

Post-Nargis Analysis – The Other Side of the Story



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Foreword

In early May 2008, the devastating cyclone Nargis hit Burma and her already vulnerable population. Many lives were taken and many more were forever changed by the loss of family members, friends, houses, and livelihoods. Despite heroic relief efforts by fellow Burmese inside and outside the country and offers of extensive international humanitarian assistance, many cyclone survivor sadly have not received the support that any human being in a crisis should be entitled to. We hope that this report will contribute to the understanding of the situation in Burma after Nargis and in turn to thorough considerations by international donors on how to best reach those in need.

The idea of compiling this report was born out of a workshop organized by the project Another Development for Burma in August-September 2008. In this workshop, representatives from civil society organizations based in Burma's border areas came together to discuss the role of international financial institutions in Burma, both in general and in the Post-Nargis Joint Assessment process. When studying the PONJA report, the participants realized that it failed to describe the obstructions of aid and human rights abuses committed by the Burmese military regime in the areas affected by the cyclone, even though they and their networks inside the country had witnessed many cases of such obstruction and abuses throughout the relief phase.

Therefore, as independent civil society organizations working on issues such as democratic change, promotion of human rights, humanitarian aid, community empowerment, health, environment, and education, we felt the need to tell the other side of the post-Nargis story by producing this report. Throughout the drafting process, consultation was conducted among the undersigned groups and the political bodies National Coalition Government of the Union of Burma, Ethnic Nationalities Council, and the National Council of the Union of Burma.

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the Another Development for Burma project, the Dag Hammarskjöld Foundation, the ASEAN Inter-Parliamentary Myanmar Caucus, and the Burma Partnership for assistance and support in the production and launching of this report.

In solidarity,

Burma Medical Association

Burmese Women's Union

Committee for Protection and Promotion of Child Rights (Burma)

Forum for Democracy in Burma

Human Rights Education Institute of Burma

Kachin Development Networking Group

Kachin Environmental Organization

Kachin Women's Association - Thailand

Karen Environment and Social Action Network

Karen Women's Organization

Labu Women's Organization

National Health and Education Committee

Nationalities Youth Forum

Network for Environment and Economic Development (Burma)

Pa-O National Development Organization

Pa-O Women's Union

Pa-O Youth Democratic Organization

Shwe Gas Movement

Students and Youth Congress of Burma

Introduction

In September 2007, the whole world witnessed how the Burmese military regime (SPDC: State Peace and Development Council) brutally cracked down on peaceful demonstrators during the “Saffron Revolution.” The world was shocked to see the SPDC shoot at unarmed monks and citizens: Dozens of people were killed and many more injured. In the year since the demonstrations, nearly one thousand people have been detained, doubling the number of political prisoners in Burma.

In 2008, after Cyclone Nargis hit Burma in early May, the world was again horrified to witness the response of the SPDC. The United Nations estimates that the cyclone affected about 2.4 million people and that nearly 140,000 people were killed or remain missing. Immediately after the cyclone hit, Burmese people inside and outside the country as well as governments, civil society organizations, and citizens around the world offered emergency relief to the victims. Astonishingly, the SPDC responded by actively blocking humanitarian aid to victims who desperately needed assistance and obstructing relief efforts by Burmese volunteers and private donors.

As a result, seven weeks after the cyclone hit, international assistance had only reached about 1.3 million, or about half of the affected population.¹ Not only was such assistance lacking because of the SPDC’s obstruction, but there has been wide-spread corruption in the distribution of aid as well as exploitation of victims and human rights violations in the cyclone-hit areas by local authorities and the military. And despite the crisis, the SPDC gave priority to conducting a sham referendum to legitimize what it calls a new constitution.

Belatedly, the SPDC agreed to accept a certain level of foreign expertise and assistance. In June 2008, the international donor community, led by the UN and ASEAN, conducted an assessment of recovery needs in collaboration with the SPDC. Hundreds of workers were deployed in the cyclone-hit areas to carry out surveys, while additional data was obtained from the SPDC and through past surveys and research. The World Bank and the Asian

¹ Myanmar Cyclone Nargis OCHA Situation Report No. 34, 23 June 2008 at p.1.

Development Bank also lent their support to this effort, even though neither institution provides major financial assistance to Burma.

The result of the needs assessment was quickly compiled into the “Post-Nargis Joint Assessment” report (hereinafter “PONJA report”). Published in July 2008, the PONJA report states that US\$1 billion is needed for recovery work over the next three years.² Based on this figure, the UN renewed its call on the international donor community to make contributions for this work.³ As of mid-September, nearly 42% of the amount requested had been funded.⁴

The goodwill of the international community in making an assessment as a basis for providing much needed assistance to the cyclone victims is truly appreciated. ASEAN and the UN claim, however, that this assessment provides a “comprehensive picture and objective analysis” of the devastating impact of Cyclone Nargis.⁵ The PONJA report cannot be considered truly comprehensive nor objective as it omits reference to certain aspects of the situation in the cyclone-hit areas that is relevant to further relief work, while giving questionable descriptions of several other aspects.

The needs assessment was conducted in collaboration with the SPDC, and this restriction appears to have compromised both the objectivity and comprehensiveness of the PONJA report. Nevertheless, we understood that the PONJA report is being used as the main guiding document by the international community for further relief and recovery work. As such, we felt the need to produce “Post-Nargis Analysis: The Other Side of the Story.”

“Post-Nargis Analysis: The Other Side of the Story” is based mainly on documentation by civil society organizations working on political, social, economic, and environmental issues in Burma. In addition, “Post-Nargis Analysis: The Other Side of the Story” cites reports by exile Burmese and other media that highlight issues and perspectives not covered in the PONJA report.

2 PONJA report at p.34.

3 “US\$303.8 Million Still Needed to Assist Victims of Cyclone Nargis,” ASEAN Press Release, July 10, 2008.

4 Myanmar Cyclone Nargis OCHA Situation Report No. 48, 12 September 2008 at p.1.

5 “Comprehensive Assessment of Cyclone Nargis Impact Provides Clearer Picture of Relief and Recovery Needs,” Joint ASEAN-UN press release, July 21, 2008.

Notwithstanding the above, “Post-Nargis Analysis: The Other Side of the Story” is not meant to categorically dismiss the parts of the PONJA report that contain substantive analysis and assessment of the damage caused by the cyclone. Nor is it meant to be an alternative to the PONJA report. The primary goal in compiling this analysis is to raise the concerns about certain misleading impressions created by the PONJA report, as well as the fact that the PONJA report is being treated without question as the main guiding document for international relief and recovery work. “Post-Nargis Analysis: The Other Side of the Story” is an initial attempt to provide all stakeholders with additional information in order to broaden and deepen their understanding of the situation in the areas affected by Cyclone Nargis.

PONJA’s Description of the Response by the SPDC and the Army

The PONJA report paints a picture of a dedicated government and army that rushed to support the survivors of the cyclone in every way possible. According to the PONJA report, after the cyclone struck, both the SPDC and Burma’s army immediately began relief and recovery work, setting up camps and field hospitals, transporting relief goods, cremating the dead, clearing roads, and restoring security.⁶ There was purportedly seamless coordination among different actors: “the armed forces provided services that assisted the government, civil society organizations, local community and international aid workers for more effective, and timely delivery of aid supplies and services to the victims of the cyclone.”⁷

Such descriptions distort the nature of the response to the disaster by the SPDC and the Burma army. As the following sections show, the reality has often been much different. There is evidence that the SPDC and the army: actively interfered with the distribution of aid to survivors; diverted donated goods for their own use or for resale; arrested local volunteers who were working to bury the dead; and required villagers to perform forced labor. People in SPDC-operated relief camps did not receive enough food to eat, and local authorities confiscated land from farmers.

Cash Only: Blocking International Aid

The PONJA report states that the SPDC earmarked 50 billion kyat, or US\$45.45 million, for “overall relief and recovery effort.”⁸ US\$45.45 million is a very small amount given that the SPDC has an estimated US\$3.5 billion in foreign reserves and receives US\$150 million in monthly gas export

6 PONJA report at pp.39-41.

7 PONJA report at pp.40-41.

8 PONJA report at p.39. In another section, the PONJA report states that the SPDC “has announced allocations amounting to K50 billion and has expressed the wish to discuss the budget allocations made to the cyclone recovery with the IMF as part of the upcoming Article IV mission” (p.34, footnote 5). It is unclear whether the two descriptions are referring to the same earmark, or if the SPDC earmarked 50 billion kyat twice.

revenues.⁹ Further, on May 19, 2008, just before an international donor conference, the SPDC announced that it needed US\$11.7 billion in aid for recovery from the cyclone.¹⁰

Despite its request for US\$11.7 billion, the SPDC appears to have been interested only in receiving cash and goods. From the outset, after Cyclone Nargis struck on May 2-3, 2008, the SPDC obstructed the flow of international assistance, particularly access by foreign workers, to the cyclone victims. The SPDC refused or delayed issuing visas to aid workers; did not allow foreign workers to leave the Rangoon area to go to the affected areas; and set up roadblocks on the main routes to the Irrawaddy Delta.¹¹ Many leaders of the international community expressed their frustration and rage and urged the SPDC to accept international assistance.¹² Two weeks after Nargis, the SPDC was continuing to block international aid workers and materials from reaching the Irrawaddy Delta.

Finally, on May 23, 2008, Senior General Than Shwe told visiting UN Secretary General Ban Ki-moon that international aid workers would be allowed into Burma. The announcement, made four days after the initial call for US\$11.7 billion and two days before the international donor conference, was met with skepticism from observers who believed that it was merely a superficial concession to deflect international pressure and to secure funds.

Sure enough, despite the announcement, the SPDC continued to restrict access to the areas affected by the cyclone. The UN Human Rights Council resolution adopted on June 18, 2008, included a call on the SPDC to allow “immediate, full and unhindered access.”¹³ By June 19, 2008, the SPDC had

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- 9 “Burma: Cyclone Donors Should Ensure Transparency and Accountability,” Human Rights Watch press release, July 23, 2008. *See also*, “Burma: Foreign Investment Finances Regime,” Human Rights Watch press release, October 2, 2007 (The SPDC earned about \$2.16 billion in 2006 from sales of natural gas, which accounted for half of Burma’s exports and is the single largest source of foreign exchange).
- 10 Chronology of the Statements Regarding the World Bank and the Asian Development Bank (ADB) with respect to Burma, BurmaInfo, June 29, 2008.
- 11 *SPDC Turns Disaster into Catastrophe*, Alternative ASEAN Network on Burma, May 23, 2008 [hereinafter “Altsean May 23 Update”].
- 12 Altsean May 23 Update.
- 13 Situation of Human Rights in Myanmar, UN Human Rights Council Resolution 8/14, June 18, 2008.

granted limited access to affected areas to about 200 UN staff.¹⁴ This was an improvement, but the amount of international assistance was still so small that, even by mid-June, only about half of the affected people had received any assistance.¹⁵

Blocking National Aid

In addition to international donors and organizations, many activists, celebrities, monks, and ordinary citizens from within Burma rushed to collect donations and to deliver relief to survivors. The SPDC, however, tried to block relief activities by these local donors and workers as well. The authorities restricted access by local donors and workers to the cyclone-hit areas; closely monitored their activities; and banned them from distributing materials directly to the victims, requiring them to leave the materials with soldiers or local authorities.¹⁶ The SPDC also instructed local organizations not to cooperate with monks trying to deliver assistance.¹⁷

Some relief workers were detained and questioned about the purpose and their activities. On May 26, 2008, about forty private vehicles returning from the cyclone-hit areas were stopped at the entrance to Hlaingtharyar Township, Rangoon Division. Ten volunteers were detained and questioned, and their drivers' licenses were confiscated. They were released on the next day.¹⁸

14 By contrast: 130,000 - 167,000 people are estimated to have been killed by the tsunami that hit Aceh, Indonesia, in December 2004. Within two weeks of the tsunami, 2,000 civilian foreign aid workers were in Aceh. *Update: SPDC Turns Cyclone Survivors into Hostages*, Alternative ASEAN Network on Burma, June 29, 2008 [hereinafter "Altsean June 29 Update"]. The SPDC closely monitored the work of those allowed in: It reportedly assigned more than two dozen intelligence officials to accompany the Tripartite Core Group (TCG) members on their mission in the cyclone-affected areas. "Intelligence officials assigned to keep an eye on TCG," *Mizzima News*, June 12, 2008.

15 "Current estimates suggest that 2.4 million people were affected. 1.3 million people are estimated to have been reached so far by International NGOs, the Red Cross and the UN." OCHA Situation Report No. 34, June 23, 2008 at p.1.

16 See, e.g., "Arrests, Restrictions Hamper Cyclone Relief Work," *The Irrawaddy*, October 6, 2008; "Obstacles force donors to abandon the Delta," *The Irrawaddy*, June 13, 2008; "Armies harass local NGOs, private donors," *The Irrawaddy*, May 14, 2008; "When Burmese offer a hand, rulers slap it," *The New York Times*, May 12, 2008; "The smell of death and destruction," *The Irrawaddy*, May 10, 2008 (donors of aid forced to leave supplies and cash with security forces).

17 "Monks prevented from working with other donors," *DVB*, May 16, 2008.

18 *Burma Situation Update*, Human Rights Education Institute of Burma, May 30, 2008.

Shortly after the cyclone hit, local authorities in Hlaingthayar Township in Rangoon sent a “notice” to private donors in Burma. In the document, the Township Peace and Development Council (TPDC) stated that “emergency relief efforts for the cyclone victims have now been completed,” and requested the donors not to distribute relief materials directly to the victims because receiving relief assistance has “ruined the will of the people to engage in their customary forms of livelihood.”¹⁹ The TPDC further instructed donors to report to local authorities.

On June 5, 2008, popular Burmese comedian Zarganar was arrested in Rangoon. Zarganar had organized 400 volunteers and was actively involved in delivering aid to cyclone survivors. Arrests of other citizens engaged in relief activities continued, and by mid-June at least ten people had been arrested for participating in relief activities.²⁰ According to the Assistance Association for Political Prisoners (Burma), 21 people who were arrested for being engaged in relief work are still held in detention.²¹ In addition, there is at least one reported incident of pro-SPDC thugs armed sticks and knives attacking a convoy of cars transporting rice to Thanlyin Township in Rangoon.²²

Misappropriation of Aid

Donated material that reached Burma was often diverted by local authorities or the army for commercial resale and other illegitimate purposes. According to the PONJA report, fleets of military trucks transported relief goods, oil, and agricultural machinery to the cyclone-hit areas.²³ But sources in Rangoon indicated otherwise – that military trucks delivered rice and oil from

19 *Burma Cyclone Update (May 16-27, 2008)*, the National Coalition Government of the Union of Burma (Border Office) at p.1. The Update contains a photocopy of the original Burmese “notice.” Location information was obtained through personal communication with NCGUB, October 2, 2008. See also, “World Bank refuses loan claiming junta is in debt,” *The Telegraph*, May 20, 2008 (the regime distributed leaflets to citizens discouraging them to help, suggesting that giving food may make victims “lazy and more dependent on others.”)

20 See, e.g., “Arrested: Volunteers who bury the dead,” *The Irrawaddy*, June 10, 2008; “Regime steps up crackdown on private cyclone relief efforts,” *The Irrawaddy*, June 18, 2008; “Volunteers burying storm victims arrested,” *Mizzima News*, June 18, 2008; “Zarganar arrested, cyclone relief money seized,” *The Irrawaddy*, June 5, 2008.

21 List of people arrested in connection with relief work for Nargis victims (unpublished), Assistance Association for Political Prisoners (Burma), obtained on October 8, 2008, on file with author.

22 “Pro-government thugs attack relief vehicles,” *The Irrawaddy*, May 9, 2008.

23 PONJA report at pp.40-41.

international donors for resale in markets.²⁴ There were countless other reports of authorities or army soldiers confiscating donated items; sending expensive equipment to Naypyidaw; selling donated materials at markets; charging survivors for relief items; and ordering survivors to vote “Yes” in the national referendum in exchange for aid.²⁵ Further, an independent researcher reports that the SPDC provided far more assistance to villages near military bases and villages where SPDC generals were born than to the other villages in the same township.²⁶

A source in Burma, a former Burmese army soldier who was interviewed on September 13, 2008, reveals theft of donated relief goods by soldiers for their own use; theft for resale; and that high-level military officials were actively involved in the acts of misappropriation.²⁷

“Iron, blanket, mosquito net, electric pan, cup, something to carry the water, tablets to clean the water, stove, plates for food, filter for water, and tent for shelter, soap – this was one big box for one family. These were good quality materials and most of the generals had never seen this type of materials. When they opened these boxes and saw the good things inside they took them....General Tin Htay knew about this – maybe not all, but at least he knew about some of this. Under him there were many people who supervised this....

“I went to some of the markets run by the military and authorities and saw supplies that had been donated being sold there. These materials were supposed to go to the victims. I knew what materials were being donated and so I could recognize them in the market. I saw Mama noodles, coffee

24 Altsean Update May 23, citing “Locals claim Rangoon authorities still misappropriating aid,” *DVB*, May 21, 2008.

25 “Rangoon struggles to survive,” *The Irrawaddy*, May 12, 2008; “Cyclone survivors forced to work and pay for aid,” *DVB*, May 17, 2008.

26 *An Alternative Assessment of the Humanitarian Assistance in the Irrawaddy Delta: Situation After 60 Days*, by Ko Shwe, July 23, 2008 [hereinafter “Ko Shwe”] at p.7. In addition, there may have been discrimination against ethnic Karen villages. According to an independent researcher, Karen villages in Laputta Township did not receive enough assistance for the villagers to survive. Ko Shwe, p.7.

27 EAT-Burma Phase Two Mid-Term Report, Emergency Assistance Team (Burma), September 17, 2008 [hereinafter “EAT September 17 Report”] at p.5. See also, “Corruption rampant in the Delta,” *The Irrawaddy*, September 5, 2008 (village headmen supported by local military officials involved in misappropriation of relief supplies and in using forced labor).

mix, soap and other things. I saw many kinds of noodles and coffee mix in the market and because these materials were not made in Burma, [I could see that] they came from other countries. The money from selling these things would go to the shop owner, but ... [t]he shopkeepers are all families of the military....”

In addition to diverting relief materials for its benefit, the SPDC was profiting from aid funds for cyclone victims. In late July, the United Nations admitted that about US\$10 million of aid intended for the cyclone survivors may have been lost due to the distorted money exchange mechanism followed by the military regime.²⁸ In later statements, the UN claimed the loss to be significantly less, at US\$1.56 million,²⁹ still a considerable amount of money that should have been used for relief efforts. The missing funds are likely to have lined the pockets of the ruling generals and their business cronies.³⁰

28 See, e.g., “UN loses US \$10 million in distorted Burmese official exchange rate,” *Mizzima News*, July 29, 2008.

29 “UN admits loss of about 1.56 million dollars of cyclone aid in Burma,” *Mizzima News*, August 14, 2008.

30 See, e.g., “UN aid disappearing in Burma cash scam,” *Telegraph*, July 29, 2008.

Activities by the SPDC

According to the PONJA report, the SPDC immediately began “setting up of relief camps, field hospitals, verification and cremation of the dead, installation of a temporary communication system, clearance of the main roads, provision of fuel, opening of markets, restoring security in the affected areas and other relief activities.”³¹ As shown below, however, these assertions are misleading.

SPDC “Relief” Camps

The SPDC set up camps for cyclone survivors, but the situation in such camps was dismal. There was not enough food for the people in the camps, so people had to go to centers operated by community organizations during the day to get food. Movement for those in the SPDC camps was restricted and they could not even go out of the camp to search for lost family members. Some survivors paid bribes to the authorities to be let out of the SPDC camps.³²

The SPDC also seized the opportunity to utilize the situation to further its own interest. On May 10, 2008, the SPDC held a national referendum regarding the country’s draft constitution amid calls for postponement from both the international community and Burmese people inside and outside the country. There were numerous reports throughout Burma of fraud and other irregular conduct by the authorities in connection with the voting process.³³

In the areas severely affected by the cyclone, the referendum was held two weeks later on May 24, 2008. Shortly before this date, the SPDC began to force people into regime-run camps. According to reports, the SPDC prohibited people in the camps from leaving the camps or accepting any outside relief. In addition, people were told that they would not receive any assistance if they voted “no” in the referendum.³⁴

31 PONJA report at p.39.

32 EAT September 17 Report, p.2.

33 See, e.g., *Burmese Constitutional Referendum: Neither Free Nor Fair*, Report prepared by the Public International Law & Policy Group, May 2008; *Vote to Nowhere: The May 2008 Constitutional Referendum in Burma*, Human Rights Watch, May 2008.

34 *Provision of Emergency Assistance for the People Affected by Cyclone Nargis*, Emergency Assistance Team (Burma), July 2008 [hereinafter “EAT July report”].

Almost as soon as the SPDC set up these camps, it began closing them and sending survivors back to their villages even though some of the villages were uninhabitable due to the damage by the cyclone. By mid-June, the SPDC had shut down all the "relief" camps except in Labutta Township.³⁵

Medical Assistance

After the cyclone, foreign medical teams were belatedly permitted to enter Burma. By early June 2008, Chinese and Thai had medics treated 8,000 people in Rangoon and the Irrawaddy Delta. However, by mid-June, the SPDC cancelled Thai medical efforts. Visas for medical teams from elsewhere expired, and these medics were compelled to leave Burma.³⁶

As of August 2008, relief workers report that the SPDC was continuing to obstruct the provision of medical services to cyclone victims. According to well-informed sources operating inside Burma: "There are more people sick now than before the cyclone, and most of them are children....Some organizations came to provide services, but the SPDC came to observe them, which prohibited them from providing services. These organizations could not travel somewhere else because they were each only allowed to go to one place."³⁷

Treatment of the Dead

It is unclear exactly how much effort the SPDC made to identify and bury bodies of those who died because of the cyclone. In June 2008, the SPDC arrested several Burmese volunteers who were working to bury cyclone victims.³⁸ Relief workers report that dead bodies continued to float in waterways as late as August 2008, contaminating water supplies and negatively impacting the mental health of villagers.³⁹

35 Altsean June 29 Update.

36 Altsean June 29 Update, citing "Burmese volunteers struggle to bring aid to cyclone survivors," *The Irrawaddy*, June 3, 2008, and "Foreign doctors leave cyclone-hit Myanmar," *Reuters*, June 13, 2008.

37 EAT September 17 Report, citing team member dated August 4, 2008.

38 See, e.g., "Volunteers burying storm victims arrested," *Mizzima News*, June 18, 2008.

39 EAT September 17 Report at p.8.

Human Rights Violations

The PONJA report omits any reference to cases of documented human rights abuses in the cyclone-hit region. These abuses are part of people's everyday lives and surely should not have been ignored in the assessment.

Land Confiscation

In Burma, land is owned by the government, but residents have user rights as long as they have used the land productively in the past year. After the cyclone, many survivors were forced to evacuate and leave their land. Many farmers, however, felt compelled to return prematurely to their villages to avoid the possibility of their land being confiscated by the SPDC.⁴⁰ Their fears were justified because the SPDC warned that, if farming activities were not resumed, land would be confiscated.⁴¹

Already, there are many reports of land being confiscated or simply taken over by the authorities, who then sell it to large entities for purposes unrelated to relief efforts.⁴² According to an independent researcher:

“The government has allowed local companies to start reconstruction work in the delta area for infrastructure development such as roads, schools and hospitals. The government is likely to give permission to local companies who have been involved in reconstruction work in the Irrawaddy delta to do large scale agriculture on arable land that small farmers have not been able to farm. There is a risk that in the future the delta area will be further monopolized by agribusiness.”⁴³

40 Ko Shwe at pp.7-8.

41 Ko Shwe at pp.7-8. Relief workers inside Burma corroborate: “People are concerned that the government will confiscate their lands...[because p]eople cannot work fast enough, and do not have the equipment and supplies to plow and replant all of their fields at once. The government authorities have moved onto some of these unplanted lands, and there is concern that they will not leave from the land, effectively confiscating them.” EAT-Burma Team Member, August 20, 2008, cited in EAT September 17 Report at p.3.

42 See, e.g., “Burma’s cyclone survivors are left to struggle with their fate,” *Telegraph*, July 27, 2008 (local officials in the Irrawaddy Delta forced a family off a piece of land they had earmarked for a building development); “Thousands in Delta told to realocate,” *The Irrawaddy*, June 26, 2008; “Farmers left in debt after land seizures,” *DVB*, June 25, 2008. See also, EAT September 17 Report at p.3.

43 Ko Shwe at p.8.

The SPDC is not providing substantial assistance to farmers to enable them to resume production. The SPDC has “given” farmers tractors, but the tractors needed to be fixed before the farmers can use them. The repairs cost 200,000 - 300,000 kyat per tractor. Further, the SPDC offered loans to farmers, but the required deposit was beyond the means of most farmers, who were therefore unable to resume their farming activities.⁴⁴

The PONJA report acknowledges the risk of land confiscation, but evaluates this risk as “small scale.”⁴⁵

Human Trafficking and Child Soldiers

The PONJA report raises concerns about the danger of survivors, especially children and women, becoming victims of human trafficking and other forms of exploitation. Field researchers have reported shocking stories:

“In three of the camps set up in Laputta (named ‘3 miles,’ ‘5 miles’ and ‘7 miles’), young girls aged between 15-25 were orphaned in the cyclone and are offering sex in exchange for money. One person who visited 3 miles camp, said that “I went to the ‘3 miles’ camp and one of the young girls asked me to drop her 500 or 1000 Kyat and said I could do anything [I] wanted with her.” Some girls and women in the camps set up by the government have become sex-workers offering services to passers-by, raising concerns of personal safety and the spread of sexually transmitted diseases.”⁴⁶

At least hundreds of children were separated from their parents and relatives due to the cyclone.⁴⁷ Not all of them have been accounted for, however, and observers fear many of them may have been recruited to the army.⁴⁸ It is well known that Burma’s army may have the highest number of child soldiers

44 Ko Shwe at p.8.

45 PONJA report at p.150 (Annex 15).

46 Ko Shwe at pp.13-14.

47 Situation Report, Protection of Children and Women Cluster, September 11, 2008, states that 531 separated children (children that are separated from both parents but not necessarily from other relatives), 190 unaccompanied children (children that are separated from both parents and other relatives and is not being cared for by adults responsible for them), and 112 orphans have been “registered,” and that the cluster has received 433 requests for missing children.

48 “Nargis orphan numbers don’t add up,” *The Irrawaddy*, September 1, 2008.

in the world: The situation is so serious that the UN Secretary General has identified the SPDC as one of the world's worst perpetrators of child recruitment.⁴⁹ The PONJA report, however, does not mention the danger of children orphaned by the cyclone being forced to join the army. The SPDC has set up orphanages, but according to relief workers inside Burma, these orphanages "have a very bad reputation as being similar to prisons and there were also fears that children would be forcibly recruited into the army."⁵⁰

Immediately after the cyclone, "community leaders tried to gather together the children who were orphaned by the cyclone. The government tried to stop this and break up the gathered children. The government wanted to relocate them into government gathering centres or orphanages."⁵¹

According to one report, orphans are missing: "fifty to one hundred orphans who had been taken to Rangoon by the SPDC, were sent back to their villages. Until now, people from the villages have been unable to find out where they have been relocated to."⁵²

Further, a former soldier observes:

"Some of the orphaned children are now under the military and they have a central military orphanage. Some children were adopted by the military families....In the future, these boys will become part of the military, they will have to become soldiers. For the girls, they will have to work in something related to the military, one of the military organizations.... Since the cyclone I have seen more children soldiers after the Nargis Cyclone. The military took children from the refugee camps, the orphaned children. Children in the refugee camps went to one of three places... military orphanage, the religious groups, or military camp. Those under 13 years went to the orphanage and those 13 years and over went to the military camp."⁵³

49 See, e.g., "Child soldiers and the China factor," *International Herald Tribune*, September 12, 2008.

50 EAT July report.

51 EAT July report.

52 EAT July report.

53 EAT September 17 Report, soldier interviewed on September 13, 2008.

Forced Labor

Given the SPDC's widespread and systematic use of forced labor,⁵⁴ it is striking that there is no mention of this circumstance whatsoever in the PONJA report. Further, there have been numerous reports of forced labor involving cyclone survivors.⁵⁵ In several townships in Irrawaddy Division, local authorities and soldiers ordered survivors to cut wood and bamboo, porter, and clear roads.⁵⁶ In Laputta, soldiers forced villagers to provide labor in the name of "reconstruction," in some cases even beating the villagers during their labor.⁵⁷ In Meepya village in Kyauk Tan Township, Rangoon Division, local authorities forced villagers to repair an irrigation dam damaged by the cyclone in exchange for relief materials.⁵⁸

54 The practice of forced labor in Burma is well documented. See, e.g., Country Reports on Human Rights Practices - 2007, Bureau of Democracy, Human Rights, and Labor, U.S. State Department, March 11, 2008; World Report 2008, Human Rights Watch. See also, "Myanmar may use forced labour in cyclone recovery-ILO," Reuters, May 30, 2008 (the ILO warned of an increased risk of forced labor and child labor in the aftermath of the cyclone).

55 See, e.g., "Forced Labor Used in Delta," *The Irrawaddy*, October 6, 2008. In addition to exploiting cyclone victims, the authorities also took advantage of citizens in other parts of the country under the pretext of providing relief assistance. See, e.g., "Market sellers forced to donate for Cyclone Nargis victims," *Shan Herald Agency for News*, May 15, 2008 (local officials forced traders to make donations for cyclone survivors in northern Shan State); "Junta collects cyclone funds from jade miners in Phakant," *Kachin News Group*, June 10, 2008; "Burmese Army confiscates cattle in the name of cyclone funds," *Kachin News Group*, June 14, 2008; "Forcible collection of rice in Kachin State," *Kachin News Group*, June 16, 2008 (local authorities in Kachin State forcibly collected rice from owners of rice-mills in the name of helping cyclone victims). It is unclear if these cash and materials ever reached the cyclone survivors.

56 "Charges of forced labor emerge in cyclone-hit areas," *The Irrawaddy*, July 17, 2008.

57 "The Irrawaddy Delta Redux," *The Irrawaddy*, July 17, 2008.

58 "Kyauk Tan villagers forced to work for aid," *DVB*, June 27, 2008.

Recommendations to the International Community

We, the undersigned independent civil society organizations based in Burma's border areas, would like to express our sincere appreciation to the international community for providing urgently needed humanitarian assistance to the victims of cyclone Nargis and for making the needs assessment in cyclone-affected areas. As this report has shown, however, there is a risk that financial support given directly to the SPDC, unless strictly monitored, will contribute to further oppression of the people of Burma, and not to relief and empowerment of those whose lives were devastated by cyclone Nargis.

- An independent system should be put in place to monitor and evaluate aid distribution to ensure that the assistance is being provided fairly and effectively within Burma. In addition, the establishment of an independent mechanism to process complaints about aid distribution should be considered.
- All parties involved in relief efforts for the cyclone victims, including governments, financial institutions, and international NGOs, should maintain maximum transparency and provide public information regarding their activities. They should adhere to the UN Inter-Agency Standing Committee's Operational Guidelines on Human Rights and Natural Disasters in the implementation of relief and recovery activities in the cyclone-affected areas.
- The PONJA report and other information on aid distribution should be made readily available and accessible to the public in Burma. Particularly, survivors of the cyclone have the right to be informed in their own language and to raise their voices regarding both assessment of their needs and aid distribution.
- Further, we urge the international community to consider having independent civil society groups as additional counterparts in the post-Nargis assessment and recovery implementation processes. We have valuable networks and sources of information inside the country that could help ensure that aid is targeted and reaches where it is needed most. Given the limited access to independent information under the regime's censorship, we believe our input would be a crucial substantive contribution to Burma's recovery.

About the organizations

This report is produced collectively by the following organizations:

Burma Medical Association (BMA)

BMA serves as a leading body in the coordination of public health policy, promotion of health care and dedicated to promoting health and human rights among refugees, migrants and internally displaced people (IDP) from Burma. BMA facilitates communication, cooperation, and networking among medical professionals, advances the knowledge and capacity of public health care among its members and promotes health workers' adherence to medical ethics.

Burmese Women's Union (BWU)

BWU was formed in 1995 by a group of young female students who left Burma after the military's brutal crack-down on the popular uprising. BWU works for the rights of women and promotes women participation in decision making processes in order to strengthen women's role and contributions to the political and social leadership arena of Burma.

Committee for Protection and Promotion of Child Rights (Burma) (CPPRC)

CPPRC was established in 2002 to protect and promote child rights in accordance with the Universal Declaration of Human Rights Article 25 and Convention on the Rights of the Child Article 7, particularly assisting vulnerable children in border areas and among the migrant labor community to avoid the status of statelessness and ensuing loss of child rights.

Forum for Democracy in Burma (FDB)

FDB is a democratic political coalition of seven organizations and individuals who have engaged in different types of struggles for democracy in Burma since 1988. FDB aims to make substantial and collective efforts to abolish military dictatorship and achieve democracy and national reconciliation in order to establish a democratic federal union in Burma.

Human Rights Education Institute of Burma (HREIB)

HREIB was formed in 2000 recognizing the urgent need to provide human rights education and capacity building initiatives to grassroots organizations and community leaders based along Burma's borders. HREIB tries to raise awareness of gender issues and empower people through human rights education to engage in social transformation and promote a culture of human rights for all in Burma's diverse society.

Kachin Development Networking Group (KDNG)

KDNG is a network of Kachin civil society groups and development organizations inside Kachin State, Myanmar and overseas that was set up in 2004. KDNG's purpose is to effectively work for sustainable development together with locally-based organizations in Kachin state, Myanmar. Its aim to promote a civil society based on equality and justice for local people in struggle for social and political change in Myanmar.

Kachin Environmental Organization (KEO)

KEO was formed in April 2004. To protect the natural resources, forest and the environment from further degradation in Kachin State, and conserve them for the benefit of Kachin people today as well as for future generations Burma.

Kachin Women's Association - Thailand (KWAT)

KWAT was formed in 1999 by a group of Kachin women based in Thailand who recognized the urgent need for women to organize themselves to solve their own problems.

Karen Environment and Social Action Network (KESAN)

KESAN is a local organization working alongside local communities in Karen State, Burma to build up capacities in natural resource management, raise public environmental awareness, support community-based development initiatives; and collaborate with organizations at all levels to advocate for environment policies and development priorities that ensure sustainable ecological, social, cultural and economic benefits.

Karen Women's Organization (KWO)

Formed in 1949, KWO works for the development and relief of women in the refugee camps on the Thai border and in internally displaced people areas inside Burma. KWO aims to encourage an awareness of women's rights and promote women's participation in the community decision making and political processes.

Lahu Women's Organization (LWO)

LWO was formed in 1997 by Lahu women to help addressing the needs of Lahu women and children, to defend the rights of women and to promote the participation of women in the democracy movement in Burma.

National Health and Education Committee (NHEC)

The NHEC is an umbrella organization for the health and education of ethnic nationalities and democratic groups. Its 28 members and affiliated organizations are basically political in nature and operate within the broader movement towards national reconciliation in Burma. They operate in different parts of the country and along its border areas. The main function of NHEC is to facilitate the humanitarian needs of its member and affiliated organizations especially in health and education.

Nationalities Youth Forum (NYF)

NY Forum is an independent and nonprofit ethnic nationalities youth forum, which unites a network of nationality based, youth organizations. NY Forum was established to create equality, national reconciliation and solidarity among the ethnic nationalities of Burma to be able to build genuine and peaceful federalism in Burma.

Network for Environment and Economic Development (Burma) (NEED)

NEED is a non-profit, non-governmental organization that has been in operation since 2006 and has a strong network in northern, western and eastern Burma. By acquiring knowledge and seeking the participation of grassroots communities, NEED promotes environmental conservation, the practice of sustainable agriculture and economic development in Burma.

Pa-O Youth Democratic Organization (PYDO)

PYDO was set up in 1998 by Pa-O young refugees and young monks with the spirit of unity to join hands with other nationalities in fighting for ethnic equality, democracy and peace. PYDO also gives moral support to and promote skills development programs for young Pa-O refugees on the Thai border.

Pa-O National Development Organization (PNDO)

PNDO was founded in 2002 to ensure that the essential health, education and social needs of Pa-O people are met and that their standard of living is elevated. PNDO works to preserve the dignity of the Pa-O and other ethnic groups living along the Thai-Burma border and the Internally Displaced People (IDP) areas.

Pa-O Women's Union (PWU)

PWU was established in 1999 to mobilize the Pa-O women's movement, to promote Pa-O literature and culture, to improve the life of Pa-O women and to promote human rights and democracy among Pa-O people. PWU also works for the health education, welfare and human rights of Pa-O refugees on the Thai border.

Shwe Gas Movement (SGM)

SGM is made up of individuals and groups of people from western Burma who are effected by the plan to extract natural gas from Arakan State as well as regional and international friends who share our concerns. SGM was initiated in late 2002 by All Arakan Students' & Youths' Congress (AASYC) with the support of Araken leaders and grassroot communities.

Students & Youth Congress of Burma (SYCB)

Established in 1996 in New Delhi, India, the SYCB is an Umbrella Organization consisting of 16 students and youth organizations of various ethnic backgrounds. The SYCB aims to increase and promote understanding and co-operation among various ethnic nationalities of Burma, and its member organizations. It also struggles for the achievement of democracy, the restoration of human rights and the federal union in Burma.

About the author

Yuki Akimoto is an attorney who works on human rights and environmental issues concerning development aid to Burma, with a particular focus on international financial institutions. Akimoto is the author of *Opportunities and Pitfalls: Preparing for Burma's Economic Transitions* (Open Society Institute, 2006) and the editor of *The Salween Under Threat: Damming the Longest Free River in Southeast Asia* (Southeast Asia Rivers Network et al., 2004). As the director of the Burma Information Network (BurmaInfo), Akimoto regularly provides information about Burma to policymakers and the public in Japan.

About the project *Another Development for Burma*

The project *Another Development for Burma* provides a platform for political, community and issue based groups within the Burmese democracy movement to consider long-term challenges and development alternatives for the future of Burma. Through seminars and workshops thematic policy recommendations are discussed and drafted. The project is run by a core group of devoted individuals from a wide range of groups within the democracy movement, with assistance and support from the Swedish organization Dag Hammarskjöld Foundation.

