



Intimidation of Karen farmers in a conflict zone

 **East-West Corridor Highway Project**

 Myanmar

 Road

 ADB

In November 2017, Saw Hla Ngwe and his neighbors were driving up a mountain road outside the community of Lun Nya in Karen State, Myanmar, to inspect a limestone quarry when armed guards began firing at them.¹ Ethnic Karen farmers and residents concerned about the quarry's impacts on local water resources had begun to monitor the Lun Nya quarry in October, after excavation ramped up. A colonel in Myanmar's Border Guard Force (BGF) owned the license to mine the pit and had farmed out operations to China Roads and Bridge Corporation (CRBC), the contractor to the Asian Development Bank (ADB)-financed East-West Corridor highway project.² ADB did not approve Lun Nya as a limestone source, although the Lun Nya environmental review documents from 2015 named Lun Nya as the planned quarry for the project.³

In September 2012, just nine months after a fragile ceasefire halted 62 years of fighting between the Karen peoples and the Myanmar government, ADB began reconnaissance visits to finance a highway through the

heart of Karen lands.⁴ The 67-km road upgrade aimed to facilitate the movement of people and goods within the state, country and region, as it connected Myanmar with Thailand and the rest of Southeast Asia. By November 2015, ADB had approved a US\$100 million loan for the project alongside a US\$20 million loan from the ASEAN Infrastructure Fund.⁵

Violence has plagued the East-West Corridor highway since well before ADB became involved. Four months before ADB signed its loan agreement, fighting broke out between Karen soldiers and government troops on a separate section of the highway.⁶ One thousand people from four villages were displaced by fighting between BGF and splinter Karen groups, their homes looted in their absence.⁷

ADB initially labeled the project "complex" and noted a possibility that it could create "internal social conflicts."⁸ The Bank planned to address these issues through a parallel, small-scale Technical Assistance (TA) project that would develop a comprehensive

Myanmar East-West Corridor.





Karen Human Rights Group

BGF filming villagers as they block road.

community engagement strategy. Consultants collaborated with ADB between 2012 and 2015 to identify approaches that would address the political and security nuances of the state.⁹ In a 2015 report they carefully laid out the fears of local populations and the actions needed to allay those fears and ensure conflict-free project development. Strategies included: (1) engaging extensively and repeatedly with affected populations in local languages and safe settings, (2) carefully overseeing implementation by the Ministry of Construction (MoC), and (3) working with local groups, particularly the Karen Human Rights Group (a consortium of civil society groups) and religious leaders to share information and build trust.¹⁰

All told, ADB conducted over 70 consultations along the corridor between March 2014 and July 2018, 24 of them in public spaces. However, only four consultations were held between the TA planning consultations and the finalization of the highway route, leaving the impression that ADB was advancing without heeding its consultants' counsel.¹¹ In formal documents, TA community meetings have been, in some cases, used as a surrogate for engagement, rather than a roadmap. ADB documentation shows that TA community meetings, labeled in the Environmental Examination as preliminary consultations, were relabeled as resettlement consultations in the Resettlement Plan.¹² Consultation protocols were inconsistently applied, with several being brief (30 minutes), and at least one reportedly being accompanied by a police presence.¹³ The Ministry of Construction and CRBC were not carefully monitored, as documented by ADB audits, and CRBC's hiring strategy and procurement approaches did not meet social and environmental standards.¹⁴

CRBC's activity ramped up at the quarry on Lun Nya mountain in mid 2017.¹⁵ By October, village leaders

committed to monitor the mining activity.¹⁶ By November, activists aiming to inspect Lun Nya had been turned back by the guards' warning shots. Saw Hla Ngwe, who led the aborted monitoring mission, directly petitioned the government shortly thereafter.¹⁷ Other villagers coordinated a blockade on the quarry access road in January 2018, and one dug a trench through the haul road to protect his fields from flooding.¹⁸ The quarrying company and government complied with an ADB requirement to renew consultations with the community. However, the people of Lun Nya rejected Col. Chit Thu's offer to pay just under US\$200,000 for the stone.¹⁹ In response, he told villagers that, while he wished to address their suffering, "the government will continue to carry out its project."²⁰

Then came the government crackdown. Saw Hla Ngwe was removed as village administrator in April 2018, reportedly for refusing to take legal action against the residents who damaged a road leading to the quarry. He was also charged with insubordination under the Village-Tract Administration Law.²¹ In a May 12, 2018 meeting with the government, the chief minister for the Karen region told residents they had no right to protest a government-sponsored project, calling them "renegades."²² In total, 11 farmers have been hit with lawsuits from the government, some carrying five-year prison sentences, for their efforts to safeguard the livelihoods and water resources of Lun Nya.²³

Since being alerted to the problems with the Lun Nya quarry, ADB has taken several positive actions to address residents' concerns. ADB has informed its contractor that limestone from Lun Nya is not to be used for the project, and it has compelled the government to engage with Lun Nya residents.²⁴

By September 2018, the project proponent had reportedly identified an alternative source of limestone.²⁵ Col. Chit Thu is reportedly overseeing this quarry, as he oversaw Lun Nya's. However, this deposit is located in Hpapun, the remote northern district of Karen state, which remains highly militarized and inaccessible to civil society groups.²⁶ No consultations have been publicly logged by ADB in this area. Activists think it unlikely that human rights defenders will be active in the conflict-affected zone, thus risks to rightsholders are more likely to go unreported.²⁷ With the Karen peace agreement fraying, there is cause for concern.

In late 2018 ADB advertised and filled a post for a Consultation and Participation Specialist.²⁸ It is hoped that this person will promptly visit the new limestone quarry and promote active engagement with residents.

Endnotes

- 1 Karen Information Center, "Karen Youth Group Claims they were Shot at While Inspecting Rock Quarries," BNI Online, November 20, 2017, <https://www.bnionline.net/en/news/karen-youth-group-claims-they-were-shot-while-inspecting-rock-quarries>.
- 2 Su Myat Mon, "Sackings, secrecy and a surprise visit: a quarry dispute turns nasty in Kayin State", Frontier Myanmar, May 4, 2018, <https://frontiermyanmar.net/en/sackings-secrecy-and-a-surprise-visit-a-quarry-dispute-turns-nasty-in-kayin-state>.
- 3 Initial Environmental Examination, Greater Mekong Subregion East-West Economic Corridor Eindu to Kawkaeik Road Improvement Project, p. 76, Asian Development Bank (2015), <https://www.adb.org/sites/default/files/project-document/161971/46422-003-iee-01.pdf>
- 4 "The Republic of the Union of Myanmar: Greater Mekong Subregion East-West Economic Corridor Eindu to Kawkaeik Road Improvement," Asian Development Bank, February 2013, <https://www.adb.org/sites/default/files/project-document/76022/46422-001-mya-cp.pdf>.
- 5 Myanmar: Greater Mekong Subregion East-West Economic Corridor Eindu to Kawkaeik Road Improvement, Project No. 46422-001, Asian Development Bank, Approved: February 21, 2013, <https://www.adb.org/projects/46422-001/main>; Myanmar: Maximizing Transport Benefits through Community Engagement Project, Project No. 46422-002, Asian Development Bank, Approved: December 21, 2012, <https://www.adb.org/projects/46422-002/main>; Myanmar: Greater Mekong Subregion East-West Economic Corridor Eindu to Kawkaeik Road Improvement Project, Project No. 46422-003, Asian Development Bank, Approved: November 10, 2015, <https://www.adb.org/projects/46422-003/main#project-pds>.
- 6 "Beautiful Words, Ugly Actions: the Asian Highway in Karen State," Karen Human Rights Group, August 2016, http://www.khrg.org/sites/default/files/beautiful_words_ugly_actions_-_english_for_web.pdf.
- 7 "Asian Highway project undermines peace in Karen State," Karen Peace Support Network (KPSN), July 20, 2015, http://themimu.info/sites/themimu.info/files/documents/Report_Asian_Highway_Statement_KPSN_10Jul2015.pdf; Sa Issue, "KPSN: Asia Highway fighting damages peace," Karen News, July 17, 2015, <http://karennews.org/2015/07/kpsn-asia-highway-fighting-damages-peace>.
- 8 "The Republic of the Union of Myanmar: Greater Mekong Subregion East-West Economic Corridor Eindu to Kawkaeik Road Improvement," Asian Development Bank, February 2013, <https://www.adb.org/sites/default/files/project-document/76022/46422-001-mya-cp.pdf>; Risk Assessment and Risk Management Plan, Greater Mekong Subregion East-West Economic Corridor Eindu to Kawkaeik Road Improvement Project, Asian Development Bank, <https://www.adb.org/sites/default/files/linked-documents/46422-003-ra.pdf>.
- 9 "Republic of the Union of Myanmar: Maximizing Transport Benefits Through Community Engagement," Asian Development Bank, October 2014, <https://www.adb.org/sites/default/files/project-document/182247/46422-002-tacr-01.pdf>.
- 10 Completion Report, "Myanmar: Maximizing Transport Benefits through Community Engagement," Asian Development Bank (2017), <https://www.adb.org/sites/default/files/project-documents/46422/46422-002-tcr-en.pdf>.
- 11 These were located in Lun Nya, Durein and TaDaU. A fourth was conducted in a private home. All these consultations reportedly occurred on the same day, which would pose a challenge, both in terms of scheduling meetings and arriving at each site for meaningful engagement. Resettlement and Ethnic Group Development Plan, p. 41, Asian Development Bank, June 2015, <https://www.adb.org/sites/default/files/project-document/161990/46422-003-remdp-01-20150720.pdf>
- 12 Initial Environmental Examination, Asian Development Bank, May 2015, <https://www.adb.org/sites/default/files/project-document/161971/46422-003-iee-01.pdf>; Resettlement and Ethnic Group Development Plan, Asian Development Bank, June 2015, <https://www.adb.org/sites/default/files/project-document/161990/46422-003-remdp-01-20150720.pdf>.
- 13 ADB confirmed protocol breaches in an October 23, 2018 interview. There is no indication that consultations were advertised or attended by diverse stakeholders; one consultation log shows that a class of schoolchildren dropped by after classes and were counted as participants. Initial Environmental Examination for the Greater Mekong Subregion East-West Economic Corridor Eindu to Kawkaeik Road Improvement Project, Appendix 2, Asian Development Bank, May 2015, <https://www.adb.org/sites/default/files/project-document/161971/46422-003-iee-01.pdf>; "Beautiful Words, Ugly Actions: the Asian Highway in Karen State," p. 20, Karen Human Rights Group, August 2016, http://www.khrg.org/sites/default/files/beautiful_words_ugly_actions_-_english_for_web.pdf.
- 14 Project Procurement-related Review, Case of loans to the Greater Mekong Subregion East-West Corridor Eindu to Kawkaeik Road Improvement Project, Office of Anticorruption and Integrity (2017), <https://www.adb.org/sites/default/files/linked-documents/46422-003-ra.pdf>; Corroborating ADB's audit reports, community members reported that consultations assigned to CRBC and the Government of Myanmar were either not conducted or not conducted thoroughly: "Beautiful Words, Ugly Actions: the Asian Highway in Karen State," Karen Human Rights Group, August 2016, http://www.khrg.org/sites/default/files/beautiful_words_ugly_actions_-_english_for_web.pdf.

15 Initial Environmental Examination, Greater Mekong Subregion East-West Economic Corridor Eindu to Kawkaeik Road Improvement Project, Asian Development Bank (2015), <https://www.adb.org/sites/default/files/project-document/161971/46422-003-iee-01.pdf>.

16 One of those villages, Mi Kayin, is home to a second facility owned by BGF Colonel Chit Thu. This facility, a cement factory, has been the source of protest for its environmental emissions. No ADB documents indicate where the project will source its cement. If cement is sourced from Col. Chit Thu's cement factory, additional environmental and human rights concerns may arise, Karen Information Center, "Karen villagers oppose cement plant backed by local BGD Chief Colonel Chit Thu," BNI Multimedia Group, April 4, 2016, <https://www.bnionline.net/en/news/karen-state/item/1518-karen-villagers-oppose-cement-plant-backed-by-local-bgf-chief-colonel-chit-thu.html>; Saw Khar Su Nyar, "Network Established to Protect Four Mountains in Karen, Mon States," Burma Link, October 28, 2017, <https://www.burmalink.org/network-established-protect-four-mountains-karen-mon-states>.

17 Nan Way Phyo Zar, "Karen villagers petition the quarrying of Lun Nya Mountain," Karen News, November 28, 2017, <http://karennews.org/2017/11/karen-villagers-petition-the-quarrying-of-lun-nya-mountain>.

18 Nan Wai Phyo Zar, "Local residents block farm road to Lun-Nya Mountain," Karen News, January 9, 2018, <http://karennews.org/2018/01/local-residents-block-farm-road-to-lun-nya-mountain>.

19 The colonel offered 2,000 kyat (US\$ 1.50) per unit of limestone, with a contract to extract 130,000 units. Nan Wai Phyo Zar, "Residents demand Chit Linn Myaing Quarry Company to leave after extracting all permitted stones," BNI Online, May 4, 2018, <https://www.bnionline.net/en/news/residents-demand-chit-linn-myaing-quarry-company-leave-after-extracting-all-permitted-stones>.

20 Ibid.

21 Su Myat Mon, "Sackings, secrecy and a surprise visit: a quarry dispute turns nasty in Kayin State," Frontier Myanmar, 2018, <https://frontiermyanmar.net/en/sackings-secrecy-and-a-surprise-visit-a-quarry-dispute-turns-nasty-in-kayin-state>.

22 Su Myat Mon, "Kayin chief minister loses cool over quarry as ADB cuts payments," Frontier Myanmar, May 19, 2018, <https://frontiermyanmar.net/en/kayin-chief-minister-loses-cool-over-quarry-as-adb-cuts-payments>; Win Nandar, "Karen chief minister vows to back farmers but rejects quarry concerns," Myanmar Now, May 15, 2018, <http://cms.myanmar-now.org/news/i/?id=ee047587-0ba2-4f8c-949f-919329b99e03>.

23 Win Nandar, "Karen chief minister vows to back farmers but rejects quarry concerns," Myanmar Now, May 15, 2018, <http://cms.myanmar-now.org/news/i/?id=ee047587-0ba2-4f8c-949f-919329b99e03>.

24 ADB response to request for comment, September 21, 2018.

25 Interview of Alex Thuebee Htoo (Karen Environmental and Social Action Network), by Kendyl Salcito (Nomogaia), October 2, 2018.

26 Ibid.

27 Ibid.

28 Interview of ADB personnel by Kendyl Salcito (Nomogaia), October 23, 2018.