

Local voices and concerns must be heard in resource extraction decisions in Kachin State

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Executive Summary

The lack of transparency and accountability in project decisions and the negative impacts of the rare earth (REE) extraction in other parts of Kachin have created a sense of injustice and mass participation in the protest against the REE project plan in Mansi Township in Kachin State in late 2022 and early 2023. The community raised their unanimous and collective voices against the REE plan pushed ahead by the Kachin Independence Organization (KIO) and its armed wing, Kachin Independence Army (KIA). After six months of struggle, they got the agreement of KIO/KIA authorities to halt the project plan in April 2023. However, given the complexities of the global context in the transition to green technology and its reliance on a powerful neighboring country, China, challenges remain to stop the unregulated and exploitative manner of REE extraction.

Given that this movement of the Kachin community in the post-coup context is significant, a field study was conducted between November and December 2023 to January and February 2024 to explore the organizing tactics and strategies of the local Kachin community in Mansi township. The movement framed the message as a faith-based obligation for the authorities to

adhere to Christian values and the need to protect the land of God. It also ensures that the Kachin community exclusively owns the movement in fighting against only the REE project, and their political support for KIO/KIA remains affirmed. Visibility and publicity of the local communities' struggle earned support from other Kachin communities inside and outside the country. It has leveraged their pressure on the authorities, which led to the suspension of the project.

However, the future of these communities in Kachin State is uncertain, and whether the KIO/KIA authorities will ensure public participation in the REE extraction decision-making and planning process. The community calls for the authorities to stop the projects that would harm the whole community and the environment. Given the growing political influence of the KIO/KIA in Kachin with the seizure of a decade-long NDAK -controlled¹ area rampant with unregulated mining, it is an opportunity for KIO/KIA to prove its legitimacy and credibility. They must ensure that they focus on community participation at the center of their resource governance policy and

¹ Until late November 2024, Special region 1 in the northern part of the Kachin State was controlled by New Democratic Army Kachin (NDA-K) and Border Guard Force (BGF) militia that is allied with the military junta in Myanmar. However, since late November 2024, KIO/KIA has completed seizing the region and now it is under KIO/KIA controlled area.

management. Human rights and the dignity of these communities in the frontier area must be respected. Their land and ecosystem must be restored. Otherwise, environmental justice and just transition would remain nominal and unrealized in these border areas.

Lack of community participation and social and economic injustice in rare earth mining

Due to the negative impacts of REE in Pang War region,² communities in KIO/KIA controlled areas, specifically N’ba Pa, Ding Sing Pa and surrounding areas, in Mansi Township, in Bhamo District, Kachin State strongly opposed the rare-earth mining experimental work in their region. The protest movement of the organized community that strongly felt a sense of unfairness and injustice regarding the REE project in their area, was a test case for demanding the legitimacy and credibility of the KIO/KIA rule (Fishbein, 2023).

Environmental injustice suffered by the Kachin communities is mainly rooted in distributive injustice, procedural unfairness, and social injustice. Environmental justice scholars and advocates have identified four aspects of environmental injustice based on

the experiences of historically marginalized communities: “distributive injustice arising from disproportionate exposure to environmental hazards and limited access to environmental amenities; procedural unfairness caused by exclusion from environmental decision-making; corrective injustice due to inadequate enforcement of environmental legislation and social injustice because environmental degradation is inextricably intertwined with deeper structural ills, such as poverty and racism”. (Kuehn 2000 cited in Gonzalez, n.d.). In Myanmar-China borderland areas, Kachin communities have been subjected to social injustice given that environmental degradation in the area is closely linked with decade-long conflict and ceasefire. Kachin communities have suffered decades of armed conflict. Ceasefire deals of the armed groups in the region, with the military in 1990s have significantly changed the agrarian lifestyle of the villagers in the Special Region, with the booming resource extraction including logging, bamboo trading, cattle trading, and exploitation of various minerals such as iron, tin, tungsten, marble, lead, zinc, and rare earth mining. “Ceasefire capitalism” in the region has provided lucrative resource extraction for the armed groups, the military, and their

² Pang War region was under NDAK’s controlled area prior to late November, 2024

allied local and Chinese business cronies in the Myanmar-China borderlands (Woods, 2011). The oligarchic capitalism and civil war that facilitates extractivism is the main challenge in protecting indigenous lands and traditions with lack of full autonomy, self determination, freedom, and federal democracy in the region and in the country (Burma Environmental Working Group and Kachin Development Networking Group cited in Ra, 2022). Such structural ills have led to procedural unfairness because local communities do not have access to procedures that address their concerns or support their participation in environmental decisions.

The environmental hazards and degradation have adversely and disproportionately affected local communities especially disadvantaged groups including women, children, youth, persons with disabilities, and older people and distributive injustice has been incurred. Since the coup, local people have faced an alarming rate of environmental degradation leaving them no longer accessible to fresh water and invaluable forest products with an increasingly toxic rare earth extraction in Special Region 1³ (Global Witness 2022,

³ Until late November 2024, Special region 1 in the northern part of the Kachin State was controlled by New Democratic Army Kachin (NDA-K) and Border Guard Force (BGF) militia that is allied with the military junta in Myanmar. However, since late

Hinnant, 2022). The rampant overexploitation of natural resources in various forms including mining, logging, and the rapidly expanding monoculture plantations in the region, contributes to severe ecological and social damage, including displacement, conflict, soil erosion, deforestation, water pollution, loss of food sovereignty, and the deterioration of biodiversity in an unprecedented manner (Ra, 2022).

Effectiveness of organizing tactics

Drawing lessons from elsewhere in Kachin State, educated personnel and some community members in the study area, especially pastors and priests who represent the leading role of 7 Baptist Churches and 3 Catholic quasi-parishes in the area, raise this awareness to the wider community. Knowledge dissemination on issues of injustice is a crucial tactic used in the movement to organize the mass protest against the project. Key tactics include passing consistent key messages across the board that their objections are specifically to the project, not the political leadership of the authorities, and based on Christian values that God's creation of lands and the environment must not be destroyed. The

November 2024, KIO/KIA has completed seizing the region and now it is under KIO/KIA controlled area.

movement committee members made an effort to consolidate people's power by highlighting the imminent threat of unregulated and rampant extraction of rare earth to local people, their lands, the environment, and their livelihood, and the need for a collective voice to raise their common concerns. When a point was reached at which they saw the need to pull the leverage of other Kachin communities inside and outside the country, they reached out and strengthened the network. Their tactics proved to be working after six months of organizing movement, since the authorities promised to stop the project in April 2023.

Challenges ahead

However, as this study was being conducted, villagers were worried about the signs of resumption of the halted project. Despite halting the project in April 2023, the interviewees were preparing for another round of campaigns during this study period, since the companies were about to resume the project in the area. The companies formed a REE extraction consultant committee, consisting of retired KIO/KIA authorities. The villagers were worried that the methods of the company offering enticement to some village chief would

jeopardize their unity and collective voice. An obvious reason that the company and the authorities do not give up the plan of extracting REE in the study area, is underpinned by the global demand for REE. In addition, the global reliance on China for the REE supply also undermines the chances of regulating REE extraction in line with international good practices to reduce the negative impacts on the local ecosystem. Besides, the deteriorating situation in Myanmar since the coup has also fostered the ground for more illegal and unregulated exploitative business manners, especially along the China-Myanmar border areas. However, with the abolishment of the NDAK rule in late November 2024 and the completion of the KIO/KIA control in the multimillion-dollar rare earth mining in the area, there are opportunities for KIO/KIA authorities to make things right, albeit with challenges.

Way Forward

Given the expanding influence of KIO/KIA authorities along the China-Myanmar border and the expectations of the Kachin communities that KIO/KIA would listen to the community's voices and concerns, KIO/KIA needs to incorporate the community voices and concerns in their

resource policies and practices. Given that global demand for minerals like rare earth and reliance on powerful countries like China has been ongoing, the international human rights framework and mechanisms that require businesses to listen to grassroots voices rarely function within the existing global context. A strong domestic regulatory system to ensure this mining has no negative impact on the land and the environment might be the feasible solution within such a context. Given the fact that KIO/KIA has been at the forefront of the revolution against the military junta since the coup, it has earned trust and support not only from the local Kachin people, but also from the wider population in Myanmar. It is an opportunity for KIO/KIA authorities to prove their legitimacy that they are people government and can be held accountable for any decision making and planning that would have impacts on the people and the environment. Hence, KIO/KIA authorities ensure that community engagement and participation is at the center of their resource management policies and practices. This would pave the way for holding businesses and authorities accountable for projects that would affect the community and the environment and bringing justice to this frontline resource-rich area in Kachin State.

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