

MENU

MYANMAR, REPORTS

Community's Voices on the Road Link: the two-lane road with one-way benefit.

{THE ROAD LINK LOAN}

On March 29th 2018, the Myanmar parliament green-lighted a THB4,500 million (aprox. \$128 million) soft loan program offered by the Thai government through the Neighbouring Countries Economic Development Cooperation Agency or NEDA, a public organization under the Ministry of Finance. The loan is destined for a two-lane road project, also known as Road Link, between Ban Phu Nam Ron border checkpoint in Kanchanaburi Province of Thailand and Dawei Special Economic Zone (Dawei SEZ) in Myanmar; existing temporary road will develop into a two-lane highway. Construction is expected to begin in the middle of year 2018. At the moment, Italian-Thai Development Plc. (ITD), under Myandawei Industrial Estate Company Ltd (MIE) joint venture, had already conducted a revised draft of the Environmental and Social Impact Assessment (ESIA) of the two-lane road, stressing its intention to definitely push on with the Road Link. It is possible that the Myanmar government will spend much of this THB4,500 million loan in hiring the company, ITD, to work on the road improvement considering existing tripartite agreements (between the company and the two governments) and the fact that ITD still holds concession rights to develop the first phase of Dawei SEZ which includes the Road Link project.

The loan was approved amid opposing voices from local communities and constant questioning and criticisms from civil society. Studies by Dawei Development Association (DDA) and numerous accounts by local communities and civil society organizations in areas directly affected by the Road Link project have demonstrated that the company ITD, while maintaining its status as the project developer, severely lacks good governance; particularly on aspects related to impacts on natural resources and environment, trespassing community lands, and violation of human rights, community rights, and rights of ethnic groups. In parallel, there was a (Thai) cabinet resolution in May 2016 [2] on 'policy recommendations regarding community rights in the case of Dawei deep seaport and SEZ operation by the Thai private company' in which the cabinet acknowledged the need for a mechanism to control, monitor, and/or support private sector in respecting basic human rights principles as well as pushing for additional measures for earnest enforcement of the UN Guiding Principle on Business and Human Rights (UNGPs). Consequently, civil society in both Thailand and Myanmar have questioned whether the THB 4,500 million loan for the Road Link project complies with that cabinet resolution. Concerns are also raised whether policy recommendations acknowledged by the 2016 cabinet resolution will be enforced through implementation of the project loan; Or it is going to be just another development project to help concentrate business' profits at the cost of aggravating rights of the people.

{AFFECTED VILLAGES}

To broaden our understanding and get updated information on the project's development, the Mekong Butterfly had visited and discussed with communities along the Road Link project areas, particularly 5 villages in Dawei vicinity: Ka Lat Gyi, Ka Htaung Ni, Thabyu Chaung, Pyin Thar Taw, and Ka Lone Htar. These five villages are among the 14 villages where logistic infrastructure projects (i.e. oil and gas pipelines, railways, high-voltage electricity grids, and highway) between Dawei SEZ and Thailand are planned to cut through. The 14 villages are:

1. Kha Thar Ra Khee
2. Wah Taw
3. Hsin Phyu Tine
4. Ee Wien
5. Nga Yan Ni
6. Tee Poh Lae
7. Myitthar
8. Ka Lat Gyi
9. Ka Htaung Ni
10. Pyin Thar Taw
11. Thabyu Chaung
12. Ka Lone Htar
13. Yay Pote
14. Htee Khee

Currently, many of the lands in these villages had been seized through construction of a temporary road between Dawei SEZ and Ban Phu Nam Ron which is already opened for the commute (This temporary road is to be 'improved' into the 2-lane Road Link). Ultimately, another 8-lane highway is planned for the future to host power grids, petroleum pipelines, and railways.

All the five villages we had visited are located around 45 minutes from Dawei city and around 5 to 6 hours away from Thai border at Ban Phu Nam Ron via the Road Link. Houses are spread around in cultivated lands, agricultural gardens, paddy fields, along rivers and creeks – these are rich arable lands. Our visit took place in July which was the rainy season when farmers were transplanting and seeding rice; lush paddies filled both sides of the road that we passed.



paddies filled both sides of the road

{THE FIRST TWO VILLAGES: Ka Lat Gyi and Ka Htaung Ni}

We started at Ka Lat Gyi and Ka Htaung Ni villages. Ka Lat Gyi village has 56 households with approximately 200 population. Ka Htaung Ni village houses around the same size of the population. Almost every household has their own agricultural garden. The area is abundant in natural water resources making it suitable for agricultural activities. The soil condition is suitable for cultivation of many crop types. Most produces from this area include fruits (e.g. banana and mango), economic crops (e.g. betel nut, rubber, cashew nut) and other forest products. These products are for domestic consumption and are sold for income. Land use in this area is quite fluid meaning those who make agricultural use of the land are not limited to physical boundary of the villages; People from nearby villages can come to cultivate or make use of land in the two villages while villagers from the two villages can also cultivate lands in the nearby villages.

Recalling historic background, armed conflict between the Burmese government and the Karen National Liberation Army of – Karen National Union (KNU) erupted in this area in 1982. Consequently, the land was completely destroyed to the point it had become uninhabitable. Ten years later when the conflict calmed, villagers started to return to their homeland. Unfortunately, in 1994, another armed conflict between the Burmese government and ABSD (All Burma Students' Democratic Front) erupted. This time it was until 1997 when villagers could settle back in and started reviving their agricultural practices peacefully.

Nowadays, half of the population are rice farmers, growing rice mostly for domestic consumption. Usually, their lands are sectioned to grow betel nuts, cashew nuts, and rubber plantation. Villagers also harvest products from the community's forest. Around 10% of the population own up to 50 acres of cultivated land.

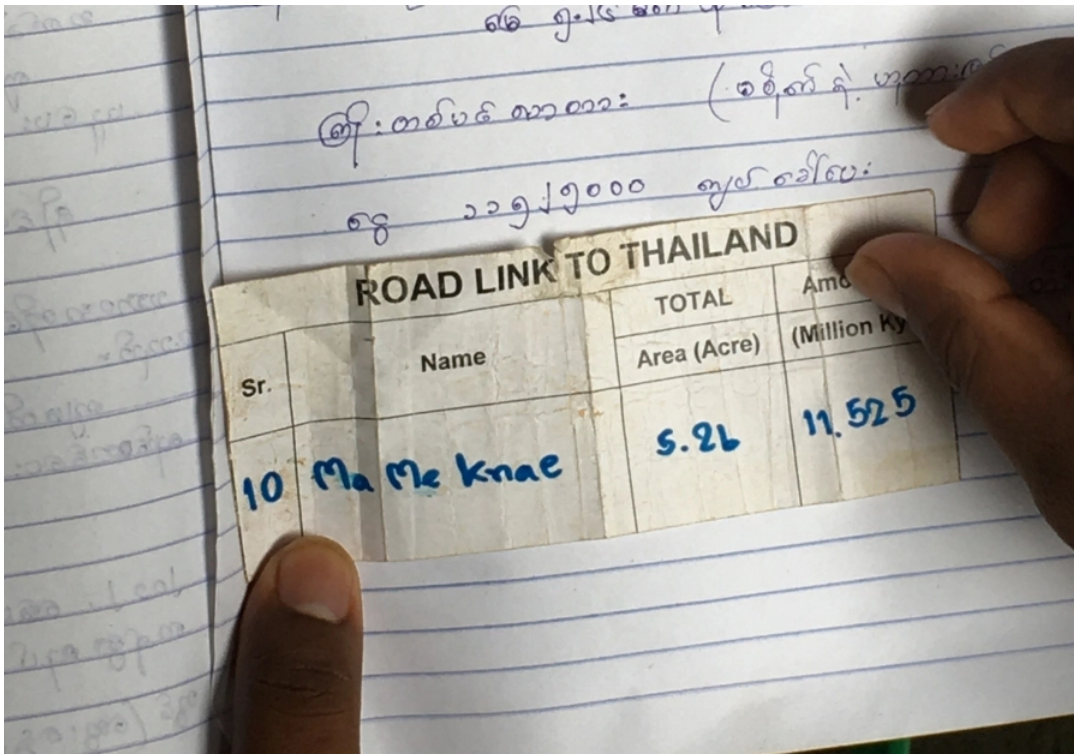
For Ka Lat Gyi village, there are around 30 families who migrated from other parts of Myanmar with various reasons, e.g. moved from Irrawaddy since impacted by cyclone Nargis, most of whom came for work in the agricultural sector. Also interesting to note that up until 1996, almost all household, around 90% of the families, has had at least one family members who are working and living in Thailand. As a consequence of wars, some people from these villages are still displaced in refugee camps in Chedi Sam Ong in Ratchaburi, Mae Sod, USA, Europe, Australia, etc. to this day.

In terms of natural water resources, the two villages are located on abundant wetland with many rivers, canals, and creeks, all of which are natural water sources where every members of the community can access and use. Being a wetland, some parts of the two-lane road would be built in parallel with the waterways while some sections would cut through (block) many waterways potentially degrading quality of water delivered to the community. Additionally, sediment problem is likely to occur during construction. For post-construction, villagers are most concerned about probable lost of their livelihoods because the community depends solely on these water sources for drinking and consumption. Concerns are raised about possible impacts on the fragile biodiversity e.g. life-cycle of many native fish which rely on tributary creeks as their spawning grounds and would move downstream to the main river when they grow bigger. In this sense, the Road Link project which would block many waterways will effectively destroy spawning grounds and habitats of fish and aquatic species, subject them to the risk of extinction.



a junction which connects an existing road in the community to the Road Link path

Land grab is another significant concern of people in the two villages. Since it first arrived in 2010, the company did not give information to villagers beforehand. It took the advantage when villagers were away to raze and adjust the land and destroy all trees and plantations which belong to the community but were in the project's area boundary. Villagers woke up to find their agricultural land devastated without a chance to oppose the act. Damages from that incident were not recorded and not calculated for compensation. Consequently, although the villagers were later asked to calculate damages on their land and agricultural crops, it was too late and they feel the company did not take genuine responsibility. Additionally, the compensation had no standard; it depended on negotiating power (of the landowners) and whether an area is under whose control. In December 2016, a committee established by KNU (Karen National Union) comprises of 6 representatives from each village started gathering and documenting data on damages from the Road Link project. The data is scheduled to be finalized at the end of 2018. However, most villagers do not have land title deeds, neither from the Myanmar government nor the KNU, therefore difficulties in legally verifying ownership and damages to their land and properties. Despite villagers in affected areas getting organized to call for fair compensation, the company has been ignoring the call and had set compensation rates much lower than what the community demanded. Many villagers were so worried of uncertainty that they had taken what was offered because their land and properties were already damaged and they needed the money to manage their household under the critical circumstance even though they knew they were tied down. Some villagers had even sold their land. Nonetheless, some have insisted not to take any compensation until they could reach a fair agreement with the company based on villagers' proposal. Most importantly, villagers demand disclosure of data and details of procedures in order to ensure transparency in future steps. On remediation, villagers demand the company to propose ways of remedy or identify those who are responsible for the recovery of the environment, livelihoods, ecosystem, social and cultural damages which cannot be quantified in monetary terms. Without solving problems they had created in the past, the company and those involved could not continue the project in an equitable manner.



document to calculate compensation which the company used to tie down villagers after destroying their land and properties

Jobs creation for the locals is another benefit touted by the Road Link project: offering labor jobs to people in the community would help attract the locals who had migrated to work in Thailand – so that they could return home to their families because Dawei now has good jobs. On the other hand, villagers shared information that the company has offered daily wage 6,000 to 8,000 Kyat or approximately THB180 per day. An example was mentioned of labors from Taung Thone Long village who would have to wake up very early and leave at 5 A.M. in order to get to work by 8 A.M. and would return home very late in the night; The petite wages would not worth the time and efforts so it is unlikely that villagers would decide to work as construction labors for the project. Consequently, the result has been opposite of what the company had advertised; more villagers have crossed the border to find better-paying jobs in Thailand. In the end, only a few locals are currently working for the project's construction; most construction workers are from other regions in Myanmar and there are some technical workers from Thailand.

Additionally, villagers expressed various doubts on the Dawei SEZ project in general. The Myanmar government is questioned whether it can actually guarantee minimum wage at least to the same level as Thailand (THB300 per day) and how will it ensure protection of the rights of local workforce. Moreover, local communities have raised concerns on the type of factories or industries to be located in Dawei SEZ. They said if the industries are related to local produces, e.g. processing of agricultural products, it would be good to potentially promote the local economy because local people may already have related knowledges. On the other hand, if it is going to be heavy industries, the locals doubt their opportunity to really benefit from it; Because despite trainings, the type of works required by heavy industries are not their strong skills nor do they see that it will help promote prosperity of local livelihoods in the future. As the community's livelihoods, based closely on natural resources, are now progressing quite well, the Special Economic Zone is seen as a government's fantasy which may not turn out as good as anticipated and still too far-fetched for the local community.

“If they insist on continuing the project, we, villagers, want someone to take responsibility of and remedy the problems they already caused before they will resume and further their operation. If the past is not cured, how do they ensure us to trust that their practices in the future will be righteous and transparent.”

{THE SECOND TWO VILLAGES: Thabyu Chaung and Pyin Thar Taw}



Entrance to Thabyu Chaung village

After midday, we continued not much further and arrived at the next group of villages: Thabyu Chaung and Pyin Thar Taw. The two villages have the similar agricultural production and livelihood patterns as the previous two; however, they are different in geographical conditions and land use. We interviewed people from different age groups to learn about their community's history. It has been over a hundred years since the villages were established on this location. At the beginning, there were only a few houses and then more people moved in and settled. Around 1980, armed conflicts erupted in this area between KNU and the Burmese military – the two villages were part of a combat zone so many houses were burnt down. Frightened by the Burmese militance, villagers fled to hide in the forest, their lives perturbed between the forest and the village. A ceasefire agreement was signed in 2011 and until 2012 the area was calmed enough for people to move back into the villages. Currently, around 10 families from each village have migrated to work in Thailand.

On agricultural practices, locals here practice rotational farmings for rice as well as other economic crops such as betel nuts, cashew nuts, coconut, etc. There are also use of seasonal forest products from the community forest. Around 50% of the people in both villages own around 3 to 5 acres of land; land ownership for others vary. Only one or two people in each village owns more than 50 acres of land. Not many family has land title deeds from the government. In Thabyu Chaung, approximately 20 people have land title deeds from the Myanmar government while around 40 have the documents issued by KNU – only some could acquire the deeds from both sides. In Pyin That Taw, around 20 to 30 people has land title deeds from the Myanmar government and the same amount has the documents from KNU. In this regard, land tax patterns are different: the Myanmar government land tax accounts for 2 to 3 Kyat per acre per annum while the KNU land tax accounts for 4% of betel nuts yields per annum which appraisal into monetary values is often flexible up to decisions of tax officers.

Regarding impacts on water resources, villagers from Pyin Thar Taw said they haven't been directly affected because their village is situated far from natural water sources. Main water consumption for this village comes from the pipe although some households do not have access to water pipes and have to walk to get water from creeks which are further away. The situation is different in Thabyu Chaung where there are a river and tributary creeks that villagers could make use of. When the construction of the Road Link project began, they have been directly affected because they can no longer use water from the natural water sources due to many sediment and dirty muds replacing clean water. Nowadays villagers in Thabyu Chaung spend 1,000 Kyat per month for water piping down from a mountain. The impacts from muds and sediment in the river also extend to fish in the river which are significant food sources for the locals; the population of aquatic lives has declined tremendously. From being able to catch their own fish all the time, now they have to wait for vendors who would come to the villages to sell fish from Dawei. From then on, monetary income has become more necessary since the livelihoods of the community increasingly rely on money.

Similar to what happened in many places, many people have lost their cultivation land where the road construction sites are located because the road cuts through many of the paddy fields and agricultural plantations; land on the two sides of the road have also become impossible to cultivate. Another major concern is one of some parts of the road which cuts through the mountain where there are water sources; ultimately there are increased risks associated with soil erosion which would then severely affect the downstream rivers.



a part of the road where villagers and their livestock use for commute

Another important information we learned from the villagers here is that there are actually two roads in this area. One is the existing road built by the government which communities use to commute to Dawei township. Another is the new road built by the company specifically for the special economic zone. Villagers see they have no benefit from the later road because the existing road is adequate for them to commute between their agricultural land, communities, and the town; the new road benefits only businessmen who have to commute and transport goods between Dawei and Thailand. On the other hand, the new road which cuts through some villages has raised concern over how they may cross the road (which is designed to ultimately be a highway); Because at the moment they see no elevated paths nor fences in the design of the road and this will cause inconveniences in their daily life. Not only humans utilize the areas around the road, livestock and wildlife are among daily users

of this area and the path. Concerns are raised that even though there are crossing paths made for humans, they will not be suitable for the animals. And in case of accidents, who will take responsibility.



natural livestock rearing in betel nuts garden dense with other plants

Back in 2010 when the company arrived to begin constructing the temporary road, they started to adjust the land and brought in heavy equipment without prior notification to the community. Villagers did not have any information about the project, without a choice, they had to take the offered compensation. Afterward, they decided to get organized and negotiate for fairer compensation rates until they could get what was close to the market prices; that is, around 500,000 Kyat per acre for non-cultivated land and 1 million Kyat per acre for the cultivated land. However, the money they received is only to compensate and temporary use for the family. The lost land is the most important issue because land is the guarantee to their long-term livelihoods which is what they have for all their lives.

{THE LAST VILLAGE: Ka Lone Htar}



Ka Lone Htar river, the bloodline of Ka Lone Htar community which the project designs to become a reservoir in the future

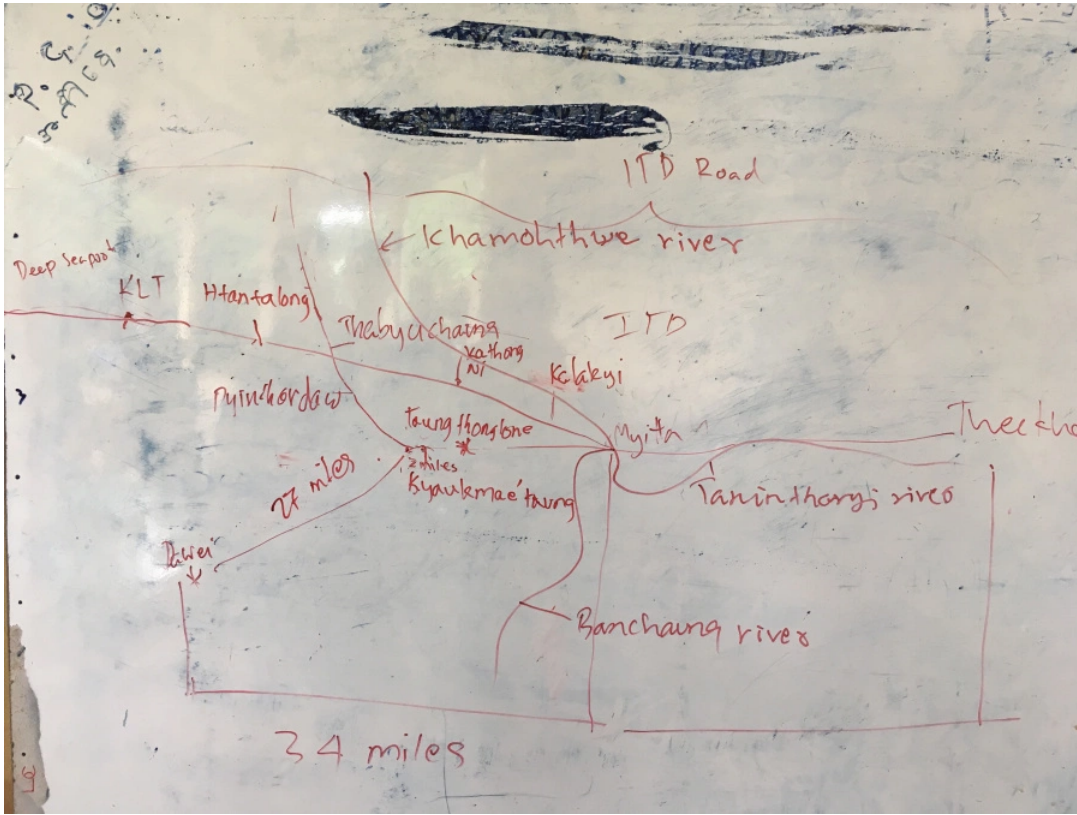
The last village we visited is Ka Lone Htar, another village to be severely affected by many development projects including the two-lane Road Link project. Villager accounted for when they first heard about the project was at the end of 2010 when a Thai company arrived at the construction site with an interpreter but did not invite village members to discuss or listen to information. There was no consultation nor prior informed procedure. The company went ahead to adjust the land, destroying the cultivated land of the community. Only afterward that the project developer directly contacted villagers to assess damages for paying compensation. The situation, however, worsens as villagers recalled the officers treated them rudely without respect to their feelings. In addition, the compensations had no standard rate; depending on who has better or closer ties to the company people would be able to negotiate and get more compensation than others. This demonstrates a lack of transparency in every step. Moreover, in a meeting between the (EIA) consultant company and villagers in 2014, a question was raised if the villagers will be able to use the road once it is completed. One of the Myanmarese officers of the company bluntly replied that villagers won't be allowed to use the road; and that there will be no compensation in case of accidents, even fatal accidents, to humans or animals. The community was so hurt and furious with this response that they left the meeting. What stressed their discontent was when a government official reiterated that the villagers cannot deny this EIA consultation process; that their role is only to show up in the meeting and stated their concerns. When the villagers heard this, they strongly object to the unjust procedure.

Impacts on water sources and biodiversity are felt by Ka Lone Htar people no less than other villages. In particular, there are three main tributaries in the village which flow into the main river. Mud and sediment from the project operation have started to block the water flow, consequently changing the river sub-ecosystem which is vital to the fish as the islets and rapids in the river serve as habitats and nursing grounds of aquatic lives. Villagers stated they currently can no longer go fishing in the rivers near the village; they also fear the impacts will extend to the availability of clean water for the community's consumption.

There is also an additional concern on increasing illegal logging. Villagers explained that there is the presence of illegal loggers in this area. Construction of the Road Link project has made it easier for the illegal loggers to access the forest, cut the woods, and transport the woods out of the forest. As an indirect result of the Road Link project, increasing illegal loggers in this area also means increasing deforestation.

{Observations}

The information portrayed above are voices from communities who are directly affected by the two-lane Road Link project. Their legitimate concerns are based on problems amassed from the project operation while no one seems to claim responsibility. Evidently, one problematic process which raised concerns of all communities we visited is the environmental impact assessment or EIA and its associated consultation procedure. The project operator, after securing concession contract from the Myanmar government, went straight away to raze people's land without a procedure to inform villagers prior to their acts. Then later, the Social Research Institute of Chulalongkorn University (as a consultant) went in to start the EIA process, also without prior informing nor giving them information about the project. This causes strong discontent among local people for the severe lack of transparency and good governance. On the contrary, the company has claimed that its process is already more progressive than legal obligation because there is not yet law in Myanmar requiring an EIA to be conducted before a project could start. Following Italian-Thai Development Plc. (ITD)'s return as a project developer under the joint venture MIE, TEAM Consulting Engineering company started to get involved in conducting the ESIA or Environmental and Social Impact Assessment for the two-lane road. Subsequently, MIE website contains some documents regarding the project; However, those documents are in English with no translation into Myanmar or Karen which are the formal and local languages, therefore, villagers who are directly affected by the project cannot access information contained in the documents. Furthermore, following an on-site conflict between villagers and TEAM Consultant during its ESIA process, the company left and had not returned to the villages since. However, it later issued an ESIA report despite the absence of consultation with local people and on-site assessments. This incident emphasizes problems of the project's process which appears to be 'intentionally ineffective' to the point that business benefit trumps effort to sincerely communicate and give truthful information to local communities.



community map made by villagers showing locations of communities, important water sources, and the two-lane roads cutting through the area

“The government often says it wants the people to consider that these projects will bring development and prosperity to the country. But the people want the government to consider what they really want and their well-being. We are not opposing or demanding the end of the project. If the road project is really beneficial and really necessary, villagers cannot stop it. However, we want all the process involved to be transparent, fair, and responsible.” – a villager from Ka Lone Htar, 9 July 2018

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