# Impact of Humanitarian Assistance on Burmese Civil Society

**Mark Andrew McDowell**

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***"In most every way, this policy of isolating one of the most isolated countries in the world-where the military regime isolated itself for the better part of thirty years, and which indeed has grown up and evolved in isolation-is both counterproductive and dangerous."***

Thant Minyt-U. *The River of Lost Footsteps: A Personal History of Burma*

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**By: Mark Andrew McDowell**

## EXECUTIVE SUMMARY

Burma is depicted in western media as a totalitarian police state, but the military junta's control over society is incomplete. In the latter half of the 1990s both local and international NGOs started to appear in Burma. Over the next decade, with greater domestic and international concern over the humanitarian crisis that was unfolding in Burma, this sector slowly diversified and matured, despite setbacks caused by military crackdowns and western sanctions.

While cyclone Nargis brought unprecedented devastation to Burma in May 2008, it also had the effect of energizing civil society. As the military failed to respond effectively, community based organizations sprang to life, and local and international NGOs were key to the relief and recovery efforts. Nargis has left a legacy of empowerment, as citizens experienced taking action instead of waiting for government permission. It has spurred the development of organizational and management skills in offices and villages, and furthered democratic and transparent practices.

The size, budgets, and reach of NGOs have increased dramatically since Nargis, and NGOs are hoping to maintain their new influence by taking on new missions. Burma's military however sees the humanitarian sector as a Trojan horse and may move to dampen this trend. Civil society is at a cross-road in Burma: western governments and organizations have a brief window of opportunity to support NGOs in Burma to preserve and build on the gains won, while responding to humanitarian imperatives.

The government of Canada indirectly contributed over $25,000,000 to the Nargis relief effort through multilateral contributions and matching grants to international NGOs. The Tripartite Core Group and NGOs have emphasized the possibility of a "stages of development" transition from relief to recovery to development in the country. In the same way that broad-based, grass-roots service organizations later assumed political expression (e.g. Indonesia, Aceh, Lebanon, et. al) the prospect exists for this type of transformation as the national elections scheduled for 2010 approach

This report offers a menu of options for Canadian funders to engage in Burma within current government policy. It also offers points of entry in the event of possible policy changes which could allow Canada to respond more energetically to the humanitarian crisis and more actively assist the development of democratic forces.

This report is based on original field research in Burma, as well as Thailand and North America, through the first Anniversary of Nargis in May 2009.

## PROJECT BACKGROUND

The author was head of the Political and Economic Affairs Section of the Embassy of Canada in Bangkok from 2003 to 2007, during which time he made over twenty trips to Burma. On leave from the Department of Foreign Affairs at Harvard University from 2007-2009, he is currently an Asia Research Fellow at Harvard's Ash Institute for Democratic Governance and Innovation. The research for this report was conducted from February to June 2009 when the author was based at the Centre for Security and International Studies at Bangkok's Chulalongkorn University.

Over one hundred formal and informal interviews in Burma, Thailand, and North America were conducted for this report. The majority of this research was conducted in Rangoon, where the author had detailed discussions with representatives of twenty local and international NGOs, met informally with the staff of twenty more, and visited the offices of offices six international and eight local NGOs to gain a more detailed understanding of the work environments and processes. He also met with representatives of International Organizations, Embassies, the Burmese government, and with democratic forces such as the National League for Democracy, ethnic organizations, youth groups, and independent journalists and activists.

In the Irrawaddy delta he visited international NGO (INGO) offices in three communities that were the focus of INGO recovery efforts and had many informal conversations with the representatives of INGOs and cyclone survivors.

In Thailand the focus of interviews was exile groups based in Bangkok, Mae Sot, and Chiangmai, as well as Burma experts from the academic, media, and NGO sectors. Additional interviews were conducted with academics in the greater Boston area and with Canadian civil servants in Ottawa. Four roundtables were held in May 2009 on work-in-progress in Singapore, Ottawa, and Cambridge Mass.: the author wishes to thank participants for their valuable feedback.

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Since overthrowing parliamentary rule in 1962, Burma's military regime has transformed what was once the most developed country in Southeast Asia into the poorest, while simultaneously amassing one of the worst human rights records on the planet. In response to the military's violent suppression of pro-democracy demonstrations in 1988, the annulling of democratic elections in 1990, and continued repression, western governments have taken action against the regime by implementing trade restrictions, suspending development and humanitarian aid, and cutting government-to-government contacts. Twenty years later those western governments – along with western funding agencies – face a dilemma. The military has weathered economic and diplomatic isolation by the West and today the likelihood of "top-down" change in Burma seems more distant than ever.

This report investigates the potential for "bottom-up" change in Burma, based on strengthening civil society. Civil society, particularly in the form of local NGOs, has grown in response to the economic, ecological, and social deterioration in Burma over the past decade. In particular, the nascent NGO sector which emerged in the late 1990s has expanded dramatically since cyclone Nargis hit Burma in May 2008. This report uses Nargis as a case study, investigates the state of NGOs in Burma today, and evaluates their future prospects and potential. It suggests how the Canadian government and other organizations might work with partners in Burma in a way that strengthens civil society (and thus democratic forces), while responding to humanitarian imperatives.

## Background: Civil Society

As recently as 1995, the doyen of western Burma scholars, David Steinberg, could assert that under military rule "civil society died: or more accurately, it was murdered"[1]. The military has long understood that a dynamic civil society -- which we can define for our purposes as the voluntary autonomous associations "situated between the family and the state where individuals are free to associate to pursue their needs and interests" [2] – represents a threat to its authority. One of the first acts of the new junta after the 1962 coup was to dynamite the Rangoon University Student Union building,[3] and the military has restricted freedom of association and created its own puppet organizations (professional, women's, etc) to replace independent ones wherever possible.

While Burma's successive military governments can bring overwhelming force to bear at particular times and places of their own choice, they do not exert complete control over all aspects of society at all times. This is partly an issue of capacity (inefficient and incomplete intelligence systems), partly intent (the junta's lack of interest in controlling particular sectors), and partly unenthusiastic compliance by the enforcers of regulations.[4] For this mix of reasons, Burma, for all its terrible faults, is not the omnipotent totalitarian state often depicted in western media.

And for this same mix of reasons, a recognizable NGO sector has been able to emerge in Burma over the past decade or so. Throughout the military period, faith-based charitable organizations continued to operate (even though they have no legal basis to do social work), and large numbers of community-based organizations (CBOs) dealt with apolitical issues

such as local schools. In the late 1990s the field was joined by small-scale environmental and health NGOs[5], and by the "ceasefire NGOs" which were given permission to operate as part of the ceasefire settlements in Kachin state and grew into organizations with a national reach. At about the same time, a small number of international NGOs (INGOs) were admitted into Burma. By 2000 enough of a critical mass was reached that a group of INGOs including World Vision, Save the Children, and Care, founded the Capacity Building Initiative (CBI), an independent, Burmese-operated organization whose goal was to train NGO staff.

## On the eve of Cyclone Nargis

Burma had been subject to various types of sanctions from Western governments since 1988, but by 2004-06 the consensus on isolating the regime was fraying, largely as a result of the growing realization of the magnitude of the humanitarian crisis unfolding in Burma.[6] For example, while the US successfully pushed for the suspension of the Global Fund to Fight AIDS, Malaria and Tuberculosis, the UK and other European nations moved to replace it with the "3D" (three diseases) fund. There was also a rapid expansion of in-country humanitarian programming by the UK, Switzerland and others, though in absolute terms it remained small.

The same period saw a reappraisal of the gravity of the humanitarian crisis among pro-democracy forces inside Burma. In 2005 the '88 Students Group issued a public statement calling for international help in the health and education sectors.[7] The National League for Democracy (NLD), in its Union Day message in 2006 also spoke of "dire conditions" in Burma that required that they ask for international humanitarian assistance.[8] In the same vein, a number of well-known dissidents such as and Dr Ma Thida and Khin Zaw Win gave up involvement in explicitly political activities in order to focus on humanitarian causes.

As the Local NGO (LNGO) sector became more active, foreign funded programs more numerous, and UN programs sought wider reach throughout the country, there was some push-back from the junta. In November 2005 new government guidelines were issued to NGOs and UN agencies in an attempt to rein in and observe their activities more closely.[9] The INGOs and IOs protested these regulations and they were only erratically enforced by the government. While there was no rollback of INGO presence, their numbers did not increase from 2005 to 2007 and there were troubled relations with some UN organizations. Still, this period saw growth and diversification of the LNGO landscape, as a wide spectrum of Burmese, from democracy activists to businessmen with amicable connections to the military, were able to found or join LNGOs.

## Cyclone Nargis

When cyclone Nargis cut an arc across the Irrawaddy delta and Rangoon on 2-3 May 2008, it left over 140,000 dead and 2 million homeless. While the human suffering it brought was appalling, Burmese and foreign observers inside the country suggest that it revitalized

civil society, objectively by swelling the ranks of NGOs and subjectively by creating a sense of empowerment among a demoralized population. It may also have positively altered the outlook and behaviour of government towards civil society, though it is too early to judge that with confidence.

The government response in the first weeks -- ineffective, confused, and at sometimes venal and counterproductive – has been well publicized.[10] But the more dramatic story is the spontaneous response that the disaster elicited in civil society. Existing NGOs transformed themselves into relief organizations, while private citizens organized new groups to deliver aid to the delta. INGOs swelled with local and international staff.[11]
Civil society response was crucial in the first weeks and has continued to be crucial to the success of ongoing relief and recovery efforts.[12] This occurred at local level in many areas from the very first days. Rangoon-based NGOs report that in the confused first days after Nargis the attitudes of local authorities differed greatly from location to location, with many facilitating or turning a blind eye to unauthorized relief efforts. The military, recognizing that it was unable to handle the situation, ceded the *de facto* lead in the disaster response to NGOs. Perhaps seeing that a botched government response to a disaster of this magnitude could become a source of unrest, or a wider security threat, senior military leaders temporarily put aside their suspicions of NGOs.[13]

The military has never gained control of the Nargis response in the important sense of being popularly perceived to lead and orchestrate it. To this day the military has not attempted to take ownership of the relief efforts despite the fact that response to national disaster can be a potent source for nationalist propaganda. On the first anniversaries of the Sichuan Earthquake in China, the Indian Ocean Tsunami in Thailand, and the 9/21 Earthquake in Taiwan, extensive commemorative activities were orchestrated by the state. Yet there were no official commemorations of the 1st anniversary of Nargis in Yangon: the only public event was a large LNGO-organized exhibition of their own ongoing activities. The regime clearly understands that "Nargis" is associated in the popular imagination with government failure, while the NGOs recognize that it is emblematic of their rebirth and vitality.[14]

But what are the objective results of Nargis for civil society? Most obviously, LNGOs and INGOs have grown in size and number. It is extremely difficult to get precise figures, but it has been estimated that the number of Burmese working for INGOs doubled to about 8000.[15] The magnitude of growth is less clear for LNGOs, but almost certainly greater. There are 69 LNGOs on the contact list of the UN's Myanmar Information Management Unit, the CBI catalogue for 2009 has 80 LNGOs, and the Myanmar NGO Network estimates that there are 200 LNGOs (though it only counts 24 as its members).[16] The reason for the variation and the systematic undercounting is that to gain official LNGO status, an organization has to register with the ministry of Home Affairs, a process which can be time consuming and which then may expose the applicant to unwanted scrutiny.[17]

Looking at particular LNGOs and INGOs, it is clear that Nargis has resulted in substantial growth in personnel and budgets. For example, LNGO Mingalar Myanmar grew from an environmental NGO with a staff of four, to a permanent staff to 100, while INGO Save the Children Myanmar went from 500 to 1700 staff.[18] While some INGOs are now paring staff, LNGOs all seem to be seeking and finding new missions in the post-Nargis

world, either working on recovery and development in the delta, or finding new areas of focus. Having managed large active organizations, leaders of LNGOs are universally unwilling to return to more modest aspirations.[19]

Subjectively, Nargis seems to have had an even more dramatic effect. In the words of one student group "after Nargis, civil society came back to life". Citizens, whose political and economic ambitions had been blocked by the regime, have found a positive outlet for their energies in community work, and in turn have regained a sense of empowerment. While it is difficult to quantify, it is clear from anecdotal evidence that the pervasive sense of helplessness of two years ago -- particularly after the suppression of the Saffron Revolution -- has dispersed, to be replaced by a spirit of social entrepreneurship. "Two years ago, working for an NGO was an improbably high aspiration for a new graduate" said one LNGO head, but with the expansion of the NGO sector, it is a practical path to "make a difference".[20] The notion that individuals and groups can make a difference is society, and can act without direction from the state, is a radical and positive force.

This effect is not restricted to the Yangon intelligentsia. As the conduct of the relief and recovery effort passed to NGOs, they reinforced democratic practices at the village level.[21] The leading role of NGOs in delivery of aid set a precedent of speaking assertively in the presence of village heads and giving people the notion – alien in a 47 year old military dictatorship -- that they have a right and ability to manage their own lives.[22] The head of one LNGO put it this way: "In the delta we see very positive developments: a more aggressive citizenry, mass input into decision-making, push-back on government". Several INGOs, emphasized their conscious attempt to get communities, used to taking what the military gives them, to identify their own needs and participate in the transparent and inclusive planning and execution of projects.[23]

The human capacity building aspect – ability to identify needs, plan and execute projects, recruit staff, do publicity, carry out administration and accounting – should not be underestimated in a society which has seen a steady deterioration of human resources over the past decades. With universities closed, the economy strangled by mismanagement and hobbled by sanctions, and political avenues closed, the training provided by the NGO sector is crucial. Even if promotion of civil society is not sufficient to bring about elite change, it is a necessary condition for making political change sustainable when it does eventually come.

Both foreign and domestic NGOs in Burma have explicitly focused on the effort to build civil society capacity, rather than just delivering relief or other programming. In 2000, a group of INGOs founded the Capacity Building Institute to train Burmese staff, and later, in the wake of Nargis, the Local Resource Centre for purposes of training, coordination, and information sharing among NGOs. A number of LNGOs like Egress (see box below) have made skills training a key part of their mandate. In both LNGOs and INGOs there has been a great deal of focus on the <u>process</u> of aid. That is, if humanitarian aid is only a transfer of material it will not be a progressive force; the process of distributing that aid must also transfer knowledge about transparency and accountability. Quoting a Kachin proverb, Saboi Jum, Director of the Shalom Foundation put it: "Mercy without discipline makes a mess".[24]

**SKETCHES OF SOME BURMESE NGOs.** To give an idea of the variety of NGOs active in Burma, here are some brief sketches of LNGOs of different types, from those with national aspirations to recent startups, and those who see their niche as think tanks or training/networking organizations.

**Mingalar Myanmar** originally focused on environmental issues, and was active in forestry and fishery issues in the delta region. This made it well placed to respond to Nargis, and it swelled from four to one hundred full time staff. It has since morphed into an organization which gives disaster preparation and response training at the village level. Mingalar has no plans to shrink back to a pre-Nargis size and its strategy now is to build a huge network of volunteers throughout the country. Mingalar's is led by businessman Phone Win, and his wife Yuza Toon, who is from prominent political activist family www.mingalarmyanmar.org

**Phi Gyi Khin** was founded as a women's health organization in Pyay in 1997, but began to focus shortly thereafter on HIV prevention. Bankrolled by the Fund for HIV AIDS Myanmar and the 3D fund it has grown to 25 full time staff and 100 volunteers (who are more like contract staff). It is also the leader of the National NGO Network for HIV and AIDS, which has grown from 32 local organizations in 2005, to 120 in 2009. By 2011 it plans to double in size.

**Metta Development Foundation.** Growing out of Kachin ceasefire agreement, it focuses on post conflict situations, but now works in six (ethnic) states and four provinces. It happened to be active in the delta in post-tsunami work and was able to quickly redeploy staff from its other operations. It raises all of its funds internationally. www.metta-myanmar.org The **Shalom Foundation** has a similar history and mandate.

**Are Yone Oo** is typical of small LNGOs in that it was founded by an individual with experience in the IO and INGO sector, who left to begin his own startup. Cin Khan Lian, an ethnic Chin engineer, had worked for UNICEF and World Vision before leaving to start "an international standard local NGO" in 2006. It grew rapidly during Nargis when it was able to deliver relief supplies and medical services to the delta.

**Myanmar/Burma Emergency Action Network** was founded by Burmese students abroad; MBEAN raised money overseas to respond to Nargis, but is now seeking an ongoing role in reconstruction and other humanitarian work www.mbean.org.uk

**Myanmar Egress**, founded in 2006, styles itself as a think tank and advocacy organization aimed at promoting political and economic reform. It seeks to influence decision-makers and to disseminate information to the general public via media. The latter goal, an unusual one in the Burmese context, is more understandable given that the founder of Egress is media magnate Ne Win Maung. Egress also runs capacity building courses (such as Project Management) in their downtown Rangoon headquarters. www.myanmaregress.org

**Ecodev** originated as an environmental group but now sees itself as a think tank and consulting organization. It helps other NGOs implement projects, particularly environmental ones, and has moved its focus from the grass-roots level to networking, joining like-minded NGOs and CBOs. It lobbies government "in a Myanmar style" by making alliances with technocrats.

A number of local, international, and hybrid organizations operate at a "meta-NGO" level, focusing on human resource development for NGOs and facilitating their co-ordination and information sharing. **Capacity Building Initiative** founded in 2000 by INGOs to train NGO staff, CBI now has 17 permanent staff. Beyond the training programs it offers, it publishes directories of INGOs and LNGOs, and holds regular meetings of both (separately and jointly). www.cbimyanmar.org . While it is not, an NGO, the
**Local Resource Centre** fills a similar function. Founded early after Nargis and has trained 800 people from 100 NGOs and CBOs in skills such as proposal and report writing. It has a large office where it holds co-ordination and information meetings for NGOs and training programs. **Paungku** , an INGO spinoff, is focused entirely on capacity building at the local level. **The Myanmar NGO Network** (MNN) still has only 24 official members, but is taking on a coordinating and information-sharing mandate for LNGOs.

To international observers with experience of the 2004 tsunami in Aceh, a disaster of comparable magnitude, in a comparably problematic location, the response to Nargis has been more sophisticated and far sighted in terms of capacity building and strengthening civil society.[25]

## Nargis and Government

The positive legacy of Nargis is greater capacity in civil society, and a changed relationship between the state and civil society in both urban and rural areas. But can aid develop good habits in the regime? As mentioned above, much is made of non-compliance of the junta in the early stages of Nargis.[26] But a contrast can be drawn between the early days when indecision, fear, and xenophobia marked the government response, and the subsequent year which has been notable for "unprecedented co-operation between the government and international humanitarian agencies"[27]. Admittedly, "unprecedented" in the Burmese context is not a high bar, but interlocutors in Rangoon frequently report that the Nargis experience has improved government understanding of the role and functioning of NGOs, which were previously thought of as meddling foreigners, or fronts for human rights advocates.

The founding of the Tripartite Core Group (which brings ASEAN, the UN, and the Myanmar government together in a troika to administer international aid) was a face-saving means for Myanmar to engage with the international community to manage the Nargis response. While ASEAN engagement with Burma has in the past been criticized as being unserious about promoting change, the TCG mechanism holds out the promise of steeping participants from the Burmese government in transparent, participatory, consultative, habits.[28] The TCG has put emphasis on "software" in the form of social impacts monitoring as well as the "hardware" of delivering aid.[29] ASEAN has also been notable for its attempt to "sell" the TCG process to western donors using western criteria, that it is "transparent, participatory, and community-based".[30]

Unfortunately, while working level counterparts in the Burmese government may be socialized into democratic transparent ways of interacting with society,[31] they are not the decision-makers in the Burmese state. The senior generals almost certainly view the INGO and LNGO presence as a Trojan horse, and given the discussion above, they are in a sense correct. So what does the future hold for NGOs and civil society in Burma?

## The Future

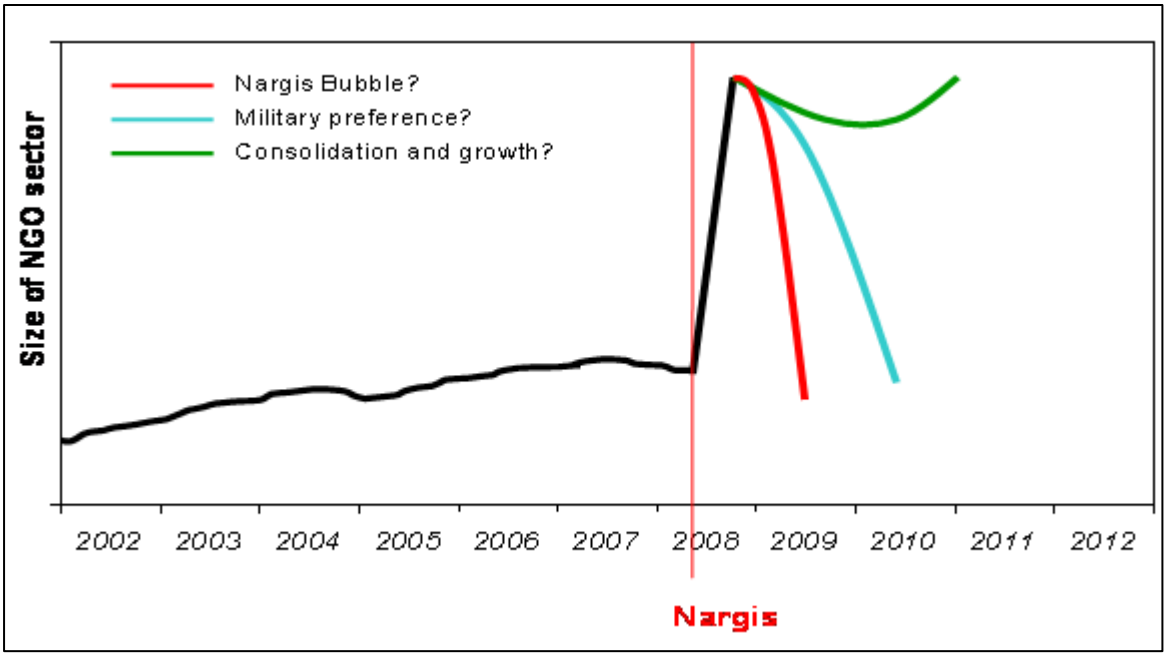
It was thought that the Nargis NGO explosion might merely be a bubble, and that with the emergency and excitement passed, NGOs would scale back. But all evidence from interviews suggests that LNGOs are intent on maintaining their new reach and influence, and are seeking new mandates. The more likely threat to civil society is that the government

will decide to slow down the growth of the LNGO sector. There have been numerous instances of crackdowns on LNGOs who were perceived to be showing up the government or becoming too influential. The most celebrated case of this is the 2006 arrest of actor U Kyaw Thu (no relation to the TCG chair), whose Free Funeral Service group was indirectly highlighting the problem of poverty in Burma.[32] The arrest of comedian Zaganar and others in June 2008 for criticizing the military's Nargis response was a fresh reminder.

For INGOs the government uses more bureaucratic means of control. Just as it attempted to fetter foreign organizations in 2005-06 through regulation, in March 2009 it brought in more complicated and restrictive visa regulations for foreign aid workers. While it is too early to tell, these changes may be an attempt to begin turning off the tap on INGOs. There is much speculation in Rangoon that the military, focused on the 2010 elections, will want to radically reduce the number of foreign eyes in the country by that time.

Set against these fears is the hope that enough members of the administration now understand the key role that LNGOs can play in delivering services to a country chronically underserved by its government. Some also suggest that the TCG structure is insurance against the government moving against IOs and NGOs as ASEAN has invested its prestige in the success of the TCG.

It is not certain what trajectory the NGO sector will follow: space has been created by Nargis and we have described how LNGOs have shown no inclination to return to their more modest pre-Nargis existence. But it is not clear if this new space will shrink, or disappear, or if NGOs will be able to consolidate gains achieved and enter a path of stable growth. We can picture these three futures in an abstract way like this:



So at this moment in history, how can foreign governments and organizations contribute positively to the sustained growth of civil society in Burma?

## What can Canada do?

For Canadians this question is difficult, as our government has painted itself into a corner with twenty years of sanctions rhetoric, and put an obstacle in the way of those interested in supporting democratic forces in Burma, in the form of sanctions legislation. But before looking at policy, let's get an idea of what kinds of activities Canadians could support in Burma. The challenge is to find a role for Canada that will be consistent with our principles but will not alarm the military to the point of endangering Burmese partners**.** The menu below focuses on funding that would build civil society capacity directly through training, or indirectly through projects. It also suggests ways to act as a facilitator of political dialogue internationally and how to protect gains by working with IOs such as the TCG.

### 1 Direct Capacity Building

The simplest, most direct form of support for civil society would be to fund training in Rangoon for NGO leaders and activists from independent humanitarian organizations. These could be in English language, management, political economy, or more specialized topics. The British Council and American Center in Rangoon have run various types of capacity building courses for many years, and would welcome Embassy of Canada funding. This could be scalable from $25,000 to $250,000 a year.

### 2 Funding an organization with capacity building as its mandate

Core funding could be provided for an organization like Capacity Building Initiative, the Local Resource Centre, or Paungku. Contributions could be scalable.

### 3 Direct funding of LNGO humanitarian projects

Canadian organizations could fund well-established local NGOs such as Mingalar to continue disaster preparedness work, or Metta or Shalom to carry out conflict prevention work. Phy Gyi Khin, the highly successful AIDS prevention group is hoping to double in size in the next two years broaden its health work from AIDS to women's health. Direct funding of projects has the advantage of high returns on small investments, but entails monitoring issues. Projects with local NGOs can start in the $10,000 range.

### 4 Direct funding of INGO humanitarian projects

Canada could fund INGOs such as IDE Myanmar or Save the Children to carry out reconstruction work. To give an idea of the upper end of costs, IDE is currently packaging a proposal to aid 42,000 landless households for $235,000. Save the Children and IDE were recipients of Canadian Nargis matching funds. Co-operation between INGOs and LNGOs in Burma is close, and delivery of many projects involves collaboration of both.

### 5 Indirect funding of humanitarian projects

In order to avoid transaction and monitoring costs, Canada could piggy-back on work being done by Phyu Pin, an autonomous organization under the British Council that provides small

grants to projects which further governance. Phyu Pin is funded by DFID and the government of Sweden, and its total budget is currently $4 million a year. Alternatively, Canada could also piggyback on a small grants program run by another Embassy. The US Embassy for example gives out grants up to $5,000 for development projects, and over the past three years has funded 35 organizations in all states and divisions.

### 6 Funding of multilateral humanitarian projects

The 3D fund to combat AIDS, Malaria, and Tuberculosis has a budget of $100 million over 5 years, 35% of which is from the UK. Canada could get a place at the table for a contribution of a million dollars.

### 7 Participation in UN activities to emphasize civil society

Leaving aside the question of major Canadian contributions to UN recovery, Canada could contribute to the PONREPP coordination meetings. These are predictably expensive, costing $8 million over 2 years, but it is the forum by which civil society and INGOs have a voice in the TCG process. The TCG and UN have indicated an interest in finding creative ways for Canada to engage.

### 8 Projects Outside Burma: Capacity building

Canada could continue and expand programs in Thailand that train Burmese in key skills. This can be done through organizations like the Vahu Institute in Chiangmai which has previously run training programs for monks and for NGO workers funded by the Embassy of Canada. With Burmese passport and exit restrictions eased, this is now a logistically practical supplement to in-country training.

### 9 Projects Outside Burma: Networking

There is a need for more meetings between key actors in the humanitarian efforts inside Burma and on the border. With tensions between “inside” and “outside” groups at times high, much energy has been wasted on struggles between the two. Both Rangoon-based activists and border based exile groups have indicated that it would be extremely useful for a third party to organize meeting between the two to build trust and co-ordinate strategy. It would also be useful to invite more representatives of “inside” groups to international events, rather than relying on border-based practitioners alone. For example, a DFAIT-sponsored conference on Burma, held at Laval University in 2008, included no Burma-based participants among its approximately fifty invitees.

### 10 Research

The collapse of the educational system in Burma over the last generation has left Burma’s research capacity crippled. With universities largely closed since 1988, NGOs are a possible alternative to become the locus of applied social science research. However, they are hampered by lack of funds and international contacts. Targeted grants to NGOs with proven capacity in research areas of pressing importance could be a lifeline for an embattled intelligentsia and revitalize Burmese scholarship. For example, “ceasefire NGOs” such as Metta Foundation and Shalom Foundation already carry out work in areas of Peace, Conflict and Development: alone or in partnership with a Burma based INGO they could develop more thorough research. Similarly, the numerous LNGOs that focus on environmental issues could benefit from funding for in-depth scholarship on issues which would be of immediate policy interest. Coastal forestry is an obvious priority. Think tanks are in their infancy in Burma and grants to organizations like Ecodev or Egress could allow them to spin off their think tank components into independent organizations.

### 11 Research Networks and International Research Cooperation

The Burmese intelligentsia has been the victim of both the junta's repression and western sanctions. To give one example of an international program which should include Burma, IDRC's Economy and Environment Program for Southeast Asia operates in 8 ASEAN countries, but does not include Burma, the ASEAN nation with arguably the most acute environmental challenges. By including Burma in EEPSEA, Burmese researchers could re-connect with regional networks. Apart from the academic benefit, this would also have a positive effect on the domestic status of the intelligentsia, and thus further strengthen civil society. In policy areas from immediately pressing issues like agricultural development to longer term challenges such as mitigating climate change, Burma faces challenges in common with its Southeast Asian neighbours, and the potential for sharing best practices is great.

## Policy debates

By any objective measure, Burma gets little international humanitarian aid: in 2006 it received $2.68 per capita, compared to $36.00 for Cambodia, and $58.13 for Laos[33]. The Lao case is particularly germane, as it is debatable which of the two countries has a poorer record on suppression of human and civil rights; in fact as Sudan ($51) and Zimbabwe ($41) also receive over ten times as much aid per capita as Burma.[34] Burma has a lower HDI index than either Cambodia or Laos, and the urgency of its humanitarian challenges have been well documented. Meanwhile, as enumerated above, there are many cost effective entry points for potential Canadian funders in Burma, and Burma has shown – before, during, and after Nargis -- that it has the capacity to digest much higher base levels of aid.

All of Canada's allies have recognized this humanitarian imperative and have participated in multilateral aid programmes such as the 3 Diseases Fund for several years now, or by directly supporting Burma-based organizations.[35] Canada is now the outlier among Western countries and risks being left behind, unable to assist the development of democratic forces in Burma and watching from the sidelines as others respond to the humanitarian crisis.

There are historical and political reasons for Canada's outlier status. The Government of Canada clings to the policy of isolating Burma which has – despite the best intentions -- proven a failure in pushing the regime towards reforms over the past two decades. So much credibility has been invested in the policy of isolation, by both activists and government, that both are afraid to lose face by backing down and implicitly admitting failure. The policy long ago became an end in itself, as indicated by the proud title of frequent DFAIT references to Canada having "toughest sanctions against Burmese military regime".[36] For the Canadian government, a hard line policy towards a country with which it has no significant economic relations is a low-cost way of signalling that it is on the side of freedom and virtue.[37] For North American Burma advocacy NGOs, who are increasingly cut off from developments inside the country, engagement of any kind inside Burma threatens their leading role in the struggle for democracy.

**Sanctions** can be defined as "penalties aimed at a state . . . for the purposes of altering its behavior". Sanctions can seek to alter behavior by directly addressing a problem, such as keeping fissionable material out of the hands of nuclear proliferators, or indirectly by inflicting pain of the target country until that country's behavior is changed. Sanctions can also aim at regime change directly by weakening the government, or, in a Leninist vein, by causing immiseration to the point that citizens have little to lose by attempting to overthrow the state.

The National Coalition Government of the Union of Burma, Burma's "Government-in-Exile" has articulated its reasons for advocating a policy of sanctions and isolation. Punitive measures aim is to bring regime to the bargaining table, their goal is "NOT severe economic destabilization aimed at toppling the government." But western NGOs still have great expectations for sanctions. The Burma Campaign UK says they are a means to "cut the lifelines that keep the regime alive", while the CFOB envisages it aiding regime change, as "the case for sanctions in Burma is similar to that of South Africa". Western policies of isolating the Burma were developed in consultation with NGOs and Burma's government in exile, under a consensus that they were the best available means to force the Burmese military to compromise with its democratically elected government and speed the return to democracy.

Unfortunately, twenty years later, Burma's military government is stronger than it has ever been. For the first time in the thousand year history of the Burmese state, it is surrounded by allies. The junta has militarily defeated or made peace with almost all of the numerous armed opposition groups within its borders. And while the people continue to suffer, the generals have weathered economic stagnation, willing to pass on any economic hardship to the general population. With the growth of friendly economies surrounding it – China, India, Thailand, and the rest of ASEAN – they have a market for anything they wish to sell.

Western activists and policymakers could not foresee the political and economic changes that would help the regime flourish. But western governments and activists alike have been loath to evaluate the results of those policies. The military has been strengthened with respect to civil society, the prospects of dialogue between democratic forces and the government have been made more distant, and the West has been forced to sit and watch while a humanitarian catastrophe engulfs the people of Burma.

Some Western human-rights advocacy NGOs have become, perversely, the most vociferous opponents of humanitarian aid inside Burma. Despite the fact that by 2006 the NLD and other prominent pro-democracy groups were pleading for increased western aid to both humanitarian causes and civil society capacity building, some Canadian NGOs remained staunchly opposed. As recently as June 2009, in the Globe and Mail, one well-respected human rights advocacy group flatly denied that "aid can be delivered inside Burma in an accountable way that doesn't strengthen the junta."[38]. This contradicts the reports of the vast majority of LNGOs and INGOs operating in Rangoon, and the evaluations of the majority of independent investigations (including this one). Most importantly, it contradicts the public statements of pro-democracy groups that are based inside Burma, and presumably have both the most keen interest in, and information about, the issue.

A very public example of feuding between "inside" and "outside" groups was the publication of the "Voices From the Delta" report which highlighted shortcomings in the Nargis response and advocated a pause in foreign aid.[39] Significantly, INGOs operating inside Burma responded with a spirited and public rebuttal,[40] indicating perhaps that the days of border and exile groups setting the terms of the debate on engagement inside Burma may be over.

Many Thai border-based organizations are beginning to take a more conciliatory position towards direct humanitarian aid in Burma. Groups such as the Thai-Burma Border consortium and Karen Human Rights Group suggest have called for co-ordination of "complementary" inside and outside strategies.

## Legal Issues

Abandoning sanctions completely is not a question that has to be considered at this moment, and there are tactical reasons why it might be unwise, but there is much that Canada could do within existing sanctions legislation. There is widespread misunderstanding of current legislation, which in fact makes broad and generous exemptions for humanitarian work[41]. Most relevantly,

> *the sanctions do not apply to the export of goods to international organizations with diplomatic status, UN agencies, the International Red Cross and Red Crescent Movement or non-governmental organizations (NGOs) involved in humanitarian relief work in Burma. [nor do they apply to] the export of supplies intended strictly for medical purposes and consigned to a medical facility such as a hospital of clinic; or supplies composed of foodstuffs intended for human consumption*

and further

> *There is also an exemption to the financial services restriction on humanitarian grounds. This prohibition does not apply to transactions to international organizations with diplomatic status. United Nations agencies, the International Red Cross and Red Crescent Movement or Canadian non-governmental organizations who have entered into grant or contributions agreements with the Canadian International Development Agency, for the purpose of undertaking humanitarian work in Burma.*

There is no need for Ministerial Permits for any of the many activities that would fall under the above exemptions. However, <u>in addition</u> to those exemptions, the Minister of Foreign Affairs may

> *issue to any person in Canada or any Canadian outside Canada a permit to carry out a specified activity or transaction, or any class of activity or transaction, that is restricted or prohibited pursuant to the Burma Regulations and that does not fall within the scope of the exemptions outlined in the Burma Regulations.*[42]

It seems therefore that there is no urgent need for a change in existing legislation to undertake any of the humanitarian and civil society strengthening activities outlined earlier.

Over the past year, the Government of Canada has indirectly contributed over C$25 million in humanitarian aid to Burma, composed of over C$14 million to UN organizations,

over C$9 million to Canadian NGOs, and over 3 million to the Red Cross. The TCG is emphasizing the seamless transition from relief, to recovery, to development efforts, providing a face-saving path for western countries to continue Burma programming. The Canadian government should avail itself of this opportunity. The chief difficulty for Canadian funders will not be in finding worthwhile projects or dealing with domestic sanctions legislation, but in publicly acknowledging that it is consistent to take a tough political line on rights abuses, and at the same time help the people of Burma.

## Civil Society Revisited

Much of the renewed interest in civil society in the last twenty years grew out of application of the concept to Eastern European societies seeking to free themselves from authoritarian regimes. For those who actually had to deal with authoritarian governments "to engage the state head on would be a suicidal venture", and building up social movements to wait for a time when the regime was weakened seems to have been a perspicacious strategy. "The idea of reform from below, by the construction or reconstruction of civil society . . . reflected a realistic and sophisticated reading of the situation in its kind of society."[43]

Such a strategy of change from below seems preferable to those Burmese who are actually carrying on the struggle inside Burma. Through humanitarian and other aid programs, we in the West have an opportunity to help those Burmese to strengthen civil society, the "arena in which modern man legitimately gratifies his self interest and develops his individuality but also learns the value of group action, social solidarity and the dependence of his welfare on others, which educates him for citizenship and prepares him for participation in the political arena of the state."[44] The Burmese must not be seen as passive victims who can only be "saved" by western governments, activists, or exile groups.

But beyond the argument that humanitarian aid provides opportunities for community organizing, or makes Burmese society more resilient, or lays the groundwork for future democracy, there is an issue of intergenerational justice: Burmese are suffering today owing to our calculations of what will be best for future Burmese. Without extensive humanitarian aid, many Burmese will not live to see that day that democracy and human rights finally return to Burma.

This report uses the term Burma throughout, in keeping with Canadian government usage. This does not imply a stand on the overwrought debate over the political implications of using "Burma" versus "Myanmar".

[1] Steinberg, David 1995
[2] This definition from Hegel's Philosophy of Right is quoted in Lee Hock Guan. Sometimes definitions of civil society include the proviso that these organizations should be concerned with public ends, to distinguish them from commercial enterprises. A simpler, negative definition would describe civil society as that which is neither family, nor state, nor market. Thus civil society is made up of religious and professional organizations, interest groups like sports or hobby clubs, media, community based organizations (CBOs) and non-governmental organizations (NGOs). See Kumar 1993 and Lee 2004 for more on definitions, and Lee 2004 and Alagalappa 2004 for application to contemporary Asia.
[3] Thanks to Tate Naing for this insight.
[4] There is also a substantial difference between the BSPP and SPDC in that latter does not seeking economic autarky and accepts some form of free markets and international economic contacts. The SPDC retains some of the BSPP's xenophobia, though more focused on political and security concerns.
[5] such as Ecodev whose founder, Wan Myo Thu, had hosted a NGO forum in Bagan in 1995, and Pyi Gyi Khin a woman's health group founded in Pyay in 1997
[6] The UN spoke of 1/3 of children malnourished and a resurgence of treatable diseases such as malaria and tuberculosis.
[7] '88 Generation 2005
[8] NLD 2006
[9] The regulations stipulated that the state would vet all hiring of local staff, and that a state representative would have to accompany all IO groups everywhere.
[10] See *Making a disaster out of a Cyclone*. The Emergency Assistance Team documents military failings in detail, but it extrapolates from the early days to make erroneous judgments about the relief and recovery effort as a whole.
[11] Foreign staff of INGOs were, in the early days, prohibited from travel to the delta, spurring cooperation between INGOs and LNGOs
[12] Sreshtra speech
[13] Recognizing a need to scale up and sustain relief efforts by the end of May Myanmar entered into a formal mechanism for oversight of multilateral aid, the Tripartite Core Group (TCG) which brought together ASEAN, UN, and Myanmar in a unique partnership. While civil society is not formally a part of the TCG, they have regular input into regular consultative mechanisms.
See Tripartite Core Group 2008a and 2008b.
[14] This also indicates that the criticisms of Nargis relief which were based on the idea that the junta would gain legitimacy because of humanitarian aid, are invalid.
[15] I base this figure on discussions with a number of Yangon INGOs and the Local Resource Centre.
[16] Heidel 2006 found 64 LNGOs to interview In Yangon in 2003-04. He estimated the national total to be 270 at that time, including those without "social welfare aims" such as professional organizations.
[17] For an explanation of the process see Khin Ohnmar 2008
[18] Save the Children has since scaled back to about 1500.
[19] I have skipped discussion of CBOs as they are even more difficult to get quantitative information on. But their growth in the delta has also been dramatic and the village level developments are explored below.
[20] Various interviews in Yangon
[21] Ardeth Maung (interview) points out that there is a long tradition of passive or explicit resistance to government authorities from the village level, and suggests that to some extent urban elites and foreigners overestimate their role in encouraging democratic practices and a more aggressive attitude towards the government.
[22] Various interviews in Yangon
[23] We have decided not to cite the specific sources of many opinions out of concern for Burmese interlocutors.
[24] Tara niang ai matsan dum lam gaw ashep ashi kai nga ai in Kachin.
[25] Interviews with William Sabandar (Representative of the ASEAN Secretary General to the Tripartite Core Group, Chief Technical Expert, and Head of Operations TCG) and Lilianne Fan (UN and INGO consultant) agree on this.
[26] See footnote ix. Also see the rebuttal to the Emergency Assistance Team report from 21 Burma based NGOs.
[27] ICG 2008. The efficiency of the efficiency of the aid distribution is not the subject of this report, however, at the February 9 launch of the PONREPP, the World Bank suggested that aid dispersal conditions were generally good compared to other least developed countries. Given that Burma usually receives $150 million in aid a year, the fact that it absorbed $310 in the aftermath of Nargis is impressive.
[28] It is notable that all these buzzwords are used not only by the TCG ASEAN chair Surin Pitsuwan, but by the Myanmar representative U Kyaw Thu as well. 9 February 2009 speeches.
[29] A recurrent complaint from NGOs is that the government is interested only in hardware
[30] These buzzwords were used by both Suri Pitsuwan (ASEAN Chair) and U Kyaw Thu (Myanmar's representative on the TCG) in public speeches in February 2009. Obviously some of this is a necessity to appeal to donors, but there is a palpable change in ASEAN's role here with respect to Burma. It is not focusing on

shielding Burma from change under the rubric of "Asian Values" or non-interference, but trying to identify win-win opportunities that Nargis has created for the west and Burma.

[31] The literature on "epistemic communities" is relevant but beyond the scope of this paper.

[32] Another interesting case around this time was the interference with a Rangoon group that embarked on a seemingly innocent litter pick-up campaign. The authorities insisted at first that they wear the uniforms of the city sanitation workers, but eventually relented.

[33] UNDP 2007

[34] Sudan and Zimbabwe are 2007 figures.

[35] Even the United States carries out a small scale grants project through its Embassy, and has a very significant program of training courses for journalists, released political prisoners, and other key groups through the American Library in Rangoon.

[36] CFOB 2007a, 2007b. Rights & Democracy, the Montreal based NGO, listed the three goals of its Burma projects from 2005-08 as: "financially assist democratic forces in exile, bring censure resolutions to the UN, and sanction the military regime."

[37] Even the Canadian government acknowledged, tucked into the Regulatory Impact Analysis Statement appended to its 2007 legislation, that the scale of economic activity covered by the new measures was "negligible". Western NGOs may support aid provided from Thailand (across a dangerous border) as they are able there to act as middlemen between funding governments and program deliverers and ensure their continued relevance to the struggle for democracy in Burma.

[38] Kopecky 2009

[39] Worawit et al 2008

[40] Action Aid et al 2009

[41] This discussion is based both on the text of the legislation, and informal discussions with Foreign Affairs legal personnel, including at a roundtable on Burma on 20 May 2009. It is consistent with explanations posted on the Foreign Affairs "Sanctions Page" www.international.gc.ca/international/Sanctions_Burma-Birmanie.aspx?lang=en

[42] *Special Economic Measures (Burma) Permit Authorization Order* made pursuant to subsection 4(4) of the *Special Economic Measures Act*

[43] Kumar 1993

[44] Kumar 1993. The question of whether free politics stimulates civil society or visa versa is beyond the scope of this paper.

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