

**LAMU GA, NHPRANG SHINGRA TARA HPE  
LADAT JAW AI MASA HTE  
GAWNHKANG LU NA MATU MYIT NINGCHYAN  
SHAW HPAJI DAW AI SUMTANG**

— 28-11-2021 —

**Sawk tang madun ai wa,  
Nwawt Naw Awng  
Jinghpaw Wunpawng Bawngring Mahkri Shawn Hpung (KDNG)**

## **GA NHPAW**

Ndai laika sumtang hpe tang madun na mahkrun shaw ya ai, Ningbaw Ningla ni hte seng ang ai Wuhpung Wuhpawng ni hpe chyeju dum ai lam tsun mayu nngai. Ndai sumtang laika a matu shiga jaw, sumla kayat jaw ai hte ra mara galaw garum ai ni hpe yawng chyeju dum nngai. Ndai lai ka sumtang gaw, tinang ta tut galaw nga ai nhprang shingra makawp maga bungli hpe (16) ning tup na mahkrum madup hte ya ta tut byin taw nga ai hpe sawk gyin la nna, tinang hte ni nawn ai ja htu sha ai hpaga hpung ni, jau man ni hkrum shaga, ga san san ningmu kahkyin let ka tawn da ai rai nga ai.

Ndai sumtang laika a yaw shada ai lam gaw, ja htu shaw ai magam bungli masing hpe hparan uphkang lu na matu ladat lawng lam lahkawng rai nga ai. (1) Lam masan hte tara Upadi (Policy & Law) (2) Mungding htung tara (Customery) hku hparan na ladat hpe madung sawk shinggyin hpaji jaw dat nngai. Madung gaw teng man ai mahkrun tam nna, Jinghpaw Wunpawng Mungdan kata hta ja htu ai majaw ginlen ginchya byin wa ai mayak manghkang hpe tara rap ra ai pri nen ai di kru hkrum masa hte nhprang shingra hpe makawp maga up hkang hparan lu na matu yaw shada let ka tawn da ai. Ngai Nwawt Naw Awng langai a ning mu hpe sawk kahkyin hpaji jaw dat ai lam sha rai nngai. Kadai wa, kara wuhpung hpe mara shagun, ahtu hkra machyi ai lam nbyin uga. Yawng hte a ntsa e mai kaja ai lam akyu hkam sha lu uga ngu nna yaw shada let hpaji jaw dat nngai.

**Tsaji**

Jinghpaw Wunpawng Bawngring Mahkri Shawn Hpung (KDNG)

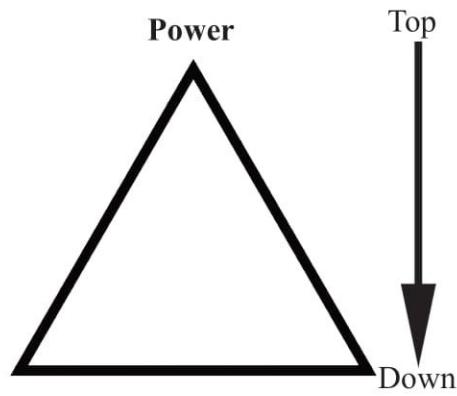
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## 1.BYIN DA MASA GINCHYUM

Mungkan mungdan law law ni hta e tinang mungdan bawngring rawt jat wa na matu gaw sharawt masing ga baw npu hta, lamu ga hte nhprang sutrai htu shaw let mare buga rawt jat kalu kaba wa na lam hpe galaw nga ai re ngu nna, myit mada lam hpan hpan hpe Asuya hte sut masa hpung kaw nna, ga sadie ni chye jaw, tsun jahpra chye ma ai. Raitim tatut galaw wa ai shaloi shawng nnan jaw da ai ga sadie hte nhtan shai wa ai lam ni hpe sha mu lu nga ai. Shingra tara hte seng nna mung, mi na zawn ngang kang ai lam hpe nlu galaw nhtawm, jau-man buga masha ni hpe man-made disaster ngu ai shinggyim masha kaw nna, shabyin dat ai mawru ni hpe du hkra hkrum sha chye nga ma ai.

Dai hte maren Myanmar Mungdan mung top-down ladat hku nna, Gumshem Asuya lakhtak hta ladat n'jaw ai hku (Unsystematically Extracting Natural Resources) ja hte nhprang sutrai hpe htu shaw sha na matu ahkaw ahkang (Permission) jaw ai lam ni a majaw mung shawa ni hta ahtu hkra machyi ai lam ni byin nga ai. Ndai masa lam npu e Jinghpaw Wunpawng Mungdan shara shagu hta, jak rung jak rai hte nhprang htu shaw sha ai lam gaw laja lana rai wa sai.



Dai nhprang sut rai htu shaw ai shaloi, gawngkyia ningra ai lam ni gaw, Garai n'htu shaw shi ai aten hte htu shaw ngut ai hpang, Shingra tara hte shinggyim nga pra lam a matu tau hkrau hkyen lajang ai hte bai gram sharai na ngu ai lamang (protection & rehabilitation program, mechanism) (Environmental Social Impact Assessment-ESIA)ni hpa nnga ai lam hpe mu lu ai. Dai majaw mung grau nna, hten za ninghpang hpe shabyin nga ai.

## 2. AHTU HKRA MACHYI AI LAM

Jinghpaw Wunpawng Mungdan hta ja htu sha ai ginra gaw, Myen Asuya uphkang ai ginra, Jarit sin hpyendap (BGF) ginra, Militia (ပြည်သူ့စစ်) ginra, KIO uphkang ginra hte nkau shara ni hta 2, 3 maga na uphkang hparan ai ginra ni rai nga ai. Law malawng gaw KIO uphkang ginra hta rai nga ai. Jinghpaw Wunpawng mungdan hta nga ai ja rawng ai, hka shi hka nu yawng ngu na 90% ram gaw Ja htu sha ai majaw, Jinghpaw Wunpawng Mungdan na area 89,041km<sup>2</sup> kaw nna, 20% ram gaw shingra tara hten za taw nga sai ngu nna sawm maram lu ai. De a majaw ginlen, ginchya ahtu agawng byin ai lam (Consequences Impact) ni gaw, shingra tara & shinggyim nga pra lam hta ahtu hkra machyi ai lam ni law nga sai. Nkau mi gaw myi hte mu lu ai hte nmu lu ai manu jahpu sawn, dawdan nlu ai, hkrat sum machyi nga ai lam ni byin wa sai. Jinghpaw Wunpawng amyu sha ni a lamu ga madu ai sakse masat masa kumla rai nga ai LUPHKA hte DAILUN HPUN ni, LABAU SHANG MARE KAHTAWNG NINGCHyawng dingsa ni hpe ja htu nna, labau shaprai shamat wa nga sai.

Jinghpaw Wunpawng Amyu sha ni a yu hkrat wa ai, ginru ginsa labau shang ginra hte Myanmar mungdan a asak hkanu mali hka (AYAWADDY) byin wa ai ningpawt ninghpang Mali Hpungmai Zup (Myitsone) ginra rai nna, ***Mali hkanu (AYAWADDY) gaw tu matu, hkrung***

*mahkrung (Biodiversity) hkum tsum dik ai hpe du na ra ai aten hta mat wa, hten wa na hpe ahkyak dik hkang zing ra ai hkanu (30) hta lawm ai ngu nna UN Environmental Programme a World Conservation Monitoring Center kaw nna masat shalawm da sai rai nga ai<sup>1</sup>. Dai ahkyak dik ai ginra ni hta mung ja htu shaw sha ai majaw, shingra tara hte ginru ginsa labau shang ginra ni hpe jahten sharun taw nga sai lam shabyin nga ai.*

### **Myitsone hta ja htu sha nga ai ginra**



**Photo: Internet**

Shingra tara, du hkra ladaw galai shai ai lam (**Environment, climate change**) ni gaw mungkan ningawn hte gindun ai, yawng hte seng wa ai re majaw, tinang hkrai nmai hparan ai de du wa chye ai baw rai nga ai. Jinghpaw Wunpawng Mungdan hpe tsawm htap hkra (**Environmental conservation**) shingra tara hpe gawn hkang nlu ai, sut sin kaja n'lü tai ai Amyu sha ni byin wa chye nga ai. Mungkan mungdan ni a man hta e tinang amyu sha ni a sari sadang ahtu hkra chye nga ai.

Bai tinang amyu sha kata na hpaga hpung ni hpe sawk sagawn maram yu yang mung, ya ten hta ja htu sha nga ai Jinghpaw Wunpawng hpaga la ni gaw, jamjau hkawm ai hpe sha law malawng mu nga ai. Sut masa hpaga bungli laga galaw na ginjang nmu mat ai majaw aten kadun (**short-cut**) masa tam nna, ja htu sha ai law malawng byin nga ai. Dai majaw matut manoi dai bungli hpe sha jut shara shagu de tam bram hkawm nga ma ai. De a ginlen ginchya ai mayak ni gaw ja gumhpraw hkoi shap, hka kap mat ai lam law nga ai. Sen hkying kahtap re ai Backhoe hkoi lang nna, Dai Backhoe hte manu dan dik ai hpun maling kaba hte lamu ga

<sup>1</sup>WCMC Biodiversity Series No.8 Freshwater Biodiversity: a preliminary global assessment, World conservation Monitoring Center, 1998

*eka (1) mi ram jahten yang she **ja lap mi** dang lu nga ai. Tinang nta kaw ja gumhraw tawn da ya na n'lu tim, ahkaw ahkang lu ai ningbaw ningla, wuhpung wuhpawng ni hpe mayun kumhhpa jaw hku nna, ja gumhraw, modo kaja, dum nta gaw gap jaw ai lam hte kaga arung aria ni hpe ra mari nna, ahkaw ahkang la, ja htu let kyin hkawm nga ma ai. Maga mi de gaw tinang tinang hkoi tawn ai backhoe hka hpe lu wa hkra ja htu let shakut nga ma ai. Dai Backhoe hka hpe nlu wa jang dum nta pawng chyawp mat nna, dinghput htingra tat sum kau ai madang de du wa ai ni law nga ai. Hten za mat ai gaw tinang ginra rai nna, akyu ara lu hkam la lu ai ni gaw, ahkaw ahkang lu ai ni nkau mi rai nna, Dewo, Hyundai, Hitachi, Volvo, CAT company ni a jak rung jak rai dut sha ai hpaga company hte jak sau dut sha ai ni hpaga company ni hpe n'gun jaw ai lam sha grau byin nga ai.*

### Nambyu, Namhkam, Lapu hka Ja Maw na shingra masa

Photo: KDNG



Photo: KDNG

**Backhoe hte manu dan dik ai  
hpun maling kaba hte lamu  
ga eka (1) mi ram jahten  
yang she **ja lap mi** dang lu  
nga ai.**

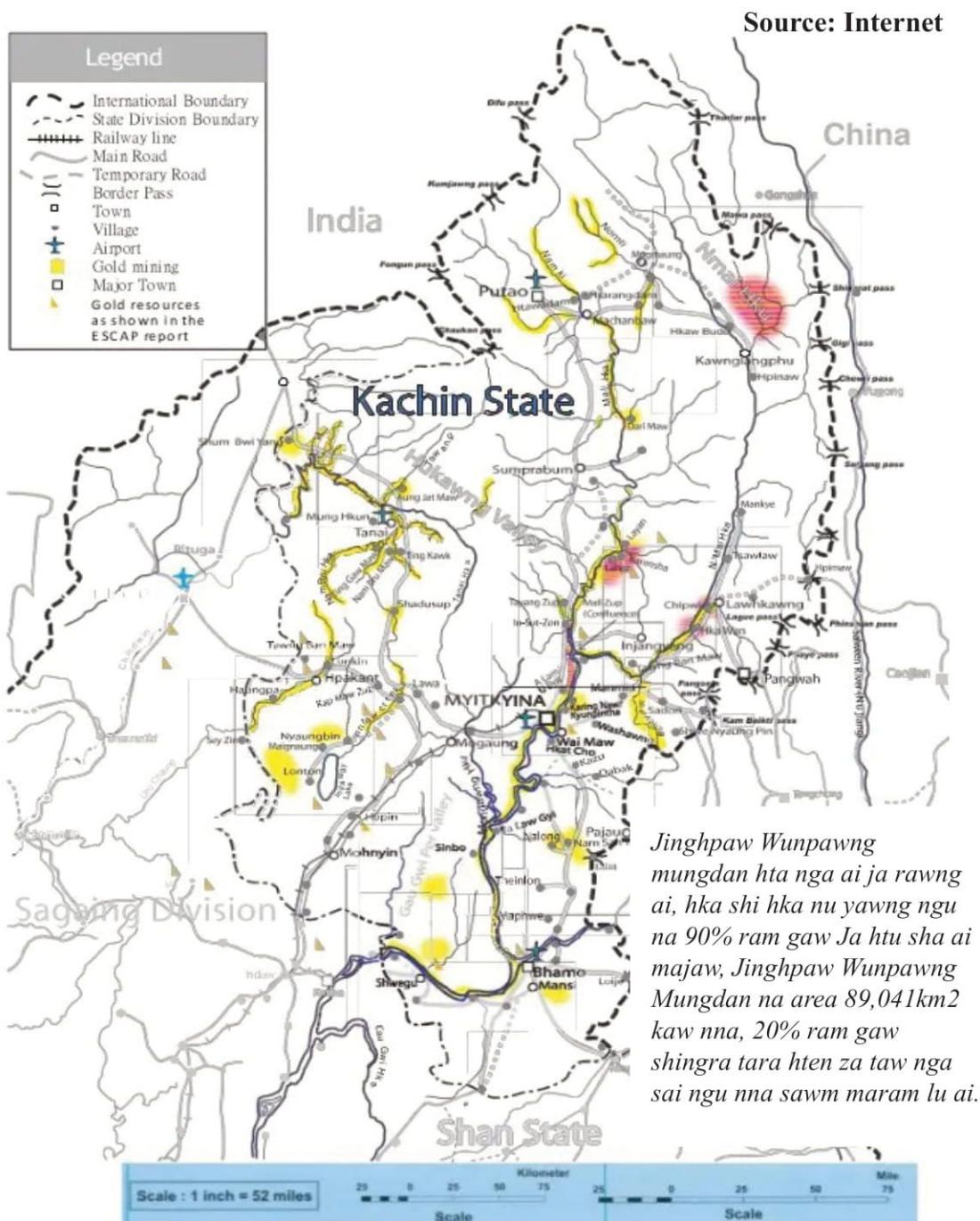


**Note: Sumla ni gaw, tatus  
htu sha taw nga ai ja maw  
law law nga ai hta na sakse  
kumla hpe shingdaw ai hku  
nna sha htawng madun tawn  
rai nga ai.**

Ja htu shaw sha ai lam gaw tsepkawp akyu nnga ai gaw nrai tim, kaga nhprang sutra hte shingdaw yu yang mungdan shang gumhpaw akyu ara lu la ai ngu na hta, tinggyeng akyu a matu sha law ai rai nna, USD billion hku manu dan ai lamu ga, (**land mark**) shingra tara, hpun maling ni hpe jahten sharun ahtu hkra ai lam ni grau law ai. Tinggyeng akyu a matu shada da mayun kumhpa jaw hkat ai lam (**corruption**) grau tsaw nna, tinang amyu sha shada da mung nrumb nra ai lam, jam jau jaw hkat ai lam ni grau shabyin nga ai. (မိအေးနစ်ခါနာ) ngu ai Myen ga malai hte bung nga ai.

Dai majaw sung sung myit yu nna, tinang ginra hta ja htu sha ai masing hpe kaja dik htum hku nna, aten dep hparan hpareng lu na ahkyak nga ai.

### Jinghpaw Mungdaw hta ja htu sha nga ai shara ni



### 3. HPARAN LU NA LADAT SHAW AI LAM (SOLUTION)

#### (1) Policy, Upadi hte hparan ra ai

Ja hte nhprang sutrai htu shaw ai lam gaw lamu ga hpe madung mahta ai re majaw lamu ga manghkang rai nga hte maren, lamu ga hte nhprang shingra lam masan (Policy) hku nna, uphkang hparan sa wa ra nga ai<sup>2</sup>.

Lam masan ngut ai hpang, lamu ga hte seng ai ahkaw ahkang, **Land law, land rights** ni nga ra ai, nhprang sutrai hte seng ai Upadi<sup>3</sup> ni hpe ka shapraw gyin shalat nhtawm hparan sa wa ra ai. lamu ga, nhprang shingra hte seng ai **Institution** ni, **mechanism** nga ra ai. Ahkaw ahkang lek mat shawk shawn mai ai, land registration process nga ra ai. Galaw lu ai, madu lu ai lek mat ni, **land titling, land tenure** ni hpe jau man ni hpe atsawm sha ka jahkrat galaw jaw lu ra ai. Dai nrail yang nhprang sutrai htu shaw ai ginra hte hkai sun ginra, namkawn ginra ni hte kahtap kalap byin nna, lamu ga manghkang hpe nlu hparan mat ai de du wa chye ai.

Dai majaw nhprang sut rai ni nhtu shaw shi yang, shinggaim nga pra lam hte singra tara, manu dan ai hpun maling ni, du hkra ladaw galai shai wa ai lam ni hta ahtu hkra machyi ai lam ni hte, akyu ara lam ni hpe sung sung myit shalawm ra nga ai. Ndai masa lam ni hpe sawn shapraw yu yang, mungdan a matu shang gumhpraw revenue kade pru na, hkrat sum mat na gaw kade ram rai na, shen yu nhtawm, lam shagu hta hkrat sum ahtu hkra machyi na law mat na masa nga jang matut nna, ~~mai~~ galaw nga ai. Rapra tara hpe myit let sha galaw sa wa na ahkyak nga ai. Rule of Law ngu ai yawng hpe rap ra ai hku upadi ka-up let hparan lu ra nga ga ai.

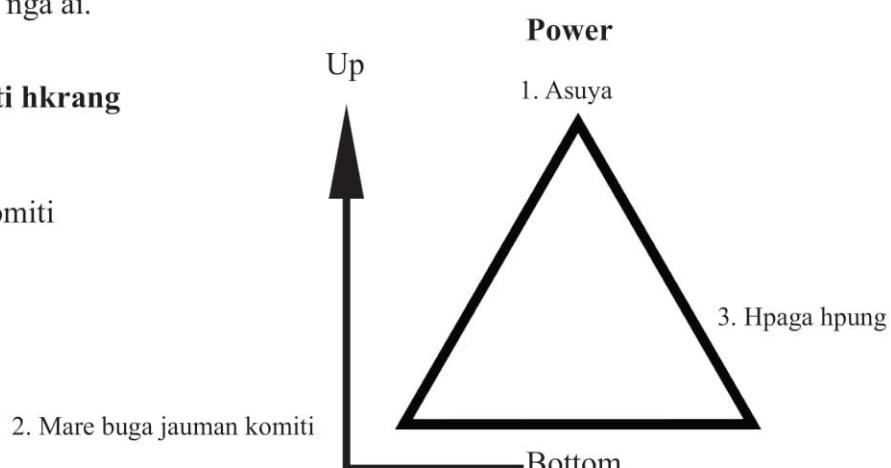
#### (2) Mungding htung lai, htung tara (Customary & community base committee) hku hparan ai

Hkyak hkyak Upadi nnga ai rai yang, (1) Mungding htung lai, htung tara (**Customary law**) hte kapyawn nna, hparan ra ai. (2) Mare buga (**community base committee**) ni a kam ai komiti slg ni shanglawm daw dan mai ai, uphkang sairu hte ta gindun let hparan ai ladat tam ra ai.

Gumshem ladat hpe nlang ai sha, Jinhpaw Wunpawng ni a hkau chyap chyalu rai nga ai, di kru hkrum (**tri-pot**) pri nen masa hku nna, hparan lu yang mung bungli grai byin nga ai. Ndai di kru hkrum ladat hte maren, npu e madun da ai sumla hkrang hte komiti hpaw shabawn let hparan na ladat tam mai nga ai.

#### (3) Pri nen masa komiti hkrang

1. Asuya
2. Mare buga jauman komiti
3. Hpaga hpung



<sup>2</sup> <https://kdng.org/2015/06/17/kachin-state-natural-resources-development-policy-discussion-paper/>  
<sup>3</sup> *ibid*

#### **4. MYITHKRUM TA MASAT LAIKA PA (CONTRACT) HTE GALAW SA WA RA AI.**

Myanmar Mungdan hta jauman buga masha shanglawm mai di kru hkrum pri nen masa ladat hte myit hkrum ta masat ka shagrin nhtawm, nhprang sut rai htu shaw ai bungli nnga shi ai daram re ngu mai tsun ai. **Top-Down** masa rai nga ai Hpaga company hte Asuya yan lah-kawng sha myithkrum ta masat ka shagrin let galaw ai bungli masing law nga ai majaw mung shawa ni shang lawm let manghkang hparan na ladat nnga ai.

Dai majaw jauman buga komiti ni shang lawm daw dan mai ai myithkrum ta masat laika pa (**contract**)<sup>4</sup> hpe lahta na madun tawn ai pri nen masa di kru hkrum komiti hte maren ka shagrin ra ai. Ndai di kru hkrum pri nen masa kaw nna, wuhpung langai ngai myit nhkrum ai lam, ningkap ai lam nga yang, Dai bungli masing gaw hkring mat sai ga rai nga ai.

Dai contract hta, tara rap ra ai ahkun hkanse hta shinggyin jai lang ai lam (**taxation system & tax justice**)<sup>5</sup> hpe mare buga gaw sharawt ai matu revenue budget % kade, shinggyim lailen hte shingra tara hpe makawp maga lam (**environmental & social protection mechanism**) a matu , htu shaw sha ngut ai hpang bai gawgap shatsawm shahtap na lamang (**rehabilitation program**) a matu, **Environmental & Social management program (ESMP)** (**Environmental Social Impact Assesment-ESIA**)<sup>6</sup> ni a matu revenue budget % san tawn da ra na ngu ai hpe ka shalawm da ra ai.

Ndai lam ni hpe tatut nhkan sa ai rai yang aten dep ahkyak la, gram sharai lu na matu gaw **Independent investigation group** hpe **3rd party** na wuhpung ni hte hpaw ningtan nhtawm, sawk sagawn san jahkrup ai lam (**free & Fairs byin ai survey**) ni hpe galaw nna, mabyin masa teng ai hpe tang madun ginlen, mahtai tam, manghkang hparan ai rai yang, rap ra ai nhprang sutrai htu shaw ai hpe hparan hpareng na ladat ni lu la na rai nga ai. **Independent investigation group** a mahtai hta hkan nna, matut galaw mai nmai hpe daw dan mai nga ai. **Independent investigation group** sumtang mahtai hta hkan nna, lu la na akyu ara hpe shen yu maram yu nna, tara rap ra ai lam nnga ai sha, htenza mat na **negagive impact** law ai rai yang dai nhprang htu shaw ai bungli masing hpe jahkring kau ra ai.

Rap ra ai ngu ai gaw contract hte maren, yawng hte hpe rap ra ai akyu ara hkam sha lu ai rai yang, dai nhprang sutrai htu shaw ai magam bungli gaw matut mai galaw mat na mai kaja nga ai rai nga ai. Ndai ladat gaw **hpaga hpung, Asuya, mare buga mungchying sha** ni yawng kadai mung langai maga hkrai ahtu hkra machyi ai lam hpe nbyin hkra hparan ai lam rai nga ai. (Win-Win solution) ladat rai nga ai.

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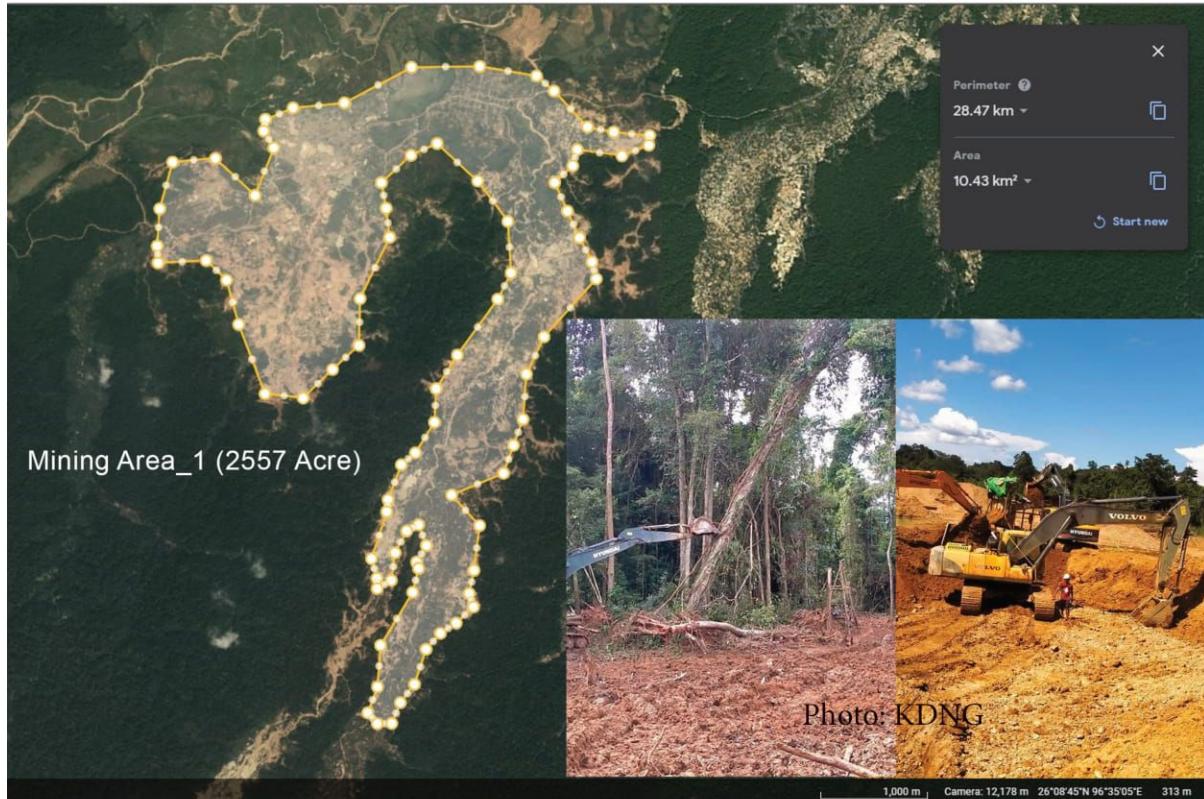
<sup>4</sup> 5 Mining contracts. How to read and understand them, January 2014.

<https://www.documentcloud.org/documents/1279596-miningcontracts-how-to-read-and-understand-them.html>

<sup>5</sup> <https://taxjustice.net/2021/03/24/capital-flight-from-africa-resource-plunder-and-the-poisoned-paradises-in-tax-havens/>

<sup>6</sup> <https://www.documentcloud.org/documents/1279596-mining%20contracts-how-to-read-and-understand-them.html>

## Nam byu namhkam grup yin ja htu sha ginra (2577 acre + 926 Acre)



## **5.GALAW GING AI LAM HPE MADI SHADAW HPA JI JAW DAT AI (RECOMMANDATION)**

- Ka shagrin da ai **Kachin lamu ga hte nhprang sutrai lam masan (Policy)** hpe ta tut jai lang hkrang shapraw shamawn ra ai. Policy apply byin yang shada da myi man kang ai lam hpe tawt lai hparan lu ai.
- Tinang ginra hpe tsawm htap hkra gawn sin uphkang lu na matu gaw tinang ginra de Backhoe jashawn ai hpe limited galaw ra ai, Jak rung jak rai kaba ja htu sha ai lam jahkring kau ra ai rai yang jahkring kau ra ai.
- Jau man mungchying buga masha ni hpe tinang dang dep ai ja nhkrun (**Small scale of mining**) hpe mahtang galaw na ahkang jaw yang kaja ai
- Mungchying shawa yawng a matu ahkyak ai labau shang ginra (**Land mark**) ni hta ja htu ai masing ni hpe mung shawa nsen hpe madat let jahkring kau ra ai.
- Pri nen ai masa hku nna, mung shawa ni ra ai uphkang sai ru hpe lu gaw gap nhtawm, uphkang hparan la lu yang kaja ai.
- Nhprang sutrai hpe hkrai machyu ai hta, kaga hpaga yumga lam de mung JWP amyu sha ni kale ging ai aten du sai.

## **GA HPUNGDIM (CONCLUSION)**

Ndai sumtang laika hpe la kap nna, seng ang ai, lit ang ai Wuhpung hte Ningbaw ningla ni kaw nna, Ja htu sha ai majaw byin wa ai mayak manghkang hpe hparan lu na matu mahtai tam, myit ningchyan shaw la lu na mu ga ngu nna, tinang dep hkap ai made hpaji jaw dat ai lam rai nga li ai. Hkum tsup sai ngu ntsun mayu ai. Kata lam na nhprang sut rai hte seng ai hparan ai hpan (mechanism) ra rawng ai lam law law naw nga ai raitim, matut nna, sawk sagawn jahpring shatsup la ga ngu lajin dat nngai. Ndai sumtang kadun gaw, Mungdan hte Amyu sha lam yan hta tengman rapra ai uphkang sai ru gran ai, Ja hte nhprang sut rai, shingra tara gawn hkang ai masing hta jut shara mi a matu akyu nga uga ngu nna, shanglawm hpaji jaw dat nngai. Yawng hte a ntsa e Hpan Wan Ning Sang kaw nna, tinang mungdan hpe sut sin kaja tai na matu myit nyan hpaji shaman jaw u ga law.

## Chaung Sung ja maw (113 Acre)



## Lawt Ja ja maw ( 285 Acre)



## Awng Lawt ga, Kadup Hka Ja Maw Ginra



Jah tu sha ai a majaw mali nmai zup grup yin Eka 192 daram makau grup yin hten za mat wa ai sumla

