township, northern Shan State



## Background of the Shwe Natural Gas and Oil Pipeline



Map of Burma

The Shwe Gas and Oil Pipeline project is a large scale energy project that will span the breadth of the country as the two parallel pipelines transport natural gas and crude oil from Burma's western coast on the Bay of Bengal to Ruili in China's Yunnan Province. The massive pipelines will pass through Burma's Arakan State, Magway and Mandalay Divisions, Shan State; crossing vast mountain ranges, arid plains, rivers, jungle and many towns and villages populated by a variety of ethnic groups, like the Ta'ang people located in northern Shan State.<sup>1</sup>

Exploration of underwater gas reserves in the Bay of Bengal began as early as August 2000, when Daewoo International of South Korea signed a production - sharing contract with Myanmar Oil and Gas Enterprise (MOGE). In 2001 and 2002 Daewoo sold shares in its contract to three other companies: The Gas Authority of India (GAIL), Oil and Natural Gas Corporation of India (ONGC Videsh) and Korea Gas Corporation (KOGAS).<sup>2</sup> In 2004 Daewoo confirmed that they struck "*world class commercial*

*scale gas deposits*."<sup>3</sup> It is estimated the reserves amount to 10-14 trillion cubic feet in a total of 7 different oilfields in operation.

China soon became the front runner in taking advantage of the discovery of the natural gas and crude oil. In 2008 and 2009 respectively, one of the biggest oil companies of the People's Republic of China, China National Petroleum Company (CNPC) and the Burmese Minister of Electricity had signed the transporting agreement of Burma-China gas and oil pipeline. According to the Memorandum of Understanding (MoU) with the Burmese government, CNPC would construct, manage and operate the 'Myanmar-China pipelines', which consist of over 4,000 kilometers of dual oil and gas pipeline. CNPC is the parent company of PetroChina and the largest integrated energy company of the People's Republic of China. CNPC have invested in many global oil and gas projects, often gaining bad press due to their blatant disregard for the preservation of human rights or for the wishes of the communities affected by the projects they un-

1 EarthRights International, Situation Briefer No. 1, 'The Burma-China Pipelines: Human Rights Violations, Applicable Law and Revenue Secrecy', March 2011

2 EarthRights International, Situation Briefer No. 1, 'The Burma-China Pipelines: Human Rights Violations, Applicable Law and Revenue Secrecy', March 2011

3 All Arakan Students and Youth Congress, 'Supply and Command', July 2006

dertake, for example their well documented and controversial involvement at Darfur in South Sudan.<sup>4</sup>

Construction began on the pipeline projects in September 2009 and is due to be completed by 2013. It is estimated that the Burmese government is set to make nearly USD\$29 billion over 30 years from the export of the Shwe natural gas and oil to China<sup>5</sup>. However it is unknown exactly how much the Government will make from the sale of the gas due to their lack of transparency and accountability in the sale of the country's natural resources. According to an annual survey carried out by German-based organization Transparency International in 2011, Burma is rated as one of the world's most corrupt countries, ranked third globally with only North Korea and Somalia deemed more corrupt. Transparency International's index defines corruption as the abuse of public office for private gain and measures the degree to which corruption is perceived to exist among a country's public officials and politicians<sup>6</sup>.

### **Shwe Gas and Oil Pipeline project's arrival in Shan State**

It has been reported that preliminary mapping and surveys for the project in Shan State began in late 2010. In April 2011, the provisional mapping of the route of the Shwe Gas and Oil Pipeline commenced, running through Hsipaw, Nongcho, Namkham, Mantong and Namtu Townships in Northern Shan State. On the 1<sup>st</sup> week of August 2011, plans to build roads for the Shwe Pipeline began. In order to supervise the road construction, over 10 Chinese professional construction engineers arrived at Namtu Town in the 2<sup>nd</sup> week of June 2011 with their machines and equipment. Approximately 116.32 acres of land in Namkham Town has been confiscated for the pipeline project. The project traverses 26 villages of the three towns of Namtu, Mantong and Hsipaw and it crosses about 15 villages between Mansan and Namtu town and a further 10 villages between Namtu town and Maimaw. In all these towns and villages locals have reported numerous human rights violations and an increase in military presence due to the pipeline<sup>7</sup>. From TSYO's latest information the pipeline is about 70% complete in Shan State and about 65% complete overall. The project is due to be completed and operational in September 2013.

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4 Shwe Gas Movement, 'Corridor of Power: China's Trans Burma Oil and Gas Pipelines', September 2009

5 Shwe Gas Movement, 'Corridor of Power: China's Trans Burma Oil and Gas Pipelines', September 2009

6 <http://cpi.transparency.org/cpi2011/results/>

7 TSYO fieldwork research



Chinese Surveyors take measurements for the pipeline project

## Current Political Climate in Burma

Burma has been a hub of political activity since the 2010 elections. Questions have been raised by many about the sincerity of the government's reforms towards democracy as many years of oppression from a brutal and oppressive military regime has left deep scars on the memories of the people of Burma. Many, especially those in ethnic areas are cautious in trusting the claims of the government led by Thein Sein when so many injustices have been perpetrated against them.

The new government have made some positive steps towards reform with censorship laws relaxed and amnesty shown to many former political prisoners many of them high profile like Daw Aung San Suu Kyi, and the famous Shan ethnic leader U Khun Htun Oo, although more political activists still remain imprisoned. The main opposition party, the National League for Democracy (NLD), re-registered and took part in by-elections of April 2012 where they won 43 seats and represent their constituents at parliament in *Naypyidaw*<sup>1</sup>.

1 <http://www.irrawaddy.org/archives/1723>

Most significantly for Thein Sein's government is the positive recognition they have received from the international community for their attempts at reform and democracy. There have been many visits from high ranking foreign dignitaries which have resulted in economic sanctions being lifted or suspended to assist Burma to develop into a stable democratic economy. This has enabled Burma to open its doors to foreign investors in order to try to kick start the economy. This has been widely criticized by the opposition as the government has lacked any accountability or transparency in past transactions especially with regards to the mega development projects that are making billions in revenue from natural resources but are reaping no benefits to local people. It poses the question as to where the money from these investments is channeled, as Burma is ranked as one of the poorest countries in the world with abominable healthcare and education systems<sup>2</sup>.

On a darker side to the political changes that continue to take place inside Burma are those that are taking place in the ethnic states of Burma in the form of civil war in seven different states involving 11 different ethnic armed groups fighting against the Burmese military. Thein Sein's government has set up the Union Peacemaking Working Committee to try to broker ceasefire agreements with the different armed groups. In turn the ethnic groups have set up the UNFC (United Nationalities Federal Council), founded to represent an approach from the ethnic groups to achieve peace collaboratively. The Ta'ang (Palaung) people are represented in this council by the Palaung State Liberation Front (PSLF). The UNFC have stated that they wish to review political problems by political means<sup>3</sup>. There seems to be a huge disparity between the aspirations of the 'reformist' government and the views of the 'hardline' military, with Thein-Sein's public speeches conveying one thing and military actions expressing another. This sparks speculation about the internal conflict between the country's politicians and the military; perhaps the once brothers in arms are now at odds with each other and locked in an internal power struggle.

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2 <http://hdrstats.undp.org/en/countries/profiles/MMR.html>

3 <http://democracyforburma.wordpress.com/2012/05/11/united-nationalities-federal-council-unfc-members-that-have-signed-ceasefire-agreements-with-naypyitaw-will-be-reviewing-their-agreements/>



## Civil war and IDP as conflict intensifies around pipeline area



[IDPs in Namkham building temporary shelters for themselves and their families](#)

The Ta'ang National Liberation Army (TNLA) started to act in January 2011 under the PSLF in order to protect the Ta'ang people against the Burmese military as fighting encroached into Ta'ang areas leaving many people defenseless. The TNLA has been cooperating with the KIA in fighting against the Burmese Army. Fighting has been particularly intense in northern Shan State along the proposed route of the Shwe Gas Pipeline project, which cuts directly through the Ta'ang area, as the Burmese military deploys more troops to the region to take security of the pipeline sites. The fighting in this area has resulted in a dramatic increase in the amount of IDPs fleeing conflict and widespread human rights abuses in the region perpetrated by Burmese military forces especially around villages near Mantong and Namkham.

According to information from TSYO fieldworkers, the IDPs at Mantong Town include pregnant women, elderly people and children. Currently they face many problems like a lack of proper sanitation, food and shelter. They have nowhere to stay and many families are scattered in different locations in the town. There is not enough food to feed everyone and they have limited access to medical care. The people are terrified and uncertain about what will happen for them in the future; many want to return home but do not know what will await them on their return especially those who live near the route of the pipeline who are afraid that their lands might have been seized and that they will have nothing to go back to, other refugees have moved onto China to seek work.



There are many thousands of people that have sought refuge from the fighting in Shan and Kachin States, with many receiving little or no aid. The number of people seeking refuge is increasing daily and there is a worry that the rainy season will pose even more with the conditions having the potential to become a breeding ground for disease.

The Burmese government has made several attempts to hold peace talks with the KIA, but as regards to whether these attempts are genuine are questionable as it has been reported that the Commander of the Burmese Army's Northern Regional Command, Brig-Gen Zeyar Aung told a public meeting at Pangwa, Kachin State, not to worry about the KIA causing problems because his troops will wipe them out<sup>4</sup>. Statements like this have added fuel to the already blazing fire; while on the one hand they are offering a peace plan with the other hand they have been increasing the deployment of forces around the conflict zones especially around the mega development projects leading to an escalation of human rights abuses and the continual suffering of innocent civilians.

In August of 2012 the Burmese Army has further increased its military presence and deployed more troops to the Ta'ang areas of Kyaukme, Kutkhai, Namhsan, Mantong and Momeik Townships where the pipeline construction takes place. Most of the troops sent took responsibility for the security of the Chinese workers at the pipeline construction sites. Currently, there are over 1,000 soldiers that have come to the Ta'ang area to engage in fighting against alliance armed ethnic groups; KIA, SSA and TNLA. The fighting is taking place around the pipeline project areas. From August to the second week of September the amount of fighting increased to at least two days at a time and battles lasted anything from 15 minutes to 1 hour.

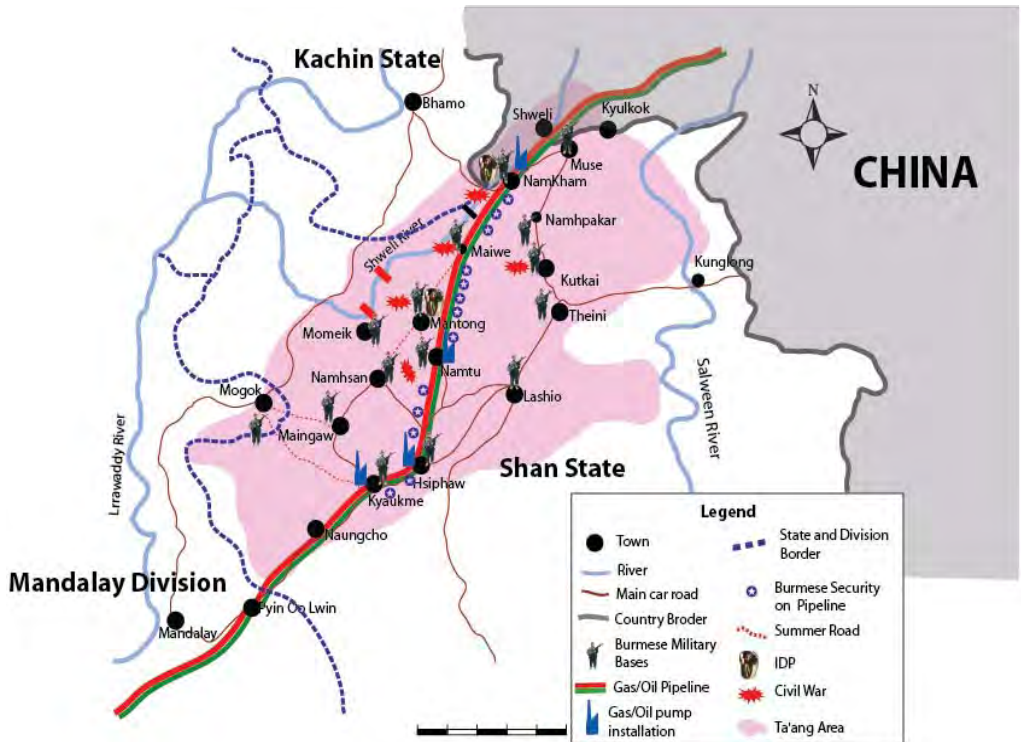
Since the increase in conflict 1,978<sup>5</sup> people have become internally displaced while trying to escape from the fighting. Most of the IDPs are staying in the jungle without any help from NGO' or CBO' as it is rainy season and many aid organizations cannot reach the affected people. Conditions for IDPs are particularly bad; they have no shelter, no access to health care and no food. Some IDPs have gone to stay with relatives that live near to the town. Moreover, people in 10 villages around Mantong Township are worried that the fighting will happen in their villages as the conflict intensifies.

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4 <http://www.irrawaddy.org/archives/3951>

5 Figures correct as of August 2012 sourced from TSYO fieldworkers

## Increased Military Presence



Map showing increased military activity in Ta'ang area

The Shwe Gas and Oil Pipeline project has led to dramatic increases in Burmese soldiers and military bases in northern Shan State. Battalion Commanders from Namkham, Namtu, Kyaukme, Mantong, Naungcho, Namphatkar, Hsipaw, Theinee and Lashio have intensively broadened their military bases, companies, and sections throughout Ta'ang regions in order to provide security to the pipeline project and also to fight in the civil war between the Burmese military, the KIA, TNLA, and Shan State Army-North (SSA-N) in northern Shan State. At present, Burmese soldiers under the command of their captains regularly patrol Ta'ang, Kachin, and Shan villages along the pipeline area. The Burmese military bases can be found in Nampanlay, Maisin, Maiturt, Panwaor, Narlei, Mawtard, and Maimaw villages between Mantong and Namtu Town.

The table below shows the spread of military presence

No.	Towns	Regiments	Commander's names	Patrolled area	
				Townships	Villages
1.	Namkham	Infantry Unit 144	Junior Colonel Win Htun Lay	Namkham	Maipu
2.	Theinee	Light Infantry Unit 323	Major Myo Min Than		
		Light Infantry Unit 501	Junior Colonel Moe Kyaw	Namtu	Maitur, Mai Sin, Nampanlay
	Kyaumae	Light Infantry Unit 502	Junior Colonel TunNai Win		
		Infantry Unit 114	Junior Colonel Than ThayAung		
	Naungcho	Infantry Unit 115	Unknown		
	Hsipaw	Light Infantry Unit 503	Junior Colonel Ye NyaiOo		
	Naungcho	Infantry Unit 114	Junior Colonel Than ThayAung	Mantong	Aolaw, Vainpurt, PaiWao, Maimaw, Nar LaryTakhalet ,Maibaw, Joneja, Khumone, Manle, Mansad,Hhajaek, Kulucs, Kyaeakaung, NyaAww Lay, NyaAwwKy and Loimon
		Infantry Unit 115	Unknown		
	Namtu	Light Infantry Unit 324	Junior Colonel Toe MyiTun		
	Namphatkar	Infantry Unit 123	Junior Colonel Min NyaiSoe		
	Mantong	Infantry Unit 130	Junior Colonel AungMyoOo		
		Light Infantry Unit 501	Junior Colonel Moe Kyaw		
3.	Kyaukme	Light Infantry Unit 502	Junior Colonel TunNai Win		
	Hsipaw	Light Infantry Unit 503	Junior Colonel Ye NyaiOo		
4.	Theinee	Infantry Unit 69 and 420	Unknown	Namkham, Kyaukme, Namtu, Mantong, Namhsan, and Kutkhai Townships	
5.		Light Infantry Unity 504			
	Hsipaw	Infantry Unity 23			
		Infantry Unit 41 and 68			
6.	Lashio	Light Infantry Unit 507 and 522			
		Infantry Unit 45, 241, and 242			
7.	Kutkhai				

Increased military presence affects and threatens locals living near the pipeline area. For instance, the soldiers in Maimaw village sometimes go to the Maimaw' market (five-day market) where they scrutinize the things that the local villagers are buying. The local villagers are often asked questions by the Burmese soldiers especially if the villagers buy over a certain amount of meat.

A Nar Aww Lay villager in Maimaw' market said that *"there are about 200 Burmese soldiers in the market and they go around checking out the market. The market is mainly dominated by soldiers; their uniforms stand out, as soldiers vastly outnumber the local customers and vendors."*<sup>1</sup>

*"Today, I was very uncomfortable because the soldiers were continually looking at the things that we were buying. In the pork shop there were ten soldiers standing and questioning everybody on their purchases, if we bought over 1.5kg of meat they asked why we bought this amount and what do we plan to do with it, along with several other questions. I went to buy over 100kg of pork for my nephew's wedding reception, however out of fear of questioning from the soldiers I didn't buy it in the end and had to make do with buying mustard and bamboo shoots."*<sup>2</sup>

Simultaneously, Burmese soldiers from Mantong's Battalion base on the front line have portered local villagers' animals, forced villagers' to give them food or come into their homes and take ingredients without any permission. They have also made life for local women more difficult; they are afraid to leave the house alone due to the increase in soldiers with their often inappropriate behavior and lewd comments. Soldiers demand the use of villagers' horses for transporting their military equipment and artillery. Local villagers have also had to accompany them acting as guides for them through the rural areas often miles from their homes.

*"The soldiers from Mantong Battalion base have come to patrol in near by villages: Manele, Mansad (Joneja), and Htajact. In the 2<sup>nd</sup> week of May 2012, they came to my village and portered 10 horses here to carry their military equipment and then ordered two villagers to go with them to give directions to certain places. They used them as forced porters for at least two days before they released them to return home. Another time, they portered 3 villagers and 7 horses to transport their military supplies from Manele village."*<sup>3</sup>

Burmese soldiers under the command of Major Zaw Myo Aung, Battalion 324, Colonel Myo Min Htun, Commander of Light Infantry Unit 115, Colonel Khait Chaw Gyi, Com

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1 Sourced from a villager from NawAww Lay

2 A consumer at Maimaw Market

3 Local witness from ManeleVillage

Portering list shown in the table below:

No.	Date	Com-mander	Battalions	Type of porter			Type of supplies		Location
				People	Horses	Motor-bike	Money	Rice	
1.	7. 9. 2011	-	Infantry 130	A Naing, Aung-Sar, Nay Tun Lin, Naw Jar, SinegMuang, Min Min (6)	1	-	-	-	Narawlay village to Kyaikaung village
2.	24. 10. 2011	-	Infantry 147	-	-	-	43,000 Kyats	150 TinnDaunn	Narawlay village to Mansad village
3.	30. 12. 2011	ZawMyo-Aung	Infantry 324	A Naing War (1)	-	-	34,250 Kyats	-	Narawlay village to Mine Mai village
4.	31. 12. 2011	Myo Min Htun	Light Infantry Unit 115	SaiAung, NyiKyaw San (2)	-	-	-	-	Narawgyi village to Mansad
5.	5. 1. 2012	-	Light Infantry Unit 114	AikNgeal (1)	5	-	-	-	Narawlay village to Pannounng village
6.	29-30. 1. 2012	-	Infantry 130	A Lome, A NaingBwe (2)	3	3	-	-	Narawlay village to Kyiekoung
7.	23-24. 2. 2012	Khait Chaw Gyi	Light Infantry Unit 502	Naing Hun, AikSenglin, NyiTun (3)	3	-	-	-	Narawlay village to Loimou village
Total			7 battalions	15 villagers	12	3 Motor-bikes	77,250 Kyats	150TinnDaunn	



mander of Light Infantry Unit 502, the Commanders of Infantries 130 and 147, and Light Infantry Unit 114 are units that have been expanded in order to fight with the ethnic armed groups and also to take responsibility for the security of the Shwe Pipeline. These units are responsible for carrying out an abundance of human rights violations on innocent civilians in the areas they are patrolling; not only did some of these soldiers force villagers to porter, act as guides and give them their horses and motor-bikes to carry their weapons, but they also forced the poor local villagers to give them money to buy cigarettes and alcoholic drinks in the many villages they passed through in Naungcho, Mantong, Kyaukme, and Namtu Townships.



Photo - TSYO

Military deployment in rural Ta'ang areas increasing

## Military Project Security

The Burmese Army Battalions at Namkham, Namtu, Kyaukme, Mantong, Naungcho and Lashio bases have been taking responsibility for project security of the Shwe Pipeline that crosses the Ta'ang region before it enters China's Yunnan province. Commanders from the different battalions have sent their soldiers to secure the pipeline within their controlled areas. Lashio Battalion 68 controls the Shwe Pipeline route from Namtu to Maimaw. The police and Light Infantry Unit 324 in Namtu take responsibility for the construction workplace. The Burmese soldiers also work as bodyguards for Chinese workers of the Shwe Pipeline construction. The Burmese soldiers from Namtu and Kyaukme battalions posted at Namkham and Namtu get 5,000 Kyat<sup>1</sup> (USD\$6) Kyat per day from the Chinese company for securing the construction area.<sup>2</sup>

*"Security guards for the gas and oil pipeline project have settled in 8 villages between Namtu Town and Maimaw. At least 10 Burmese soldiers can be found in each village and Namtu Police, Light Infantry Unit 324 and Kaungkhar Militia live together at the villages."<sup>3</sup>*



Photo - TSYO

Burmese Soldiers and Pansay Kyaw Myint's militias taking responsibility for the security of Chinese Construction workers

1 5,000 Kyat is equivalent to about USD\$6. The average daily wage for people in the Ta'ang area is approximately 1,500 Kyat per day or USD\$1.70

2 Information from TSYO field work

3 A Local from Namtu

Nevertheless, military soldiers in charge of project security have now begun to ask money from the local people. The Burmese soldiers from Lashio Battalion 68 securing the pipeline route from Namtu to Maimaw sometimes stop people using the road and force money from traders and local villagers to have for their own personal use and threaten villagers as they pass through the gates.

*“The three of us were carrying tea back to Takhalet village by motorbike. When we arrived at the entrance of the village, the Burmese soldiers, who are responsible for the gas and oil pipeline security, demanded money from us for alcohol, they were already drunk. We begged them to leave us alone because we didn’t have much money and each of us only had 500 Kyat but they didn’t accept our pleas. They said that if we couldn’t pay for their alcohol, we would not be allowed to pass. Finally, each of us had to pay our last 500 Kyat to the soldiers”<sup>4</sup>*

#### Battalions taking security for the project

No.	Battalion base	Regiments	Commander’s names	Securitized areas	
				Townships	Village and town
1.	Namkham	Infantry 144	Junior Colonel Win Htun Lay	Namkham	Maiwee, Htain Kang, LoiKhrup, Nam Yai, and Mai Htain
	Namtu	Light Infantry Unit 324	Junior Colonel Toe MyiTun		
2.	Kyaukme	Light Infantry Unit 501	Junior Colonel Moe Kyaw	Namkham	Pan Yoh, Ho Nar, Man Sat, KhoungKet, and Namkham
		Light Infantry Unit 502	Junior Colonel TunNai Win		
	Namtu	Light Infantry Unit 324	Junior Colonel Toe MyiTun		
3.	Naungcho	Infantry Unit 114	Junior Colonel Than Thay-Aung	Hsipaw	Hsipaw, and Moe Tay
		Infantry Unit 115	Unknown		
4.	Lashio	Infantry Unit 68	Junior colonel Kyaw Thee Ha	Namtu	Namtu, Nam Pan Lay, Mai Turd, Mai Sin, SaiKhyar, Mai Mon, KhoPyate
	Kyaumae	Light Infantry Unit 501	Junior Colonel Moe Kyaw		
		Light Infantry Unit 502	Junior Colonel TunNai Win		
	Namtu	Light Infantry Unit 324	Junior Colonel Toe MyiTun		
5.	Lashio	Infantry Unit 68	Junior colonel Kyaw Thee Ha	Mantong	Mai Maw, , Wing Turd, Maw Tick, Pan Waa, and Aoi Law, Maw Toung, Nar Lary
	Theinee	Light Infantry Unit 323	Major Myo Min Than		

<sup>4</sup> One of the victims of the corruption

## Land Confiscation and Unfair Compensation



Photo - TSYO

Pump installation in Hsiphaw





Photo - TSYO

Pipeline storage found in a confiscated crop farm in Namtu Township

The amount of land confiscated by the government in Burma is immense, unjustified and outside established international frameworks of housing, land and property rights. The Ta'ang people in northern Shan State are no strangers to being the victims of land confiscation as many have already suffered from the Shweli Hydro-Power Dam projects that preceded the Shwe Pipeline and those that thought they may have escaped the ordeal of losing their lands, homes and livelihoods have not escaped but are now subjected to the same afflictions as their neighbors before them as the result of the pipeline project. The government is continually sanctioning land grabs for mega development projects; in the case of the Shwe Pipeline, land has not only been confiscated for the construction of the project but also to facilitate the increase in military presence around the project and for them to build more military bases to house the extra soldiers.

The overall amount of people affected by the Shwe Pipeline in northern Shan State is large and difficult to estimate exactly; from the data sourced in 4 of the townships that the project transected, over 551 households have been in receipt of compensation as a result of the project. These figures are not exact and the true number of households affected is unknown.



Township	No. of Villages	No. of Households
Namtu	23	253
Namkham	18	229
Kyaukme	1	19
Hsipaw	1	50

*\*The table above illustrates the amount of households and villages in 4 townships affected by land confiscation.<sup>1</sup>*

Our fieldworkers have only uncovered a fraction of people that have had their lands taken. From our research we can see the far reaching impacts land confiscation has on the victims' lives. Their lands are taken without prior consultation and without any provisions for what they will do after or where they will go; lost livelihoods are a major problem for Ta'ang people who rely solely in the land as their source of income and are not skilled or knowledgeable in doing other types of work other than farming. Land confiscation oftentimes means that the victims lose their family homes too and on occasion forced relocation of entire villages has taken place to accommodate this project which uproots families that have lived in one place for generations to another unknown place to start over again without any schemes in place for their resettlement.

### Inconsistencies and Unfair Compensation

Many of the locals affected by the Shwe Pipeline in Namkham, Namtu, Mantong, Hsipaw, and Kyaukme Townships in northern Shan State have received some sort of compensation for their lost lands. However, the amount of compensation received varies from place to place and there seems to be no consistency or equality in the methods used to distribute the compensation.

Many of the different ethnic local people living along the Shwe Pipeline area in northern Shan State have not received full compensation for their confiscated land from the project companies. Without the companies having effective and direct accountabilitys and transparency for distribution of compensation payments, it is difficult to track each payment made. There have been allegations from the people interviewed of widespread corruption from the local authorities. Many of the people who go to the government offices have had to give some of their compensation back to the authorities at the land inventory offices as they are targeted and intimidated by those

<sup>1</sup> Information compiled from Shan Herald News Agency and data from TSYO field research

in power. There have also been some claims that village heads that go to collect the money are in a position to skim money from the compensation before it is handed over the land confiscation victims. Also the method of the distribution of the compensation payments has extreme variations from place to place.

**Percentages of the different types of confiscated lands**



**Discrimination in Compensation**

The Burmese and Chinese governments are discriminating against people in the distribution of compensation to the affected people on the China-Burma Border and in the central part of northern Shan State. Affected people such as Shan, Burmese, Kachin, and others including Chinese people in the Chinese village Nongdao across the Burma-China border are getting ¥ 50,000 per Mu and new land to work on from the Chinese government while those affected local people in northern Shan State only received about 4,461,794 Kyats for the same amount of land.<sup>1</sup>These payments are completely unjust as both sets of affected peoples are suffering from the same projects and the same losses but one is deemed to be more deserving of compensation than the other which is completely unjust and discriminatory.

*“Our neighbours in Nongdao (Nawng Tao) across the border are getting ¥ 50,000 (USD\$8,333) per mu (0.2 acre) plus substitute land to work on which demonstrates how the Chinese government are taking better care of their people than the Burmese government, as they do nothing for us.”<sup>2</sup>*

1        ¥50,000 = USD\$8,333 or 6,862,659 Kyats. 1 Mu = 0.2 acre or 6 Mu = 1 acre  
2        Sourced form a villager from Nawng Kham village close to Nongdao in China

## Monopoly on Compensation

The methods in the distribution of compensation differ from one village to another. Compensation is authorized by the CNPC's staff and Ko Ko Maung, the Burmese Minister of Electric Power. In some villages, they gave compensation directly to the land owners that have had their land confiscated. However, compensation was given to the villagers in Pan Ta Pyae village through indirect means; the village administration received the compensation for the land confiscations, which have no owner.<sup>3</sup> They could not decide exactly on how to come to a resolution on how to distribute the compensation for each acre.

*"I witnessed that they came to our village and gave large amounts of money to the head villager, but no one knew the exact amount of money. Then, the head villager gave compensation to our villagers as a second party in Pan Ta Pyae, Pan Lone and Name Si Linn villages."*<sup>4</sup>

Another problem that exists is the government's insistence that land grants are the legal documents that land owners must possess to lay claim to their land. The government has said that those without a land grant, the person in question is not entitled to compensation for lands confiscated.

*"They said they will pay the compensation in three separate parts. However, they will only pay those that have a land grant. If they have no land grant, they will not pay."*<sup>5</sup>

However land grants are few and far between in the ethnic northern Shan State and very few possess land grant documents. This is because many Ta'ang ethnic people observe customary law. Customary law recognizes land that is inherited and ancestral as land is passed down to family members and relatives over many years and owned by that family ancestrally.<sup>6</sup>

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3 No land grant available

4 Sourced from sourced from a landowner in Pan Ta Pyay village, Namtu

5 Kun Yae, Tea Farmer, Namkham

6 Leckie, S. & Simperingham, E., Housing Land and Property Rights in Burma: The Current Legal Framework, Displacement Solutions & The HLP Institute, 2009, Geneva, Switzerland

## Tables showing lands confiscated for the Shwe Pipeline and compensation given to some households in northern Shan State

*Part 1: Official list issued for 50% of the compensation of the land and gardens of the village tracts that consist along the Burma-China gas pipeline project in Namkham town, northern Shan State*

No	Page		Village	Num-ber of Farmers	Including Area and Acre				Total num-ber of Area (acre)	Amount of com-pensation of Farm and Crop to receive in 100%	Amount of com-pensation have issued in 50%	Amount of remaining com-pensation to issue (kyat)
	From	To			Acre of rice of rice fields	Acre of farms	Acre of gardens	Fallow Land				
1			Section(3)	16	5.011			-	5.011	111,544,860	55,772,430	55,772,430
2			Section(4)	23	7.141			-	7.141	158,958,660	79,479,330	79,479,330
3			Noun Kham	37	8.223	2.137		-	10.36	184,653,457.5	96,106,728.75	88,546,728.75
4			Man Hong	11	5.08			-	5.08	113,080,800	56,540,400	56,540,400
5			Nam Tee	45	19.246			-	19.246	428,415,960	214,207,980	214,207,980
6			Ho Pone	33	17.576			-	17.576	391,241,760	195,620,880	195,620,880
7			KhongKet	37	23.747		8.09		31.837	561,339,920.85	280,669,960.425	280,669,960.425
8			Man Sat	27	12.24		7.83	-	20.07	277,002,942.64	138,501,471.32	138,501,471.32
<b>Total</b>				<b>229</b>	<b>98,264</b>	<b>2.137</b>	<b>16</b>	<b>-</b>	<b>116,321</b>	<b>2,226,238,361</b>	<b>1,116,899,188.5</b>	<b>1,109,339,188.5</b>
				<b>Other (12 well and 200 shrimps) compensation</b>								<b>3,800,000</b>
				<b>Total Compensation (Farms, crops and others)</b>								<b>1,113,139,188.5</b>

Table (A) Note: this information is directly translated and received from the Land Inventory office in Namkham town.<sup>1</sup>

<sup>1</sup> This table was received from the land inventory office in Namkham Town. The amount documented as compensation in this document does not accurately reflect the amount received from the victims in our research, which is considerably lower than the amount quoted here.

**Some households in Namtu and Namkham Townships, northern Shan State received full compensation**

No.	Townships	Villages	Number of households	Names of the farmer	Compensation in Kyats		Type of properties and land	Acre of land
					Part: 1. 16 Dec 2011	Part: 2		
1.	Namtu	Paimait	4	Sai Kham Lu	994,000	707,000	Crop farm	Unknown
				OoAikSar	950,000	370,000	Crop farm	Unknown
				U Aik Thu	200,000	100,000	Crop farm	Unknown
				U Sai Lin	320,000	100,000	Crop farm	Unknown
		Nam Pan Lay	5	U Sai Mao	Received full		Unknown	10
				U Kham Maung				
				U AikHling				
2.	Namkham	Man Saing	1	U Aik Moon	8,000,000		House	Unknown
				U Aikkyar			Unknown	20
		Man Sat	1	U Sai Nu	Received full		Paddy field	Unknown
				U Tin Oo	Received full			
<b>Total</b>	<b>2</b>	<b>4</b>	<b>11</b>	<b>11</b>	<b>11,741,000</b>			<b>30</b>

**249 households in 17 villages in Namkham Township, Hsipaw Township, Kyaukme, and Namtu Township, northern Shan State have received partial compensation**

No.	Township	Village	Number of households	Approximate compensation received in Kyats
1.	Namkham	Wiang Kang	4	Unknown
		Man Mai	3	Unknown
		Namma	12	Unknown
		Hopoong	20	Unknown
		Nawngtern	5	Unknown
		Nawng Ma	3	Unknown
		Nawng Kham	29	Unknown
		Namkham	8	Unknown
		Loikang	2	Unknown
		Man Sat	13	Unknown
2.	Kyaukme	NamSaut	19	Unknown
3.	Namtu	Man San	20	4 million-500 million
		Nam Se Lin	13	5 million-160 million
		Man Lee	17	Unknown
		Pan Ta Pyay	31	22 million- 400 million
4.	Hsipaw	Pan Lon	50	10 million- 600 million
<b>Total</b>	<b>4</b>	<b>17</b>	<b>249</b>	

## Impacts of the Pipeline Project

### Impact on Women

The government of Burma signed the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1997, in an effort to work towards respecting and protecting women's rights in Burma<sup>1</sup>. However, despite ratification, the articles in CEDAW have not been implemented or adhered to by the government. As civil war continues in ethnic areas it creates more problems for women and there have been many reports of land confiscation, forced labour, sexual harassment and rape cases all acted out without compassion or regard for the law.

After the project began in the Ta'ang area in northern Shan State, there has been an escalation in fighting along the Shwe Pipeline areas. The increase in the military adds extra burden and worry to the women of the area:

<sup>1</sup> <http://www.un.org/womenwatch/daw/cedaw/reports.htm>



*"It is not safe for us to go anywhere, especially for the women who we worry most about, because all the forces taking security in the area are men. This puts the local women in a precarious position and they have to take care in case the soldiers attack them."*<sup>2</sup>

Interviews with women at a village near Namtu Township illustrate many instances of sexual harassment and intimidation not just from military soldiers but also from Chinese workers that have come to work on the pipeline construction. One woman from Pan Ta Pyae village in Namtu Township recalls:

*"At midnight Chinese workers came to our house and woke up my daughter even though I told them she was already married and they also did the same at our neighbor's house too. As our Ta'ang people are generally polite, we do not dare to confront the Chinese workers who have money and influence even though we are annoyed and angry at their conduct; we don't know what to do."*<sup>3</sup>

Many local women need to work for their livelihoods but the increase in military soldiers and so many instances of land being confiscated by the Chinese companies makes this very difficult. The behavior of the Chinese construction workers shows a clear disrespect for local culture and traditions and has left many Ta'ang women in fear for their safety.



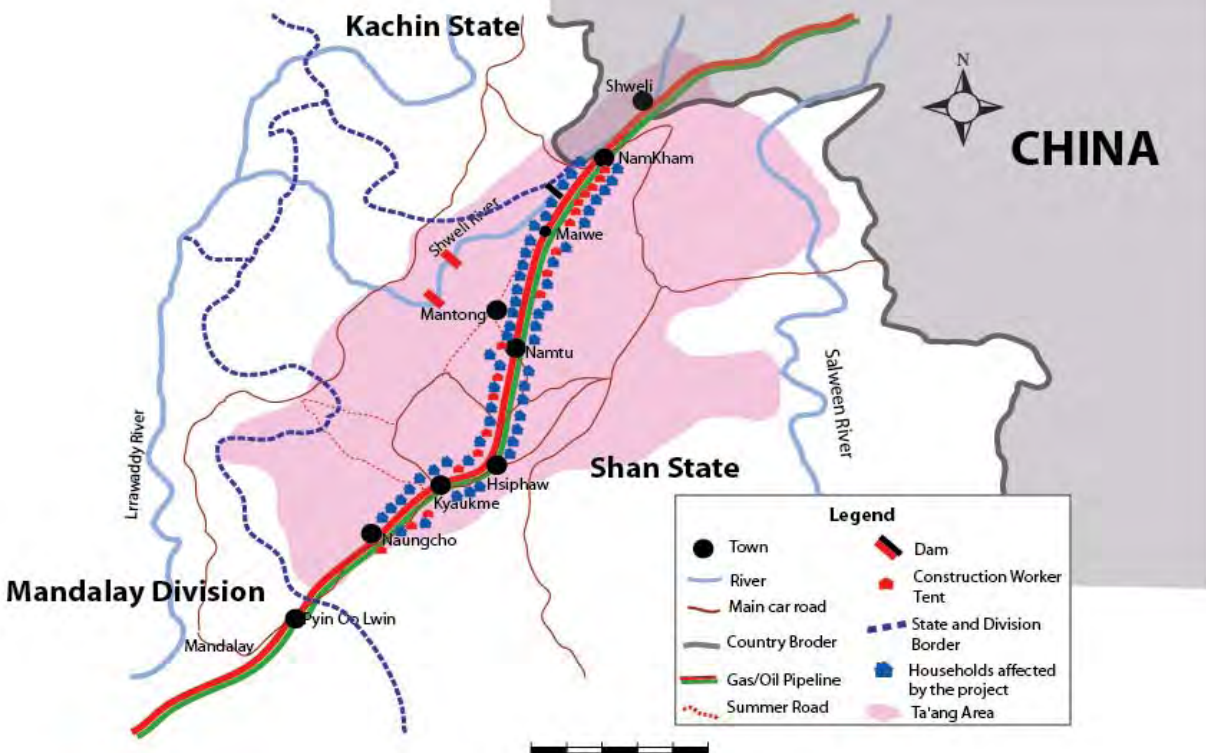
Ta'ang women going to farms

It is evident that there is nothing in place to protect these women and this just serves to give more power to military based at these villages. These accounts serve to further highlight the negative impacts the Shweg Pipeline is having in Ta'ang areas, with civil war fueling the severity of the situation.

2 Sourced from a local villager, Mantong Township

3 Sourced from a woman from Pan Ta Pyae Village in Namtu Township

Map showing the construction workers' tents and households affected by the project



Pipeline projects visibly transects vast areas valuable agricultural land in the Ta'ang region

## Forced Labour in the Pipeline Projects

The International Labour Organization (ILO) signed an understanding with the government of Burma in 2002 and strengthened this understanding again in 2007, stating that the government would work with the ILO to advance the objectives of the elimination of the use of forced labour in Burma. This agreement had been renewed annually ever since but evidence has been presented time and again pertaining to the widespread use of forced labour especially in ethnic states of Burma.<sup>1</sup>

The arrival of the Shwe Pipeline in northern Shan State has resulted further in cases of forced labour. On the 14<sup>th</sup> and 15<sup>th</sup> of February 2012, residents who lived in Block-8 of Namtu Town, northern Shan State, were forced to carry equipment for the pipeline's construction by the local chairman named U Mya Maung and his colleagues. The order for this was given by U Chit Lwin, a member of the Union Solidary and Development Party.

*"At least one member of each family was forced to carry the equipment, not only that but we also had to bring our own food. The men had to dig drains for the pipeline whereas women had to carry bricks and other equipment needed for construction. If we didn't go, we would be fined. At the Block where I live because we wouldn't have been able to afford to pay the fine we all carried out the instructions given to us"<sup>2</sup>*



Photo - TSYO

Pipeline impacts in the lives of local people as it blocks off access to local thorough fares

1 <http://www.ilo.org/yanmar/lang--en/index.htm>

2 <http://www.palaungland.org/eng/news/1585.html>

This order was documented and reported as it happened in a large town but TSYO sources intimate that villagers that live beside the pipeline project in more rural areas are subjected to forcibly work on a continual basis and without receiving any payment. The local people have said that during working time, even if they were very tired from carrying things or digging drains, they were prohibited from taking a rest. Namtu police and Infantry Battalion 324 are in charge of the security around the construction in these areas. They give no concessions to women either who are expected to lift physically inappropriate loads with little regard for their health or physical ability. As well as the degradation of being forced to work for free these people lose out on work in their own livelihoods and as many families are already struggling financially this can cause further difficulties in making ends meet.

### Drug use around the pipeline construction

Drug use along the Shwe Pipeline in northern Shan State has significantly increased since the projects arrived there. Drugs can be easily bought and the number those selling drugs have increased thus more and more villagers have started to use drugs. More worryingly drugs are openly sold in the towns and villages without any intervention from government authorities. Many of the workers who work for a daily wage at the pipeline construction zone in northern Shan State were drug addicts before they began to work on the construction and use their money to continue to fund their drug use.

*“More local villagers use amphetamine after the Shwe gas and oil pipeline arrived in my village. There are far more drugs sold around the gas pipeline project area than before. It is because some local drug addicts who work at the pipeline construction received a lot more money when the project started to cross my village. Then the drug dealers also came to supply the drug addicts’ demand for drugs. Now, drugs such as hashish, amphetamine and others can be bought easily everywhere around my village.”<sup>4</sup>*

Not only are more local villagers using drugs because of income from the Shwe Pipeline than before but the security soldiers around the pipeline construction sites also conspire to trade drugs with local opium dealers. With the pipeline truck drivers and Burmese workers also using amphetamines and sharing drugs with the local opium addicts, there is also an increase in prostitution in the area.

*“They are trading drugs in the region. It is because some Chinese workers and soldiers are also using. Many of the Shwe Pipelines drivers are using drugs and they have more money than the local drug addicts. However, the drivers don’t dare to buy the drugs themselves; they give money to the local drug addicts to buy for them. The*



*Chinese drug addicts (the pipeline truck drivers) and the local drug addicts sometimes share heroin and amphetamine. I have also noticed an increase in prostitutes at the camps around Namtu Town.”<sup>5</sup>*

Some people in Pan Ta Pyae village, Namtu Township can freely sell heroin and have seized the opportunity to make money due to the fact that the Chinese men have come to work there. In those areas, where the police and soldiers take responsibility for the security of pipeline, they just turn a blind eye to the open sale and use of drugs.



Drug addicts using narcotics in the morning on 16 September 2012 in Nam Kham town, Northern Shan state

## Negligence in Safety

Many lives of the local innocent villagers in northern Shan State have been endangered or lost due to poor safety around the Shwe Pipeline construction areas. Whenever any incidents have taken place, CNPC and local authorities in charge have not issued any response. In April 2012, U Bo Bo's son living about 32 miles from Namtu town at a sand pit fell into an open drain as he tried to bathe where construction workers were digging to extract zinc. Nothing has been done by either the company or local authorities regarding this tragedy. Another incident involved a 15 year boy who drowned in an open drain along the pipeline project area in Namkham Township. A member of the TNP at Mansad village explains what happened:

*“A boy from my village slipped and fell at the pipeline drain in Ho Nar village, Namkham Township on 25<sup>th</sup> March 2012. He must have been walking on the uncovered gas pipes when he slipped and fell into the water that surrounds the pipeline drains.*

*His body wasn't found until three days after the accident occurred. There are soldiers that are supposed to be taking security around that area but they didn't make any response to this case or even come to check out the place where the events took place. I think both the companies and the local authorities should take action for what happened to this boy but they have not, they have not even made any effort to cover the drain, it still remains open and dangerous for others. It means that they don't enact any clear rules or safety standards at their project to protect the lives of local people.”<sup>6</sup>*



*A truck carrying pipelines to the oil and gas pump installation in Nam Kham town*

There has also been a spate of other incidents involving massive trucks of the CNPC. One such truck hit two people, killing one instantly and leaving one seriously injured, when it overturned in Namkham Township. There was no acknowledgement of responsibility of this incident to the families of the affected parties. A similar event occurred in Namtu Township when a person was also struck down and killed by a pipeline project truck, again no responsibility or action was taken by the company responsible. There have also been accidents at the workplace that have resulted in injury and in one case that our fieldworkers documented, death when a casual laborer was killed in a collision with a crane while loading pipes onto a truck in Sengkhawn village, Namtu Township.

According to the operational safety requirements published on the CNPC's website, it has over 10 management systems including the Safety Prohibition and Management of Operational Safety Accidents for their members. They print that their company '*protects the health of our employees, customers and the public, safety is always at the*



*core of our corporate culture.*<sup>7</sup> However all the cases outlined above highlight clear cases of negligence from the CNPC who have not acknowledged responsibility. Moreover, they have not taken action around the areas where the accidents happened in an effort to prevent them from happening again.

## Environmental Impacts

Residents of the Ta'ang areas are also subject to detrimental environmental changes as a result of the mega development projects. Most of the livelihoods of the Ta'ang people along the pipeline, similar to those of other ethnicities such as Shan and Kachin, depend on the wildlife, natural forests, tea farms, paddy fields, hillside cultivations and medicinal plants for their survival. The natural ecosystem has been significantly altered



**Photo - TSYO**

*The impacts of Pipeline project in Ta'ang area*

due to the pipeline project and one of the environmental impacts of these changes is its contribution to climate change.

Climate change has been accelerated due to man-made activities. Climate change is adversely affected by mega development natural resource extraction projects. Evidence of this can be seen first-hand in the Ta'ang areas all along the Shwe Pipeline area. There has been massive deforestation carried out to facilitate the construction of mega development projects. In

an environmental context forests reduce greenhouse gas emissions to help combat global warming. According to the Royal Society's 2010 report on climate change, 20% of global greenhouse gas emissions are a result of deforestation and degradation of forest, in effect, that amounts to more emissions than all the worlds' trucks, ships and planes combined. This point clearly highlights the important role forests play in a global context, the construction of the mega development projects demonstrates complete disregard for the forests and role they play in protecting the environment.<sup>8</sup>

Many acres of tea farms, natural forests, and paddy fields, the traditional sources of livelihood of Ta'ang people have been confiscated by the Shwe Pipeline companies and destroyed as the Asia World Company built roads and dug drains to facilitate the pipeline project. Soil left in the ditches from the construction, blocks the gutters that trans-

<sup>7</sup> <http://www.cnpc.com.cn/en/environmentsociety/?COLLCC=98298643&>

<sup>8</sup> [http://www.climatechangechallenge.org/Resource%20Centre/Climate-Change/3-what\\_causes\\_climate\\_change.htm](http://www.climatechangechallenge.org/Resource%20Centre/Climate-Change/3-what_causes_climate_change.htm)

fer water supplies to local farmers' paddy fields. The project activities have reduced much of the arable space available to local farmers, which affects crop yield and productivity in agriculture and food security for local Ta'ang people. Moreover, through the construction of the massive pipeline; deforestation and improper land clearing methods lead to accelerated and increased soil erosion which in turn can cause many problems for the local Ta'ang people like landslides, falling trees and increased flash flooding. Along with the influence of climate change the ecosystem around the pipeline area could be damaged beyond all repair.

With regard to any development project that takes place globally, Environmental Impact Assessments (EIA) are required to be carried out. They are designed to aid governments, communities and companies to assess the possible positive and negative impacts that a proposed project may have on the environment. They are usually carried out in conjunction with social and economic impact assessments before a project is implemented they are usually standard practice internationally and the results of the EIA are available to the public. In the case of the Shwe Pipeline there has been no evidence that any EIA or local consultation was ever carried out prior to the commencement of the project, even though CNPC maintains they were carried out. If so the results of these assessments were not released to the public.

### Post Construction Impacts



**Photo - TSYO**

Raw sand from the drains of the pipeline flows to the paddy fields and destroys the paddy

The Shwe Pipeline in northern Shan State is approximately 70 % complete and in many villages where construction has been completed it has left many other impacts. In some places near the construction area, the trucks used for this project have left much destruction in their wake with many roads cut up and destroyed from the big machinery used in the project construction. This leaves it more difficult and dangerous for the local people to travel from one place to another.

Moreover, post pipeline construction has led to severe flooding, especially during the rainy season, the water brings the sand in the pipeline area up to ground level and spills over into other villagers' paddy fields, crops and tea farms in the low lying land destroying farming produce. Fruits and cereals can not be grown on the soil and sand left after the construction impacting the livelihoods and finances of the affected people.



Photo - TSYO

Gas pipeline trucks left behind bad roads for local villagers

### Ta'ang Community Opinion

Our TSYO fieldworkers in the course of their research tried to gauge the general feeling in the community about the Shwe Pipeline, even from people that have not been directly affected by the project but that live in the vicinity of the pipeline project and learn community opinion about the civil war and the political situation in Burma.

#### What do you think about the pipeline project?

*"No, it is (the pipeline) not good for us as the Burmese military are increasing their soldiers along the gas pipeline. We are unable to work easily on our farms or to travel from one forest to other as the security soldiers of the project are always stopping to check us, needlessly questioning us and use our farms as storage for the pipeline materials. Many local farmers dare not to go their farms when they see the soldiers."* Local woman, Namtu Township

*"The Shwe gas and oil pipeline is adjacent to our home so I believe that it might be very dangerous. Before, we had planned to build a big house, but we now do not dare to build it because the gas pipeline would then be very close our house. The gas pipeline seems like a project to support Chinese people but could kill Burmese civilians; those of us that live near the pipeline are afraid of a gas leak or an explosion, there doesn't seem to be any protection and we could die."* High school teacher, Namtu Township

#### **Has the project affected you or your family in any way?**

*"The gas pipeline that crosses near us is very dangerous; moreover, the whole village are now ordered about by Chinese company bosses like slaves and the Chinese workers do whatever they want to do, nobody dares to say anything out of fear."* Local, Pan Ta Pyay village, Namtu Township

#### **Has there been a change in your life since the project started?**

*"I don't expect anything from the gas pipeline as it is so far from my village. I can say that the lives of the local villagers who have already received half of the compensation for their lands will probably improve for a short period of time but there is no hope that this small payment will last for long and nothing can be grown around the area of the confiscated area. The only changes I see are the negative impacts that the pipeline has on our lives."* Farmer, Namkham Township

*"Well, in my opinion, I don't like it because this project must help the people not divide Burma. As we do not have enough energy in our country and the government sell our gas to another country and they only got the benefit not us."* Farmer, Maimaw village, Namtu Township

*"The gas pipeline has worsened the flooding situation in Lashio. Its construction has blocked the spring holes meaning the water cannot flow and just collects there. It didn't overflow that much before the gas pipelines began construction."* Resident of Lashio.

#### **What suggestions about the Shwe gas and oil pipeline do you want to give to the company?**

*"Whenever the companies want to do something, they should come and meet directly with the villagers. Both the companies and the government need to discuss with opposition groups and local people before they setup their project. They should check out what impacts the project will have on the people if their project is implemented. They should have full accountability for their project"* Villager, Man sad village, Namkham Township.

**Would you be for or against the government starting other new development projects in your area?**

*"We don't need it and we did not agree with this project, they also did not get in touch before they started this project. If they set up another project for a new step we request to the project holder to consult with the residents first"* farmer, Mai Maw village, Namtu Township

**Do you think that the pipeline project and the civil war are connected?**

*"Yes, I think so as the gas pipeline is passed through Kachin, Shan, and Ta'ang villages in northern Shan State. I think they love and want to protect these villagers from harm and then, try to get their lands back."*Local woman, Namtu

**Do you think the political situation in Burma has changed?**

*"No. It hasn't. Different kind of press conferences are often held only in the cities but nothing has changed in the ethnic areas. Many Burmese soldiers are being sent to remote villages within the ethnic region. The numbers of drug addicts have increased significantly and their families have really been suffering as they don't look after their children or households but they just search for money to buy drugs from morning to night. The elders and the heads of the village who are appointed by the villagers can't control this situation. Also access to drinking water in the villages has become more difficult as the natural mountain streams don't flow like before because of the continuing deforestation. Many people face more difficulties than before. So, the local villagers just focus only on their livelihood. The government strategy seems to be diverting the political attention away from the people. I haven't found any positive change in the political situation in my village but only an increase in suffering and difficulties"* Member of Ta'ang National Party, Namkham.

*"From my point of view, I don't think the political situation in Burma is changed in reality. Rural areas like my hometown haven't changed. The villagers are still forced to use their own money to build roads and bridges....However; there are some changes in the cities where foreign people visit."* Local woman, Namtu

## Conclusion

This report has documented the abundance of human rights violations that continue to take place in the Ta'ang area of northern Shan State caused by the Shwe Pipeline project and the ongoing civil war in the region. The government of Burma needs to take drastic action to change the situation. They must order a halt to the construction of the Shwe Pipeline and withdraw military troops in order to facilitate a ceasefire and genuine political dialogue through political means to achieve a peaceful resolution. CNPC and the other investing companies involved should take a long look at their involvement and how they are implicated in the human rights violations that have taken place as a direct result of the project and what they can do to alleviate the suffering of the affected local communities.

Throughout this report it is clear that the Burma government had no clear plan or strategy to minimize the impacts of the pipeline or how they were going to compensate those affected by its construction. The distribution of compensation for loss of land, property and livelihood has been inconsistent, unfair and had no thought or planning for the future of those affected. The government needs to think not just about revenue but about the effect this revenue has on its people who have to live in the areas where the mega development projects are being implemented.

In this time of change and transition for Burma the international community need to give support to the most vulnerable in Burmese society in order to oversee and complement a genuine move towards democracy and while perhaps profiting by investment opportunities in the opening up of the Burmese economy, they can also strive to preserve and respect the rights and dignity of the people that live there. Foreign companies investing in Burma should follow the same standards that they are required to meet when working in their own countries and ensure transparent and accountable investments that consult with any communities they may effect.

TSYO calls for affected local people to take collective action to stand up for their rights. This will be the only way they will achieve change and test the true metal of the governments resolve to reform the country through democratic means. Communities need to work and act together to build a strong civil society in order to improve their lives. The onus needs to be put on the elected politicians in the local area namely the TNP and SNDP, who remain silent with regards to taking action about the pressing issues highlighted in this report.



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### Different types of confiscated lands in Mat Sat village, Namkham Township

Township	Village	Number of household	Name of household	Type of confiscated land		
Namkham	Man Sat	13	Ma Khaing Mar	Paddy field	-	-
			Tar A Nyawt	Paddy field		
			NaingAoom	Paddy field		
			NyaTun	-	Fallow land	
			TunHla	Paddy field	-	
			NaingNaw	Paddy field	Fallow land	
			NyiutShwe	Paddy field	-	
			Mar Htwe	-	-	Forest
			Aye Aung	Paddyfield	-	-
			A Ye	Paddy field		
			Kyaw Then	Paddy field		
			DawAei	Paddy field		
			Mar Aye Yin	Paddy field		

### **Townships and villages found around the pipeline area**

No.	Townships	Villages
1.	Hsipaw	Moe Tay
2.	Namtu	Man Se, Mai Mu, Lon Mate, Kaung Hone, Man Mai, SaiKhar, NOUNG N-yin, Nam Se Lin, Man Sar, Pan Lon, Nam ToungKone, KoePhade, Myanmar Yar, Mai Mone, Nam ToungKone - Pantayay, Side Khoun, Nam Pan Lay, Mai Sin, Mai Tur, Man Lee, Pan Tayay, SaiKhar, and Man Sai
3.	Kyaukme	NamSaut
4.	Mantong	PaiWoa, Nar Lie, NOUNG Sai, Tick Layark, Mai Maw, Ho Nar, and Maw Tick
5.	Namkham	Man Sat, Pan Yoh, Ho Nar, Wiang Kang, Man Mai, Namma, Hopoong, Nawngtern, Nawng Ma, Nawng Kham, Namkham, Loikang, Maiwee, Mai Htain and LoiKhrup
<b>Total</b>	<b>5 Townships</b>	<b>47 villages</b>

Number of Ta'ang refugees caused by civil war conflict

No.	Date	Conflict and abusing area	Location to flee	War refugee villages	Household	Under 18 year old		Over 18 year old		Number of refugees
						M	F	M	F	
1.	March 2012	Mantong Township	Mantong	Mansan	37	71	97	32	45	245
				Loimauk	9	17	14	13	15	59
				Hlaingmauk	19	22	39	21	42	124
2.	August 2012	Mantong Township	Mantong	Pankhargyi, Pankharlay, Naraww, Saikog, Konepaung, and Mawoa		Unknown				1000
3.	January 2012	Kachin border, Mantong, and Nam Kham Townships	Pinlong			Unknown				200
4.	December 2011	Shan-Kachin border	Nam Kham			Unknown				350
Total number of refugees										1978

# Interview lists

No.	Name	Sex	Occupation	Duty location	Age	Nationality	Village	Township
1.	Daw Aye Aye	F	Teacher		38	Ta'ang	Pan Ta Pyay	Namtu
2.	Mar AikNaing	F	Land owner		61	Ta'ang	Pan Ta Pyay	Namtu
3.	DawHla Aye	F	Teacher		31	Burmese	Pan Ta Pyay	Namtu
4.	U ThineHtat	M	Gas pipeline worker	BtHis paw and Namtu	52	Shan	Unknown	Unknown
5.	U KyawOo	M	Construction Manager of Asia World	BtHis paw and Namtu	31	Ta'ang	Man Loi	Namshan
6.	U Zin	M	Monk		64	Ta'ang	Nam Se Lin	Namtu
7.	U AikNaing	M	Laborer		49	Ta'ang	Nam Se Lin	Namtu
8.	U AikKhaing	M	Quarter Committee		52	Shan	Pan Lon	Namtu
9.	U Naw Kham	M	Head of Quarter		57	Shan	Pan Lon	Namtu
10.	U HlarHtay	M	Shopkeeper		27	Ta'ang	Lay Lu	Hsipaw
11.	U Aung Min	M	Trader		58	Chinese	Man Sai	Namtu
12.	U Aar Ti	M	Shopkeeper		56	Chinese	Man Sai	Namtu
13.	U Aik Mg	M	Administrator		48	Ta'ang	Nam Se Lin	Namtu
14.	U LawKa	M	Monk		33	Ta'ang	Nam Se Lin	Unknown
15.	U AungZaw Lin	M	Gas pipeline worker		27	Burmese	Nar KhoShai	Namtu
16.	U HlaKyaw	M	Car driver	Bt Pan Lon-Hispaw	38	Burmese	Unknown	Unknown
17.	U Naw Mao	M	TNP member		34	Ta'ang	Man Sat	Namkham
18.	Lway Plan Chee	F	Volunteer health worker		23	Ta'ang	-	Namtu
19.	LwayKyarPhuy	F	Farmer		20	Ta'ang	Man Sat	Namtu
20.	Mai Kaung Jar	M	Volunteer health worker		24	Ta'ang	Pha Dan	Namkham
21.	Mai Soe Win	M	Laborer		24	Ta'ang	Man Sat	Namkham
22.	Lway Poe Lwu	F	Student		20	Ta'ang	-	Mantong
23.	Mai AitMyint	M	Farmer		25	Ta'ang	-	Namkham
24.	Mai Ye Tun	M	Farmer		35	Ta'ang	Mai Maw	Mantong
25.	Mai A Thine	M	Farmer			Ta'ang	-	Namtu
26.	Mai A Naw	M	Farmer			Ta'ang	-	Namtu

27.	SaiAit Yee	M	Farmer		26	Shan	Koug Low	Namkham
28.	Koug Yay	M	Farmer		58	Ta'ang	Man Pu	Namkham
29.	KougAitNiang	M	Shopkeeper		29	Ta'ang	Man Pu	Namkham
30.	Mai Ait Nye	M	Farmer		27	Ta'ang	Man Sat	Namkham
31.	KougAit	M	Farmer		30	Ta'ang	Man Sat	Namkham
32.	U Ait Yee	M	Farmer		60	Ta'ang	Man Sat	Namkham
33.	SaiAit Lay	M	Employer		29	Ta'ang	Nam Pan Lay	Namtu
34.	SangaiHaon	M	Employer		24	Ta'ang	Nam Pan Lay	Namtu
35.	A LomGyar	M	Youth leader		26	Ta'ang	Nam Pan Lay	Mantong
36.	Mar Htar	F	Farmer		78	Ta'ang	Man Sat	Namkham
37.	A LomHtoin	M	Youth leader		26	Ta'ang	-	Kyaukme
38.	So Niang	M	Dependent		24	Ta'ang	-	Namtu
39.	Mai Maung Min	M	Car driver		25	Ta'ang	-	Namkham
40.	Daw Aye Pee	F	Farmer		65	Ta'ang	Man Sat	Namkham
41.	Mai Aung Kham	M	Teacher		25	Ta'ang	Man Pu	Namkham
42.	U AitSie	M	Farmer		45	Ta'ang	Man San	Namtu
43.	Mai AitNyi	M	Farmer		25	Ta'ang	-	Hsipaw
44.	Mai AitYai	M	Farmer		37	Ta'ang	Mai Maw	Mantong
45.	A Loi	M	Farmer		41	Ta'ang	Mansaut	Kyaukme
46.	A Naing	M	Carrier		26	Ta'ang	Mansaut	Kyaukme
47.	Lway Arm Shwe	F	Farmer		34	Ta'ang	Moe Tay	Hsipaw
48.	Mai A Lom	M	Independent		25	Ta'ang	-	Kyaukme
49.	Lway Poe Kalar	F	Teacher		25	Ta'ang	Narawgyi	Mantong
50.	Mai A YaiWao	M	Motorbike carry		24	Ta'ang	Narawgyi	Mantong
51.	Lway Poe Sagar	F	University student		25	Ta'ang	-	Kutkhai
52.	Lway Aim Lwe	F	Nurse		25	Ta'ang	-	Namhsan
53.	Lwaypanpwin- tphyu	F	University student		22	Ta'ang	Namsate	Namkham

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