

# RECLAIMING THE RIGHT TO RICE

FOOD SECURITY AND INTERNAL DISPLACEMENT IN EASTERN BURMA



BURMESE BORDER CONSORTIUM

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IN EASTERN BURMA



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# INTRODUCTION

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This report aims to enhance awareness of human rights deprivations and the lack of food security which are a daily reality for internally displaced persons in eastern Burma<sup>1</sup>. It was conceived as a forum in which community-based organisations could present their observations and participate in promoting their right to adequate food. The twelve contributing authors offer a range of local perspectives which combine to update and inform policy makers, relief and development practitioners, human rights defenders and the general public alike.

Linkages between militarisation and food scarcity in Burma were established by civilian testimonies from ten out of the fourteen states and divisions to a People's Tribunal in the late 1990s.<sup>2</sup> Since then the scale of internal displacement has dramatically increased, with the population in eastern Burma during 2002 having been estimated at 633,000 people, of whom approximately 268,000 were in hiding and the rest were interned in relocation sites.<sup>3</sup> This report attempts to complement these earlier assessments by appraising the current relationship between food security and internal displacement in eastern Burma. It is hoped that these contributions will, amongst other impacts, assist the Asian Human Rights Commission's *Permanent People's Tribunal* to promote the right to food and rule of law in Burma.<sup>4</sup>

The Burmese Border Consortium (BBC) have coordinated the documentation of this report. BBC is a consortium of humanitarian agencies established in 1984 to provide basic food and relief supplies to displaced persons from Burma along the Thailand/Burma border. Members of the Consortium believe that all possible steps should be taken to prevent or alleviate human suffering arising out of conflict or calamity, and that civilians so affected have a right to protection and assistance. It is on the basis of this belief, reflected in international humanitarian law and based on principles of humanity, that the members of the BBC offer their services as humanitarian agencies. In this report, BBC has contributed the introduction, executive summary and recommendations, review of food security from a rights-based perspective, summary of field surveys on internal displacement and food security, and the appendices.

Contributing authors are all members of community-based organisations working with the internally displaced in eastern Burma. A range of organisational types are represented including agencies with mandates for humanitarian, human rights, environmental, and media work. Ethnic diversity is also a feature with Karen, Mon, Karenni and Shan agencies all contributing to the report. Local observations from the states and divisions of eastern Burma and of issues relating to food security form the heart of this report, and have all been contributed by community-based organisations. As the contributors are mostly practitioners rather than journalists and English is generally their third language, contributions were edited for clarity by BBC.



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<sup>1</sup> The Union of Burma was officially renamed the Union of Myanmar by military decree after a coup in 1988. A number of states and divisions were also renamed, including Karen state (now Kayah), Karenni state (now Kayah) and Pegu Division (now Bago). This report uses the historical and colloquial names as the state and its towns were renamed without the citizens' consent.

<sup>2</sup> The People's Tribunal on Food Scarcity and Militarization in Burma, 1999, "Voice of a Hungry Nation", Asian Human Rights Commission, Hong Kong. [www.hrschool.org/tribunal](http://www.hrschool.org/tribunal)

<sup>3</sup> Burmese Border Consortium, 2002, "Internally Displaced People and Relocation Sites in Eastern Burma", Bangkok, [www.burmalibrary.org/show.php?cat=392&lo=d&sl=0](http://www.burmalibrary.org/show.php?cat=392&lo=d&sl=0)

<sup>4</sup> For information about AHRC's Permanent People's Tribunal on the Right to Food and the Rule of Law in Asia, go to [www.foodjustice.net](http://www.foodjustice.net)

# EXECUTIVE SUMMARY AND RECOMMENDATIONS

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Personal observations and field surveys by community-based organisations in eastern Burma suggest that a vicious cycle linking the deprivation of food security with internal displacement has intensified. Compulsory paddy procurement, land confiscation, the Border Areas Development program and spiraling inflation have induced displacement of the rural poor away from state-controlled areas. In war zones, however, the state continues to destroy and confiscate food supplies in order to force displaced villagers back into state-controlled areas. An image emerges of a highly vulnerable and frequently displaced rural population, who remain extremely resilient in order to survive based on their local knowledge and social networks.

Findings from the observations and field surveys include the following :

The imposition of production quotas and implicit sales taxes on paddy persists in impoverishing farmers, despite the government's announcement that the paddy procurement program will be cancelled in the coming year. Production quotas over the past year are documented as ranging from 8 baskets (0.25 tonnes) per acre in Shan state to 16 baskets (0.5 tonnes) per acre in Mon state. In both areas, farmers are forced to sell their paddy to the state at a price 90% lower than the market rate.

Land confiscation and forced relocations continue to deprive the rural poor of their rights to adequate food, housing and livelihoods. 176 relocation sites were identified in state-controlled areas of eastern Burma during 2002. In addition, this report suggests that over 7,000 acres of farmland and US\$500,000 of property have been confiscated in the past three years by the military government in three townships of Mon state alone.

Military control of natural resource exploitation remains the cornerstone of the Border Areas Development program, with the lack of popular participation often resulting in increased vulnerability rather than poverty alleviation. The case of the Pathi dam in Pegu Division, where flooding of over 2,000 acres

of farmland has been coupled with the installation of faulty hydroelectric turbines, is documented to illustrate the dangers of the mega-dams proposed for the Salween River.

Spiraling inflation, exacerbated in 2003 by the financial credit crisis, has further depreciated the purchasing power of the rural poor. Rice prices in remote areas are noted as having jumped by 33% in Mon state and 25% in Pegu Division over the past year. Day labourers in state-controlled areas of Bilin township of Mon state reportedly earn less than 350 *kyat* (US\$0.35), which is the daily cost of 1 *pyi* (2 kilograms) of rice for a family of five.

In conflict zones, destruction and confiscation of food supplies continues to be widely used as a weapon of war by the State Peace and Development Council (SPDC). Approximately 250 temporary settlements of internally displaced persons are estimated to have had a combined total of over 3,600 metric tonnes of rice paddy destroyed or confiscated in 2002. The amount of paddy burnt, slashed or uprooted was far greater than that confiscated, with the vast majority of these offences committed in Pegu Division and Karen State. Land mines continue to be laid across vast areas, restricting opportunities for farming and access to markets.

Surveys conducted by Backpack Health Worker Teams suggest nutritional status has significantly deteriorated, particularly among vulnerable sub-populations such as women, children and the elderly, as a result of conflict-induced displacement. The acute malnutrition rate amongst children is assessed at 11.4%, which suggests a serious public health problem according to World Health Organisation indicators. 50% of children also received two or less servings of protein in the week preceding the assessment. 3.4% of the overall population were assessed as being vitamin A deficient by a Bitot's Spots survey, when greater than 0.5% is considered a serious public health problem.

Demographic surveys by indigenous humanitarian agencies with almost 100,000 internally displaced persons from 20,000 households, illustrate significant vulnerability. The high proportion (41%) of children under 15 and low proportion (2.6%) of elders over 65 in Burma's internally displaced population is comparable to age distributions in the world's least developed nations in Sub-Saharan Africa. The surveys also suggest that the average frequency of displacement was three times a year, with townships close to central Burma and 100 kilometers from the border having to move most regularly.

Based on these findings from community-based organisations, the Burmese Border Consortium offers the following sets of recommendations.

Given the urgency of the humanitarian crisis, SPDC's persistent refusal to recognise internally displaced persons, and the SPDC's gross violations of International Humanitarian and Human Rights Laws, the international community should :

- Coordinate a humanitarian needs assessment of conflict-affected areas through partnerships with community-based organisations to appraise the availability and access of internally displaced persons to food.
- Fulfill the international community's collective obligations by supporting dynamic and flexible programmes of humanitarian assistance regardless of which side of the conflict zone the agency is based
- Strengthen the survival strategies of internally displaced persons by building the capacity of existing indigenous humanitarian agencies and civilian administrative structures.

Given the primary responsibility of the state for the human rights of its citizens, the SPDC should:

- Invite the United Nations (UN) Secretary General's Special Representative on Internal Displacement to visit Burma for a national assessment of conflict and development induced displacement.
- Invite the UN Human Rights Commission's Special Rapporteur on the Right to Food to visit Burma for a national assessment of food security.
- Agree to join a nationwide ceasefire with the armed opposition forces to facilitate the process of national reconciliation.





# FOOD SECURITY FROM A RIGHTS-BASED PERSPECTIVE

# 1



"Burnt Village"  
Karen state, 2002



"Eating in the forest"  
Karen State, 2002, CIDKP

The international community of states recognised at the World Food Summit in 1996 that food security is the result of fulfilling the right to food. Over 180 governments, including a cabinet level delegation from Burma, reaffirmed that food security was “consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.”<sup>5</sup> This sentiment was reaffirmed at the follow-up summit five years later. Further, the indivisibility of human rights was recognised in the affirmation that “all human rights and fundamental freedoms including the right to development, democracy, (and) the rule of law ...are essential for achieving food security”.<sup>6</sup>

Deferment to a rights-based perspective of food security is to be expected given that customary international law established fifty years earlier that “everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food...”.<sup>7</sup> This was formally enshrined in international human rights law through the assertion that “the right to an adequate standard of living includes adequate food, clothing and housing ... and the fundamental right of everyone to be free from hunger.”<sup>8</sup> Similarly, the community of nation-states had already proclaimed in international humanitarian law that “starvation of civilians as a method of warfare is prohibited (and) it is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as food-stuffs, crops, livestock...”<sup>9</sup>

<sup>5</sup> Declaration on World Food Security, Preamble, World Food Summit, Rome, 1996. [www.fao.org/wfs/index\\_en.htm](http://www.fao.org/wfs/index_en.htm)

<sup>6</sup> Declaration of the World Food Summit: Five Years Later, Article 5, Rome, 2002. [www.fao.org/worldfoodsummit/english/index.html](http://www.fao.org/worldfoodsummit/english/index.html)

<sup>7</sup> Universal Declaration on Human Rights, 1948, Article 25. [www.un.org/Overview/rights.html](http://www.un.org/Overview/rights.html)

<sup>8</sup> International Covenant on Economic, Social and Cultural Rights, Article 11, 1966. [www.unhcr.ch/html/intlist.htm](http://www.unhcr.ch/html/intlist.htm)

<sup>9</sup> Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflict, (Protocol 2), 1977, Article 14. [www.unhcr.ch/html/intlist.htm](http://www.unhcr.ch/html/intlist.htm) under “Humanitarian Law”

The most authoritative elaboration of a rights-based perspective of food security has been provided by the United Nations' Committee on Economic, Social and Cultural Rights.<sup>10</sup> Availability and accessibility are identified as the core content of the right to adequate food, where availability refers to production and supply while accessibility relates to entitlements for acquisition. At the same time, the concept of adequacy is explained as not only relating to nutritional requirements but also to cultural, economic and ecological concerns of sustainability.

*“The right to adequate food is realised when every man, woman and child ... has physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients.”*<sup>11</sup>

Rights-based approaches to food security are thus situated in a broad framework of social justice and poverty eradication, where fulfillment of the right to food is interdependent with the progressive realisation of other human rights. The basic premise is that food insecurity is not caused by a shortage of food supply, but rather inequality and the deprivation of entitlements to access food. International organisations, the private sector and civil society all have a role in promoting an enabling environment for the achievement of food security, but primary responsibility remains with the national authority.



<sup>10</sup> UN Committee on Economic, Social and Cultural Rights (UN CESCR), 1999, “The Right to Adequate Food”, [www.unhcr.ch/tbs/doc.nsf](http://www.unhcr.ch/tbs/doc.nsf) under “General Comment 12”

<sup>11</sup> UN CESCR, 1999, “The Right to Adequate Food”, General Comment 12, paragraph 6.

# LOCAL OBSERVATIONS **2**

FROM THE STATES AND DIVISIONS OF EASTERN BURMA

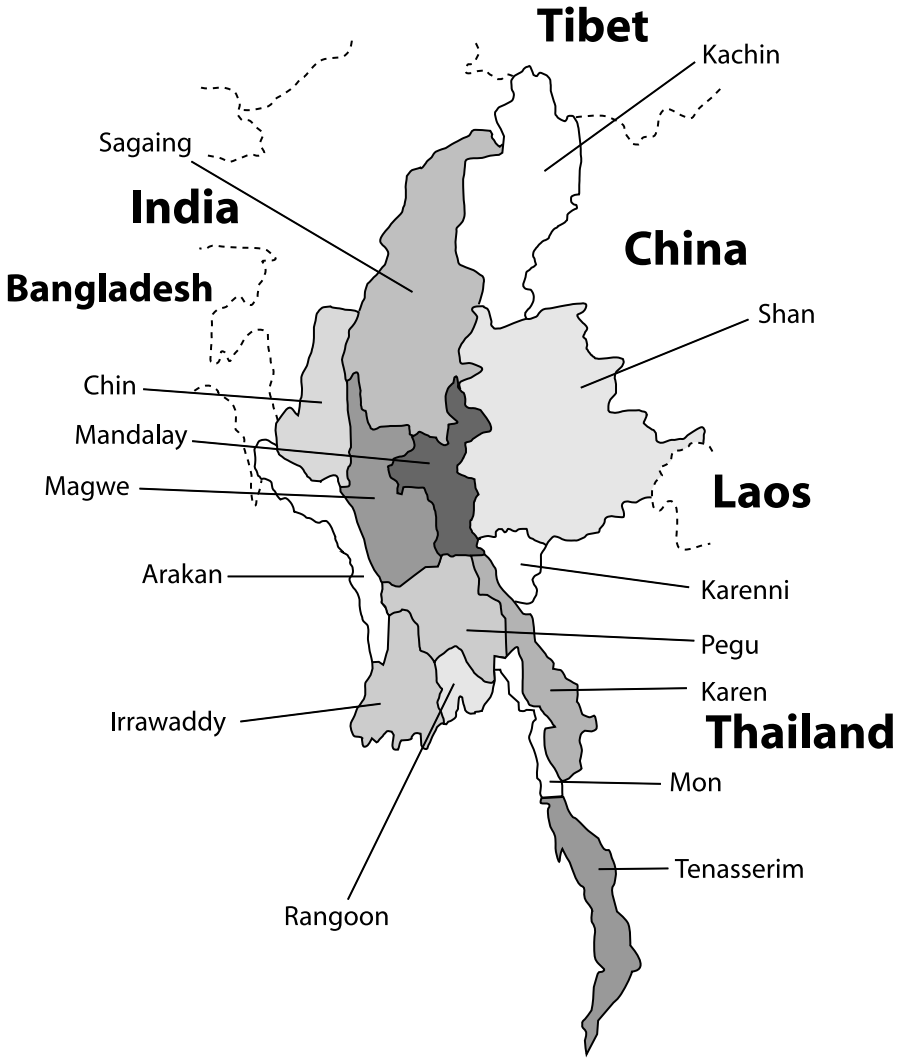


"Fleeing in the forest"  
Karen State, 2003, KORD

"Upland rice cultivation"  
Tenasserim Division, 2003, CIDKP



# STATES AND DIVISIONS OF BURMA



## 2.1 FOOD SECURITY IN TENASSERIM DIVISION

### Committee for Internally Displaced Karen Persons

In 1997, the SPDC launched a major military offensive to eliminate the Karen resistance movement in the area. This operation forced many thousands of Karen villagers into Thailand while thousands of others fled from their villages to hide from the Burma Army in the forests and thereby became internally displaced persons (IDPs). Since then, the Burma Army has continued to force civilians in contested areas to leave their lands, homes and crops and move to relocation sites under SPDC control. Villagers who dare not to relocate as ordered, flee to hide further upstream deeper in the forests.

The Burma Army classifies villagers living out of its control as supporters of the resistance movement or simply as enemies of the state. When the Burma Army finds a hiding site, it is common to shoot anyone on sight and destroy everything. Upland rice fields are especially vulnerable because they cannot be easily moved or hidden. The Burma Army becomes increasingly active especially at harvest time. Karen villagers hiding near to the Burma Army out-posts in Tenasserim and Palaw townships are more at risk than those hiding in Tavoy township under the cover of forests around Mount Kaserdoh. Mon villagers hiding from ongoing conflict in northern Yebyu township are also particularly vulnerable. Even if the SPDC do not directly destroy the crops, the troop movements force the villagers to hide and leave their crops unattended and vulnerable to damage from wild animals and pests.

IDPs in hiding sites depend on the shifting cultivation method of slash and burn farming to survive. Cultivating one crop of rice paddy requires attention from clearing the fields in January or February through to the harvest in October to November. Tapioca, yam and various vegetables are grown as supplementary crops, while bamboo shoots, wild yam roots and other edible vegetables can also be collected in season from the forest. Fish can be caught in streams and fermented into fish paste to last longer, so salt is the main product that needs to be sought from traders and relatives in relocation sites. When rice supplies are low, tapioca and bamboo shoots are mixed into rice porridge or eaten as a staple food instead of rice.

The forest soils are fertile so IDPs can generally survive in hiding as long as their rice crops are not damaged or destroyed by extreme weather, pests or SPDC troops. In general, one *pyi* (two kilograms) of seed can produce 15-20 baskets (480-640 kilograms) of paddy in one acre of land. After one basket (32 kilograms) of paddy is thrashed of its husk and cleaned, almost one tin (16 kilograms) of rice will remain from a normal crop. This is enough to feed one person for a month. So for a family of four to hide and survive in Tenasserim Division, they need to clear more than five acres of forest and plant at least five *pyi* (ten kilograms) of seed to harvest 100 baskets (3.2 metric tonnes) of paddy each year.

IDPs with a surplus from their harvest either sell, lend or share their paddy to others in hiding. Villagers in hiding can also access rice through contacting their relatives or traders in forced relocation sites. Some IDPs collect honey or hunt wild animals in order to trade with villagers in hiding, forced relocation sites or Thailand. However, villagers from hiding sites risk arrest, detention or even execution when they approach government controlled relocation sites. Villagers in the relocation sites also risk being punished if they sell food to villagers from outside of the area. These restrictions, plus the poor roads and distance from other states and divisions, have resulted in rice prices for IDPs hiding in the southern township of Tenasserim doubling over the past 3 years to 5,000 kyat per tin (US\$5 per 16 kilograms).

IDPs in hiding use many different ways to cope with food insecurity, but the main method is to store their paddy in different secret places. Some people store the paddy underground to prevent their food supply from being damaged or destroyed by the SPDC troops or wild animals and pests. The main risk with this is that the paddy becomes rotten, even if the Burma Army doesn't move into the area. In this case, IDPs try to minimise losses by sharing the remaining food amongst the community.

## 2.2 FOOD SECURITY IN MON STATE

### Mon Relief and Development Committee

The New Mon State Party (NMSP) reached a ceasefire agreement with Burma's military government in 1995. This agreement delegated twelve separate areas through Mon state, Karen state and Tenasserim Division to the administrative control of NMSP. Outside of these zones, Mon villagers live under SPDC rule except for contested areas of Ye township in southern Mon state and Yebyu township in northern Tenasserim Division where a splinter group from the NMSP continues its armed resistance. Similarly, Mon villagers from Kyain Seikgyi township in southern Karen state remain in a contested area where the Karen National Union (KNU) is active.

The majority of the Mon people and other ethnic groups in Mon State cultivate irrigated paddy fields. Besides rice crops, the Mon people also grow various types of fruits and vegetables in home-gardens and breed animals as a food source. Fish-paste and salt are produced locally in Mon State. Rice and other basic food items are generally available in towns and village markets, although villages close to the border rely on traders from Thailand. Cooking oil, in particular, is widely imported from Thailand throughout southern Burma. Landless families sell their labour in paddy fields, rubber and fruit plantations and other workplaces in order to buy food for their families. In most areas, families without food can borrow from others and repay their debt later with interest.

Daily labour rates in southern Mon state are generally higher than other states, because it is closer for people to move and work in Bangkok. Wages for day labourers in Ye township are around 1000 kyat per day (US\$1), although work is seasonal. The price of rice has increased by 33% in 2003 to 6,000 kyat per basket (US\$6 for 32 kilograms) and the prices of other commodities have also increased. So even if the head of a household of five people finds work every day for a month, only half of the wages remain after the family's rice costs have been deducted. In the past, family members could rely on the father or elder brother's income from daily work, while the women took care of their children at home. Now women and children also need to earn income as day labourers or vendors



to cover the family's current expenses and save for the months when work is hard to find.

During the wet season in 2002, floods destroyed hundreds of acres of paddy fields in Mon state. The impact was worsened because farmers throughout Mon state were ordered to sell 10-16 baskets (0.3-0.5 tonnes) of paddy per acre to the military government at the price of 350 kyat per basket (US\$0.35 per 32 kilograms). Despite the floods, the authorities did not reduce the quota of paddy required from farmers. So farmers who had lost their crops had to buy paddy at the market rate which was almost ten times higher than the resale price for the government. As a result, the rice supply in Mon State is less in 2003 than previous years and the price has increased dramatically. As rice is the main product in Mon state, the increased rice price has led to inflation amongst other commodities too. Kyaikmayaw township in Mon State generally suffers most from the government's policy of buying rice at lower than market prices because soil fertility is low.

The confiscation of lands and forced labour also contribute to food insecurity in government controlled areas of Mon state. About 2,000 acres of land have been confiscated from paddy farmers in Ye township alone, and redistributed to large scale fruit plantations since 1999. This increase in landless paddy farmers has resulted in the township no longer producing enough rice to support its population. At the same time, the demands for forced labour continue to prevent farmers from tending to their fields.

Mon communities in contested areas of ongoing armed conflict suffer from a range of restrictions on their livelihoods. In southern Ye township and northern Yebyu township over 1,500 villagers have abandoned their homes and farmlands in 2003 to escape from being persecuted as rebel supporters. Prior to fleeing for the ceasefire areas, these villagers' access to their fields had been restricted and in some cases their crops had been confiscated by the SPDC.

In the Mon ceasefire areas, people suffer from food insecurity because their access to fields and markets are restricted. Access to markets is restricted because the areas are isolated, especially in the wet season when transportation is difficult. At the same time, access to farm land is restricted because the ceasefire areas are

fixed but the population fleeing from further inside Mon state keeps increasing. Extending fields outside of the ceasefire areas is restricted by SPDC controls on movement and the continued use of forced labour.

## 2.3 FOOD SECURITY IN KAREN STATE

### Karen Human Rights Group

Much of Karen state is under the control of SPDC or its ceasefire partner since 1995, the Democratic Karen Buddhist Army (DKBA). However, the KNU still maintains defacto control in parts of the state, especially in the northern townships of Papun and Thandaung.

The villagers in Karen State earn their living by working irrigated fields, hillside fields and plantations of fruits and other cash crops. The main source of food is rice which is typically supplemented with fishpaste, chilies, salt and various vegetables. Fish and meat are also eaten, but are relatively expensive and many villagers cannot afford to eat them at every meal. Cash crops which villagers grow to sell or barter include sesame, peanuts, betelnut, tobacco, chili, sugarcane, cardamom and various kinds of fruits. Subsistence agriculture is the norm in the area with cash crops grown on small plots and sold or bartered for more rice when there is not enough to make it to the next harvest. Very few villagers have access to farm machinery so all the work in the fields is done by hand. In a peaceful, stable situation, villagers often have only enough rice to make it until the next harvest. However, at present, much of Karen state remains contested areas subject to low intensity conflict.

Villagers living under SPDC control must struggle to get enough food for themselves and their families. SPDC Army units force villagers to work in various forms of forced labour such as road construction, digging trenches, building bunkers, standing sentry along roads, acting as messengers and portering. Both men and women must go for this labour. The necessity of having someone working the fields means that children also often have to go because their parents are busy working in the fields or performing some other form of forced labour. In addition to direct forced labour, villagers also spend a lot of time gathering firewood, cutting

bamboo, gathering leaves for thatch and making thatch shingles for SPDC Army camps. All of this is time that would normally be spent working in the fields. Villagers have said that in a month they are able to work for themselves for 20 days and the other 10 days must be spent working for the SPDC. In order to avoid having to go for this work, villagers who can afford it pay 'fees' to the Army.

Forced relocation of villagers has a disastrous impact on villagers' food security. Villagers are often forced to move to relocation sites which are far from their fields. They have to walk several hours to get to their fields and they are often not allowed to sleep in their field huts, making it very difficult to spend enough time working in the fields. Passes have to be obtained which cost 100 to 200 Kyat each and are usually only good for one day. Sometimes villagers are prohibited from going back to their fields altogether. Villagers caught sleeping in their field huts at night or working their fields without passes are arrested by Army patrols, accused of being rebels and often tortured and occasionally executed.

The SPDC told its field units in 1998 that it would no longer be able to provide full rations and that the units would have to find alternative methods to get food. Since then, Army units have been confiscating land from villagers without payment. The villagers are then forced to plough, plant and watch over the crops for the Army. The food grown in these fields goes to the Army to supplement its rations and is also sold for a profit by the officers. Meanwhile the villagers have lost their best fields and are unable to get enough food to eat.

Army units are also notorious for demanding or stealing rice, poultry and livestock when they pass through or stay in villages. Nothing is usually given in compensation. Army camps throughout Karen State issue orders to the surrounding villages telling the villagers to provide them with rice, vegetables and meat.

Villagers in Papun and Pa'an townships must also face demands from the DKBA for forced labour, money and food. This further limits the amount of time which villagers can spend in their fields as well as the amount of food which they can provide for their families. The KNU also demands rice 'taxes' from some villages although at a much more reasonable rate than the DKBA or SPDC.

The difficulties which villagers face in working their fields are compounded by natural disasters that can cause their crops to fail. Heavy rains in 2002 caused flooding which destroyed much of the rice crop in parts of Karen State. Late rains during harvest time again destroyed part of the crop when harvested paddy became wet and began to sprout.

The thousands of internally displaced villagers hiding in the forests and hills are in an even more desperate situation. Many of these villagers have fled their villages after being unable to pay the extortion money or go for the forced labour demanded of them. They clear small fields in the forests and on hillsides in an attempt to grow enough rice for the year. For these villagers, this is preferable to having to live under the SPDC where they often do not have enough time to work their fields anyway.

Much of the SPDC's counter-insurgency campaign in recent years has consisted of targeting the villagers' fields to starve them in to coming down from the hills as well as making the rice unavailable to the resistance forces. SPDC units that come across the fields of displaced villagers trample, uproot or burn the fields. Sometimes the fields are landmined to keep villagers from coming back and planting in them again. Many villagers have said they will not return to a field that the SPDC has been through out of fear of these landmines. Army columns are also burning off the cut brush left to dry in the fields before it is completely dry. This has the effect of causing an incomplete burn off making parts of the field unusable and limiting the amount of paddy the villager will be able to plant and later harvest. Rice storage barns hidden by displaced villagers in the forest are destroyed if found by SPDC soldiers. Hill fields are open places and villagers can easily be seen while working in them. SPDC columns routinely open fire on villagers with small arms, rocket propelled grenades and even mortars when villagers are seen in these fields. For this reason villagers usually flee when the news of an approaching Army column reaches them.

When they can, displaced villagers grow cash crops in small clearings in the forest. The crops are then taken down to SPDC-controlled villages where they are sold or bartered for more rice and other foodstuffs. This is dangerous as the paths can be landmined and villagers seen on the paths by SPDC patrols are shot on sight. In

addition to rice, displaced villagers eat whatever they can forage for in the forest like bamboo shoots and various kinds of roots. A limited amount of food and cash assistance is provided by indigenous humanitarian agencies, but still many villagers need to boil rice into a porridge to stretch their food supplies.

Food security is very much in villagers minds all the time. Whether in villages under SPDC control or hiding in the forest, villagers face a constant struggle to find enough food for themselves and their families.

## 2.4 FOOD SECURITY IN EASTERN PEGU DIVISION

### Karen Office of Relief and Development

Eastern Pegu division is the area east of the Sitaung river and includes Kyaukgyi and Shwegyin townships. The majority of the population in the area are of Karen ethnicity. Armed conflict between the SPDC and KNU continues around the hills in this area.

There is a Karen parable that says “without rice, there is no food for the family”. which reflects a belief that rice is the only food that people can depend on. That is why every family tries to grow rice to have a sustainable food supply. In the lowlands, most farmers use a plough in irrigated, or wet-rice, fields. In the upland area, farmers grow rice on the hillside by using the slash and burn method of shifting cultivation. These upland fields were traditionally rotated over a six to seven year cycle allowing time for the vegetation and soil to regenerate during the fallow years, but the insecurity of war no longer allows farmers to cultivate in such a sustainable manner.

In both lowland and upland areas, villagers grow vegetables to supplement their rice, such as a few kinds of beans, pumpkin, cucumber, gourd, radish, brinjal, yam, tapioca, chili and sesame. Wealthier villagers in the low lands own gardens of long life fruit trees such as lemon, betel nut, durian and mangosteen for personal consumption as well as for sale to the market. Crops continue to be protected from pests by mixing different crops in the same field and other forms of traditional knowledge, rather than through chemical pesticides as elsewhere in Burma.

However, food security for the upland villagers is deteriorating. The soil in the upland areas is losing its nutrients resulting in smaller harvests for farmers, yet people in hiding can not afford to expand the size of their fields due to security concerns. Social relations and the exchange of resources between the upland villagers hiding from the SPDC and lowland villagers living under the control of the SPDC are becoming weaker and less common. Villagers are not breeding animals, weaving clothes or crafting tools to trade for food as often anymore. Now it is more common for people to work as labourers or to collect forest products, which earns less income.

Upland villagers mainly access traders coming from the towns of Shwegyin, Kyaukgyi and Mon to the west, but food supplies also come from Papun in the east and Bilin in the south. However, rice prices have increased by 25% in 2003 to 5,000 kyat per tin (US\$5 per 16 kilograms) and contact between the traders and upland villagers is prohibited by the military government. This is because all upland civilians in this area are regarded as members of the armed revolution by the SPDC. So it is only possible for villagers in hiding to access traders if they can send a message to the towns and KNU can arrange a temporary and unofficial “jungle market”. This is different to the situation further south in Bilin township of Mon state, where Karen villagers can arrange travel passes from SPDC’s village leaders to access markets in the town.

From their experiences hiding in the forest, the displaced villagers have learnt to store any paddy they can harvest in different barns. This spreads the risk of the family’s food supply being found and destroyed by the SPDC. It also decreases the load to carry if SPDC troops patrol the area and the villagers have to flee again. Villagers in hiding have also had to alter their cultural practices and be satisfied with boiling a small amount of rice and mixing it with forest vegetables to fill their belly.

The main reason for food shortages in the area is not poor soil or bad weather but the ongoing armed conflict. As a result, people are not able to harvest enough paddy to last for the whole year, nor to store the paddy with any confidence that it is safe. Instead of planning for food security on a seasonal basis, villagers have to work for their daily survival.

## 2.5 FOOD SECURITY IN KARENNI STATE

### Karenni Social Welfare Committee

Although the 1995 ceasefire between the SPDC and the Karenni National Progressive Party (KNPP) lasted only a few months, it led to the military government expanding its control over central Karenni state. However the KNPP's influence remains significant, and armed conflict continues to stretch from the northeast to the southwest of the state. The southeast and northwest of the state have been ceasefire areas under the administrative control of the Karenni National People's Liberation Front (KNPLF) since 1994.

Food security has been undermined by the military government's development strategy. Logging for timber production, mining, dams and commercial agriculture have been implemented in order to carry on the slogan of building a stronger national economy. However, villagers in the vicinity of these projects have been forced to relocate to other sites. Further, landmines planted around the projects to protect the investments have restricted the livelihoods of farmers allowed to remain. Villagers have been forced to construct the roads and bridges necessary for these "development" projects, which has restricted the time they have to tend to their own crops.

The government's agriculture policy has forced villagers to cultivate multiple crops. The farmers often have to go into debt to buy chemical fertilisers and high yielding seeds so that their fields can produce a crop during the dry season. On top of this, a kind of tax is paid on the wet season paddy crop as a quota has to be sold to the government at a price much lower than the market rate. If the farmers do not sell the required amount at the required price their farm lands are confiscated by the military.

Since 1996, the SPDC has been forcibly relocating villagers to cut off connections between the civilians and the KNPP. For villagers in these contested areas, the confiscation of food supplies and domestic animals, portering of supplies for the SPDC, sexual harassment and rape have been common. After the relocations occurred, the areas have been designated as "free-fire zones" where the troops are authorised to shoot on sight. Apart from extra-judicial killings, the main danger for villagers who have fled into the

forests rather than move to the relocation sites is the destruction of rice fields and barns.

These internally displaced persons in hiding are urgently in need of humanitarian assistance. Although the SPDC will not authorise aid to these civilians, it is possible to provide assistance unofficially through local organisations. Such assistance will not solve the root causes of food insecurity in conflict areas, but will at least reduce the suffering of the civilian population.

## 2.6 FOOD SECURITY IN SHAN STATE

### Shan Human Rights Foundation

While the SPDC and various ceasefire groups control most of Shan State, the Restoration Council of the Shan State (RCSS) continues its armed resistance, particularly in the central townships. Since 1996, the military government's forced relocations of rural populations in these central townships have displaced over 300,000 villagers. Food security has become a central concern for these internally displaced persons (IDPs), whether they are in relocation sites or in hiding.

Most IDPs in Shan State were once self-sufficient rural farmers who traditionally owned their ancestral farmlands and herds of cattle which freely roamed the forests and meadows around the villages. Some were quite wealthy farmers, owning hundreds of acres of land and hundreds or even thousands of head of cattle. Following their displacement, these farmers often lost their lands, cattle and most of their other possessions.

IDPs in the relocation sites have been surviving by growing rice and other crops during the wet season, and hiring themselves out for daily wages during other times of the year. However their survival depends upon their crops not being damaged by bad weather, pests or the authorities and their daily labour not being disrupted by forced labour or restrictions on movement. Some IDPs survive by borrowing from others, some resort to begging until the next season and some just flee.



Although the SPDC have announced that they will stop the paddy procurement policy in the near future, the practice has increased in Shan state in 2003. In the central township of Nam Zarng, for example, farmers were ordered to sell 8 baskets (256 kilograms) of paddy per acre to the authorities, which is twice as much as in 2002. This was purchased at the rate of 300 kyat per basket (US\$0.30 per 32 kilograms), which is 10% of the market price. The troops also took rice from the houses, leaving the farmers only a few days food supply in hand and generally without much cash or property to trade. The punishment for not selling the paddy at this price is usually the confiscation of land, but a farmer was also killed in central Laikha township at the end of April 2003 for being unable to provide the required quota.

The government's agricultural policy has also caused other problems for food security in northern Shan State. SPDC has issued orders that only a foreign strain of paddy (*DU.527 Sin Shwe Li*) will be allowed to be cultivated in 2003. Villagers had to destroy paddy crops that had already been planted or risk having their lands confiscated. Rather than recycling their indigenous seed, farmers had to buy the new seed at 11,000 kyat per basket (US\$11 per 32 kilograms) as well as chemical fertiliser so that the crop would grow. The farmers were also ordered to sell their paddy harvest back to the SPDC at the standard rate of 400 kyat per basket (US\$0.40 per 32 kilograms). If farmers could not sell back the required amount, they would have to pay 3,000 kyat per basket (US\$3 per 32 kilograms) in cash.

For women from displaced communities in contested areas, tending to remote fields and searching for edible forest products are necessary tasks that place them at risk of sexual violence. For example, in April 2003 a woman who was gathering bamboo shoots near her village in eastern Shan State's Tachilek township was gang raped by SPDC troops. Similarly in central Nam Zarng township during June 2003, five girls under the age of 16 were detained by SPDC troops while tending to a soya bean field and raped over a period of two days and nights.

IDPs in hiding often do not have the opportunity to work as day labourers and earn some supplementary income. They have to rely mainly on their remote rice farms as their source of food, although

they also gather wild vegetables, fish and hunt. Once in a while they would try and sell forest produce, fish and wild animals at relocation sites and the outskirts of towns to earn some money to buy salt and other basic necessities. Even if they manage to avoid the SPDC patrols in person, however, their remote rice farms remain vulnerable to theft and destruction. In such cases, the IDPs need to seek help from other displaced farmers, depend more heavily on wild vegetables, seek refuge with their relatives in relocation sites, or flee to another place to find another means of livelihood.

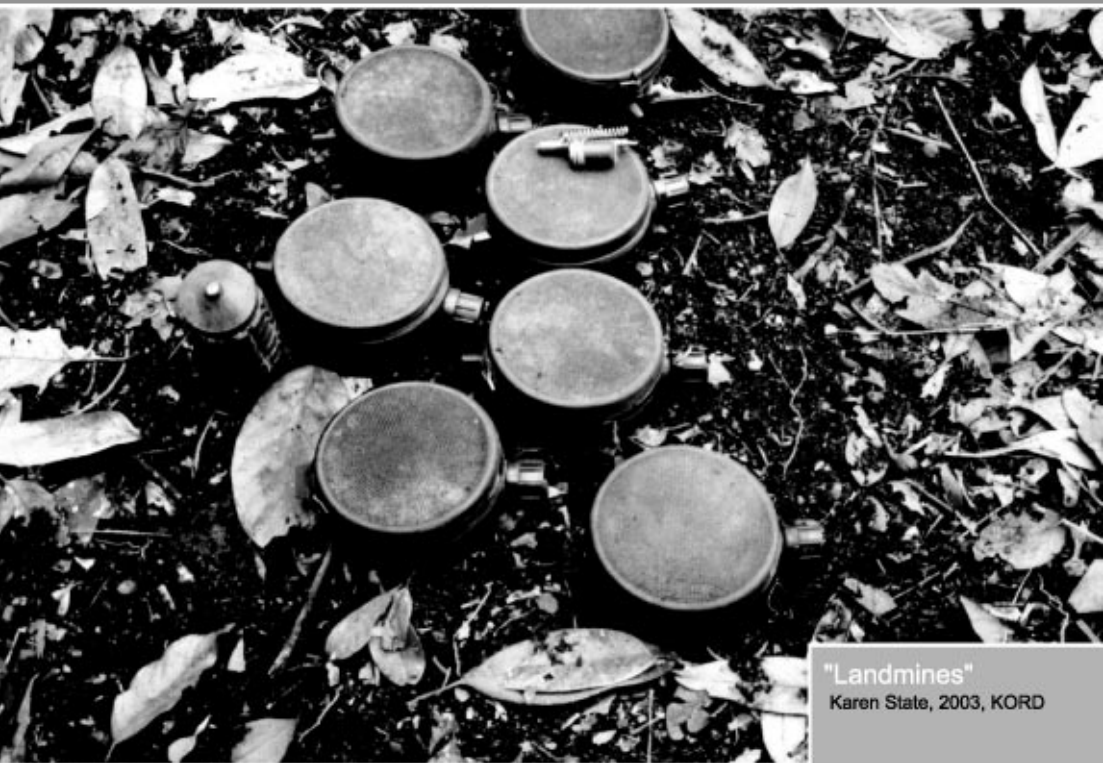
As it has become more difficult to grow rice in remote places outside the relocation sites, some displaced farmers have turned to working at opium farms. These plantations are organized by traders and some Burmese military authorities, but offer an opportunity for villagers to earn money for rice and other necessities. However, many villagers have fallen into debt and been forced to flee again as their lack of experience in poppy cultivation has led to smaller than expected harvests.

In conclusion, both the IDPs in relocation sites and those in hiding are suffering from a lack of food security. However, the situation for IDPs in hiding is much worse with the search for food being a daily struggle.



# LOCAL OBSERVATIONS **3**

OF ISSUES RELATED TO FOOD SECURITY



"Landmines"  
Karen State, 2003, KORD



"Woman in field"  
Karenni State, 2002, KSWC

### 3.1 CROP DESTRUCTION AS A WEAPON OF WAR

#### Committee for Internally Displaced Karen Persons

The Burma Army's military strategy against the armed opposition parties is based on targeting the civilian population. The "four cuts" strategy is also known as a "scorched earth" policy aimed at cutting support from the local population to the non-Burman ethnic nationalities' armies and rendering the land to be uninhabitable. It was designed to cut off the supply of food, finances, communications and recruits : hence the four cuts. It seems that the Burma Army believes that to crush the armed opposition they have to wipe out the civilian population.

This military campaign against civilians was first introduced in Karen state and Pegu Division in 1974-75, although it had earlier been used in the Irrawaddy Delta. After the cease-fire talks between the KNU and the SPDC broke down in 1997, the Burma Army again escalated its scorched earth operations to include all of the KNU's seven districts. (These districts spread over Karen state, eastern Pegu Division, northern Mon state and Tenasserim Division on the military-government's maps). However, this military strategy has been used against civilians from other ethnic groups as well.

The pattern of this campaign in the lowlands is initially to order villages to move to relocation sites. People have to move without sufficient warning so their possessions are left behind and they are not allowed to return. Their property and food supplies, such as betel nuts, lime, lemon and other fruit trees are left to be ruined by wild animals. Some villagers follow the order and move to the relocation site and others flee to the uplands or forests. In the upland areas, and in the lowlands after the relocation, people are liable to be shot on sight without question, villages are burnt and property destroyed or stolen.

The Burma Army not only directly, but also indirectly, targets the food supplies of villagers. This includes killing and stealing cattle in the low land areas that are used to plough paddy fields. In the upland areas, the Burma Army undermine the shifting cultivation practices of farmers throughout the year. Upland rice crops are

planted around May and June and harvested between October and November, so this is the period when crops are vulnerable to being burnt, slashed or uprooted by the Burma Army. After the harvest the SPDC search for, and destroy, the barns and hiding places where paddy and rice are stored.<sup>12</sup>

Crops are also indirectly destroyed by the Burma Army's troop patrols. Whenever the Burma Army approaches hiding sites, the internally displaced villagers shift to another place in the forest. If these patrols are during the dry season months of February to April, people in the area dare not to cut and burn the vegetation to prepare their upland plots for cultivation. The longer the duration of patrols, the narrower the plots. If villagers are forced to leave their fields during the wet season, their rice crops are often eaten and destroyed by wild animals such as pigs, rats, chickens and birds as well as insects. Patrols at the end of the wet season often scare farmers away from their fields when they had planned to be harvesting, so crops are liable to become over ripe and ruined. Therefore, upland farmers in hiding generally only harvest 40% to 50% of their crop for the year.

Civilians in war zones are also deliberately prevented from accessing market supplies of food by the military government. While traders are banned from accessing areas of northern Karen state and eastern Pegu Division, the price of smuggled rice in these areas is 5,000 kyat per tin (US\$5 per 16 kilograms), which is more than double the price in nearby towns. The amount of landmines planted in war zones not only restricts opportunities for farming but also access to markets and other places where rice can be bought.

Despite all these efforts to deny food to civilians in areas where the armed resistance is active, villagers continue to struggle to survive on their own terms. People hiding in the forest often maintain 2-3 hide outs in the forest to move between, and primarily eat rice porridge mixed with bamboo shoots, yams and roots from the forest. They share rice between themselves. It is seven years since the last big military offensives in eastern Burma, and yet people have still managed to last until the next harvest each year.

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<sup>12</sup> See chapter 4 for the results of a survey on the destruction and confiscation of paddy.

## 3.2 BORDER AREAS DEVELOPMENT

### Karen Environmental & Social Action Network

The military government has spent 43 billion kyat (US\$43 million) on infrastructure in border areas over the past 10 years.<sup>13</sup> The stated objectives of the Border Areas Development (BAD) program are to develop the economy and infrastructure, preserve culture of national races, strengthen friendship between races, eradicate poppy cultivation; and maintain peace and security in the border areas.<sup>14</sup>

Whether or not the SPDC is seriously developing the border areas, militarisation, roads, logging, and dams are closely related components of government planning. As the military gains control of an area, the roads will come and the logging business follows. By the time logging operations are completed, the dam project is underway. Only after the dam is completed then the real development activities will start. This is the SPDC development strategy for border areas. However, the implementation of this strategy is creating tremendous environmental and social problems.

The most obvious environmental impact is deforestation caused by logging, road construction, dam construction, mining and counter-insurgency operations. This is closely tied with dramatic losses in the biodiversity of flora and fauna. Major floods in 2002 were a sign of the impact of deforestation in the watershed areas as well as the widespread construction of dams. Major social impacts include the militarisation of control over human and natural resources through land seizures, arbitrary taxes, curfews or restrictions on farmers, and forced labour for military and “development” purposes. Commercial agricultural and the extraction of natural resources have undermined rural livelihoods, redistributed land away from local farmers and caused migration to the towns.

Forced labour has been an essential component of implementing the BAD strategy. In Bilin township of Mon state recently, the SPDC soldiers brought iron and a corrugated roof to build a school.

<sup>13</sup> Ministry of Border Areas, National Races and Development Affairs, Information Pamphlet, Yangon, 2003.

<sup>14</sup> Ministry of Border Areas, National Races and Development Affairs, “Objectives”.  
[www.e-application.com.mm/yangoncity/ministry\\_ministry\\_of\\_progress\\_of\\_border\\_areas&national.asp](http://www.e-application.com.mm/yangoncity/ministry_ministry_of_progress_of_border_areas&national.asp)

Villagers were forced to provide wood and construct the school, even though the soldiers had been allocated a budget for the project. The troops did not pay labor fees to workers, but instead forced villagers to sign their fingerprints on papers to show their superiors. They even demanded money from the villagers for building the school. At no point were villagers consulted about their community's most urgent needs.

Traditionally, local communities in rural areas have their own forest use and management systems. Recent research by our network in northern Karen State has shown that even though the rural communities are living in contested areas, they still maintain their traditional way of knowledge in forest use and conservation. They classify different areas of forests for rotational farms, irrigated farms, orchard farms, communal forest, animal grazing land, and sacred forest. Villagers demonstrate a deep understanding of sustainable forest resource management, which is to be expected given that their customary practices have protected the forests for generations. The state's agricultural development programs have eroded these traditional land use patterns, and undermined the villagers' food security.

In SPDC controlled areas, such as Bilin township in Mon state, commercial plantations (sugar cane, rubber and sesame) and agribusiness are being promoted. Local rice farmers are coerced into planting hybrid rice varieties and are not given the option of planting their indigenous genetic resources of rice. The introduced seeds have resulted in a significant decline of food production, compared with yields from indigenous seeds. This kind of agricultural development has forced rural people from self-dependency to state or market dependency. Farmers cannot afford to buy agrochemical inputs as well as water from the government while paying the paddy quota of around 12 baskets per acre (380 kilograms per acre). So villagers are forced to abandon their farms, become day labourers, migrate in search of jobs, or develop other livelihoods such as charcoal and firewood production. A labourer, however, can only earn 300 *kyat* (US\$0.30) per day, but one *pyi* (2 kilograms) of rice costs 350 *kyat* (US\$0.35). A full day's work, therefore, does not even earn enough to cover the costs of rice for a family of five for one day.

It has been reported that 146 dams have been constructed in the past 15 years and that 40 will be constructed in the coming decade.<sup>15</sup> These are primarily to expand the area of irrigated land and to generate electricity. However, a dam is not a key to development. The Pathi dam in north-eastern Pegu division failed to achieve any of the government's projected goals. Rather, the dam has had adverse effects on the environment and local people. This dam was supposed to control floods and produce 2 megawatts of hydro-electricity. Instead its reservoir flooded more than 2,000 acres of upstream farmlands and orchards in 1997, and since then an unknown area of downstream riverbank gardens have been flooded annually when the holding capacity is exceeded in the wet season. Further, the dam produces no electricity because the turbines that were installed are faulty. The dam wall is also now developing cracks. The proposed big dams on the Salween can be expected to reproduce these problems on a much grander scale.

The destruction of large areas of forests caused by logging, charcoal business, and dam construction has resulted in declining availability of edible forest products. Similarly, in areas of ongoing armed conflict, where displacement of civilians is frequent, farmers are losing their local plant varieties. In Papun township of Karen state, for example, upland farmers have been forced to practice non-traditional shifting cultivation which causes deforestation, decreased food production, and a loss of the rich local seed resources that traditional farmers developed. In one village, farmers recollected that they used to manage over 180 kinds of plants in their community forests. However, war and displacement have resulted in 60 of these plants being lost already, while commercial exploitation threatens the rest. This will affect nutrition, especially of children, and further decrease food security at the community and household level.

The state's land management policies are systematically dispossessing rural people of their livelihoods. Cultivation rights discriminate against farmers who lie their land fallow, while encouraging the "reclamation" of new agricultural land. This is enforced by threat of land confiscation, which is a common occurrence to promote commercial agricultural plantations. Border communities are also disadvantaged by the lack of legal recognition

<sup>15</sup> Thet Khaing, Ministry of Agriculture and Irrigation, Myanmar Times, June 2-8, 2003, Vol: 9 No.168



for customary land ownership and a lack of access to land use certificates issued by the state.

There is an urgent need to challenge the border areas development strategy of the SPDC. This is because people's participation in government and planning is non-existent so the projects are not appropriately suited to people's needs. Food security does not come from state development projects but from the diverse farming methods of the local ethnic communities. Similarly, development activities will not begin to eradicate rural poverty until local participation is institutionalised.

### 3.3 AGRICULTURAL MANAGEMENT

#### Burma Issues

There seems to be two main forms of government action that contribute to food scarcity : military activities, such as looting and burning food crops and barns, and administrative policies, such as agricultural policies, rice procurement and taxes. Agricultural policies contribute to militarisation by denying people the right to food and reinforcing the environment which causes this lack of food security. Some of the main structural policies the SPDC uses to manage agriculture relate to rice production and procurement for export; the promotion of commercial agriculture; taxation and the expansion of irrigation.

#### Rice production and procurement for export

In April 2003 the SPDC announced the cancellation of their rice procurement policy. The cancellation will supposedly come into effect in the coming year. However, there seems to have been little effort made to reduce the enforcement of quotas that farmers must supply to the Burmese military. The existence of this rice procurement policy is widely accepted as serving two purposes. One, to feed the army and, two, to generate income from its export.

Over the past few years, the SPDC has rapidly increased its targets for rice exports, and hence the quotas that are demanded from the

general population. National targets for rice exports jumped from 100,000 tonnes in 1999 to 1.5 million tonnes three years later, although the actual amount exported in 2002 has been reported at 0.92 million tonnes.<sup>16</sup> These are unrealistic figures that cause unnecessary hardship for farmers. The main problems for farmers are that these quotas are demanded according to land area rather than harvest size, and that the local selling price is set at an extremely low rate.

If drought or floods reduce the harvest size, as was widely reported during 2002, the Burmese military demand their set quota anyway even if the farmers don't have the required amount. If villagers cannot fulfill the rice quota, they often have to buy the outstanding amount and then sell it to the government for up to 90% less than the market price. Basically, it puts people in a situation where they are left without enough food and cash to feed their families.

#### Promotion of commercial agriculture

An increasingly familiar trend is land confiscation followed by the cultivation of cash crops. Cash crops, such as rubber, coconut and sugarcane, are planted on a mass scale and are usually targeted for export to gain foreign exchange. The large scale of investment required restricts ownership to commercial developers and high ranking military officials. This has resulted in redistribution of land away from local farmers towards commercial agriculturalists and SPDC officials. The government establishes cash crops either through confiscating local farmers' lands without compensation, or by allowing farmers to keep their land in exchange for compliance with the state's crop selection and quota requirements. Farmers who lose their land are forced to seek a new livelihood as a day labourer. Those who keep their land and plant the government's cash crop often find they neither reap the benefits of export revenue nor have no time to work on their own rice fields for their family's survival.

#### Irrigation Expansion

The government has made a determined effort to increase the area of irrigated land available so that agricultural production will increase.

<sup>16</sup> "Orders up for Burma's Rice", Bangkok Post, 16/9/03.

Unfortunately, irrigation construction has largely been based upon the use of forced labour. Responding to constant demands for forced labour has contributed to the collapse of livelihoods.

### Taxation

Regular taxes, for which payment can be planned in advance, is not a threat to food security. It is the arbitrary taxes, which are often demanded on-the-spot and are more like a form of extortion, that weaken villagers' livelihoods. The Burma Army, rather than the administration, is the main perpetrator of arbitrary taxation and the revenue is used at the local level rather than centralised. Villagers' are subject to a variety of taxes, including the porters' tax, development fund tax, visiting troops' tax, travelling charges for SPDC's village authorities, rice tax, competition tax, and visiting officials tax. Regular taxes can accumulate to 1-2,000 kyat (US\$1-2) per month. Arbitrary taxes of 500-1,000 kyat (US\$0.50-1) per day are demanded for being absent from military assigned duties, like road construction and domestic work at local military bases. These arbitrary taxes have contributed to high levels of debt amongst villagers' who simply do not have the income to pay them. Non-payment is punishable by imprisonment.

## 3.4 LAND MANAGEMENT

### Independent Mon News Agency

The government effectively seized all land ownership under its Land Nationalisation and Agricultural Lands Acts in 1953. Since then, farmers have only had access to the land for cultivation and have not legally been able to sell the land. If the land is left fallow, it must be returned to the state. There is some recognition of land use rights for local farmers, but it has proven very difficult for the non-Burman ethnic nationalities to access these rights when their lands have been confiscated by government troops. Like most state publications, these laws and other relevant regulations passed since then are only available in Burmese language and are not available in the other ethnic nationalities' languages.

Restrictions on land use and movement in government-controlled areas are a major factor causing hunger and poverty in rural areas of eastern Burma. Mon farmers, for example, enjoyed a brief respite after the ceasefire agreement was reached in 1995 between the NMSP and the (then) SLORC. This was not only in the twelve designated ceasefire areas, but cultivation was also not restricted in government-controlled areas. However, it only lasted for one or two years before there was a massive deployment of government troops into Ye and Thanbyuzayat townships in southern Mon state. Citing the presence of “rebels,” SPDC ordered the local population not to leave their property without a “permission pass” from authorised military commanders in the areas. For farmers who had a field far away from their house, this prevented them from cultivating their crops. Even farmers who paid their fees and gained a travel pass were restricted from choosing their crops. Instead, farmers were ordered only to grow certain strains of rice that were determined in Rangoon. The cultivation of other crops was punished by the confiscation of land.

Human Rights Foundation of Monland has published its monthly report, “The Mon Forum,” since 2000. The organization has recorded over 300 farmers in the three southern townships of Mon state having had a total of over 7,000 acres of farmland confiscated during that time. The rubber trees, lime plantations, betel-nut trees, durian gardens and paddy fields confiscated are estimated to have had a combined property value of 500 million kyat (US\$500,000). This is partly explained by the government’s “population transfer and Burmanisation policy” towards non-Burman ethnic territories. Land confiscation for the establishment of military bases and the control of agricultural plantations is also a key factor that has forced the local population to live in poverty and hunger in rural areas.

For small remote communities of internally displaced persons in ceasefire areas or less patrolled government areas, the villagers generally maintain their customary forms of land management. In both Mon and Karen cultures, beliefs about respecting the spirits of the land are closely tied to natural resource management. Farmers have various customs for consulting spirits of the land when choosing an area of forest to clear for cultivation at the beginning of the season. However, customary “slash and burn” methods of upland farming are also becoming more restricted now. Farmers are only

able to rotate their fields over three or four years now, which leaves less time for the vegetation to regenerate and is resulting in declining soil fertility.

The government has deprived the people of Burma, particularly the non-Burman ethnic nationalities, of their rights to land for decades. Unless farmers have the rights to work freely and safely on the lands, their livelihoods will remain vulnerable and food security will mean depending on international aid.

### 3.5 NUTRITIONAL IMPACTS OF INTERNAL DISPLACEMENT

#### Backpack Health Workers Team

##### Introduction:

Population flight stemming from civil conflict is often associated with decreased nutritional status, especially among vulnerable sub-populations such as children, pregnant women, and elderly.

Children are at increased risk of under or malnutrition for a number of reasons. The biological demands of growing children are high, and even small changes in available household food resources can be rapidly reflected at the population level with increased under nutrition, protein energy malnutrition, and micronutrient deficiencies. During times of population stress, children are more likely to fall into the cycle of infection, weight loss, recovery and repeated infection, resulting in acute (wasting) and chronic (stunting) malnutrition. Malnutrition compromises the ability of the child to fight infection, resulting in increased morbidity and mortality, and children are particularly susceptible to iron-deficiency anemia and vitamin A deficiency. Poor nutrition over the long term can result in motor and cognitive developmental delays in children.

Women of reproductive age are also at increased risk, particularly during pregnancy and lactation – at this time, women have increased energy and micronutrient requirements. Internal displacement may increase the risk of protein-energy malnutrition, anemia, and vitamin A deficiency in women, through reduced household food availability, increased rates of malaria, decreased availability of

vitamin A rich and other micronutrient-rich foods, and increased susceptibility to geohelminth infections.

#### Nutrition Survey :

In eastern Burma, backpack health worker teams conduct a primary health program in Karen, Karenni and Mon State, targeting a population of approximately 140,000 people, many internally displaced due to ongoing civil conflict. In order to assess the impact of internal displacement on nutritional status, the team conducted a dietary intake survey during the months of July to December 2000. This was conducted in Taungoo, Papun and Paan township in Karen state, Kyaukgyi township in Pegu Division, Bilin township in Mon state, and in Tenasserim Division. Six hundred and thirty seven mothers were asked questions concerning their breastfeeding status, recent dietary intake, and recent health status of their youngest child under five years of age. For each child, mid-upper arm circumference (MUAC) was measured.

While breastfeeding rates are high (95% of children had been breastfed), and breastfeeding time is long (the median age at end of breastfeeding was 24 months), exclusive breastfeeding practices are insufficient. Approximately 67% (360/535) of mothers reported that their youngest child was exclusively breastfed for four months, and only 29.4% (157/535) of the children were exclusively breastfed for the first six months of life. Internal displacement likely decreases maternal nutrition status, resulting in disruption of normal lactation and a decrease in rates of exclusive breastfeeding.

Overall dietary intake of children in the IDP population was poor. In the week prior to the survey, among non-breastfeeding children, 39% did not receive a single serving of fish, 40% did not eat meat, 78% did not eat eggs, and 85% did not eat any beans. Twenty-six percent of children did not eat any of these protein-rich foods in the previous week. Intake of protein foods was associated with level of instability in the population. While all the sub-areas in the survey can be considered under stress, internal displacement was most common in Pegu and Tenasserim Division, with 65% and 37% (respectively) of the respondents reporting moving more than three times in the past twelve months. Data comparing children from highly instable households and those from more stable household is shown

in Table 1. In general, protein availability is lower among children whose families had moved more than three times in the previous twelve months.

Table 1. Proportion of children no longer breastfeeding and under 5 who received protein-rich foods in previous week.

Protein-Rich Food	Unstable(> 3 Moves)	Stable (<= 3 Moves)
Fish	57%	60%
Meat	43%	64%
Eggs	5%	26%
Bean	7%	18%
Any Protein	69%	83%

Overall, the average number of servings of protein foods during the past week was low (2.84 servings), and 50% of children received two or less servings. Children in more stable households received an average of 3.0 servings while those in unstable households received on average only 2.1 servings.

MUAC measurements were recorded for 632 of 637 children. Using the UNHCR recommended cutoffs for severe (less than 11.0 cm) and moderate (12.5cm) malnutrition, the rate of acute malnutrition is at a serious level. Seventeen (2.7%) children had MUAC measurements under 11.0 cm, indicating severe malnutrition, and 55 (8.7%) children had MUAC measurements between 11.0 and 12.5, indicating moderate malnutrition. The total malnutrition rate (severe and moderate) was 11.4%, while the World Health Organisation states that acute malnutrition greater than 10% of the target population indicates a serious problem. Household stability was also associated with the degree of malnutrition. Children in families that had moved during the past 12 months were more likely to be moderately or severely malnourished (13.4%) compared to children in households that did not move (8.2%).

Vitamin A deficiency appeared to be a potential problem in this population. Overall rates of intake of animal foods were low, with only 16.7% of children receiving meat in the previous day. Approximately 38% of mothers reported that their youngest child did not receive a non-animal source of vitamin A such as pumpkin, mango, or papaya in the previous week. While non-animal vitamin A food consumption rates were not clearly affected by household instability, stable households were 3.1 times more likely to have a garden in which to grow green leafy vegetables. Children who did not receive a non-animal source of vitamin A were more likely to have had diarrhea in the previous two weeks compared to children who had received a non-animal source of vitamin A (30.8% vs. 24.1%).

#### Further Studies:

Backpack health worker teams have continued collecting information about the nutritional status of women and children in the area. Morbidity surveillance and case reporting indicates that anemia among pregnant women and children is high. Some proportion of this anemia is due to iron deficiency, but data is insufficient to describe the relative contributions to anemia of iron deficiency, malaria, and hookworm. Internal displacement is likely to contribute to iron deficiency anemia through decreased intake of iron-rich foods, particularly animal foods, reduced household food availability and decreased iron absorption. Iron uptake may be disrupted by malnutrition and helminth infections. Confirmation of serious vitamin A deficiency at a population level is seen in a subsequent Bitot's spots prevalence survey, conducted in IDP areas one year after the nutrition survey. Among children under five years of age, the population prevalence of Bitot's spots was 3.4%, indicating a serious level of Vitamin A deficiency in the population (a population prevalence of greater than 0.5% in the target population signifies a public health problem). A program of vitamin A supplementation has since been initiated for all children in the target population.



### 3.6 A GENDER BASED PERSPECTIVE

#### Karen Women's Organisation

Across the ethnic groups of eastern Burma, women are customarily responsible for the survival and safety of family, while men primarily take leadership roles in community and security affairs. Women are generally responsible for cooking, maintaining home gardens and gathering vegetables from the forest. They are also often expected to be involved in planting, weeding and harvesting rice crops. However, women are often the first to suffer from the lack of food security in internally displaced communities.

Forced labour deprives villagers of their livelihoods, but for women it can also causes problems for reproductive health. A 40 year old woman from Papun township in northern Karen state recently related how she was forced to be a porter for the SPDC in 1997. She said, "I was nine months pregnant at the time and could not carry a lot, but they frightened me at gun point. I ended up giving birth in the forest." Other women have reported that apart from providing forced labour during the day, they were raped by the soldiers in military camps at night.

Women are generally responsible for the collection and storage of seeds at the end of the harvest. Seed preservation is the most important part for the whole process of farming as sustainability depends upon the replanting the seeds the following year. This is another reason why forced relocation is such a big problem, as often not only the fields are abandoned but also the seeds. The loss of seeds not only effects the lives of the whole family, but also the status of women in the community.

Women in hiding are not protected from the military government's four cuts strategy. Indeed, women working in the fields or collecting vegetables from the forest are often more vulnerable as they have to look after their children and so can not flee as quickly. A young woman from Papun township in Karen state, in recollecting how her mother was killed in a "free-fire zone" recently commented that "my mother sacrificed herself and worked hard to get food food for her children".

Similarly, women are vulnerable to being raped as a weapon of war. For example, a woman who was hiding in eastern Pegu Division during 1995 went searching for vegetables in the forest with her husband when they were ambushed by SPDC troops. Her husband was killed and she was taken hostage to the SPDC military camp which was three days walk away. She recently recalled that, “during the trip at night time I was raped by the soldier who guarded me every night and then I had to stay with the troops for three years”.

As women and as humans we live in a country where our rights are completely abused by the military regime. All our rights are violated: you can not separate our right to food from our the right to freedom. We live in terror and fear and without enough food to survive. The military government of Burma has signed CEDAW but they do not respect or implement any of the articles. The rights of ethnic civilians living in the rural areas and particularly women are systematically violated by the State.



# FIELD SURVEYS

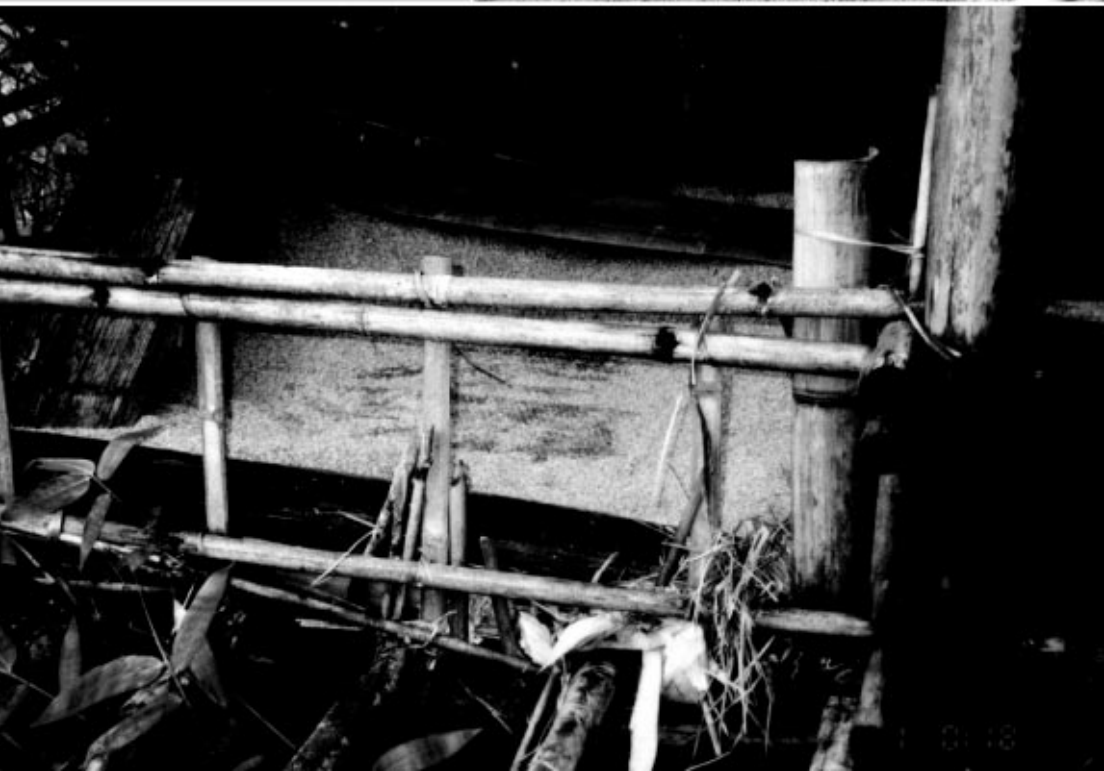
# 4

ON INTERNAL DISPLACEMENT AND FOOD SECURITY

"Burnt paddy barn"  
Pegu Division, 2002



"Paddy-barn post-confiscation"  
Karen State, 2003, KORD



Based on the assessments of indigenous humanitarian agencies, BBC estimated that the internally displaced population in eastern Burma was 633,000 in 2002.<sup>17</sup> This was estimated to consist of 268,000 civilians hiding in temporary shelters and 365,000 villagers in 176 state-controlled relocation sites. However, in the past year the SPDC has continued to deny the existence of internally displaced persons in Burma, by redefining forced relocations as voluntary resettlements in the context of the Border Areas Development program.<sup>18</sup>

A survey was jointly conducted by indigenous humanitarian agencies in 2002 to develop a demographic profile of internally displaced persons in hiding.<sup>19</sup> Demographic information was collected from 98,914 individuals and 19,790 households in 268 locations. Information collected from Karen hiding sites in Tenasserim Division, who are likely to be the most frequently displaced of IDPs in eastern Burma, has not yet been consolidated into the database. There was also no data collected from Shan state. While limited by inconsistencies and incomplete data collection and entry practices, the data does provide a few preliminary indicators of the vulnerability of internally displaced persons in eastern Burma.

A population pyramid representing proportions of the male and female populations in five year age brackets is reproduced in Chart 1. While 33% of Burma's population is under 15 years, the internally displaced population density in this age range is much higher at 41%. Conversely, the proportion of the internally displaced population over 65 years old is just 2.6% which is almost half the national rate of 4.6%. The high proportion of children and low proportion of elderly in Burma's internally displaced population is comparable to age distributions in the world's least developed nations in Sub-Saharan Africa.<sup>20</sup>

Another aspect of social vulnerability is represented in the frequency of household displacement across different townships, as represented in Chart 2. The survey suggests that the average internally displaced household had to move 3 times in the previous year. Paan recorded the highest township average for household displacement, but this statistic was

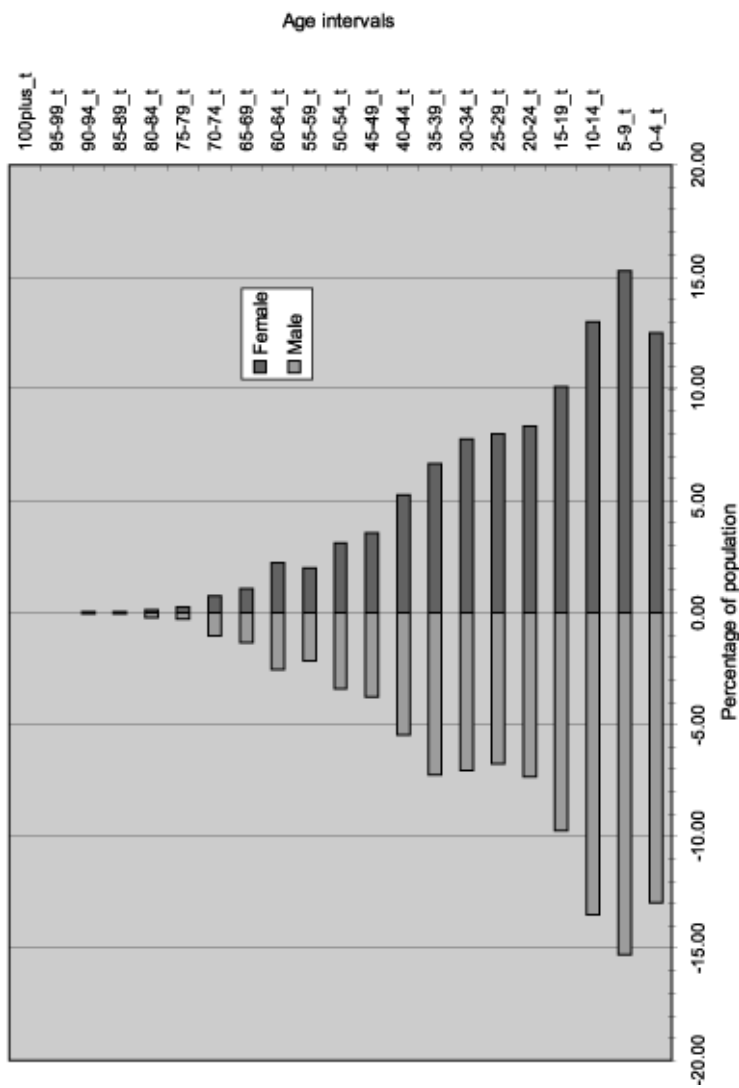
<sup>17</sup> Burmese Border Consortium, 2002, "Internally Displaced People and Relocation Sites in Eastern Burma", Bangkok. [www.burmalibrary.org/show.php?cat=392&lo=d&sl=0](http://www.burmalibrary.org/show.php?cat=392&lo=d&sl=0)

<sup>18</sup> U Mya Than, Myanmar Permanent Representative to the UN, 28/3/02, "Statement on the Oral Presentation by Professor Pinheiro", 58th Session of the UN Commission on Human Rights, Agenda Item 9.

<sup>19</sup> The participating agencies were the Committee for Internally Displaced Karen Persons, Mon Relief and Development Committee, Karenni Social Welfare Committee and Karen Office of Relief and Development.

<sup>20</sup> UNDP, 2001, "Human Development Indicators", Human Development Report, Oxford UP, New York p 156.

Chart 1 : IDP Population profile



based on a smaller sample size than any other township and should be treated with caution. Apart from this, the four adjacent townships of Bilin, Shwegyin, Kyaukgyi and Thandaung recorded the highest displacement frequencies. These high measures of vulnerability are explained by the greater intensity of SPDC militarisation in townships closer to central Burma and 100 kilometers from the border.

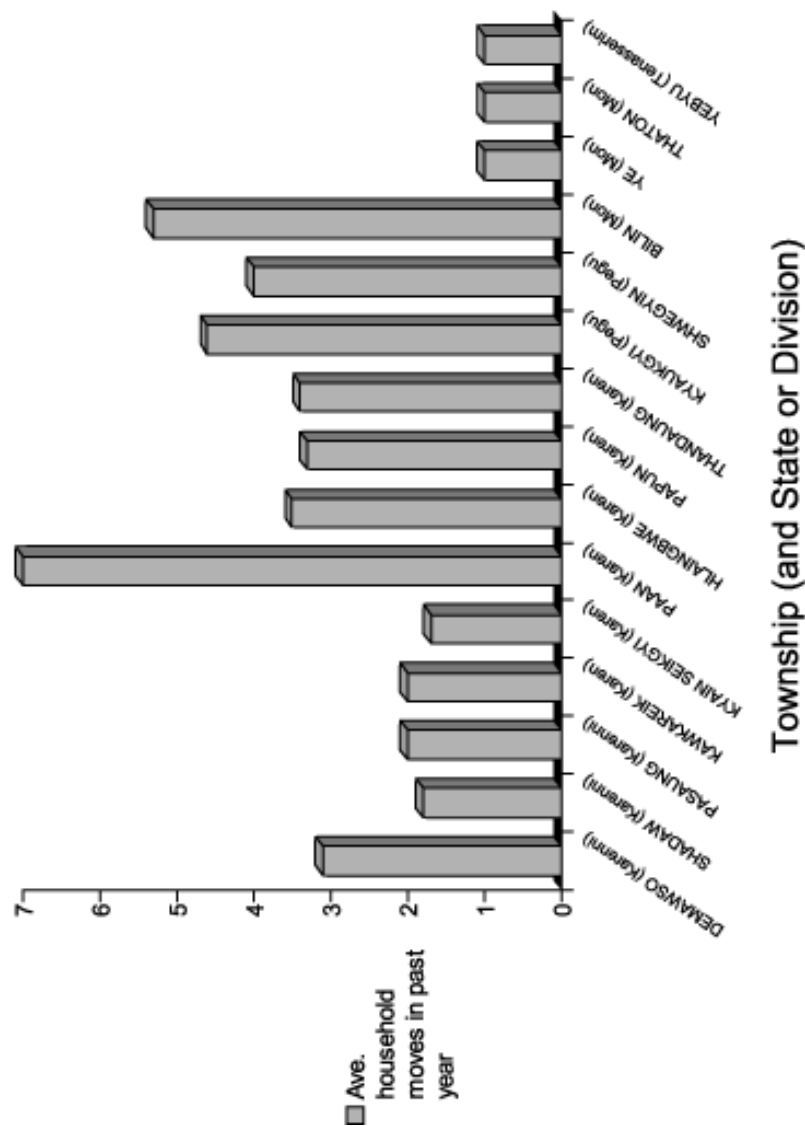
The impact of ongoing low-intensity armed conflict on the food security of internally displaced persons has also been assessed by indigenous humanitarian and human rights agencies.<sup>21</sup> This has focused on the amount of paddy fields, barns and baskets that were destroyed or confiscated by the military government, and the number of villages affected, during 2002. “Destruction of paddy” was limited in this research to fields, barns and baskets that were burnt, slashed or uprooted by the SPDC. Paddy fields that were ruined as a result of villagers abandoning their crops when SPDC troop patrols passed their fields were thus excluded. “Confiscation of paddy” excluded the state’s compulsory procurement of paddy below market prices.

Available data was, in the majority of cases, verified with the affected village leaders. However, given that the information was collected from war zones, it is incomplete and approximate. As it was necessary to estimate the amount of paddy destroyed in fields which had not yet been harvested, conservative averages of 20 baskets (640 kilograms) of paddy per acre were used. Similarly, estimates of the amount of paddy destroyed in barns were calculated using an average of 30 baskets (920 kilograms) of paddy per barn.

The survey suggests that approximately 250 temporary settlements of internally displaced persons in eastern Burma had their rice paddy destroyed or confiscated by the military government in 2002. Paddy that is known to have been destroyed or confiscated is estimated to have amounted to over 3,600 metric tonnes in weight. The results suggest that food supplies were most widely destroyed as an act of war in northern Karen state’s Papun township and eastern Pegu Division’s Shwegyin township. Settlements affected by the destruction and confiscation of crops in 2002 are spatially represented in Map 2.

<sup>21</sup> Specifically, the Committee for Internally Displaced Karen Persons, Mon Relief & Development Committee, Karenni Social Welfare Committee, Karen Office of Relief & Development, & Shan Human Rights Foundation.

## Chart 2 : Household Displacement Frequency





Map 2 :

Paddy Destroyed or Confiscated  
by SPDC in 2002

State or Division	Settlements Affected	Estimated Amount (tonnes)
Tenasserim	20	35
Mon	47	60
Karen	98	2,200
Karenni	16	200
Pegu	52	1,170
Shan	15	not available
<b>Total</b>	<b>248</b>	<b>3,665</b>

Notes for estimations of destroyed paddy :

Estimated average for 1 acre = 20 baskets (640kg)

Estimated average for 1 barn = 30 baskets (920kg)

MAP KEY	
•	Affected settlements
Ye •	Affected townships' centers
---	State & Division borders
—	International border
Mae Sot •	Nearby towns in Thailand



# APPENDICES

## "Sifting Rice"

Karen State, 2003, CIDKP



## "IDP meeting"

Shan state, 2003, SRC



# APPENDIX 1

## BURMA'S INTERNATIONAL OBLIGATIONS AND COMMITMENTS

Fulfillment of the right to food, like any other human right, depends upon the State accepting the obligations to respect, to protect and to fulfill that right. To respect the right to food, states are obliged not to prevent access to existing food supplies through direct violations of the right. The obligation to protect requires the state to ensure that individuals and communities are not deprived of their access to food by a third party. Fulfillment relates to the state's responsibility to pro-actively strengthen people's access to their rights in the long term, as well as to provide aid for survivors of natural and complex emergencies with insufficient means at their disposal in the short term.<sup>22</sup>

International human rights law relating in general to economic, social and cultural rights obliges each state to "take steps ... to the maximum of its available resources, with a view to achieving progressively the full realisation of rights."<sup>23</sup> This recognises that states will generally not be able to eradicate poverty in a short period due to resource shortages. However states are required to demonstrate that every effort has been made with all available resources to improve the accessibility of economic, social and cultural rights such as the right to food.

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<sup>22</sup> UN CESCR, 1999, "The Right to Adequate Food", General Comment 12, Paragraph 15. [www.unhcr.ch/tbs/doc.nsf](http://www.unhcr.ch/tbs/doc.nsf) under "General Comment 12"

<sup>23</sup> International Covenant on Economic, Social and Cultural Rights, 1966, Article 2, UN General Assembly Resolution 2200A (XXI), 16 December 1966, [www.unhcr.ch/html/intlist.htm](http://www.unhcr.ch/html/intlist.htm) under "Bill of Rights"

While Burma is not a party to five of the seven international human rights laws, it has ratified the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination Against Women. Burma has also formally acceded to international humanitarian law by ratifying the four Geneva Conventions although the state has not signed the two additional Protocols. The military government of Burma has thus explicitly recognised the following general obligations towards the rights of women and children within its territory, as well as all civilians in areas of armed conflict.

- *“States parties shall take ... all appropriate measures, including legislation, ... for the purpose of guaranteeing (women) the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”*<sup>24</sup>
- *“States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of (children’s) rights... to the maximum extent of their available resources”*<sup>25</sup>
- *“...persons taking no active part in hostilities ...shall in all circumstances be treated humanely”*<sup>26</sup>

More specifically related with the right to food, the State Peace and Development Council (SPDC) has categorically recognised its responsibilities towards women, children and non-combatants in conflict areas through the following obligations.

- *“(The state) shall take appropriate measures ... to combat disease and malnutrition ... through the provision of adequate and nutritious foods”*<sup>27</sup>
- *“States Parties shall take all appropriate measures... to ensure, on a basis of equality of men and women, that (women) participate in and benefit from rural development”*<sup>28</sup>

<sup>24</sup> Convention on the Elimination of all forms of Discrimination Against Women, Article 3, UN General Assembly Resolution 34/180, 18 December 1979, [www.unhchr.ch/html/intlist.htm](http://www.unhchr.ch/html/intlist.htm) under “Women’s Rights”

<sup>25</sup> Convention of the Rights of the Child, Article 4, UN General Assembly Resolution 44/25, 20 November 1989, [www.unhchr.ch/html/intlist.htm](http://www.unhchr.ch/html/intlist.htm) under “Children’s Rights”

<sup>26</sup> Geneva Convention (I – IV), 1949, Common Article 3, Adopted by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, 12 August 1949. [www.unhchr.ch/html/intlist.htm](http://www.unhchr.ch/html/intlist.htm)

Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked members of the Armed Forces at Sea; Geneva Convention (III) Relative to the Treatment of Prisoners of War; and Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War.

<sup>27</sup> Convention of the Rights of the Child, Article 24 (2), UN General Assembly Resolution 44/25, 20 November 1989, [www.unhchr.ch/html/intlist.htm](http://www.unhchr.ch/html/intlist.htm) under “Children’s Rights”

<sup>28</sup> Convention on the Elimination of all forms of Discrimination Against Women, Article 14 (2), UN General Assembly Resolution 34/180, 18 December 1979, [www.unhchr.ch/html/intlist.htm](http://www.unhchr.ch/html/intlist.htm) under “Women’s Rights”

- *“(The state) ...shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases”<sup>29</sup>*
- *“Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies... Internees who work shall receive additional rations”<sup>30</sup>*
- *“...(if) the population of an occupied territory is inadequately supplied, the occupying power shall agree to relief schemes ... and shall facilitate them by all the means at its disposal. Such schemes ... shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.”<sup>31</sup>*

Outside of international law, Burma's military government also pledged its political will to support the World Food Summit's Plan of Action in 1996. This international commitment to reduce global hunger in half by 2015, at an average rate of more than 22 million people per year, was reaffirmed in the United Nations Millenium Development Goals.<sup>32</sup> To achieve this aim, state representatives including the SPDC endorsed a range of political commitments and objectives. The most fundamental commitment was to ensure an enabling environment for durable peace and poverty eradication, and the primary objective towards this end was :

*“To prevent and resolve conflicts peacefully and create a stable political environment, through respect for all human rights and fundamental freedoms, democracy, a transparent and effective legal framework, transparent and accountable governance and administration... and equal participation of all people, at all levels, in decisions and actions that effect their food security.”<sup>33</sup>*

At the same time as pledging to such grand political commitments, the international community was strengthening the means of enforcing humanitarian law. The military government of Burma, however, is not one of the 120 states that ratified the creation of the International Criminal Court nor

<sup>29</sup> Geneva Convention (IV), Article 23

<sup>30</sup> Geneva Convention (IV), Article 89

<sup>31</sup> Geneva Convention (IV), Article 59

<sup>32</sup> Declaration of the World Food Summit : Five Years Later, Article 1, Rome, 2002.  
[www.fao.org/worldfoodsummit/english/index.html](http://www.fao.org/worldfoodsummit/english/index.html)

<sup>33</sup> Declaration on World Food Security, Objective 1.1, World Food Summit, Rome, 1996.  
[www.fao.org/wfs/index\\_en.htm](http://www.fao.org/wfs/index_en.htm)

these provisions in its statute relating to gross deprivations of the right to food in war time.

- *“(A) crime against humanity ... (includes) the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population”*<sup>34</sup>
- *“(War crimes include)... using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival...”*<sup>35</sup>



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<sup>34</sup> Rome Statute of the International Criminal Court, 1998, Article 7. [www.un.org/law/icc/statute/romefra.htm](http://www.un.org/law/icc/statute/romefra.htm)

<sup>35</sup> Rome Statute of the International Criminal Court, 1998, Article 8(2)(a). [www.un.org/law/icc/statute/romefra.htm](http://www.un.org/law/icc/statute/romefra.htm)

# APPENDIX 2

## BURMA'S NATIONAL LEGAL FRAMEWORK

The SPDC governs Burma in the absence of a parliament and constitution, which were both abolished on 18 September 1988. While the military government has widely used its powers to promulgate, amend and revoke laws, these changes to legislation have not been published.<sup>36</sup> The state's legal framework is constituted by a hidden mix of laws from the colonial period prior to 1948, the democratic-socialist era before 1962, the Revolutionary Council's military rule until 1974, Burma Socialist Program Party's autocratic rule to 1988 and military rule since then. Military interference in the judicial process of political cases has been widely reported to include torture during interrogation and the prior determination of verdicts and sentences for judges to read out in court.<sup>37</sup> If the rule of law and administration of justice has not completely collapsed, the inconsistencies in its application are at least of grave concern.

Laws repressing civil and political rights include the criminalisation of the right to expression,<sup>38</sup> suppression of the right to peaceful association,<sup>39</sup> legalisation of detention without charge for up to five years,<sup>40</sup> and the

<sup>36</sup> Article XIX, 1996, *Burma Beyond the Law*, London, pp 3-4;

<sup>37</sup> Amnesty International, 2003, *Myanmar : Justice on Trial*, London, p 30

<sup>38</sup> 1962 Printers and Publishers Registration Law;

1996, "The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and Successful Performance of the Functions of the National Convention against Disturbances and Oppositions" (Law No 5/96)

<sup>39</sup> 1988 "Law on Formation of Associations and Organisations" (Law No 6/88); AND 1908, Unlawful Associations Act

<sup>40</sup> 1991 " Amendment to the Law Safeguarding the State from the Danger of Destructionist Elements" (Law No 11/91)

annulment of democratic election results.<sup>41</sup> Vaguely defined national security laws are used to intimidate the non-violent political opposition, while provisions for the death penalty for accomplices to treason are presumably the basis for the counter-insurgency strategy.<sup>42</sup> This “Four-cuts” strategy undermines the ethnic nationalities’ armed opposition’s access to recruits, information, supplies and finances by forcing rural civilians to either relocate away from contested areas or be considered as “rebel sympathisers” liable to be shot on sight. Another “state of emergency” law has been used to detain the democratic opposition leader Daw Aung San Suu Kyi for six years under house arrest in the 1990’s, again under *defacto* house arrest from 2000-02 and at an undisclosed location from 30 May 2003.<sup>43</sup>

More specifically in regards to economic, social and cultural rights such as the right to food, the legal framework significantly expanded during the 1990’s due to the military-government’s market liberalisation. It has been widely recognised, however, that laws enabling the state to determine the livelihoods of subsistence farmers have remained largely intact. At the same time, the benefits of agricultural liberalisation have been primarily directed towards corporate entrepreneurs.<sup>44</sup>

By abolishing the 1974 Constitution, the SLORC also revoked the most explicit legal basis for the state’s ownership of all land, as earlier legislation about nationalisation of land includes a clause recognising the right of farmers to own agricultural land.<sup>45</sup> In practice, however, a collection of laws deprive farmers of their right to secure land tenure. This is restricted by the threat of land confiscation if agricultural land is left fallow, sold or leased;<sup>46</sup> if dues owing to the state are not paid or “state security” is

<sup>41</sup> 1990 SLORC Order 1/90

<sup>42</sup> 1950, “Emergency Provisions Act”, Articles 2, 3 and 4.

<sup>43</sup> 1975, “State Protection Law”, Article 10, (aka “The Law to Protect and Defend the State from the Dangers of those Saboteurs seeking to Destroy it”, People’s Assembly Law No 3, 1975)

<sup>44</sup> The People’s Tribunal on Food Scarcity and Militarization in Burma, 1999, “Voice of a Hungry Nation”, Asian Human Rights Commission, Hong Kong. [www.hrschool.org/tribunal](http://www.hrschool.org/tribunal)

Nancy Hudson-Rodd, Myo Nyunt, Thamin Tun, Sein Htay, 2003 “The Impact of the Confiscation of Land, Labour, Capital Assets and Forced Relocation in Burma by the Military Regime”, Submitted to ILO General Assembly, National Coalition Government of the Union of Burma, 2002, “Burma Human Rights Yearbook : 2001”, Chapter 6 : Deprivation of Livelihoods, [www.burmalibrary.org](http://www.burmalibrary.org) under main library / human rights / right to food

Peter Gutter, 2001, “Environment and Law in Burma” in Legal Issues on Burma Journal, No. 9, pp 1-27

<sup>45</sup> 1953, “Land Nationalisation Act”, Section 38, Part 16.

<sup>46</sup> 1953 Agricultural Lands Act, Sections 9-12

threatened;<sup>47</sup> if the state decides to “lease” the land to someone else;<sup>48</sup> or if the farmer does not fulfill the government’s stipulated crop quota.<sup>49</sup>

The most significant legislative changes related to market liberalisation encouraged private and foreign investment for the exploration, extraction and export of natural resources.<sup>50</sup> These changes reflect the state’s economic policy objectives which refer to developing “agriculture as the base” of a “market-oriented economy”, with the condition that the “initiative to shape the national economy must be kept in the hands of the state”.<sup>51</sup> While the redistribution of up to 5,000 acres of land for 30 years to each commercial investor was legitimised, the state maintained its control over the processing and trade of twelve key natural resources including teak, oil, gas, precious gems and rice paddy.<sup>52</sup> This has been facilitated by a series of environmental laws which focus on procedures for the provision of licenses to foreign companies to work in joint ventures with the state.<sup>53</sup> These laws have included clauses protecting the joint ventures from claims for damages to local property, but lack deterrents against over-exploitation as well as water and air pollution.

While the laws which authorise forced labour were recently amended, the practice remains permissible if the labourers are paid at local rates.<sup>54</sup> There is a provision for punishment by fine or imprisonment for public service personnel found guilty of conscripting forced labour.<sup>55</sup> However, the International Labour Organisation has noted that a mechanism for victims to seek redress is non-existent, that villagers remain largely unaware that such an order has been issued, and that forced labour remains widespread.<sup>56</sup> Current agricultural policy and institutional frameworks reinforce these laws.

<sup>47</sup> 1963 “Protection of the Right to Cultivation Act”

<sup>48</sup> 1963 “Tenancy Act”

<sup>49</sup> 1978 BSPP Notification No. 4/78

<sup>50</sup> 1988 Foreign Investment Law; 1994 Myanmar Citizens Investment Law; SLORC Law no. 1/92 repealed numerous laws for their “incompatibility with market economy”.

<sup>51</sup> As published and broadcast daily in all official media.

<sup>52</sup> 1989 “State-Owned Enterprises Law” (SLORC Law no. 9/89), Chapter 2, Section 3.

<sup>53</sup> 1994 “Myanmar Mines Law” (SLORC Law no. 8/94); 1995 “Myanmar Gems Law” (SLORC Law no 8/95); 1990 “Marine Fisheries Law” (SLORC Law no. 9/90); 1992 “Forest Law” (SLORC Law no. 8/92); 1994 “Protection of Wildlife and Wild Plants and Conservation of Natural Areas Law” (SLORC Law no. 9/94); 1990 “Pesticides Law” (SLORC Law no. 10/90)

<sup>54</sup> 1999, SPDC Order 1/99. (This order amended the 1907 Towns Act and 1907 Village Act)

<sup>55</sup> Penal Code, Section 374

<sup>56</sup> ILO Conference, 2003, “Special Sitting to Examine Developments Concerning the Question of the Observance by the Government of Myanmar of the Force Labour Convention, 1930”, 91<sup>st</sup> Session, p16-7



Agricultural policy aims to expand the area of irrigated land and intensify cultivation through the development of agricultural lands, expansion of irrigation, mechanisation, technological transfer and the utilisation of high yielding seeds.<sup>57</sup> Of concern, however, is that this policy reaffirms the right of the state to confiscate lands from farmers who let their land lie fallow. Further, the state's institutional framework for stipulating quotas and procuring paddy from farmers has been reconstituted in the Commerce Ministry as the Myanmar Agricultural Produce Trading (MAPT) agency. It was recently announced that compulsory paddy procurement would be abolished in the coming year, but this has yet to be implemented.<sup>58</sup>



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<sup>57</sup> 1992 Agriculture Policy, [www.un.org/esa/agenda21/natlinfo/countr/myanmar/index.htm](http://www.un.org/esa/agenda21/natlinfo/countr/myanmar/index.htm)

<sup>58</sup> New Light of Myanmar, "State ends direct purchase of paddy", 24 April 2003

# APPENDIX 3

## ACRONYMS

### National governments, programs and agencies :

SPDC	State Peace and Development Council (1996 – present)
SLORC	State Law and Order Restoration Council (1988 – 1996)
BSPP	Burma Socialist Program Party (1974 –1988)
BAD	Border Area Development
MAPT	Myanmar Agricultural Produce Trading

### Non-Burman ethnic nationality ceasefire parties :

NMSP	New Mon State Party
KNPLF	Karenni National People's Liberation Front
DKBA	Democratic Karen Buddhist Army

### Non-Burman ethnic nationality armed opposition parties :

KNU	Karen National Union
KNPP	Karenni National Progressive Party
RCSS	Restoration Council of Shan State

### International agencies :

UN	United Nations
UNHCHR	United Nations High Commission for Human Rights
UNCESCR	UN Committee on Economic, Social and Cultural Rights
ILO	International Labour Organisation
UNDP	United Nations Development Program

### Others :

IDP	internally displaced person
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## MEASUREMENTS

Weights :	1 <i>pyi</i>	= 2 kilograms	
	8 <i>pyi</i>	= 1 rice tin	= 16 kilograms
	2 rice tins	= 1 basket	= 32 kilograms
	1 large sack	= 3 baskets	= 96 kilograms
	1 metric tonne	= 1,000 kilograms	
Area :	1 acre	= 0.4 hectares	

## CURRENCY EXCHANGE

This report approximates currency conversions at 1,000 *kyat* = US\$1.

The official exchange rate for Burmese currency is pegged at 6.5 *kyat* = US\$1

The informal market value of the currency has fluctuated in 2003 between 850 and 1,150 *kyat* to the US Dollar.

