

**Case on Cross Border
Business and Human Rights**

MNHRC

Case

- Palm oil plantation
- On 2017, MNHRC received complaint letter from SUHAKAM
- SUHAKAM received complaint from CSOs in Myanmar

Location

- Tanintharyi Township, Myeik District

Time Line

- On 2011, Myanmar Investment Commission (MIC) approved in principle the granting of oil palm plantation.
- A Joint Venture between Malaysia- based Co.ltd and Myanmar Co.ltd.
- The Company has cleaned more than 6000 acres since 2011.
- On 2016, villagers complained to the KNU.
- KNU referred to the Government.
- Government referred back to the KNU.
- Since July 2016, oil palm plantation has suspended to negotiate and resolve the problems with villagers.

Complaints

- Illegal confiscation of land.
- Negative social and environment impacts.
(4 Kayin Villages, approximately 4480 people, 6000 acres.)
- Polluted water resources.
- Never offered fair compensation.

Field Investigations

- MNHRC conducted an inquiry from 19 to 21 November 2017.
- Visited sites and villages concerned, examined witnesses and collected relevant informations.
- The authorities concerned.

Results

- To offer villagers fair compensation for the impacts.
- To consult with villagers based on true, prior and informed consent.
- To apply international standard EIA, HIA,...
- To coordinate among authorities.

Conclusion

- Based on the facts collected and evidence, the recommendations were made in the report.
- Independent special committee should be formed to check the acres of confiscated land for fair compensation.
- Technical group should be formed to inspect EIA, HIA, etc.
- Relevant Ministry should give instructions and business guidelines. Monitor for compliance of law and agreement in relation to the project.
- MNHRC submitted its inspection report to the President's Office.
- The principles of respecting sovereignty and non-interference, the above inquiry has shown the possibility of cooperation with NHRIs.

Thank You