



“CONFLICT RUBBER” AND LAND RIGHTS IN SOUTHEASTERN MYANMAR

By **Kevin Woods**, **Naomi Basik Treanor**, and **Mike Dwyer**

In the northern Tanintharyi (Tenasserim) Region of southeastern Myanmar, after decades of war, rubber expansion is aggravating tenure insecurity and ethnic political conflict, ultimately undermining peacebuilding and security. Since the main Mon and Karen (Kayin) rebel groups signed ceasefires with the Myanmar military in 2012, rubber production has expanded southward from its epicenter in Mon State by ethnic Mon businessmen. These businessmen, and retired Mon rebel officers, have sought to establish rubber plantations, averaging between 10 and 25 acres (“large-holders”) in neighboring states due to the closing of Mon State’s own land frontier. However, this expansion into Tanintharyi Region during the ceasefire, but before any resolution of the armed conflict, has further fueled land-based conflict between the Mon and Karen in northern Tanintharyi Region. This threatens to limit the return of Karen internally displaced persons (IDPs) and refugees to their original village lands.

Between 2015 and 2016, Forest Trends and two field researchers (one Karen, one Mon) studied nine villages in northern Tanintharyi Region to explore the phenomenon of “conflict rubber” – the intersection of rubber production and armed conflict dynamics. This paper summarizes our findings.



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Introduction

The Myanmar government has identified the production of natural rubber (latex) as a strategic priority for development, hoping to create a more enabling environment for the country to match the success of its neighbor, Thailand, which has become the world’s largest rubber exporter. Although historically lagging behind neighboring Mekong countries due to decades of war and authoritarian rule, the sector has taken off significantly in the last decade. By 2016, Myanmar boasted nearly 1.7 million acres of rubber plantations, more than triple the area planted a decade earlier (MOALI, 2016).

The role of large-scale agricultural concessions and forced displacement in Myanmar has received much attention, yet with little attentiveness to smaller-scale modes of production and its role in forms of dispossession (Woods, 2020). Large-scale rubber expansion in the north over the past decade and its entanglements with paramilitaries and Chinese investors as part of a Sino-Myanmar opium substitution program has been studied (Kramer and Woods, 2012; Woods, 2018), but the southeast – as the historic heart of the country’s rubber sector – has been neglected by research. In recent years, the Tanintharyi Region, just south of Mon State and bordering Thailand, has become the second largest rubber-producing area in the country (after Mon State), with over 300,000 acres officially planted (MOALI, 2016). Over 90 percent of rubber plantations in the southeast are less than 20 acres in size, with over a third under five acres, unlike those in the north, which are predominately private concessions on a much larger scale (Woods, 2018).



Independent small-scale crop production is generally viewed by many in the development sector as a positive alternative to both large-scale concessions and various contract farming schemes, both of which have been shown to be often associated with “land grabbing” (Woods, 2016; Dwyer and Basik Treanor, 2017; Chan et al., 2020). However, small-scale production can also be implicated in land grabbing dynamics in certain contexts, especially when it occurs in the midst of a ceasefire with unresolved political conflict, rampant corruption and inequality, and high levels of land tenure insecurity.

This paper demonstrates, through field research and analysis, how the production of rubber in contested ethnic territories 1) infringes on the customary land tenure rights of marginalized groups who have not had the opportunity to return to their original settlements, and 2) advances the tenure rights and economic opportunities of more powerful stakeholders, often backed by the use or threat of armed force. As Myanmar positions itself as a player in the global rubber market, hoping to diversify its consumer base beyond Asia and elevate its reputation to attract large buyers, closer scrutiny is needed to ensure this expansion is compatible with emerging global standards for sustainable and responsible sourcing of natural rubber.



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Key Messages

- 1 "Land grabbing" and dispossession can result from the expansion of smaller-scale crop production, as well as large concessions.** In northern Tanintharyi Region, after decades of armed conflict, Mon businessmen, some of whom are backed by the New Mon State Party (NMSP) rebel group, have established new rubber plantations, but at a size much smaller than the northern land concessions. These rubber "large-holders"¹ are fueling permanent displacement, often supported by state- or rebel-backed violence.
- 2 In addition, by locking in private land use plantation ownership in former ethnic Karen village sites in Tanintharyi Region, where communities were forced off their lands by the military during the previous period of counterinsurgency, Mon large-holder rubber expansion is making it impossible for Karen communities to re-claim these customary lands.** These new Mon land claims through the establishment of rubber plantations are leading to wider permanent displacement among war-affected Karen villagers. In some cases, the Myanmar state has further legitimized the NMSP in gaining administrative control of previous Karen territory by giving Mon or other non-Karen large-holders official land titles. Rubber expansion therefore has led to greater militarization by both state and rebel groups, all of which increased tenure and human insecurity for Karen communities during a time of purported peacebuilding after decades of war.
- 3 This land conflict dynamic undermines possibilities for post-conflict reconciliation and has pre-empted any attempts at land restitution for these war-affected Karen communities.** In places where Karen villagers can no longer reside, the Karen National Union (KNU) rebel group can no longer operate in or claim authority to the area. In most of the sites studied, Mon large-holders establishing rubber plantations in northern Tanintharyi Region are retired NMSP rebel officials. These territorial and political dynamics have aggravated historical animosity between NMSP and KNU in this area. The rubber plantations have further enabled the NMSP to gain de facto territorial control over a previously KNU controlled area inhabited by Karen villagers.
- 4 The armed conflict dynamics associated with rubber expansion in southeastern Myanmar undermine the rubber sector's ability to comply with the emerging global consensus on "green" natural rubber.** The world's largest international tire corporations and other consumer-facing companies utilizing natural rubber have increasingly made "zero deforestation" and "zero exploitation" commitments, addressing both environmental and social safeguards in their supply chains.² These often include human rights considerations as parallel goals.
- 5 Across the spectrum of corporate commitments to improve rubber sourcing practices, there is little mention of conflict, and no mention of armed conflict.** Of 35 rubber

¹ In this paper, we use the term "large-holder" to identify plantations that are still small (10-25 acres on average) but employ outside labor (rather than household labor) and are owned by wealthy individuals (rather than companies). This is meant to distinguish holdings of this size as a midpoint between peasant households (which come to mind in typical definitions of "smallholders") and large-scale, commercial plantations.

² The largest international tire companies and the year in which their commitments were published are: Michelin (2016), Pirelli (2017), Bridgestone (2017), Goodyear (2018), and Continental (2018)



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company policies reviewed by Forest Trends, more than half have published environmental and social commitments. However, only a third aim to protect land rights, only a handful have detailed processes for addressing land conflicts, and none reference armed conflict specifically. There is considerable interest on behalf of many global rubber buyers to expand sourcing from Myanmar, and Myanmar rubber sector interest in expanding into global markets, but there are considerable risks which must be addressed across the supply chain.

6 International buyers of “green” rubber will need to implement high standards of due diligence and grievance procedures to ensure their purchases do not contribute to armed conflict dynamics in Myanmar. The context in which armed conflict dynamics interact with broader questions of land use and ownership in rubber landscapes signals the need for increased risk assessment, due diligence, and meaningful engagement with suppliers sourcing from conflict-affected areas to ensure adherence to companies’ own sustainability commitments. Individual companies, and ideally, the recently established Global Platform for Sustainable Natural Rubber (GPSNR), should also implement grievance mechanisms to ensure they are held accountable to their own policies and that armed conflict-affected communities have recourse.

Background: History of Conflict in the Southeast

Tanintharyi Region and the wider southeast region in Myanmar has been embroiled in post-independence, ethnic-based armed conflict since the 1960s, much like other areas of the country with sizeable ethnic minority populations. In the northern stretches of Tanintharyi Region, two ethnic-based rebel organizations operate: The New Mon State Party (NMSP) representing the Mon ethnic group, and the Karen National Union (KNU) representing some of the Karen. Tensions have flared over territorial and political disagreements among the two rebel groups.

In the 1990s and 2000s, Myanmar’s national military (the *Tatmadaw*) forcibly pushed Karen and, to a more limited extent, Mon villagers out of northern Tanintharyi. During a major counterinsurgency offensive against the KNU in 1996-97 in this northern area, the *Tatmadaw* attacked Karen communities and rebel posts, sending thousands on the run as internally displaced persons (IDPs) and refugees.³ Other more infrequent attacks occurred throughout the 2000s.



Source: Kevin Woods

Beginning in 1999 through the 2000s, the Myanmar military awarded oil palm concessions predominately in the southern half of Tanintharyi Region to national crony companies, whose familial and business connections to top national military leaders effectively made them the private arm of the military-government. By the mid-2000s, concession acreage, ranging from many thousand acres to a few as large as several hundred thousand, amounted to nearly 2 million acres (Woods,

³ This has been a common tactic used in Myanmar as a way to cut civilians off from their ethnic political and/or armed organizations, and having them relocated to areas firmly controlled by central government forces.



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2015), although some have since been cancelled or are of unknown status. Local military-government officials enforcing national land laws at times compulsorily removed remaining villagers from oil palm concession areas (Tarkapaw et al., 2016); in other cases farmers who negotiated staying had to pay a land use 'fee' to the new private landowner.

Since the KNU signed a bilateral ceasefire in 2012 and became signatory to the multilateral National Ceasefire Accord (NCA) in 2015, some development agencies have sought to prepare Karen villagers to return to their lands from which they were previously displaced by war. The KNU still considers some of these areas, especially the eastern half of the region, as under their authority. Ceasefire conditions have produced a degree of stability that has enabled a limited number of Karen IDPs and refugees to return to their farming settlements and allowed many others to assess their eventual safe return, past and present land grabs – whether large- or small-scale – have jeopardized the potential for land restitution for these communities. This puts Myanmar's fragile peace process at further risk.

Research Findings

Rubber expansion by "large-holders" has resulted in land grabbing

As Mon businessmen found limited land on which to expand rubber production in Mon State, they begun to invest south of their state border into northern Tanintharyi Region. Our field research found that many of these businessmen are retired commanders from the Mon National Liberation Army (MNLA), the armed wing of the Mon rebel organization, Mon National State Party (NMSP). They have been able to use their MNLA connections to at times grab agricultural land that had been formerly inhabited and cultivated by Karen villagers who had been previously been forcibly removed by the government's military in previous years. Under the country's new land and agricultural laws and policies, the Mon rubber businessmen are able to obtain the official land use rights to develop their rubber estates on what the government has since categorized as "wastelands" or "vacant lands." Once the large-holders destroyed the remnants of Karen villagers' old orchards and established the first few rubber plantations, land speculation by other entrepreneurs became commonplace, especially in areas near transportation routes. In these field site cases, large-holder rubber plantations continued to expand with new land deals facilitated by these initial Mon businessmen who got established first.

Karen villagers who had been initially displaced by the military during war discussed how many of them would like to return to their former village lands in cases where they feel it is safe to do so. However, their lands have now been turned into rubber plantations. The KNU had initially designated one of our research field sites as a resettlement site for Karen refugees and IDPs, which now is no longer viable due to the rubber expansion. In this way, the arrival of rubber in northern Tanintharyi Region during the past ten years therefore builds on dispossession trends from previous palm oil expansion and militarization. Oil palm concessions cover 15 percent of Tanintharyi Region's total land area, many of which are located on lands from which Karen communities were forcibly evicted and where KNU held authority (Woods, 2015). While rubber expansion has been spearheaded by large-holders, oil palm expansion is characterized by very large-scale concessions doled out by military leaders to the country's preferred national business leaders.



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To these displaced Karen villagers, rubber plantations managed by Mon businessmen represented a permanent erasure of their land claims and framed it as a continuation of a long history of war and abuses against them.

When explaining the story of rubber expansion during interviews with researchers, Mon rubber businessmen and Karen villagers whose lands became rubber plantations told very different versions of development. Mon rubber businessmen, when narrating to a researcher who identified as Mon and spoke Mon language, attributed their success in establishing rubber plantations in northern Tanintharyi Region to their business acumen, by skillfully locating "open" land, and knowing the right government officials and how to use their MNLA connections to secure the plot. They made no mention, however, of Karen historical claims to the area, or the role of the military activity that took place to "open" the land to outsiders, despite visible remnants of settlements. Instead of acknowledging past Karen presence and the circumstances of their forced departure, the Mon businessmen boasted of their ability to open up a new rubber frontier at low cost.

On the other hand, Karen villagers whose customary agricultural lands became private rubber plots described the dynamics of rubber expansion in a very different manner to our Karen-identifying researcher. To these displaced Karen villagers, rubber plantations managed by Mon businessmen represented a permanent erasure of their land claims and framed it as a continuation of a long history of war and abuses against them. Many of the Karen villagers interviewed professed a strong desire to return to their former village lands since the relative stability after KNU's ceasefire in 2012, especially by those whose resettled lands did not allow for adequate agricultural livelihoods. Since their former lands became Mon rubber estates, however, they expressed a diminished hope for their eventual return or the possibility for land restitution.

Rubber expansion has spearheaded ethnic settlements, armed authority, and state militarization

After rubber plantations were established, Mon rubber tapper migrants oftentimes settled in these areas, reportedly also encouraged by the NMSP, to work on the plantations themselves or engage in other farming activities. This emboldened the NMSP to use the establishment of rubber plantations by Mon businessmen and the influx of Mon rubber tappers and farm workers as a justification to claim authority over what had been claimed as KNU territory. Karen villagers even feared that land mines may have been planted in the vicinity to ward off KNU soldiers. These findings all point to a trend wherein the NMSP has usurped authority away from KNU in these rubber growing areas, making these former Karen lands into Mon political territory.

Rubber expansion has been associated with militarization and counterinsurgency in additional ways. The KNU's 4th Brigade in Tanintharyi Region claims many Karen populated areas under their authority. The state military offensives by the Tatmadaw against KNU's army (KNLA) and Karen villages in Tanintharyi Region over the past several decades have led to depopulating strategic forest areas of Karen villages and subsequently a buildup of Tatmadaw bases in these places over time.

Rubber plantations have been established in the same areas from which Karen villagers had been forcibly removed from as a military strategy against the KNU. In other reported cases, in



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areas more under the full control of the Myanmar government, crony businessmen from Tanintharyi Region with connections to Myanmar’s military institutions also obtained rubber plantations, some of which are larger than 10 acres. According to accounts from Karen villagers, some Tatmadaw officials have also established rubber plantations in former Karen village sites. In one study area, the government granted rubber plots in a designated state forest reserve along the region’s main highway, a strategy that villagers believed was a counterinsurgency tactic to prevent the KNU from ambushing the military from the forested edges of the road.

Implications for Supply Chain Initiatives

The expansion of Myanmar’s rubber sector, in which large- and medium-sized producers are actively seeking access to global markets, is occurring in parallel with a growing global awareness of its potential for negative social and environmental impacts. Beginning in 2016 with Michelin, tire corporations and other buyers (i.e., end users) of natural rubber are increasingly demanding that their products are made with raw material sourced responsibly as well as sustainably. The world’s top five tire corporations have recently released voluntary “zero-deforestation, zero-exploitation” commitments, which now include a broader set of environmental, social, and governance (ESG) safeguards; other companies have since followed suit. The new Global Roundtable for Sustainable Natural Rubber (GPSNR) was also recently established as a membership-based roundtable, with the goal of transforming the rubber industry to better address these more encompassing safeguard measures.



Prior to the release of this briefing, Forest Trends conducted an informal review of 35 companies in the rubber sector in June 2020.⁴ Findings include:

- More than half of the companies reviewed have commitments to address deforestation in their rubber supply chains (17/35), but only a third (10/35) have mentioned how they are monitoring implementation.
- Roughly half (17) committed to Free, Prior, and Informed Consent (FPIC), while only a third (11) committed to no land-grabbing and/or respecting customary tenure rights. Pirelli and Michelin, along with several rubber producers and processors (Royal Lestari Utama, Sampoerna Agro, Siat Group, and Socfin), have policies which mention land conflict. Socfin even tracks land conflict resolutions in its grievance tracker featured on its partner, Earthworm’s, website.
- Yet none mention links to armed conflict, which appears to be much more commonly addressed in the same companies’ policies for conflict minerals (e.g., by Toyo and Continental).

⁴ Our review for this paper relied on relevant company data for 35 rubber producers, processors, traders, and buyers. Companies were identified via two criteria: membership in the GPSNR (<http://www.gpsnr.org/our-members>) and inclusion in the Zoological Society of London’s SPOTT ESG policy transparency assessments (available at <http://spott.org/natural-rubber>; updated November 2019). Further information was gathered via company websites. This is not intended to be a comprehensive review of all companies in the rubber sector, and additional research will be needed to determine the scope and implementation of corporate commitments to sustainable and responsible sourcing. See Annex 1 for a list of companies reviewed.



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- Among companies with published commitments, overall progress reporting has been scarce. Itochu has piloted the use of blockchain to help trace its rubber supplies for one of its subsidiaries, while the Belgian plantation-owner SIPEF reported 100% traceability for its rubber and achieving Rainforest Alliance certification for all of its rubber plantations. Only Pirelli has released a detailed implementation manual and timebound roadmap (Pirelli 2018, 2019), which requires a system to manage complaints and grievances and makes strong reference to conflict prevention and adherence to source country laws, policies, and regulations.
- Most companies – including those with strong social safeguard commitments – have released little detail on whether grievance mechanisms exist, and how they are put into practice. There is pressure on the GPSNR to establish its own grievance mechanism to ensure companies are held accountable to their own commitments and GPSNR membership requirements.

Conclusion

These research findings highlight how large-holder rubber expansion in northern Tanintharyi Region is deeply intertwined with the ethnic-based political dynamics of the area, which has long been marked by armed conflict. Rubber has therefore become a means by which political and economic elites claim contested land and territory caught between rebel groups and the state during ceasefire. Karen told stories of dispossession through the lens of historic armed political conflict, militarization, and state building. This has major implications for human security, tenure security, local livelihoods, peacebuilding, and efforts to ensure social safeguards and good governance in the agricultural sector in Myanmar's politically charged ceasefire context. Our field data analysis problematizes post-war economic development scenarios for cases in which political and economic grievances that have long fueled armed conflict have yet to be properly resolved.

Our research demonstrates the importance of clarifying land use and ownership in countries that are at risk of undergoing, or emerging from, armed conflict, whereby land allocation becomes weaponized and local communities face displacement. Private sector measures could be important tools for affecting sector-wide change in Myanmar's rubber economy, but only if companies sourcing rubber effectively understand, and mitigate against, the inherent risks of purchasing rubber from armed conflict areas. Ultimately, Myanmar's capacity to become a major supplier to global rubber markets may be undermined if these risks are not addressed.

Recommendations

To the Myanmar Government and Rebel Groups:

- Adopt and respect international standards on recognizing local communities' social, political, and land tenure rights' protections in relevant domestic laws and policies, which to date, have enabled large-holders to retain ownership over displaced community lands without their consent.
- Ensure that no land titles or other official recognition of ownership are issued for any commercial agricultural plots with outstanding or contested land claims.



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- Include and follow measures in central government and rebel groups' land policies that recognize and support customary land claims and practices and encourage land restitution processes.
- Adopt principles in line with international standards in the forthcoming rubber sector policy pertaining to land tenure rights' protections.

To Myanmar Civil Society:

- Document how small-scale or large-holder expansion can be associated with dynamics of land grabbing and ways to mitigate these trends.
- Pressure authorities and companies to respect and follow pertinent land laws and policies that uphold tenure rights with the promotion of small-scale agriculture, including types of contract farming. Seek establishment of traceability systems and corporate grievance mechanisms by which problems can be identified and remedied.
- Raise awareness and support local communities who are working to protect their lands from possible future displacement and unwanted outside occupation, as well as assist those currently displaced and seeking to return.

To the Private Sector:

In Myanmar:

- Make government aware that investments are being withheld because of perceived risk of land conflict as well as poor international reputation and auditing of supply chains.
- Respect and follow laws and policies (issued by the Union government and/or rebel groups) that support customary tenure rights, especially with regards to land restitution for communities displaced by armed conflict.
- For the MRPPA (the national rubber business association) and its sub-national branches, avoid buying or marketing rubber whose production is linked to social or political conflict or disregard for local land tenure rights' protections.
- Join the growing number of rubber companies in establishing company-wide responsible sourcing commitments, systems for tracing supply chains, approaches for monitoring land use and tenure, and public grievance mechanism for addressing stakeholder concerns.

International:

- Continue incorporating social, political, and tenure rights considerations into corporate sustainability standards, with specific language regarding land use conflicts and, where appropriate, armed conflict. Once finalized, regularly report quantitative progress towards achieving these commitments.
- As part of corporate commitments, put in place full supply chain traceability systems to identify geographic areas where natural rubber is sourced that may be at risk of armed conflict, and functional grievance mechanisms to provide recourse to affected communities.
- Establish risk assessment/mitigation measures or Due Diligence Systems (DDS) to ensure that rubber sourcing practices in Myanmar or other fragile or conflict-affected countries do



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not infringe upon the rights of marginalized groups, including ethnic minorities and displaced people.

- The GPSNR should develop a standard policy, applicable to all companies as a condition of membership, that take the above recommendations into account.

To the International Community:

- Support the development and implementation of national (Union government) and subnational policies that recognize ethnic rights to forests, land, and other resources to create an enabling environment for smallholder livelihoods.
- Assist smallholders, community-based organizations, and Myanmar civil society in voicing grievances and obtaining legal restitution when rights are violated by agricultural expansion, particularly in conflict-affected areas.
- Understand how agricultural expansion drives deforestation in Myanmar and how this expansion impacts customary land rights, local livelihoods, and efforts to mitigate climate change.
- Advocate for adoption of voluntary and mandatory demand-side measures, including corporate commitments and import regulations in consumer countries, that ensure ESG safeguards and mitigate against land conflict, forced displacement, and land/labor rights violations in rubber supply chains.
- As part of multi-stakeholder efforts to form voluntary sustainability schemes, establish mandatory minimum reporting and performance thresholds for corporate membership in sustainability standards and create grievance mechanisms for publicizing and remedying relevant complaints against members (including membership suspensions).

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Annex 1

List of Rubber Sector Companies Reviewed

Bakrie Sumatera, Bridgestone, FELCRA Berhad Malaysia, Groupe Blattner Elwyn, HAGL Group, Halcyon Agri, Indofood Agri, J.A. WATTIE Tbk., Kirana Megatara, Royal Lestari Utama, Sampoerna Agro, Siat Group, Socfin, Société Internationale de Plantations d'Hévéas (SIPH), Vietnam Rubber Group (VRG), Ford Motors, GM, BMW, TOCHU Corporation, MARDEC, Prashida, SIPEF, Southland Global, Thai Eastern, Michelin SCA, Goodyear Tire and Rubber Co., Continental AG, Sumitomo Rubber Industries Ltd., Pirelli & C SpA, Hankook Tire Co. Ltd., Yokohama Rubber Company, Toyo Tire Rubber Co. Ltd., Cooper Tire & Rubber Company, Nokian Tyres plc, Kumho Tire Company Inc.



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