

## Literature for the SECU Desk Review

Dear Paul, Anne and the SECU team,

We are writing to you to provide you with what we consider to be important documents in your investigation into community complaints of the Ridge to Reef Project. The following documents provide background to the affected community and the political situation in Tanintharyi Region, on the history and design of the project, on the grievances and concerns of the local community with respect to the project, and aspirations and efforts of indigenous communities who are working towards an alternative vision of conservation in Tanintharyi Region.

The documents mentioned in this letter are enclosed in this email. All documents will be made public.

### Background to the affected community

Tanintharyi Region is home to one of the widest expanses of contiguous low to mid elevation evergreen forest in South East Asia, home to a vast variety of vulnerable and endangered flora and fauna species. Indigenous Karen communities have lived within this landscape for generations, managing land and forests under customary tenure systems that have ensured the sustainable use of resources and the protection of key biodiversity, alongside forest based livelihoods.

The region has a long history of armed conflict. The area initially became engulfed in armed conflict in December 1948 when Burmese military forces attacked Karen Defence Organization outposts and set fire to several villages in Palaw Township. Conflict became particularly bad in 1991 and 1997, when heavy attacks were launched by the Burmese military against KNU outposts, displacing around 80,000 people.<sup>1</sup> Throughout the conflict communities experienced many serious human rights abuses, many villages were burnt down, and tens of thousands of people were forced to flee to the Thai border, the forest or to government controlled zones.<sup>2</sup>

Armed conflict came to a halt in 2012 following a bi-lateral ceasefire agreement between the KNU and the Myanmar government, which was subsequently followed by KNU signing of the Nationwide Ceasefire Agreement in 2015. While the ceasefire led to the cessation of armed conflict, communities in the region have experienced a multitude of new problems including a proliferation of land confiscations as a result of land-based investments and the establishment of government conservation areas.<sup>3</sup> This rapid increase in government concessions and forest areas has increased difficulties for communities, who have lost their livelihoods and productive assets, for refugees and IDPs to return to their lands, and for the sustainability of the fragile ceasefire agreement between the KNU and the central Myanmar government.

<sup>1</sup> The Border Consortium (2014)

<sup>2</sup> Karen Human Rights Group

<sup>3</sup> Tarkapaw Youth Group (2014) We used to fear bullets, now we fear bulldozers, Dawei: Myanmar.

Southern Youth et.al (2017) Green Desert: Communities in Tanintharyi Region renounce MSPP palm oil plantation  
Candle Light et.al (2019) Blocking a Bloodline: Communities fear the impact of large-scale dams on the Tanintharyi River.  
CAT (2018), Our Forest Our Life: Protected Areas in Tanintharyi Region must respect the rights of indigenous people

Today indigenous communities are rebuilding their lives and livelihoods after decades of conflict. Communities have been active in reviving traditional conservation methods, and creating new systems to protect their forests from new threats and assert control over their territories in the absence of legal protections and recognition. These community driven conservation methods have shown considerable success, both in conserving and promoting sustainable use of forests in line with community conservation objectives, and in ejecting harmful extractive and agribusiness projects from their lands.

### **Design of the project**

The Ridge to Reef Project was originally proposed in 2014. The project covers a total area of 3.5 million acres, covering 33.5% of the entire land area of Tanintharyi region, including the lands of 224 villages. The project proposes a series of interlinking protected areas and conservation zones across a vast landscape to protect a number of key vulnerable and endangered flora and fauna species.

The project has raised many concerns from Indigenous communities who have not been consulted on the project.<sup>4</sup> Communities fear the impact that the project will have on their land and resource rights, the rights of IDPs and refugees to return to their lands, and on the stability of the peace process.<sup>5</sup> These fears are grounded in experiences of large-scale top-down conservation projects from elsewhere in Tanintharyi Region and throughout the country. These cases have shown how communities have been forced displaced from their lands, have lost access to their resources, have limited the ability of refugees to return to their lands, and have led to further degradation of the environment as concessions are given on formerly community owned and protected land by the government. These impacts have also been experienced by Indigenous communities elsewhere in the region and world, such as Karen communities in Thailand.<sup>6</sup>

The Myanmar legal framework has no provisions for the recognition of customary land and forest use and management. In 2012, a wave of new land laws were introduced that formalised land claims under individual farm plots, and categorised large stretches of land as VFV to free up land and forest for private investment, the vast majority of these were in upland areas inhabited by ethnic minorities who were unable to register lands under the legal framework.<sup>7</sup> The introduction of the VFV Law has facilitated the confiscation of vast areas of land for development projects, and has also put significant pressure on the peace process.<sup>8</sup> Further, forest and conservation laws mean that communities have no way of fully recognising their tenure claims. Nationwide campaigns against the VFV Law and the BCPA Law have taken hold, with communities from around the country calling for the recognition, security and return of their customary tenure claims and for repressive laws to be repealed.<sup>9</sup>

<sup>4</sup> We understand that a total of 23 Karen people were interviewed across the whole project landscape in the development of the project. 170 people from 14 villages were interviewed in total – (source: Annex 13: list of people interviewed).

<sup>5</sup> Please see original complaint: <https://www.iccaconsortium.org/index.php/2018/07/13/stop-the-ridge-to-reef-project-in-burma-myanmar/>

<sup>6</sup> <https://www.reuters.com/article/us-thailand-landrights-court/thai-campaigners-urge-change-to-forest-law-after-indigenous-verdict-idU5KBN1J01SQ>

<sup>7</sup> Woods, et.al, (2016) Political economy of land in Myanmar

<sup>8</sup> Please see statements by the KNU, the TNLA, and the RCSSA with respect to the VFV Law.

<sup>9</sup> Please see civil society statements on the VFV Law and the BCPA Law

## **An Alternative Approach**

An alternative approach to conservation grounded in the rights and self-determination of indigenous communities is already a reality in Tanintharyi Region. Indigenous Karen communities hold close relationships with the forest, and manage natural resources in line with ancestral practices, and have demarcated wildlife, watershed and community managed forests in their territories.<sup>10</sup> Community territories are conserved according to local knowledge, customs and practices, and are inline with community conservation objectives, which prioritise the sustenance of clean water, healthy fish stocks, rich forests, wildlife and herbal medicines and herbs.

Indigenous communities have also had proven success in defending their territories from threats posed by coal mines, gold mining, and palm oil concessions.<sup>11</sup> Conversely there is a long history of harmful agribusiness concessions or mining operations being granted within the boundaries of government Protected Areas.<sup>12</sup> As such, many areas of key ecological importance are located within the territories of Indigenous communities, who manage and conserve their resources, and protect their territories from outside threats.

Areas of ecological significance that are governed by local and Indigenous communities areas are now commonly referred to as indigenous and local community conserved areas (ICCAs).<sup>13</sup> This alternative approach to conservation has gained considerable traction in recent years, as vital role of indigenous people in protecting biodiversity is now widely acknowledged. The paradigm shift has been acknowledged by a vast majority of conservation organisations, and ICCAs are recognised by the IUCN and in the Convention on Biodiversity (CBD). Despite this paradigm shift, both Myanmar law and the international conservation organisations that operate within it have yet to follow suit. Indigenous communities throughout Myanmar are calling for the international organisations and the government in Myanmar to respect their land and resource rights and practices.<sup>14</sup>

<sup>10</sup> TRIPNET (2018) Growing up with the forest

<sup>11</sup> TRIPNET (2016) We will manage our own resources; Southern Youth (tbc), Forest Defenders of Tanawthari, Myanmar: Myeik; Tarkapaw (2016) We used to fear bullets, now we fear bulldozers: Myanmar: Dawei.

<sup>12</sup> KDNG (2008) Tyrants, tycoons and tigers: Yuzana company ravages Burma's Hukawng Valley. Kachin: Myanmar.

<sup>13</sup> <https://www.iccaconsortium.org/> - A Myanmar ICCA Working Group has also now been formed, which links with the international consortium. Information can be found about this group here:

<https://www.iccaconsortium.org/index.php/2019/06/17/myanmar-icca-working-group-grows-stronger-and-plans-further-actions/>

<sup>14</sup> See BCPA Law Statement released by the Myanmar ICCA Working Group

**CAT would like to draw your attention to the following reports and articles:**

**Background to Affected Community**

The Border Consortium	TBC – 2014 IDP report
Karen Human Rights Group	<a href="http://khrgh.org/1997/08/khrgh9709/free-fire-zones-southern-tenasserim-1">http://khrgh.org/1997/08/khrgh9709/free-fire-zones-southern-tenasserim-1</a> South, A. and K. Jolliffe (2015). "Forced Migration: Typology and Local Agency in Southeast Myanmar." <u>Contemporary Southeast Asia</u> <b>37</b> (2): 211-241.
Kevin Woods	Woods, K. M. (2019). "Green Territoriality: Conservation as State Territorialization in a Resource Frontier." <u>Human Ecology</u> .
Kevin Malseed	Malseed, K. (2009). "Networks of noncompliance: grassroots resistance and sovereignty in militarised Burma." <u>The Journal of Peasant Studies</u> <b>36</b> (2): 365-391.
Kim Jolliffe – Ceasefires, Governance and Development	Jolliffe, K. (2016). Ceasefires, Governance, and Development: The Karen National Union in Times of Change, The Asia Foundation.
TNI – Developing Disparity	<a href="https://www.tni.org/files/download/tni-2013-burmasborderlands-def-klein-def.pdf">https://www.tni.org/files/download/tni-2013-burmasborderlands-def-klein-def.pdf</a>
Burma Environmental Working Group – Resource Federalism	<a href="https://www.bewg.org/sites/default/files/pdf_report_file/ResourceFederalismWEB0.pdf">https://www.bewg.org/sites/default/files/pdf_report_file/ResourceFederalismWEB0.pdf</a>
Tarkapaw Youth Group, TRIPNET, DDA	We used to fear from bullets, now we run fear bulldozers <a href="http://www.burmapartnership.org/2015/10/we-used-to-fear-bullets-now-we-fear-bulldozers-dirty-coal-mining-by-military-cronies-thai-companies-ban-chaung-dawei-district-myanmar/">http://www.burmapartnership.org/2015/10/we-used-to-fear-bullets-now-we-fear-bulldozers-dirty-coal-mining-by-military-cronies-thai-companies-ban-chaung-dawei-district-myanmar/</a>
Southern Youth, Candle Light, Tarkapaw, TRIPNET, Dawei Development Association	Green Desert: Communities in Tanintharyi Region renounce MSPP Palm Oil Concession <a href="https://progressivevoicemyanmar.org/2017/01/12/green-desert-communities-in-tanintharyi-renounce-the-mspp-oil-palm-concession/">https://progressivevoicemyanmar.org/2017/01/12/green-desert-communities-in-tanintharyi-renounce-the-mspp-oil-palm-concession/</a>

**Design of Project**

CAT (2018) Our Forest, Our Life	Our Forest Our Life is based on several years of research by civil society groups, and highlights the
CAT (2017) Brochures on PPFs and Reserved	The establishment of Public Protected Forests and Reserve Forests have caused considerable problems for

Forests	
Annex 13	This annex shows consultations that were carried out during the design of the project.
The Guardian, (2018)	Article documents conflicts surrounding the Ridge to Reef project. It shows that there was never any intention of conducting FPIC with local communities ahead of the project.
2018 (March) – Meeting minutes	Meeting minutes between CAT members, communities and FFI staff highlight on-going issues with respect to FFI's conservation projects in Tanintharyi Region. It also outlines suggestions for resolutions to issues. (on file)
Kachin Development Networking Group (KDNG)	Experiences from other areas in the country with regards to the establishment of protected areas tell a similar story. The establishment of the Hukawng Valley displaced many indigenous communities and has given large areas of land to agribusiness projects. <a href="http://www.burmalibrary.org/docs09/TyrantsTycoonsandTigers.pdf">http://www.burmalibrary.org/docs09/TyrantsTycoonsandTigers.pdf</a>
Rawang youth groups – tears from beyond the icy mountain	Tears from beyond the icy mountain <a href="https://www.youtube.com/watch?v=neNVGS7R6ts&amp;t=85s">https://www.youtube.com/watch?v=neNVGS7R6ts&amp;t=85s</a>
Nation-wide Ceasefire Agreement (2015)	The Nation Wide Ceasefire Agreement was signed in 2015. Chapter 22 of the agreement refers to the Interim Arrangements, which agree to coordination over service provision and activities in mixed control territories.
Biodiversity Conservation and Protected Area Law (2018)	Attached in File
ICCA Working Group – Statement on 2018 Biodiversity Conservation and Protected Area Law	Statement sent by the ICCA Working Group in response to the BCPA Law and By-Laws. Sent by the group which had been active in participating in rules and regulations development.  (Attached in file)
2018 VFV Law Amendments	In 2018 the VFV Law Amendments were released
Civil society statement on VFV Law	<a href="https://lioh.org/">https://lioh.org/</a>
Karen Peace Support Network	Burma's Dead End Peace Negotiation Process - KPSN <a href="https://progressivevoicemyanmar.org/wp-content/uploads/2018/07/Eng-Burmas-Dead-End-Peace-Negotiation-Process-KPSN-report-web.pdf">https://progressivevoicemyanmar.org/wp-content/uploads/2018/07/Eng-Burmas-Dead-End-Peace-Negotiation-Process-KPSN-report-web.pdf</a>
	Donald, P. F., P. D. Round, T. Dai We Aung, M. Grindley, R. Steinmetz, N. M. Shwe and G. M. Buchanan (2015). "Social reform and a growing crisis for southern Myanmar's unique forests." <i>Conservation Biology</i> <b>29</b> (5): 1485-1488
	Connette, G. M., P. Oswald, M. K. Thura, K. J. LaJeunesse Connette, M. E. Grindley, M. Songer, G. R. Zug and D. G. Mulcahy (2017). "Rapid forest clearing in a Myanmar proposed national park threatens two newly discovered species of geckos (Gekkonidae: Cyrtodactylus)." <i>PLOS ONE</i> <b>12</b> (4)
	Barbesgaard, M. (2019). "Ocean and land control-grabbing: The political economy of landscape transformation in Northern Tanintharyi, Myanmar." <i>Journal of Rural Studies</i>
Irrawaddy News,	<a href="https://www.irrawaddy.com/news/burma/central-govt-infringing-">https://www.irrawaddy.com/news/burma/central-govt-infringing-</a>

	<a href="http://administration-knu-regions-say-leaders.html">administration-knu-regions-say-leaders.html</a>

### An Alternative Approach to Conservation

TRIPNET (2016) We will manage our own resources	<a href="https://www.iccaconsortium.org/wp-content/uploads/2018/05/We_Will_Manage_Our_Own_Natural_Resources_-_English.pdf">https://www.iccaconsortium.org/wp-content/uploads/2018/05/We_Will_Manage_Our_Own_Natural_Resources_-_English.pdf</a>
Tarkapaw (2018) The knowledge, wisdom and practices of indigenous communities in Ban Chaung	<a href="https://progressivevoicemyanmar.org/2018/05/08/the-wisdom-knowledge-and-customs-of-indigenous-communities-in-ban-chaung/">https://progressivevoicemyanmar.org/2018/05/08/the-wisdom-knowledge-and-customs-of-indigenous-communities-in-ban-chaung/</a>
KESAN (2017) The Salween Peace Park	<a href="https://kesan.asia/salween-peace-park-initiative/">https://kesan.asia/salween-peace-park-initiative/</a>
ICCA Consortium	<a href="https://www.iccaconsortium.org/">https://www.iccaconsortium.org/</a>
Reuters	<a href="https://www.reuters.com/article/us-myanmar-landrights-environment/myanmars-indigenous-people-fight-fortress-conservation-idUSKBN1KR00G">https://www.reuters.com/article/us-myanmar-landrights-environment/myanmars-indigenous-people-fight-fortress-conservation-idUSKBN1KR00G</a>
TRIPNET	Growing up with the Forest: <a href="https://www.pointmyanmar.org/sites/pointmyanmar.org/files/publication_docs/inside_kmt_-_english.pdf">https://www.pointmyanmar.org/sites/pointmyanmar.org/files/publication_docs/inside_kmt_-_english.pdf</a>
TRIPNET	Beyond the forest: overcoming challenges with local ecological knowledge. <a href="https://progressivevoicemyanmar.org/2019/08/09/beyond-the-river-overcoming-challenges-with-indigenous-ecological-knowledge/">https://progressivevoicemyanmar.org/2019/08/09/beyond-the-river-overcoming-challenges-with-indigenous-ecological-knowledge/</a>
Southern Youth (Unpublished)	Forest Defenders: Customary tenure system in Lenya and Monorone – not for distribution (attached in file)