



***“If there was really a political solution, no-one would need to be afraid”.***



*An exile in her own land;  
IDP looking out across Shan State*

## **HUMANITARIAN AID RELIEF TRUST**

### **VISIT TO BURMA**

**11 – 18 February 2014**

## Executive Summary

- Despite talk of peace, military offensives continue in Ethnic National areas; in Kachin and northern Shan states they have increased.
- Accompanying these offensives are atrocities including including extra-judicial killings, torture, forced recruitment and looting, which are committed by the Burmese Army with impunity.
- Incidences of rape by the Burmese Army have increased. Documented cases show the brutal and systematic nature of these abuses. Again, there is complete impunity and soldiers claim to carry this out “with authority”.
- There is an urgent need for genuine, inclusive political dialogue and a comprehensive peace process, with the aim of forging a lasting political solution to the long-standing oppression and subjugation of the ethnic national peoples.
- The comprehensive peace process should include recognition of the requests of Ethnic Nationals to be part of a federal system.
- The Rohingya continue to suffer violent persecution at the hands of the State, police and their Buddhist neighbours. They are segregated, vilified and denied citizenship; recent weeks have seen an escalation in attacks against them. Almost 140,000 are displaced within Rakhine State.
- In Ethnic National areas where ceasefires hold, such as Karen and Karenni states, local people do not trust the ceasefires, which are used to strengthen the Burmese Army’s military presence, and to develop infrastructure for exploitation of natural resources.
- There is massive enforced displacement of civilians to make way for foreign investment programmes, including the building of dams and pipelines.
- Expropriation of land without compensation is compounding the humanitarian and human rights situation, destroying people’s livelihoods and exacerbating the scale and suffering of civilian displacement.
- The situation for those living as undocumented migrants in Thailand remains extremely difficult. Conditions in camps along the border are hard, with very limited access to education and healthcare. Without the right to work in Thailand refugees are isolated and highly vulnerable to exploitation. Availability of funding for support to the camps is decreasing as a result of the positive narrative around Burma’s reforms.
- Incidences of human trafficking in northern Burma are increasing, fuelled by Government offensives, continuing displacement of the civilian population, lack of aid and lack of protection for refugees, all of which exacerbate vulnerability to trafficking.
- Humanitarian aid organisations (including the Shan Women’s Action Network (SWAN), supported by HART) provide a lifeline to vulnerable communities inside Burma, including food, healthcare and education, and ensuring the survival of Ethnic National peoples, particularly in conflict areas.
- There are reports that the availability of funding for this essential work is decreasing.

## Recommendations

### To the Burmese Government:

- To ensure the cessation of violations of human rights of all peoples living in Burma;
- To bring to justice all who have perpetrated atrocities and violations of human rights;
- To establish a genuine, inclusive peace process with full participation of representatives of all ethnic national peoples, including proposals for a comprehensive and sustainable political solution, a new Constitution guaranteeing their rights to freedom and justice, and the establishment of a federal system of government;
- To allow access by aid organisations and media to all parts of Burma;
- To cease any investment associated with expropriation of land without ensuring local people are fully informed, in agreement and appropriately compensated;
- Allow independent observers to monitor the ceasefire;
- Reform the constitution to limit the independence of the military and place them under civilian judicial control.

### To the British Government, the International Community and Investors:

- To make strong representations to the Burmese Government to end the conflict and the culture of impunity which allows the Burmese Army to continue to perpetrate atrocities without being brought to account;
- To make strong representations to the Burmese Government to establish a comprehensive peace process with full participation of Ethnic National Peoples and serious consideration of their proposals for inclusion in a federal political system;
- To cease all investment, large scale development and infrastructural projects that do not have the consent and involvement of the local people;
- To provide financial assistance to Non-Governmental Organisations (NGOs) who are providing life-saving support to affected communities within Burma and to civilians forced to flee from their homes and to work as irregular migrants in neighbouring countries;
- To provide financial support and capacity-building to community based organisations to support their participation in the peace process.

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### Introduction: “We live in fear”.

The prevailing international narrative about Burma is of a country opening up, lifting the veil of secrecy, fear and oppression which characterised much of its recent history. Reflecting on a recent visit to Burma, French photographer Gilles Sabrie said, *“The fear is gone. This is very hard to show in pictures, but that’s something to cherish”.*

Yet conversations with members of Burma’s many ethnic groups reveal a different, darker image. In a recent visit to the region, a team from HART heard one word repeated again and again: fear. In Kachin and northern Shan states, the fighting has increased and human rights violations are committed by the Burma Army with complete impunity, leaving local people living in fear. Even in areas in which military offensives have been reduced, the fear lingers: villagers are afraid to travel alone, displaced persons are afraid to return to their villages, and everyone is afraid to trust the ceasefire. People ask *“how long they will make ceasefire this time”.* A member of the Karenni ethnic group brought attention to the root cause of this fear: *“if there was really a political solution, no-one would need to be afraid”.*

Although the Burmese Government has initiated widely recognised and well-rewarded reforms including the freedom of the iconic democracy leader Aung San Suu Kyi, the release of hundreds of political prisoners and relative press freedom, it continues to inflict systematic oppression in many regions belonging to ethnic nationals, including the predominantly Muslim Rohingya, Buddhist Shan and Christian Kachin peoples.

While this report focuses on the continuing suffering of the Shan and Kachin peoples, we wish to put on record our continuing deep concern for the Rohingya people. The Rohingya continue to suffer violent persecution at the hands on the state, police and their Buddhist neighbours. They are segregated, vilified and denied citizenship. Recent weeks have seen a number of attacks on Rohingya villages in Rakhine State. The United Nations Special Rapporteur on human rights in Burma recently concluded that *“The pattern of widespread and systematic human rights violations in Rakhine State may constitute crimes against humanity”.*<sup>1</sup>

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<sup>1</sup> Burma Campaign UK, 14 March 2014, ‘Abuses against Rohingya ‘may constitute crimes against humanity’ says United Nations Rapporteur’. Available at <http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/abuses-against-rohingya-may-constitute-crimes-against-humanity-says-united-142>

Their plight has received some much-needed media coverage and political attention – albeit with failure to alleviate their suffering or to address one of their deepest problems: refusal by the Burmese Government to grant them citizenship.

Much less widely reported are the Burmese Government's continuing military offensives against the Shan and Kachin people, together with systematic violations of human rights and perpetration of atrocities by the Burmese Army – all with impunity.

Many believe that a concerted effort from the international community could catalyse the reforms they so desperately need. They feel that sustained international pressure and condemnation, sending an unequivocal message that support and trade with Burma is dependent upon an end to the abuse and subjugation of Ethnic National peoples, could lead to genuine change. But they are not optimistic that support will come, and are frustrated by the investment and perceived silence about their plight from the UK and the EU. They say, "*the International Community carries on with business but the fighting continues. They forget human rights*".

Community-based organisations are challenging the status quo, risking their lives to bring a better quality of life to their people. The Shan Women's Action Network (SWAN), one of HART's partners in the region, comprises a team of exceptionally brave young women. They train women as health workers who can provide curative and preventative health care to communities deep inside Shan state, in remote areas with little other access to health care. In a context in which women are not expected to have a political voice, they are speaking out about the needs of their communities and the continuing human rights violations. They are challenging the Burmese Military's abuses, bringing healthcare and other support to vulnerable communities inside Shan state and to migrants in Thailand. In the process, they are showing the ability of women to be leaders and change-makers in their communities. We were deeply impressed and humbled by the scale of their work, its transformative potential and the support it brings to vulnerable and isolated people. We wish to formally thank them for their welcome and for all of the work that they do.

- 1.1. **Itinerary:** Meetings in Chiang Mai with representatives from the Shan, Kachin, Karen and Karenni, and 2 days travel to Shan state, visiting an IDP camp. HART visited Kachin state in 2013 (visit report available on our website here: <http://www.hart-uk.org/wp-content/uploads/2013/03/HART-Visit-to-Kachin-Shan-and-Karenni-peoples-Feb2013.pdf>).
- 1.2. **Terminology:** the name Burma has been used throughout this report, as preferred by the peoples of Burma with whom HART works.
- 1.3. **Quotations:** all quotations in the report have been placed in *italics*. The quotations at the start of sections all come from members of Shan and Kachin ethnic groups, either in Chiang Mai or in Shan State. They have been anonymised to protect identity.

## **Objectives**

- 2.1 To obtain up-to-date information and first hand accounts of the situation in Burma, with a particular focus on continued fighting and human rights violations, the political situation, the humanitarian situation, and the challenges faced by Burmese migrants living in Thailand;
- 2.2 To discuss with representatives of Ethnic National communities their concerns and priorities for support, and their messages for members of the international community;
- 2.3 To develop HART's strategy for both aid and advocacy work in these regions;
- 2.4 To monitor projects supported by HART.

## **About HART**

HART (Humanitarian Aid Relief Trust) was established to provide aid and advocacy for victims of oppression and persecution, often trapped behind closed borders, often 'off the radar screen' of international media and whose governments deny access by aid organisations.

HART relies on first-hand evidence of human rights violations, using this as a basis for a powerful twin-track programme of international advocacy in arenas such as the House of Lords and the media, and targeted aid-work focusing on sustainable community development, local partnership and regional networks of support. Through advocacy in national and international arenas, we can be a voice for those who have no voice and strive to promote political solutions to the causes of oppression and exploitation.

## **Findings**

### **1. Continuing military offensives by the Burmese Army**

*“The big concern of the villagers is that even with the ceasefire, they don’t think it is really very peaceful for us. There is still fighting, even though they are in the process of ceasefire. We can hear the fighting. People are still getting killed. It is the Burmese government who start the fights. The Burma Army wants to go further, occupy more”* (woman from Shan state).

*“On the one hand they talk peace, and on the other, they continue to fight in Kachin State”* (woman from Kachin State).

*“The Military seems to disagree with the Government. President Thein Sein goes on about the peace process, but if the National Military disagree, how can we have a ceasefire? If you don’t stop fighting, how can we have a ceasefire?”* (Shan leader).

*“Natural resources in our state are very rich. This is why they want to come in and occupy, they keep fighting, killing our people and committing human rights violations”* (woman from Kachin state).

- In Kachin state and northern Shan state in particular, the Burmese Army has scaled up its military offensives. Intensified fighting has led to death, displacement and widespread human rights abuses.
- The Burmese Army are increasing the numbers of troops in Ethnic National areas, in particular Kachin and northern Shan states.
- Recent Examples:
  - On February 13<sup>th</sup> 2014, it was reported that the Burmese army had captured positions held by the Kachin Independence Army (KIA) near the town of Laiza.
  - On February 11<sup>th</sup> 2014, there was fighting in Laiza at the same time as peace was being discussed.
  - On February 8<sup>th</sup> and 9<sup>th</sup> 2014, it was reported that clashes broke out in northern Shan state's Mantong township. Burmese army reinforcements from Lashio were dispatched to three KIA areas in Nam San township Huhkin Manjet, Panswe, Nam Lan villages. It is estimated that there are now army units consisting of 100 troops in each of the villages.
  - In November 2013, Burmese military attacked villages in southern Kachin State, displacing around 2000 people.
  - In October 2013 villages in Mansi township were attacked and occupied by over 1000 Burmese troops. This happened just ten days after ceasefire talks with the Kachin Independence Organisation (KIO) (Source: Kachin Women’s Association Thailand).

### **2. Human Rights Violations**

*“When they [the Burmese Army] go into a village they rape the women, have forced labour, take food from the villagers. They live in fear.”*

- Human rights violations are widespread, inspiring fear in the local population. Common atrocities perpetrated by the Burmese Army against civilians include extrajudicial killings, an increased use of rape as a weapon of war, torture, use of villagers for forced labour and as human minesweepers, and theft of land, food and livestock.

- One of our partners recently visited around 20 villages in Shan state, speaking with local people and village leaders about their needs. People said that the situation has been a little better since the 2010 elections – the military come less often than they did. However, she says:
 

*“They still come sometimes, and when they do, they eat all the food and demand belongings from the villagers. They are still very afraid of them”.*
- She reports that the villagers say: *“what we want is genuine peace and democracy”.*
- When the Burmese Army clash with the Shan State Army, they often blame local villagers, claiming they should have reported to them that the SSA were nearby. They beat and sometimes kill the villagers as retribution.

### **Forced Labour and Portering**

- The Burmese Military forces villagers to act as porters, carrying their military equipment and food:
 

*“They take about 3 or 5 days, depending on the journey. Sometimes even a week or two weeks. People do still disappear. It is their strategy, if they ask the villagers to carry their things, the ethnic army won’t shoot them. It is for their cover. Sometimes they take women, if the men aren’t in the village.”*
- The Burmese military use local ethnic people as ‘human shields’: they force civilians to walk in front of them, knowing that the resistance groups will not shoot, as they will not kill their own people.

### **Case Study from Shan Human Rights Foundation**

“Villagers in Murng Paeng township are being used as forced labour by Burmese government troops giving security to military-linked logging operations above the planned Ta Sang dam on the Salween River. The loggers are clearing out teak forests from the projected flood zone for export to neighbouring countries.

Four Burmese battalions have been forcing villagers from nine villages in Murng Pu Long tract to work as military porters and guides, and to build and repair army camps and roads. The troops have also extorted food and money from villagers, and commandeered their vehicles.

These abuses are causing ongoing displacement into Thailand, where refugees from Shan State continue not to be recognized, and are forced to survive as migrant workers.”

(Source: An update by the Shan Human Rights Foundation, December 13, 2013).

### **Sexual violence**

*“They sometimes rape the women, they take them with them and make them cook in the daytime and rape them at night.”* - woman from Shan state

- Sexual abuse is systematic, widespread and committed with impunity. Cases of sexual violence have increased since 2010.
- The Women’s League of Burma (WLB) have documented over 100 rapes committed by the Burma Army since the elections of 2010. 47 of these were brutal gang rapes and 28 of the women were killed or died of their injuries. Over 38 different battalions were implicated, indicating the widespread and systematic nature of this abuse. They state that *“sexual violence is used as a tool by the Burmese military to demoralize and destroy ethnic communities”*. For more information, see their January 2014 report *‘Same Impunity, Same Patterns’*.

- The reports of those we met on our recent visit corroborated with this. They also highlighted the immense stigma faced by survivors of sexual violence. Our partners in the Shan community emphasise that there are many cases of sexual violence, and that many more do not come to light. A key reason for this is stigma: victims of sexual abuse stay quiet through fear of discrimination. Many men will refuse to marry women who have been raped, and husbands may separate from their wives.
- Kachin representatives emphasised the culture of complete impunity, citing the failure of their recent attempt to obtain justice by taking a Burmese Soldier to court for rape; the case reached the Supreme Court but was dismissed on the grounds that there was insufficient evidence. For a full account, see appendix 1.

**Case Study from the report: “Same Impunity, Same Patterns”**

“On November 27, 2012, a 26-year-old woman from a village in Putao Township was gang-raped in her farm hut by seven Burmese soldiers from command post 33 near Putao.

“Ah Mi” (not her real name), married with two children, had gone with her husband to look after their farm. The seven soldiers came to their farm hut and asked her husband to go and buy them cigarettes at about 3.25 pm. While he was away, they gang raped Ah Mi. One held her head, and another her legs, while they raped her one after the other. When the husband returned at about 4.15 pm, the soldiers threatened they would kill him if he reported the rape. They said to him: *“Even if you tell other people, there is no one who will take action. We have the authority to rape women.”*

The couple reported the crime to the head of their village, but he didn’t take any action. Ah Mi fell seriously ill after the incident.”

(Source: Kachin Women’s Association Thailand (KWAT), cited by Women’s League of Burma, January 2014)

### 3. Trade, Investment and Large-Scale Development

*“The electricity flows through our village, but we have nothing but candles”* (Shan representative).

*“If the Burmese government invites you to do business, if you come to invest, please talk to local people, Civil Society Organisations, the State Government, first”* (Shan community leader).

*“We want to say to Westminster, to the developer who comes to make investment in our country, if you are doing development in our country, please consider the impact of the development on the community.”* (Kachin woman).

*“What we want to know is why the British Government is doing business and forgets human rights abuse.”* (Man in IDP camp).

- Ethnic National peoples comprise 40% of the population of Burma; their lands contain 60% of Burma’s valuable natural resources.
- Consequently, they are targeted by the Burmese Government for investment by foreign companies.
- There have been widespread protests from local communities about this investment, which cause significant harm to local human and natural environments and are implemented without consultation or compensation for local communities. The protests are ignored by the Government.
- They ask that before a dam or pipeline is built, there should be a survey of local people’s concerns and an assessment of the effects on their livelihoods.
- Local leaders call upon the Burmese Government and foreign investors to uphold international labour rights, human and civil rights and to respect the local people’s requests.
- Local people report that large scale dam investment projects have in the past been temporarily stopped due to significant media attention and protest from the international community. They say that:



*“They stopped building for a while because the international community spoke up about it, but then after the international community were silent again, the building started again”.*

- Residents of towns and villages close to dams rarely receive compensation and have little or no access to the electricity they produce. They report that the Burmese Government sells the electricity cheaply to China, who then sell it back to the local people at vastly inflated prices - far more than most people can afford:  
*“Even though we have the dam and resources, the local people don’t get benefit from it. They get no payment, no compensation”.*
- Military offensives are often related to securing transport routes and locations for investment projects. In northern Shan State, local people fear that the fighting is as a result of the Army seeking to secure areas for investment and the gas pipeline.

**Case Study: Large-scale land confiscation for Salween dam infrastructure in northern Shan State** “Communities in over 60 villages have lost lands and houses due to construction of access roads and other infrastructure for the first dam on the Salween River in Burma, at Kunlong in northern Shan State. Since 2012, Asia World Company has been constructing a new 100-kilometer highway from Hsenwi through Kunlong to the Chinese border. Not only have villagers lost houses, lands and crops without compensation, but road construction has caused flooding, soil run-off into farmlands, contamination of water sources, and disruption of day-to-day village life.

A new five-kilometre road has also been completed from Kunlong town north to the dam site, where 500 workers have been employed in cement and gravel production plants, and in building a power generating facility.

Villagers in the area have been given no information about the impacts of the dam, a joint venture between the Burmese government and a Chinese company, Hanenergy Holding Group, who will operate the project, exporting 1,200 (86%) of the 1,400 megawatts produced to China. Asia World is carrying out construction of the 100 meter tall dam, slated for completion in 2018, at a cost of US\$1.4 billion.

Kunlong villagers downstream of the dam, who rely on the Salween for their livelihoods, are worried about unpredictable water levels, and the danger of the dam breaking in this earthquake prone area. They also fear increased Burmese troop deployment to guard the dam. Kunlong is already heavily militarized, with five battalions and a military operations command stationed along the Salween river bank opposite the town, on land seized from local villagers.”

(Source: Shan Human Rights Foundation, February 13<sup>th</sup> 2014. Available at [http://www.shanhumanrights.org/images/stories/Action\\_Update/Files/english%20version.pdf](http://www.shanhumanrights.org/images/stories/Action_Update/Files/english%20version.pdf)).

#### **4. Expropriation of land causing forced displacement of civilians**

*“They call it development, but it harms the people... they take the land, so how are we meant to support ourselves? They take our livelihood and our future.” – Kachin representative.*

*“Lots of local and international companies want to come in, so the land is taken by the Burmese Army. They are trying to encourage villagers to go away” – Karenni representative.*

- Returning IDPs frequently find that their land has been taken by the Army.
- Those who were displaced during the forced relocation programme of 1996-8 are facing grave problems of land confiscation. The Burmese Government states that land without an owner for ten years belongs to them. The Burmese Army are selling these lands for their own profit.
- One young Shan woman who has fought back against the unjust sale of lands confiscated from her village said of the challenges of her campaign:

*“There is no rule of law in Burma, especially in conflict areas, so we could be arrested and put in jail any time. There were many threats. The military came to our village and asked who was leading our campaign and whether we had support from outside. I had to ask the villagers not to mention my name. Also, we had no land titles proving ownership. Many villagers cannot read and write Burmese, so find it hard to understand legal terms, and are afraid to go to their local government office. We tried to get help from local political parties, but there was no result”.* For the full interview, conducted by SWAN, see appendix 2.

- Communities are often forcibly displaced and deprived of their land to make way for large-scale investment projects, in particular hydroelectric dams (see above).
- Civilians very rarely receive adequate compensation; often, no compensation at all.
- Civil society organisations believe a recent increase in human trafficking is closely linked to land appropriation and the poverty it creates.

**Excerpt: Access Denied – Land Rights and Ethnic Conflict in Burma, The Transnational Institute, 2013**

“Land confiscation for agribusiness has been on the rise since the late 2000s, with a total of nearly two million acres allocated to the private sector by the then military government of the State Peace and Development Council. Since the advent of the Thein Sein government in March 2011, land issues (among other pressing concerns) have risen to the top of the national political agenda, as easing restrictions on media and people’s rights to organise have led to increased news reports on protests by farming communities across the country against land grabbing.

While some of the protests are aimed at past land grabs, others involve fresh cases happening amidst what appears to be a new wave of land grabbing on an unprecedented scale since a new round of government reforms. The reforms include several new laws on land and investment that change the legal basis for land use rights, especially in the uplands, while establishing a legal land market in order to encourage domestic and foreign investment in land.

There are serious concerns that these changes will further exacerbate land tenure and food insecurity for the majority population in Burma who rely on their farm fields and forests for their livelihoods. This is because the new laws do not take into account the existing land tenure situation in ethnic areas where shifting cultivation in the uplands is common and where few have formally-recognized land titles, not to mention national identity cards. Indeed, the new laws do not recognize customary and communal land rights at all. Nor do they consider the right of return of hundreds of thousands of ethnic villagers who have been displaced from their ancestral lands due to the decades-old conflict and economic marginalisation. Consequently, the new laws are seen as exclusively benefitting the private sector, particularly large foreign investors, at the expense of smallholder farmers, who make up three-quarters of the population.”

Source: Transnational Institute, May 2013, available at:

<http://www.tni.org/sites/www.tni.org/files/download/accesdenied-briefing11.pdf>

## 5. Use of ceasefires to strengthen Burmese Army Positions

- Periods of ceasefire are used by the Burmese Army to increase their resources, strengthen their military positions, and to build roads to promote extraction of natural resources, such as teak. This is leading to widespread fear and suspicion amongst both local and displaced populations.
- In Karen and Karenni areas, the Burmese Government have used the ceasefire to multiply their camps and military presence, reinforcing their strength.

## 6. Displaced persons

- Displaced persons are afraid of premature enforced repatriation, and of the persecution they may face if they return home. There are also very real concerns about their ability to support themselves if they return to their villages, given widespread confiscation of land by the Army. Land belonging to local people is now occupied by families from central Burma, local or international companies.
- Over 2 million civilians forced to flee their homes continue to live and work as irregular migrants in Thailand where they face a precarious existence, including poor living standards, lack of legal status and support. They are also extremely vulnerable to exploitation from unscrupulous employers, or pressure to engage in prostitution in order to survive.

- Local organisations such as SWAN provide invaluable support to migrants from Shan state living isolated and difficult lives. They are able to support them with access to health services, clothing and food, as well as conducting radio shows which update migrants on changes to Thai law and other information which might affect them. However, funding for these projects is limited; with greater funding they could significantly scale up the support they are able to offer.
- Recent estimates from KWAT state that over 100,000 civilians from Kachin areas are currently displaced, with 58,282 internally displaced persons sheltering along the Chinese Border.
- Along the Burma – China border, displaced persons living a precarious existence are highly vulnerable to trafficking. KWAT have documented growing incidences of trafficking, fuelled by *“large-scale displacement, lack of refugee protection and shortages of humanitarian aid”*. We also heard from KWAT that by closing immigration offices along the border, the Burmese government have reduced legal options for those fleeing Burma to work in China. In their June 2013 report they note that without legal status in China, many refugees are *“extremely vulnerable to exploitation by traffickers, who use well-trodden routes to transport and sell people into bonded labor or forced marriage as far as eastern provinces of China.”*<sup>2</sup> We recommend their full report, which can be read at [http://www.kachinwomen.com/images/stories/publication/pushed\\_to\\_the\\_brink.pdf](http://www.kachinwomen.com/images/stories/publication/pushed_to_the_brink.pdf).
- There are concerns amongst displaced Karen and Karenni that those who leave the camps and return to their villages will find that their names are erased from camps and they will not be able to return if they need to do so.

## 7. Training the Burmese Military

*“Don’t reward the Burmese Army”.*

- People are concerned about the involvement of the British Government with the military.
- They ask that the British Government do not support or train the Burmese Army, as this is seen as a premature and inappropriate reward, given the systematic human rights violations which continue to be committed by the Burmese Army with impunity.
- It was also suggested that, if the British Army continues to support the Burmese Army, they should also provide similar support and capacity building for the Ethnic National People’s Armies.

## 8. The role of civil society and community-based organisations

*“We want more support for civil society. Include them in the peace talks. For transition, democracy, lasting peace – you need civil society to be involved”* (Shan man in IDP camp).

We spoke to a number of people who emphasised the need for greater involvement of civil society in the peace process and for international support for community-based organisations. In particular, they requested support for capacity building to allow them to meet the needs of local people and to advocate better for their rights. However, the current trend appears to be of decreasing funding – The Border Consortium (TBC) recently reported that funding for humanitarian assistance is drying up, leading to an increasingly desperate situation. This decrease in funding is premature and causing many problems for organisations undertaking literally life-saving activities.

HART has worked with local community based civil society organisations in Burma for ten years and has found consistently high standards of professionalism, efficacy and dedication. Organisations such as the SWAN and KWAT are significantly improving the resilience and quality of life of vulnerable communities both inside Burma, as well as in migrant and refugee populations. We have seen first hand the immensely positive impact that financial support for such organisations has ‘on the ground’. Their work meets both short term aims with life-saving health care and other assistance, and facilitates sustainable, long-term change, strengthening civil society, community organisation, political participation and transforming the role of women. We strongly urge greater support for such organisations.

<sup>2</sup> KWAT, June 2013, ‘Pushed to the Brink: Conflict and human trafficking on the Kachin-China border’. Available at [http://www.burmalibrary.org/docs15/KWAT-pushed\\_to\\_the\\_brink-en-red.pdf](http://www.burmalibrary.org/docs15/KWAT-pushed_to_the_brink-en-red.pdf) or [http://www.kachinwomen.com/images/stories/publication/pushed\\_to\\_the\\_brink.pdf](http://www.kachinwomen.com/images/stories/publication/pushed_to_the_brink.pdf)

## 9. The Humanitarian Situation

- A member of SWAN recently conducted an extensive monitoring trip within Shan state, meeting with village leaders and local villagers. Her findings include:
  - There are basically no health centres in any of the villages supported by SWAN and so villagers rely upon local auxiliary midwives to obtain basic care.
  - These rural communities only contain 'primary schools'. These are generally constructed and supported entirely through financial contributions made by local community members; they receive no support from central government/ township authorities.
  - She also observed the extremely poor communications network, with road travel between villages and townships very difficult, particularly in the rainy season, and telephone service being disrupted for days at a time. These transport difficulties make it even harder for villagers to access healthcare, and increase reliance on SWAN-supported health workers.
- SWAN-trained health workers report serious health problems including widespread cases of TB, malaria, hypertension and diarrhoea in children; also, polio and diphtheria inside Shan State.
- Maternal and child health has been significantly improved by the presence of SWAN-trained health workers in a number of Shan villages. However, particularly for those in remote areas, access to – and understanding of – prenatal and neonatal care, and good practice in delivery, remains limited. SWAN's work is therefore absolutely vital, giving villagers in remote areas the opportunity to learn about reproductive health amongst other topics, and to access health care.
- Local people experience many problems in accessing care in district hospitals. They cannot afford the costs of care or of transportation, and face a language barrier with the Burmese speaking staff. Furthermore, hospital staff often discriminate against rural and poor people, sometimes refusing to treat them.

## **PROJECTS**

HART is at present engaged in Aid Projects amongst the Shan, Chin, Karen and Karenni Peoples. Projects in Chin state are visited and monitored via the western side of Burma, and are therefore not covered in this Report.

### **1. SHAN**

Our partner amongst the Shan is SWAN (Shan Women's Action Network). For seven years we have supported their Women's Health Programme (WHP) and Women's Crisis Support Programme (WCSP). At the end of 2012 these two were combined into one programme, known, for brief, under the old title and acronym of WHP; its full title is: the SWAN Community Health and Maternal and Child Health Education and Service Delivery Programme.

HART continues as the 3<sup>rd</sup> highest donor supporting SWAN, and fund 90% of the work of this programme.

- The WHP continues to work in Chiang Mai and Fang as well as across border.
- Without SWAN some areas within Shan State would have no health care.
- During the visit we met two members of SWAN's in-country health staff: a Health Worker (HW) and Health Volunteer.
- The SWAN Health Workers are able to assist with the delivery of babies as well as providing ante-natal and post-natal care.
- Government licences needed to be allowed to function as nurses within Shan State.
- Very few from Shan State are able to train as nurses in Yangon. The training there does have a good reputation.
- The only fully trained professional nurse in SWAN employment is the one at Koug Jor Camp amongst the Shan refugees.
- An INGO supplies anti-retrovirals to Koug Jor and also to the Burmese Government.
- Around 130 HIV positive patients are currently being assisted by SWAN .
- The SWAN WHP is able to function in Government controlled areas.
- The professional training for health care is carried out in Government establishments and concentrates upon treatment. SWAN provides training in education and awareness for purposes of prevention, thus providing not only curative but also preventative care for villages.
- HWs return annually to SWAN for update courses. The records maintained by the HWS. They also carry out surveys and identify the main health problems in their area, for which they need training.
- SWAN assesses the HWs to be good at collecting information and maintaining records.
- Many malnourished children are identified. They are assessed by the weight : height ratio. No other specific measurements are used. However, no nutritional supplements are available, unless the families can purchase them themselves.
- Traditional Birth Attendants (TBAs) deliver many babies. They are keen to learn from the health workers and are very receptive to new knowledge.
- SWAN considers that people in the villages are happier with the TBAs and the HWs rather than going to towns for Government medical care, even when the latter is available.
- Training for nurses is handicapped by the difficulty for the Shan people of obtaining education of a sufficiently high level to make them eligible for such training. The Burmese Government-provided education is expensive: it is in towns and therefore requires payment for accommodation; there is also the problem of the lack of Shan students' knowledge of the Burmese language.
- WCSP also assists women and mothers deserted by their husbands, helping to find jobs and to support with the costs of day-care, medical fees and subsidising medical cards (to obtain regular medical treatment at lower cost than paying each time), and official business such as the renewal of travel permits.

### **2. KAREN and KARENNI**

HART has been supporting for five years the mobile back-pack clinics of Doh Say of the Karenni nation. These clinics are based at two villages in southern Karenni States. From these the mobile teams are able to serve many villages

over a wide radius, keeping staff permanently present in the territory rather than present only during tours. Due to ill-health Doh Say has not been able himself to be present and monitor the clinics as much as usual and therefore was unable to submit the usual efficient narrative and financial reports. He hopes to be able to do so soon.

His description of the general situation, including the continuing lack of real development that benefits the people in the villages, and the lack of a government-provided working structure for health and education, can be found in the advocacy sections of this Report.

In the previous year of 2012-13: four-fifths of the money donated by HART was used for medicines; 7 staff members were assisted; and over 12,000 patients were seen. Medicines and staff assistance had also been provided by the Karenni Health Department.

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## Appendices

### **Appendix 1: Sumlut Roi Ja: The Supreme Court as a Tool to Maintain Impunity**

Sumlut Roi Ja is a 28-year-old mother who was arrested by Burma Army soldiers on October 28th 2011 while working on a family's farm near her village Hkai Bang, close to the China border. Her husband and father-in-law were also arrested and they were forced at gunpoint to carry corn to a military camp, Battalion 321, at Mubum. They managed to escape, but Sumlut Roi Ja was recaptured.

After her abduction, she was seen at the military camp by several witnesses. According to men who escaped from the outpost, she was being made to clean and cook for the soldiers during the day, and was gang-raped by them at night. A KWAT documenter reported seeing Sumlut Roi Ja through a zoom lens at the camp from a nearby hilltop on October 31. The next day, on November 1, she was able to see a woman being dragged by four soldiers into a bunker at the camp, but could not clearly identify her. After that, she had not been able to see any women at the camp.

On November 1, Sumlut Roi Ja's family members met with Lt. Col. Zaw Myo Htut, the Burma Army commander at the Loi Je military base, and begged for her release. He told them that she would be released on November 2, but they waited the whole day at the foot of the mountain and she did not appear.

It is now presumed that Sumlut Roi Ja has been killed.

In January 2012, a Kachin lawyer assisted Roi Ja's husband to file a case at the Supreme Court at Naypyidaw against LIB 321 for the abduction of his wife. Roi Ja's husband travelled down Naypyidaw to attend the hearing on February 23. However, he was not permitted to speak at the hearing, although he had witnessed the abduction. The court simply heard the testimony of a lieutenant from LIB 321, who asserted that no woman by the name of Roi Ja had been detained at the camp.

On 23 February, 2012, the Naypyidaw Supreme Court dismissed the case for lack of evidence. The judge based his ruling entirely on the testimony of the military defendants. Falsehoods in the judge's report included the claim that the case was never reported to local officials. In fact, a week after the arrest, Sumlut Roi Ja's father-in-law had written appeal letters to the Kachin State Chief Minister, the Bhamo District governor and the Burma Army Battalion 321 commander.

What really happened to Sumlut Roi Ja is still unknown.

Source: Same Impunity Same Patterns, Women's League of Burma, January 2014. Available at [http://womenofburma.org/wp-content/uploads/2014/01/SameImpunitySamePattern\\_English-final.pdf](http://womenofburma.org/wp-content/uploads/2014/01/SameImpunitySamePattern_English-final.pdf).

**Appendix 2: A struggle to gain ground (from SWAN Newsletter, September 2013, Page 3).**

*Land confiscation is a huge problem in Shan State, particularly in conflict areas, where the Burma Army has for decades been driving villagers off their land for “anti-insurgency” purposes. In 1996-1998, a massive forced relocation program uprooted over 300,000 people, most of whom fled to Thailand, and till today, large swathes of land remain deserted. Many hope one day to return to their lands when peace can be guaranteed, but face the challenge of proving ownership, as they do not possess land titles. Meanwhile, the Burmese military has begun selling these confiscated lands for their own profit.*

SWAN interviewed a young Shan woman who fought back against the unjust sale of lands confiscated from her village since 1996. For security reasons, we cannot disclose her name or the name of her township.

**Q: How did you become involved in trying to get back your village’s land?**

A: My village was forcibly relocated in 1996 to the nearest town. Thousands of acres of land were seized by the Burmese troops. In 2012, they started selling it off to people in town. I learned they were selling a 60 sq ft plot of land to a man from the town for 1,200,000 kyat. I asked the land owner, a woman from my village: “Do you want to get back your land? Or will you let the military sell it to someone else?” I told her there was a way to try and get it back. She said, of course, she wanted it back but did not know how.

**Q: How did you go about getting back the land?**

A: First, the villagers needed information, and someone to guide them step by step. I was also afraid, but had to keep encouraging the villagers to have confidence to fight back. I provided information and they wrote a request letter with their signatures stating who owned the land and sent

it to the village headman. The letter was then sent to the village quarter chief for endorsement, after which it was sent to the township general administration officer. After a few months, he raised this issue in a meeting attended by the local military commander, and it was agreed that the land would be returned to the owners.

**Q: How many of the villagers got back their land?**

A: Five households have got back around two thirds of their land. Even though this is not many people, and they did not get all their land, it was a big success for us. These villagers also got land title deeds. But we are sad that not all villagers have got back their land. Many gave up their

claims because of the difficulties.

**Q: What problems did you face during this process?**

A: There is no rule of law in Burma, especially in conflict areas, so we could be arrested and put in jail any time. There were many threats. The military came to the village and asked who was leading our campaign and whether we had support from outside. I had to ask the villagers not to mention my name. Also, we had no land titles proving ownership. Many villagers cannot read and write Burmese, so find it hard to understand legal terms, and are afraid to go to their local government office. We tried to get help from local political parties, but there was no result.

**Q: What advice would you give to other villagers seeking to get back their lands?**

A: Villagers need to develop a strong sense of unity. Even if outside people help, it is the villagers themselves who have to stand up and fight back for their land. ■







### Case Study from WCSP

Nam Aoy is three years old. She was born with paralysed legs, spinal problems and incontinence, and requires constant care and regular medical attention. Nava Poin, her mother, is a migrant from Shan State. Her husband left when she was 7 months pregnant. Although all of her family, who would have formed her support network, live in Burma, in order to meet her daughters' medical needs she must remain in Chiang Mai (Thailand).

Migrants in Chiang Mai face a precarious existence and single mothers are particularly vulnerable. They are often isolated from the Shan community due to the stigma of being a single mother, and have little recourse to support.

SWAN assist with the cost of day care and milk, allowing the mother to go to work. They also help her to find work by connecting her up with other members of the Shan community in Chiang Mai, particularly women who have come through the Crisis Support Programme in the past.





#### **Case Study from WCSP**

Having suffered from regular bouts of pulmonary TB throughout her life, Ms. Luern (pictured, back) now requires a constant supply of oxygen to breathe. The oxygen tanks must be replaced every 2 – 3 days. She needs constant care, which is provided by her two daughters.

Her older daughter Nang Saw Than (pictured, left) moved to Chiang Mai from Shan State one year ago, in order to help her sister Nang Saw Yi (pictured, right) to meet their mother's needs. The mother, two sisters and two other family members all live in one room.

SWAN helps the family to meet the costs of Ms. Luern's medical needs, including oxygen, medicines and hospital treatment, thus alleviating the financial burden on the family.