After the Storm:

Voices from the Delta

A Report by EAT and JHU CPHHR
on human rights violations in the wake of Cyclone Nargis

After the Storm: Voices from the Delta

March 2009

An independent, community-based assessment of health and human rights in the Cyclone Nargis response

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After the Storm: Voices from the Delta is dedicated to the survivors of Cyclone Nargis and to the tireless individuals who put themselves at risk to assist their neighbors. We extend our deep appreciation to those relief workers and survivors who took the time to share their experiences for this report. We would also like to thank Global Health Access Program (GHAP) and Karen Human Rights Group (KHRG) for the technical assistance they contributed to the project and Thein Phyo Hein for his research contribution.

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The Emergency Assistance Team (EAT-BURMA), established on May 6, 2008, is a grassroots organization dedicated to providing aid and assistance to the people affected by Cyclone Nargis, especially in the Irrawaddy and Rangoon Divisions. EAT was formed through the collaboration of several Burmese community-based organizations on the Thai-Burma border and works through networks of local organizations in Burma to deliver food, water, shelter, clothing, health services and rehabilitation to those most in need and to build the capacity of local organizations to conduct relief work.

JOHNS HOPKINS BLOOMBERG SCHOOL of PUBLIC HEALTH

The Center for Public Health and Human Rights at Johns Hopkins Bloomberg School of Public Health, founded in April 2004, uses population-based methods to measure their effects of population-level violations of human dignity and the right to health and utilizes innovative public health approaches to minimize the consequences of such violations. The Center partners with grassroots organizations, human rights groups, and public health researchers and practitioners to identify and address the needs of the underserved and to investigate public health and human rights interactions.

Front and back cover photo: Image captured by "accidental relief workers," students from Dagon University who organized to provide food, shelter, and education support for cyclone-affected villages. The photo was taken of the bridge to Twantay on Sunday, May 25th – weekends were the biggest days for relief trips out of Rangoon. Government officials who were attempting to limit public donations to survivors began to block cars at 6am, resulting in the long line seen in the image. The authorities were later arresting individuals who had spent the day in the Delta, passing back through here on the way home.

Preface

In May of 2008, the world watched in horror as evidence mounted from Burma that Cyclone Nargis had been an enormous storm resulting in great loss of life. Offers for emergency assistance poured in from around the world as the numbers of the lost and the missing rose into the tens of thousands. Yet the ruling Burmese junta, the State Peace and Development Council (SPDC), proved reluctant to accept aid or allow skilled relief workers into the flooded Irrawaddy Delta. Some ten months later, reconstruction of the Delta continues and the survivors of the storm and their communities continue to face huge challenges. Their voices, their experiences, and their eye-witness accounts of the response to Cyclone Nargis have been missing from the international debate around the relief effort. This report, After The Storm: Voices from the Delta, by the Emergency Assistance Team and its partners, is the first independent assessment of the response to bring forth the uncensored voices of survivors and independent relief workers.

Their accounts are stunning. Relief workers witnessed systematic obstruction of relief aid, willful acts of theft and sale of relief supplies, forced relocation, and the use of forced labor for reconstruction projects, including forced child labor. When the junta allowed aid to reach survivors, it was often preferentially provided to members of the Burman ethnic group. Survivors experienced SPDC controls on basic rights and freedoms, and they were compelled to vote in the junta's anti-democratic constitutional referendum just weeks after the storm—before many had access to the most basic of services.

While other reports have detailed the relief effort, the human rights dimensions of the complex humanitarian emergency have been missing. This report demonstrates that the SPDC continues to violate the rights of relief workers and survivors, just as it continues to hold relief workers in its prisons for having dared to help their own people. The needs of the people of Burma, especially the people of the Delta, are many. Among them is the need for truth, for transparency, accountability, and respect for their human rights. The crimes against the people of the Delta must stop, and those who have committed them must be held accountable. After the Storm is a critical step toward that accountability. These are findings which call for immediate action. The people of Burma deserve no less.

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Image 1 July 2008, Pyapon – survivors, still in need of aid, received emergency food assistance from EAT and return home in monsoon rain (courtesy of EAT)

Executive Summary

Cyclone Nargis lashed Burma on May 2, 2008, making landfall in the Irrawaddy Delta, 220 km southwest of Rangoon. This was a massive cyclone which would have been a challenge for any country to address. In all, some 140,000 lives are thought to have been lost, and at least 3.4 million persons were directly affected. Nargis hit Burma, a country under long-standing military rule, at a crucial time: just days before a national referendum on a new military-backed constitution was planned.

The response to Cyclone Nargis on the part of Burma's ruling junta, the State Peace and Development Council (SPDC), was profoundly affected by the junta's policies, its practices toward its citizens generally, and by the political imperatives of the junta's referendum priorities. The junta's response was marred by failures to warn, failures to respond, limits on humanitarian assistance from independent Burmese NGOs and citizens, and limits on humanitarian assistance from international entities eager to assist.

Independent assessment of the Nargis response has proven to be challenging. Assessments done with the collaboration of the junta have reported little on the human rights situation for survivors and relief workers.

Burma Before the Storm
Military rule in Burma has also been characterized by widespread human rights violations, including the violent suppression of the 'Saffron Revolution' in 2007, and severe curtailment in social spending. The official government expenditure on health is about $0.70 per capita per annum or 0.3% of the national GDP, amongst the lowest worldwide. The health and social services situation is more severe in rural and ethnic minority areas.

The Referendum and the New Constitution
The SPDC announced in February, 2008, that it would hold a referendum on its new military-drafted constitution on May 10. The constitution had been drafted in secret by military-appointed representatives, without the participation of the National League for Democracy (NLD) and the Shan Nationalities League for Democracy (SNLD), winners of the 1990 elections which were never recognized by the regime.

It was against this complex and contested backdrop that the worst natural disaster ever to hit Burma made landfall.

The Emergency Assistance Team - Burma
Within days of the cyclone health care workers from the Thai-Burma border region joined together to create EAT, the Emergency Assistance Team- Burma. The teams, eventually 44, were comprised of several volunteers each; most were cyclone survivors. They received training in emergency responses, food and water distribution, and basic first aid provision. The EAT teams, working "under the radar" and with local community based organizations (CBO) while unaffiliated with any formal NGO or GO, went deep into the affected areas to provide relief to survivors.

Their efforts are part of a larger ongoing effort of border-based social organizations which quickly respond to challenges such as Cyclone Nargis, mobilizing through a network of other CBOs. By

the end of the first phase of relief (in the first three months) 44 direct assistance teams had provided assistance to an estimated population of some 180,000 survivors in 87 villages across 17 townships.

An Independent Assessment of the Nargis Response

In response to reports of human rights abrogation in cyclone-affected areas, a collaborative group was formed which included EAT and the Johns Hopkins Center for Public Health and Human Rights to conduct an independent assessment. With technical assistance provided by local organizations Global Heath Access Program and Karen Human Rights Group, two rounds of data collection were undertaken in the Irrawaddy Delta by the EAT teams: from June to September, and October to November, 2008. A total of 90 interviews were conducted. Interviewees were 33 relief workers and 57 survivors, interviewed in storm-affected areas (including in Irrawaddy Division) and in Thailand.

RELIEF EFFORTS AND THE HUMAN RIGHTS FRAMEWORK

The Government of Burma[1]/Myanmar is not a party to most international human rights treaties, but acceded to the Convention on the Rights of the Child (CRC) in 1991, and the Convention on Elimination of all forms of Discrimination Against Women (CEDAW) in 1997, albeit with reservations. By accession to the CRC, the junta has legally agreed to recognize the right of the child to reach the highest standard of health and access to health care. Under CEDAW special consideration is given to realizing women's rights to health care and to the needs of rural women.

The Responsibility to Protect

The Responsibility to Protect (R2P) report of the International Commission on Intervention and State Sovereignty (ICISS), issued in 2001, advanced a framework for international human rights protection, declaring that it was each sovereign nation's responsibility to protect their citizens from crimes against humanity, genocide, and other mass atrocities. This was later reaffirmed by the 2005 resolution of the UN General Assembly and the 2006 UN Security Council resolution. The 2005 resolution concluded that it is the responsibility of the international community

> …to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity…." and taking "collective action" only "on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations.

R2P was invoked in the early, stalled response to the Cyclone but was never implemented. The people of Burma, including EAT, *did respond to the responsibility to protect*—despite junta harassment, arrest, and in some cases, imprisonment, for providing humanitarian assistance.

[1] Throughout this report we refer to the country as Burma, however, international treaties were accepted by the "Government of Myanmar" and so is reference as such in this case.

Crimes Against Humanity

The testimonies presented in this report, document 1) intentional disregard of some cyclone victims, including women and children, that could and may have led to mass loss of life 2) failure to address the health needs of rural women, and of women and children generally, in the cyclone affected areas 4) targeted interference with relief operations on the basis of ethnicity and religion 5) forced labor 6) forced relocation affecting women and children and 7) the use of forced child labor. Each is evidence of the junta's violation of its legal obligations to uphold the provisions set forth in the CRC and CEDAW conventions. However, taken together, these systematic abuses may also amount to crimes against humanity, as defined by article 7(1)(k) of the Rome Statute of the International Criminal Court, through the creation of conditions whereby basic survival needs of civilians cannot be adequately met, "intentionally causing great suffering, or serious injury to body or to mental or physical health."

Investigation of these rights violations and redress for their victims is critical if the next phases of the Nargis response, including reconstruction, are to be conducted in accord with international human rights norms, and in accord with the Government of Burma's obligations to its people and to international law.

FINDINGS: VOICES FROM THE DELTA

In all, EAT teams conducted 90 in-depth interviews. Thirty-three were among relief workers and health care providers in the affected areas, while 57 interviews were among survivors of the cyclone. Names, villages, and other identifiers have been removed to protect the security of those who were interviewed.

Immediate needs for Food, Water, and Shelter following the cyclone

> The storm hit at night and was over by about 9:30 am. I immediately went to see the damage. There was no help; no soldiers, no police, no USDA. I felt we had to do something. I went to the UNDP but they only talked about assessments and staffing. That is not effective, we need to do something NOW. So we organized emergency relief.
> **-- Relief Worker, civil servant working in Hlaingtharya, Dala, Bogale, and Dedaye. Interviewed in Rangoon on June 21, 2008.**

Relief workers cited that the aid that did reach the villages was often inadequate to meet the needs of the communities, often of insufficient quantity, or infrequent in distribution:

Food

> The villagers said that the government had only come that one time to bring them food since the time of the cyclone.
> **-- Relief worker, Female, working in several villages in Labutta. Interviewed in Mae Sot on June 14, 2008.**

Water

> Safe drinking water is still a problem, two months after the cyclone. People still use manual, shallow wells, the water has mud. There are no buckets for rainwater.
> **--Relief Worker, working in Dedaye and Pyapon. Interviewed in Rangoon on June 25, 2008.**

Image 2 courtesy of EAT - Delivering fresh water by boat

Shelter

Many people are still living in temporary shelters built from debris and tarps. Still living in same shelters. Government has cut down wood to build homes, but hasn't seen any new construction yet.
-- Relief Worker, Male, working in several villages in Labutta Township. Interviewed in Mae Sot on September 23, 2008.

We had makeshift tents up, made of tarp and bamboo, with mats. This was two weeks before official tents made it there.
--Relief worker, working in Labutta, Dedaye, Pyapon, Mawlamyinegyun, Bogale, and Kyaunggon Townships. Interviewed in Rangoon on June 23, 2008.

Image 3 Temporary housing continues to be used in Labutta in December 2008 (courtesy of EAT)

Health

I went alone, not with an organization, and stayed for one month. I provided the only medical care, solved the health problems, provided medical education (how to clean the water), distributed medicines and food.
-- Relief Worker, Male, Physician, working in Pyapon. Interviewed in Mae Sot on August 20, 2008.

Government Interference in Relief Efforts

Last time we went out, the military authorities were very rude. We wore UN shirts, they stopped us and said to us, "the UN are like dogs." In Myanmar [Burma], that is very bad. They say the military has to take care of the victims, not the UN. The forced us to listen to their speech, which was very rude. One of our team members did not bow at the end of their speech, they were questioned by a military officer, a major, why didn't you bow like the other villagers? This makes me sick.
-- Relief worker, working in Dedaye and Pyapon Townships. Interviewed in Rangoon on June 25, 2008.

Many reported barriers were due to government interference in local and international attempts to provide relief to the affected communities. These included travel restrictions, numerous check-points along routes into the Delta, and "fees"[2] to access the Delta, all of which dissuaded and delayed relief work as groups were forced to find alternate routes and methods (often clandestine in nature) to deliver aid to survivors.

On our first trip to Dedaye [Township], we had to smuggle medicines in our backpacks to get to the relief area. After two weeks, it was better, now they don't stop us. But the first week was very difficult, they arrested people, stopped cars. We had to smuggle in supplies. Later, some relief groups had to pay, 30,000 kyat [$25USD] at the checkpoint to pass. We avoid this; negotiations or smuggling is okay but we won't go this way, we won't give money to the military.
-- Relief Worker working in Dedaye and Pyapon Townships. Interviewed in Rangoon on June 25, 2008.

[2] Fees and other costs reported here in Kyats, and in the following sections, and are accompanied by the calculated $USD equivalent. This was calculated based on the black market exchange rate of 1200kyat=1USD that was used at the time the data were collected (June-October 2008)

> They asked for our name and where we are from. I gave them a fake name and told them that I came from Sittwe. I could not tell them that I came from the border. If I tell them that I am from the border, that I work with XX [organization] they will arrest me for sure. I do not dare to tell them the truth because they will arrest me and so I tell the government that I am from a Rahkine organization and want to donate the food to our people in this village.
> **-- Relief worker, Male, working in Hi Kyi township. Interviewed in Mae Sot on June 13, 2008.**

Confiscation of Relief Supplies

Occurrences of theft and confiscation of relief supplies by authorities, including international aid, were frequently reported among those surveyed. Such reports were seen as particularly problematic in light of the regime's policy that all donated relief supplies be handed over to the Burmese government for distribution and not given directly to survivors, as recounted by a former SPCD soldier and relief workers:

> 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. The markets were Bassein [Pathein] Air Force Market, Military Central Market in South West. I saw Mama noodles, coffee 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, they came from other countries...The money from selling these things would go to the shop owner, but they are all part of the military. The shopkeepers are all families of the military. Like soldier or general's wife…
> **---Former SPDC Soldier, Male. Interviewed in Mae Sot on September 13, 2008.**

> Supplying through the [Burmese] government doesn't work. At the [Rangoon] airport, you can see supplies landing there but they are stored at a government warehouse. You can see army trucks carrying it out and in some areas, you can see them reaching the army camp. The army camp gets [the supplies], not the villagers. Some was labeled with USAID. In some areas, there are 7 villages and only one received supplies with the USAID logo, not the others. Local commanders don't dare distribute and need to wait for permission from the top.
> **-- Relief worker, working in Dala, Bogale, Dedaye. Interviewed in Rangoon on June 21, 2008.**

Arrest of Relief Workers

The military also obstructed delivery of aid to those suffering from the destruction of Cyclone Nargis through intimidation and arrest of relief workers, including the private volunteers which were relied upon by most survivors in the critical weeks immediately following the disaster:

> After one month, they came to the village, saw my supplies and started asking – they sent my information to Yangon [Rangoon] to investigate me. They were asking why there were so many supplies. They think it was anti-government. So I left; I don't like prison
> **--Relief Worker, Male, Physician, working in Pyapon. Interviewed in Mae Sot on August 20, 2008.**

Information

The inability to access reliable information was a major concern for relief workers. This was exacerbated by information released through the state-controlled official media outlets, which frequently minimized or obscured the extent of the disaster or needs of the victims.

> The government is telling people exactly what they can say to people if they are interviewed. They are told to say these exact things and nothing more during an interview. They have to say that the government is providing support and they can do farming and everything is ok. They say that they get everything from the government.
> **-- Relief worker, Female, working in multiple villages in Labutta. Interviewed in Mae Sot on June 20, 2008.**

> When they come to inspect, everything is acceptable, all is taken care of. It is not. Even the refugees: I have seen pictures of the same kid, same mother, in pictures of different camp visits on different camp days [in the official news]. How can this be? It is impossible.
> **-- Relief worker, working in Dedaye and Pyapon. Interviewed in Rangoon on June 25, 2008.**

Distribution of Aid

Reports, such as the following, indicate interruptions in distribution and the challenges to receive aid that was faced by cyclone survivors:

> … the government announces they will distribute to XX village 5 bags of rice and 1 bag of beans, come and get it. They [the government] wants to give impression that distribution is free. But they don't send it to the village, the village must go to town to pick it up. They need transport and the headman must pay. He could not afford it, it costs 10-13,000 kyat [per trip; $8-11USD]. He charges the villagers for this so now it isn't free, they have to pay… the government tells him he cannot charge the villagers, so who will bear the transportation costs? So he sold some [of the supplies] to cover the costs, then the government doesn't allow him to sell. In the end, the village head doesn't go to get the supplies. For "insulting the government's goodwill," he was slapped in the face by the township authorities.
> **-- Relief worker, working in Rangoon. Interviewed in Rangoon on June 26, 2008.**

Discrimination in the Delivery of Cyclone Relief by Ethnicity and Religion

Interviews with multiple respondents demonstrated that discrimination existed in the distribution of aid to cyclone victims, particularly in the Irrawaddy Delta, which had significant non-Burman and non-Buddhist populations.

Ethnicity

> At first the government only supported the Burmese [Burmans]. Not Karen people. [The religious leader], my friend, told me. He said that when the government came to help the people, they came by boat, they took the Burmese [Burman] people in the boat. But … the Karen people, they kicked them down. They didn't let them on the boat…
> …if the government gives 200 kyat [$0.20USD] per person for Burmese [Burmans] day, they only give 50 kyat [$0.04USD] per day. This happened really. Also, they give the good rice to the Burmese [Burmans] and the bad rice to the Karen. When they give support. The rice was so pour for the Karen that when you wash it it would break in to very small pieces.
> **-- Relief worker, Male, working in Pathein district. Interviewed in Mae Sot on June 20, 2008.**

Religious Affiliation

> When the government comes to help people in the affected area, they leave behind the Christian groups because they know they may be helped by Christian organization.
> **-- Relief worker, Male, working in Bogale, Labutta, and Myaungmya. Interviewed in Mae Sot on October 4, 2008.**

Forced Relocation and Land Confiscation

> The government authority came there and brought us to their camp, as they did not have the people living in their camp. If we did not go there, we were afraid to see the quarrel between the government and volunteers working in the monastery...We were sent to the XX camp...Just after staying there for a week we were moved again to Laputta [Labutta]. And then we were ordered to go back to our own village.
> **--- Survivor, Female, from Labutta. Interviewed in Labutta on November 6, 2008.**

> Some people were forced to go to government center. The government asks the church leaders to send people to government camps. They went to stay in the big buildings, where they store grain. The camp was called Dan Daye Ya… the government wants to show people in their centers so they can get support and aid from outside. In July they are sent back to the village even if their village has not been rebuilt.
> **-- Relief Worker, Male, working in several villages in Labutta. Interviewed in Mae Sot on September 23, 2008.**

> If people are not in camps, they often are living in monasteries or schools. The authorities forced them to leave, they want to show the higher authorities that there are no refugees after Nargis. In some areas, Ban Ki Moon and the UN visited; they don't want them to see [the displaced populations] and moved the whole camp. They sent them all back to their villages, by big ships. They had no choice. Sometimes, they were given some food, but often, they were given nothing and have to rely on local donors to fill the gap that the government is not doing.
> **Relief Worker, Male, working in Kyanggon, Kawhmu, Dedaye, Kyaiklat, Bogale, Ngapudaw, and Labutta. Interviewed in Rangoon on August 4, 2008.**

Restrictions on Movement and Association

Within the official camps, movement was highly restricted, making it difficult for people to reunite with family members. The government relief centers were often operated in a highly controlled manner, further complicating efforts to gather information on the impact of the storm and the needs of survivors:

> People cannot leave these government camps whenever they want. The government has a list of all the names. If you want to go and meet someone there you have to say who you are meeting and cannot bring a camera.
> **--- Relief Worker, Male, working in Pantanaw. Interviewed in Mae Sot on June 13, 2008.**

Land Confiscation

Land ownership in the Irrawaddy Delta is complex: most farmers do not own land but have long-term leases from the government for farming and fishing rights. Cases of land confiscation by the government were reported by many interviewees, and included reports that military personnel forced inhabitants from their land, seized land in which the original owners were thought to have perished, and confiscated land if agricultural output did not meet expectations.

> The military forced the refugees to go back to their home. They have a lottery for where the people will stay. If they "win" they will get a good shelter. So, the people from the villages around this new place are forced by the military to go to this new place. They don't want to go. But, there is no way they cannot go. They have to go. They are forced to go. Then, the villages that they were forced to leave are bought by the military. The rich people buy the land and buy it from the military. The few people who were living there that were left there, about 3-4 families, they can sell the land to the rich people if they want. It is up to them. But the rest of the land, from the people who died, is purchased from the military by the rich people. This is in Labutta district, many villages there. Also in Labutta township. Also in Bogale. The military does not try to find out who owns the land. The military

takes the land and then sells it to the rich people and the military keeps the profit. The people who are still alive there are allowed to still own their land but they are made to leave.
--- SPDC Soldier, Male. Interviewed in Mae Sot on September 13, 2008.

The law is that people can live on land if they work it. It is the government's land. But the people cannot afford to farm the land: they have no rice, no machine, they cannot farm, so they will lose the land. The government will take it away.
-- Relief Worker, Male, Physician, working in Pyapon. Interviewed in Mae Sot on August 20, 2008.

Forced Labor

Survivors, mainly men but also women and, in some cases, children were made to provide free labor for the reconstruction phase. Survivors and relief workers describe cases in which survivors were forced to work on military-run reconstruction projects, which included repair of military bases as well as schools, roads, and other infrastructure projects.

At XX, the villagers had to carry wood where they [the military] want... If you couldn't participate you had to buy a worker. Two thousand [Kyats; $1.60USD] for an employee. Some family has extra man so we could requested to buy. They didn't give like that equipments. We brought our works. Sometime, there were some pressure by the soldiers. If you leaved from home at seven o'clock, you could started the work at nine o'clock. There was an hour for lunch and then until evening.
--- Survivor, Male, from Labutta. Interviewed in Labutta on October 24, 2008.

"The government is making people work for them. They force people to build things. For example, they built this wall to prevent sea water from coming in. They made this dam and asked labor from the villagers. The USDA came and made the villagers construct it. They only give USDA people support, but for the others they don't get money or anything. At least USDA [members] gets some food and a little money. "
--- Relief Worker, Male, working in Labutta and Bogale townships, Interviewed in Mae Sot on June 25, 2008.

Child Labor

Where adults were not available, children were forced to work in order to fulfill household quotas. Conditions in which adults and children were forced to work were unsafe and no medical care was provided for injured workers:

"[we were] required to go two times per day, once in the morning and once in the evening to rebuild the road and clean up the tree that was fell down by Nargis. One person per household was required to go, and children were also forced to work, especially if there were not any adults who could work in the home. If we do not work when they ask, we will be beat, tortured. That group is very violent."
--- Survivor, Male, from Labutta. Interviewed in Labutta on November 30, 2008.

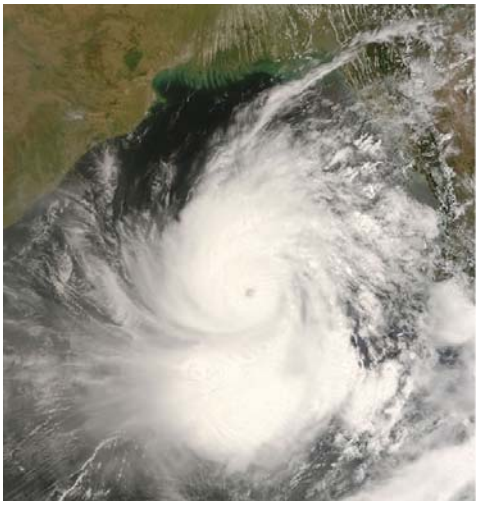
Although, they [Light Infantry Division 66] did not help us, they threatened us. Everyone in the village was required to work for 5 days, morning and evening without compensation. Children were required to work too. A boy got injure at his leg and he got fever. After 2 or 3 days, he was taken to Yangon [Rangoon], but in a few [days] he died.
--- Survivor, Male, from Labutta. Interviewed in Labutta on October 13, 2008.

DISCUSSION AND CONCLUSIONS

To date, this report is the only community-based independent assessment of the Nargis response conducted by relief workers operating free of SPDC control. Using participatory methods and operating without the knowledge or consent of the Burmese junta or its affiliated institutions, this report brings forward the voices of those working "on the ground" and of survivors in the Cyclone Nargis-affected areas of Burma.

The data reveal systematic obstruction of relief aid, willful acts of theft and sale of relief supplies, forced relocation, and the use of forced labor for reconstruction projects, including forced child labor. The slow distribution of aid, the push to hold the referendum vote, and the early refusal to accept foreign assistance are evidence of the junta's primary concerns for regime survival and political control over the well-being of the Burmese people.

These EAT findings are evidence of multiple human rights violations and the abrogation of international humanitarian relief norms and international legal frameworks for disaster relief. They may constitute crimes against humanity, violating in particular article 7(1)(k) of the Rome Statute of the International Criminal Court, and a referral for investigation by the International Criminal Court should be made by the United Nations Security Council.



Map 1 Cyclone Nargis and Burma (satellite image by NASA)

I. INTRODUCTION

Tropical Cyclone Nargis formed in the Bay of Bengal, becoming a cyclone on April 28, 2008. As it approached the coast of Burma, Nargis packed peak winds of 215 km/h (135 mph), a category 4 storm on the Saffir-Simpson Hurricane Scale. Cyclone Nargis lashed Burma the evening of May 2 and into the morning of the 3rd, making landfall in the fertile Irrawaddy Delta, about 220 km southwest of Rangoon. This was a massive cyclone which would have been a challenge for any country to address. However, it hit Burma, a country that has been ruled for over four decades by successions of secretive military regimes, at a crucial time: just days before a national referendum of a new military-backed constitution was due to be held. In all, some 140,000 lives are thought to have been lost, and at least 3.4 million persons were directly affected.

The response to Cyclone Nargis on the part of Burma's ruling junta, the State Peace and Development Council (SPDC), was profoundly affected by the junta's policies, its general practices toward its citizens generally, and by the political imperatives of the junta's referendum priorities. This would prove to also be true to the later phases of the cyclone response, including the reconstruction phase still underway in March, 2009. The junta's response was marred by failures to warn, failures to respond, limits on humanitarian assistance from independent Burmese NGOs and citizens, and limits on humanitarian assistance from international entities eager to assist.[2-5] Independent assessment of the Nargis response has also proven to be challenging, and assessments done with the collaboration of the junta have reported little on the human rights situation for survivors and relief workers.[6] Access to survivors and their communities continues to be controlled by the junta, making assessment of the cyclone response independent of their restrictions all but impossible for many donors and relief agencies.

Burma Before the Storm

Burma is the largest country in mainland Southeast Asia and one of the most ethnically diverse, with over a hundred different languages and dialects spoken . It has been ruled by successive military dictatorships since 1962. The current regime is the State Peace and Development Council (SPDC), headed by Senior General Than Shwe, who continues to rule by decree, controlling all executive, judicial, and legislative powers, while other active or retired military officers continue to hold almost all the top government positions.[7] The SPDC consistently ranks amongst the most repressive military dictatorships in the world, responsible for widespread human rights abuses, including torture, rape, forced labor, arbitrary taxation, and extrajudicial execution against the people of Burma, especially against suspected dissidents and non-Burman ethnic minorities. [7,8, 9, 10-12, 13]

Under military rule, this rich country with a promising future was transformed into a country with the title of UN Least Developed Nation; amongst the poorest in the world, a country which consistently ranks amongst the most corrupt, known as a center for money laundering, and trafficking of persons and narcotics.[14] In 2006, Burma's GNI per capita was only $220 while neighboring Thailand's equivalent figure was $2990.[15] Average daily wages in Burma are less than $1, almost half of Burmese households are in debt, and UN surveys estimate that almost 70% of the average Burmese household expenditure is spent on food alone; the equivalent figures for Indonesia, Bangladesh, and Thailand are 59%, 57%, and 32% respectively, and a third of Burmese

children suffer from malnutrition, underscoring the dire food insecurity in a country once known as "Asia's ricebasket."[16-22]

The Health and Social Sectors under Military Rule

Military rule in Burma has also been characterized by severe curtailment in social spending; health and education receive <3% and 10% of government expenditures, respectively. The official government expenditure on health is about $0.70 per capita per annum or 0.3% of the national GDP, amongst the lowest worldwide.[23] Meanwhile, almost half the country's annual budget is estimated to be spent on the Burmese military or *Tatmadaw*, over 400,000 strong.[24] The end result is that over 7% of children born in Burma do not live to their first birthday and over 10% die before age five, the highest child and infant mortality rates in Asia after Afghanistan, deaths that are largely preventable and mostly a result of infectious diseases or malnutrition.[21, 24, 25, 26, 27] In 2000, the WHO ranked Burma's health system 190 out of 191 member states, only outperforming war-torn Sierra Leone. The situation is most dire in rural areas of the country, particularly in its eastern conflict zones, where poverty is more pronounced and human rights abuses by the *Tatmadaw* against ethnic civilians are rife. Here, perhaps 10% of children do not survive to age 1 and over 20% will die before age five. One in 12 women will eventually lose her life from complications of pregnancy. These figures bear closer resemblance to countries such as Democratic Republic of the Congo, Sierra Leone, Niger, and Angola. [28, 29]

Despite the humanitarian tragedy faced by the country, the peoples of Burma receive the least humanitarian aid per capita in the world, including most other fragile states; about $3- quadruple what the government spends on health for its own peoples.[23, 30-32] Yet the country has enjoyed years of trade surpluses, primarily driven by sales natural gas to Thailand, which netted the country 2.7 billion dollars alone in 2007, over $100 million *per month*.[33-35]When combined with the other top exchange earners of the country, including agricultural products, gems and jewelry, forestry and fishery products, the country enjoyed a trade surplus of over $3.2 billion in 2007, its most profitable year ever.[36, 37, 38] Little of this has been invested in social services; instead, it has gone to fund arms purchases, a nuclear reactor, and a new capital city, dubbed *Naypyidaw* (Abode of Kings), estimated to cost over $4 billion.[39-41] *Naypyidaw* is off limits to most foreign visitors and boasts unimaginable luxuries such as eight-lane highways, three golf courses, 24-hour electricity, and a zoo, complete with a climate-controlled penguin house.[42, 43] It also features bunkers to house the top leaders and their families in the event of invasion or civil war.[44]

Concurrent with disinvestment in social spending, the government has increased restrictions on international humanitarian aid in Burma, a situation that has steadily worsened since 2005.[14, 24] These restrictions were formalized in a publication issued in February 2006 by the Ministry of National Planning and Economic Development entitled *Guidelines for UN Agencies, International Organizations and NGOs/INGOs on Cooperation Programme in Myanmar*, which tightened central control over all humanitarian activities, particularly covering travel, program approvals, hiring of staff, procurement of equipment, and collection of data.[45] Activities would be executed with "Coordination Committees" which would ensure "smooth implementation of the projects," members of whom would include government authorities as well as junta-backed organizations such as the Union Solidarity and Development Association (USDA), a para-statal group implicated in intimidation, harassment, and violence against perceived opponents of the regime, including the attempted murder of Aung San Suu Kyi in 2003 and, more recently, the violent suppression of the

Saffron Revolution in 2007.[14, 31, 46-48] A Burmese language version of the Guidelines not distributed to UN Agencies or INGOs contained even more restrictions.[14, 49] As a result, several organizations have had to curtail or cease programs in Burma starting in 2005, including the Global Fund to Fight AIDS, Tuberculosis, and Malaria[50] and Medecins Sans Frontiers – France (MSF-France). Noted the latter's country director, Herve Isambert, "We had to face up to the facts: the Myanmar authorities do not want independent, foreign organizations to be close to the populations they want to control… For humanitarian organizations, the issue is to recognize when our role has been reduced to being a technical service provider of the Myanmar authorities, subject to their political agenda and no longer to the goals that we have set for ourselves as a humanitarian organization."[51] In 2006, the International Coalition of the Red Cross (ICRC) followed suit, forced by the government to shut down several field offices as well as their highly-regarded prison visit program.[24, 52, 53] Over a dozen INGOs operating in Burma subsequently pleaded with the SPDC to allow a more open environment for humanitarian assistance, particularly to the most vulnerable populations in the country, a call supported by the UN office in Burma.[22, 54, 55] In response, the top UN humanitarian official in Burma, Charles Petrie, was summoned to *Naypyidaw*, rebuked for "acting beyond his capacity in issuing the statement" and expelled from the country, just one day before the UN special envoy to Myanmar, Ibrahim Gambari, was scheduled to return to the country for further talks with the country's rulers on the ongoing political crisis.[56-58] In January 2008, official rules governing humanitarian agencies in the country were tightened even further and now required that all humanitarian activities request permission from the Ministry of Defense; all field visits were to be accompanied by government "liaison officers;" short-term consultants or trainers were forbidden from domestic travel; Memoranda of Understanding (MoUs) for all projects were to be reduced from five years to only one year; INGOs were required to apply for renewal 3-6 months in advance before the end date; and data collection was sharply limited required to go through "prior discussion and agreement" with authorities.[59-61] The Burmese government increased restrictions on visas issued to Western diplomats, NGO workers, and UN staff based in Burma, forcing the cancellation of high level UN visits, including one from the UN High Commissioner for Refugees and members of the UN's main humanitarian arm, Office for the Coordination of Humanitarian Assistance (OCHA).[62, 63]

In this atmosphere of increasing obstruction of international humanitarian aid, the SPDC also increased pressure on local community groups deemed to be "too political, too independent or because they do a better job than the government at providing social services," while promoting government-associated organizations such as the USDA as legitimate NGOs.[64, 65, 66] Access by international humanitarian aid organizations to Burma's conflict zones and the country's most vulnerable communities has and remains officially prohibited, forcing these communities to rely primarily on the assistance of community based organizations (CBOs), such as mobile medics, who frequently operate on a cross-border basis.[29, 67] These medics take great personal risks, and members of the CBOs have been harassed, intimidated, or killed, and medical supplies and equipment have been seized, and clinics forced to be abandoned or closed by Burmese troops and allies.[26, 28, 29, 68, 69] It was for these many reasons that in December 2008, MSF recognized Burma in their annual top ten list of worst humanitarian crises in the world; Burma was featured as a place "where the governments fail to make health care a priority or view NGO interventions with suspicion," sharing this position with Zimbabwe.[70]

The Referendum and the New Constitution

The SPDC announced in February 2008 that it would embark on the fourth of its Seven Step Road Map to Democracy by holding a referendum on the military-drafted constitution of Burma, scheduled on May 10, 2008, a date that would prove fateful as Cyclone Nargis gained strength in the Bay of Bengal. The new constitution had been drafted in secret by military-appointed representatives, without the participation of major parties, the National League for Democracy (NLD) and the Shan Nationalities League for Democracy (SNLD), that had won the last elections of 1990 but which were never recognized by the regime.[71] The new constitution allowed the army commander to appoint a quarter of the parliament's members. Given that amendments require sponsorship of at least 20% of parliamentarians for deliberation and then passed by a vote of at least 75%, this measure renders any changes that are not sponsored by the military almost impossible. The document also permits the Commander-in-Chief to assume full legislative, executive, and judicial powers in event of a "state of emergency," which he is entitled to declare at any time, and further bars Aung San Suu Kyi from participation from politics citing to her marriage to a foreigner as allegiance to a foreign country.[72-74] Offers of international and independent observers to monitor elections were bluntly rejected by the junta, and further intimidation against dissidents ensued.[11,74, 75] Noted the UN Special Rapporteur on Human Rights in Myanmar, Paulo Sergio Pinheiro, "A referendum without some basic freedoms of assembly, political parties and free speech is a farce. What the Burmese government calls a process of democratisation is, in fact, a process of consolidation of an authoritarian regime."[76]

It was in the backdrop of these chronic national crises that the worst natural disaster ever to hit Burma made landfall.

Under decades of harsh and repressive military rule, the peoples of Burma have learned to help themselves and their communities, often in the face of brutality and always with the threat of severe punishment for activities not approved by the junta and its affiliated entities. In response to the cyclone, the Burmese people rushed to the aid of their neighbors and attempted to address the needs of millions of affected citizens. While the international community debated how best to respond, the people of Burma took action on the responsibility to protect their fellow citizens. This report captures the voices and experiences of independent civilian relief workers and survivors from the Irrawaddy Delta; collected by these community members themselves using participatory research methods and in-depth audio-taped interviews. Both the relief efforts and the collected testimonies of survivor experiences reported here were independent community responses to Nargis.

The Emergency Assistance Team - Burma

Within days of the cyclone health care workers from the Thai-Burma border region joined together to create EAT, the Emergency Assistance Team- Burma. The teams making up EAT, eventually more than 40, were each comprised of several volunteers, were local people, religious and secular leaders, and most were survivors themselves of Cyclone Nargis. They received training in emergency responses, food and water distribution, and basic first aid provision. They were supplied by an array of independent donors with food, medical supplies, water purification supplies, and with cash. The EAT teams, working "under the radar" and not affiliated with any formal NGO or GO structures, then went deep into the affected areas and provided relief to survivors. Regular re-supply and re-training activities continue to present date. The EAT teams have had unmatched

independent access to survivors of the cyclone and to populations who have faced both the cyclone, and the junta's responses. Their efforts are part of a larger, ongoing, effort of cross-border health and human rights programs conducted by Burmese health workers and community based organizations.

Image 4 Supplies delivered by EAT (image courtesy of EAT)

The focus of EAT's work is in the Irrawaddy Division, with some assistance also provided in Rangoon and Pegu Divisions as well. Immediately after the cyclone made landfall, and while INGOs and UN agencies were awaiting permission to enter Burma, fourteen direct assistance teams were mobilized to deliver emergency aid, with assistance from EAT administration. By the end of the first phase of relief (in the first three months following the storm) a total of 44 direct assistance teams had accessed and provided assistance to an estimated population of more than 180,000 survivors living in 87 villages and spanning 17 townships. Their focus during this phase was to provide essential assistance to all areas where no other international assistance was being delivered. Activities included providing clean water and food, distributing materials for shelter and clothing, properly disposing of the bodies of the dead, working on family reunification, and providing emergency healthcare via distribution of medicine and medical supplies and referrals. In addition, child protection was a key priority of the initial phase as well, with EAT teams providing assistance to and supporting orphans and unaccompanied children.

During the second phase of EAT operations (the second three-month period after the cyclone), the teams' priorities were directed toward rehabilitation efforts, including rebuilding homes and reestablishing livelihoods, education, and health infrastructure. Given the fluidity of the situation and the variety of needs, EAT had to respond in a flexible manner and relied on community networks and organizations to help prioritize areas of need and support. During this phase, the numbers of EAT-Burma relief teams were reduced to 29 due to security issues that resulted from increasing checkpoints and the demand from authorities that all aid be provided only through official channels. The fact that EAT administration were increasingly able to directly link with community organizations, however, eliminated the need for teams acting as go-betweens and allowed for this reduction without losing their impact.

Beyond the emergency relief, EAT has continued to play an important role in affected areas because of their ability to access challenging areas. As residents of these storm-affected areas, they arouse less suspicion while traveling and as members of the communities they serve, they also are trusted and are in a unique position to gauge the priorities and needs of the local people. Despite the strict control over information gathering, analysis, and dissemination by the Burmese government, they have made it a top priority to document flawed policies and problems encountered at the local levels during cyclone relief efforts. Such measures are key for informing policy change and cost-effective program design and evaluation. By doing so, EAT seeks to actively involve community members in the decision-making process, empowering them to rebuild their own communities.

Concerns in the Delta

By June of 2008, several weeks after the storm and national referendum, it was clear that there were a range of human rights concerns emerging in responses to the Cyclone. Media reports of forced movement of survivors, of misappropriation of aid, and of unfair and unequal distribution of aid were many. While the world focused on compelling the junta to allow increases in international aid to reach the survivors, the people of the Delta languished under the kinds of human rights violations the Burmese junta has so long been known for.

In response, EAT and its partners agreed that an independent assessment of the actual conditions on the ground, in affected areas, was called for. A collaborative group was formed to conduct this assessment, which included EAT and the Johns Hopkins Center for Public Health and Human Rights, which contributed technical support for training community investigators, developing survey instruments, training in interview methods, and support for data analysis.

Two rounds of data collection were undertaken in the Irrawaddy Delta by the EAT teams, the first from August to September, and a second, to gather additional information from the later phases of the response, in October and November of 2008.

A total of 90 interviews were conducted that included interview with 33 relief workers and 57 survivors covering areas including Rangoon, Bogale, and other storm-affected areas as well as refugees living across the border in Thailand. In all, some 87 communities in 17 townships were visited. Interviews were conducted in Burmese, *Skaw* Karen and *Po* Karen, audio-taped then, translated into English, transcribed, and the English language transcripts checked against the original language versions by bi-lingual team members.

The FINDINGS section of this report is comprised of the results of these independent testimonies. The subsequent discussion on Cyclone Nargis and on the response helps put the testimonies in context and illuminate the wider policy and political environment around the disaster and its ongoing consequences.

Relief Efforts and the Human Rights Framework

Provisions for the protection of basic and non-derogable human rights were internationally and formally acknowledged in the 1948 Universal Declaration of Human Rights (UDHR)[77]. While the UDHR and guidelines for human rights
protections have formed the set of norms under which international human rights principles are applied, the UDHR is not binding law in itself, though many of its key principles are often considered to have the status of customary international law. Burma is not a party to the two treaties which comprise the foundation of modern human rights law—the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights.

The Government of Myanmar[3] acceded to the Convention on the Rights of the Child (CRC)[78] in 1991 and the Convention on Elimination of all forms of Discrimination Against Women (CEDAW)

[3] Throughout this report we refer to the country as Burma, however, international treaties were accepted by the "Government of Myanmar" and so is reference as such in this case.

in 1997[79], albeit with reservations. These conventions provide the foundations to protect the basic rights to life, dignity, education and health of children, women, and their families. Of most relevance to the cyclone response, the junta has "…recognize[d] that every child has the inherent right to life." and the government "shall ensure to the maximum extent possible the survival and development of the child." (Article 6). Furthermore, as a party to the CRC the junta has legally agreed to recognize the right of the child to enjoy the highest attainable standard of health and access to health care. This includes the following provisions (Article 24)[78]:

> "(2b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
> (2c) To combat disease and malnutrition, including within the framework of primary health care, through…the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
> (4) State Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article…"[78]

Provisions of the CEDAW treaty assert several rights to health:

> Article 12.2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

CEDAW also offers special provisions for rural women:

> Article 14.1 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
>
> Article 14.2 (b) To have access to adequate health care facilities, including information, counseling and services in family planning

Accessions to these treaties legally obligate states to ensure the protection of these rights. They also require monitoring and reports on specific measures to demonstrate the country's progress in meeting the obligations and addressing any concerns raised by the respective UN councils. This monitoring is meant to create systems of both internal and external oversight of the country's human rights protections[78, 79]. At the Twenty-second session meeting with the Committee on the Elimination of Discrimination against Women, held in August 2001, specific concerns were raised by the Committee about Burma. These included the SPDC's use of forced relocation, the status of refugee camps, forced labor practices, and political process and exclusion/house arrest of Daw Aung San Suu Kyi. In response, the regime denied the use of forced relocation but argued that because of the "ethnic insurgency problem" women and children had been "resettled in safer areas to protect them from insurgent atrocities" and these "transit camps facilitate the repatriation of returnees by meeting their basic needs before they were sent home." Furthermore, the government claimed that the political process was slow "in order to safeguard the interests of all the national races and to avoid replicating the shortcomings of the two previous Constitutions". Finally, Aung San Suu Kyi "was not under house arrest and could move about freely in Rangoon" and was not

allowed to stand for elections due to her "allegiance to a foreign country." At the conclusion of the meeting, the committee emphasized the need to ensure human rights protections during times of internal conflict. Most relevant to the current situation, specific recommendations were made by the committee in reference to the behavior of law enforcement authorities, stating that it was the state's responsibility to ensure they "conformed to human rights standards and to make sure that they knew they would be held accountable and prosecuted for human rights violations…"[80] All of these concerns were once more raised by the CEDAW committee in the November 2008 meeting with additional concerns expressed to the Burmese governments neglect of health services and failure to encourage outside aid.[81]

Responsibility to Protect

Beyond these multilateral treaties, the Responsibility to Protect (R2P) report, produced by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, advanced a framework for international human rights protection, declaring that it was each sovereign nation's responsibility to protect their citizens from crimes against humanity, genocide, and other mass atrocities.[82] This was later reaffirmed by and a 2005 resolution of the UN General Assembly and by the later 2006 UN Security Council resolution. The 2005 UN General Assembly resolution concluded that,

> "139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out."[83]

International intervention, in this case, does not necessarily imply military intervention; rather it implies the action of able states, organizations, and communities to make diplomatic and humanitarian efforts to alleviate these humanitarian emergencies only to be followed later with "enforcement action" when deemed necessary by the Security Council.

In 2005, then UN Secretary-General, Kofi Anon, reiterated the call to the international community to embrace the responsibility to protect:

> "…no legal principle – even sovereignty – should ever be allowed to shield genocide, crimes against humanity and mass suffering. [130] But without implementation, our declarations ring hollow. Without action, our promises are meaningless. ..Treaties prohibiting torture are cold comfort to prisoners abused by their captors, particularly if the international human rights machinery enables those responsible to hide behind friends in high places… And solemn commitments to strengthen democracy at home, which all states made in the Millennium Declaration, remain empty words to those who have never voted for their rulers and who see no sign that things are changing."
>
> - Sec. General Kofi Anon, *In larger freedom: towards development, security and human rights for all*. Paragraphs 129-133

Questions about the responsibility to protect Burma's people had been raised prior to cyclone Nargis: Human Rights Watch (HRW) and Refugee International (RI), among others, cited the use of landmines among ethnic minority civilians, the use of forced labor and displacement, rape of ethnic minority women, recruitment of child soldiers, and torture and arbitrary executions of political prisons. The UN Security Council, for the first time in September 2006, deliberated these violations and the role in which the international community should play. At the January 2007 proposal of a resolution calling for the cessation of such violations, China and Russia vetoed the proposal under the claim that Burma was "not a threat to international peace and security" and deferred the issue to the UN Security Council. The discussion of R2P was reinitiated in response to escalating violence and government crackdown on peaceful protesters and civilians during the Saffron Revolution of 2007. At that time, several groups invoked the Responsibility to Protect in September and October 2007. This led to the convening of a special session by the Security Council and the UN Human Rights Council. The result: "strongly deploring the use of violence against protestors in Myanmar," the Presidential Statement released on October 11, 2007 called for the "Government and all parties concerned to work together towards a de-escalation of the situation and a peaceful solution," while the UN Human Rights Council simply called for further investigation of the human rights abuses and release of political prisoners[84].

R2P offers broad coverage to the protection of human rights during instances of mass atrocities and crimes against humanity and is therefore often debated in other situations of conflict and natural disasters. Internal disruptions of a country, such as political unrest, natural disasters, and the like create situations in which civilian populations are particularly vulnerable and the risks of human rights violations are great. Such vulnerabilities became clear following the Asian tsunami of 2004 and 2005 when human rights violations such as "unequal access to assistance; discrimination in aid provision; enforced relocation; sexual and gender-based violence; loss of documentation; recruitment of children into fighting forces; unsafe or involuntary return or resettlement; and issues of property restitution" were commonly experiences among internally displaced persons (IDPs) and survivors. These "lessons learned" lead to the UN's General Assembly Resolution 60/251 Human Rights Council. To implement the resolution, the *Report of the Representative of the Secretary-General on human rights of internally displaced persons* (with the addendum, *Operational Guidelines on Human Rights and Natural Disasters*) was released, offering guidance on humanitarian assistance based on the protection of human rights among internally displace persons and survivors of natural disasters.[4] Without guidance by a human rights framework, humanitarian assistance may be "too narrow" and fail to address all of the needs of the population. And so, this document specifically acknowledges the inherent rights of the victims as rights that are not lost with the onset of disaster but further reaffirms the entitlement of victims and IDPs to protection and assistance from their county. It declares that protection of the populations is the responsibility of the state, but protection under international human rights and humanitarian laws when the state cannot or will not provide the necessary assistance is justifiable.[85] Emphasis is placed on the State's responsibility not only to end violations that are happening, but also to prevent occurrences as well as ensure reparation and rehabilitation from those disasters that have occurred. Further recommendations call for appropriate monitoring systems in place to ensure these protections.[85, 86]

[4] The *Report of the Representative of the Secretary-General on human rights of internally displaced persons* and the *Addendum: Operational Guidelines on Human Rights and Natural Disasters* were the basis of the pilot manual, *Human Rights and Natural Disasters: Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster* both of which are referenced throughout this discussion.

The responsibility of the Burmese government and international actors to uphold the provisions set forth by R2P and the guidelines for ensuring the rights of civilians following natural disasters was tested by the landfall of Cyclone Nargis and quickly became a debate over the definition of state sovereignty and the responsibility of international actors to invoke R2P. On May 7, 2008, R2P was invoked by the French Foreign Minister as he requested UN authorization to deliver aid without the junta's consent; aid that had already arrived but had been met with refusal by the government. Again, this request was denied under the argument that "invasion" would not be a "very sensible option" and the Secretary General's Special Advisor to R2P stated, "linking the responsibility to protect to the situation in Burma is a misapplication of doctrine."[87, 88] In this event, R2P was not invoked, but its threat may have led to some expansion of international humanitarian relief access to Burma.

Crimes Against Humanity

In particularly egregious instances, systematic and widespread human rights violations can rise to the level of a crime against humanity. The Rome Statute defines a crime against humanity as the knowing perpetration of any one of 11 listed offenses "as part of a widespread or systematic attack directed against any civilian population."[89] Though the language of an "attack" conjures ideas of armed force, the word's legal definition is much broader, consisting of a "course of conduct involving the multiple commission" of prohibited acts.[89] The acts which can give rise to a crime against humanity—if carried out in a widespread and systematic course of conduct—include killing or causing of death by infliction of conditions calculated to destroy part of a population, enslavement, deportation or forcible transfer of populations, rape and other sexual violence, as well as "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health" [Article 7(1)(k)]. Additionally, persecution—such as on the basis of race, ethnicity, religion, political belief, or gender—in connection with other forbidden acts—can also constitute a crime against humanity.[89]

The International Criminal Court has jurisdiction to investigate allegations of crimes against humanity when the acts which may constitute such a crime occurred within the territory of a state that has accepted ICC jurisdiction, if committed by the national of such a state, or if referred to the ICC by the UN Security Council.[89] Burma has not agreed to ICC jurisdiction, so formal investigation of junta officials for crimes against humanity would require Security Council referral.

The testimonies presented in this report, document 1) intentional disregard cyclone victims, including women and children, that could and may have led to mass loss of life 2) failure to address the health needs of rural women, and of women and children generally, in the cyclone affected areas 3) the obstruction, theft, resale, and deferment of aid to benefit the junta 4) targeted interference with relief operations on the basis of ethnicity and religion 5) forced labor and forced donation, 6) forced relocation affecting women and children and 7) the use of forced child labor. Each is evidence of the junta's violation of its legal obligations to uphold the provisions set forth in the ICRC and CEDAW conventions. Taken together, they may amount to crimes against humanity. Investigation of these rights violations and redress for their victims is critical if the next phases of the Nargis response, including the reconstruction of the Irrawaddy Delta, are to be conducted in accord with international human rights norms, and in accord the Government of Burma's obligations to its people and to international law.

II. METHODS FOR THIS ASSESSMENT

This report is the result of a collaborative effort of EAT and the Johns Hopkins Center for Public Health and Human Rights. The work was done with participatory research methods and in-depth qualitative interviews. We relied on civilian volunteer relief workers to conduct interviews in affected communities. Interviewers were trained at a secure location outside Burma through a three day intensive focused on open-ended interviewing, obtaining informed consent, and on data security. Technical assistance for trainings and survey implementation was provided by local organizations, Global Health Access Program and the Karen Human Rights Group.

Instruments
A qualitative assessment for relief worker interviews was developed for the assessment based on initial key informant interviews with relief workers from the Irrawaddy Delta. Domains we developed along with specific probes. The tool was then piloted with several health workers, and refined for clarity, ease of use, and brevity. The instrument was translated into the three most commonly used languages in the Delta, Burmese, and Skaw and Po Karen. Domains included current relief activities and area of operation; unmet needs for survivors; food water and shelter; infectious diseases; internal displacement; discrimination in relief; community responses; activities of other relief agencies in areas of operation; and personal security and logistical concerns.

A similar process was used to generate a qualitative instrument for interviews with Nargis survivors. The EAT team decided that only adult survivors (18 years or older) would be interviewed, since it proved to be difficult to assess the agency and protection for children in the Delta. To investigate the issue of child rights, adults with children of their own or in their care were asked if they would agree to speak to children's issues (access to health services, school attendance, efforts to locate family members for unaccompanied minors, and the like). Domains for survivor interviews included: questions about the survivor and their family before the cyclone; the day of the cyclone; what happened immediately after the cyclone to the survivor and their family until the day of the interview; negative experiences, and plans for the future. To explore possible human rights violations, an open-ended question was developed which was: "After that first day until today, has anyone done anything bad, threatening or disturbing to you or your family?" This question was then followed by an open-ended final question: "Is there anything else you would like to say?" which proved to be among the most valuable questions for soliciting information from survivors. Interviews with both relief workers and survivors were audio-taped. Tapes were sent to a central location where they were translated into English, transcribed, and then the English language transcripts were checked for accuracy by bilingual EAT staff. English language transcripts were then analyzed by the JHU team using qualitative analytic approaches, sorted by domain.

Ethical approval for this study was granted by the Institutional Review Board (IRB) of the Johns Hopkins Bloomberg School of Public Health, and by the Burma Medical Association's Ethical Committee.

III. FINDINGS: VOICES FROM THE DELTA

In all, we conducted 90 in-depth interviews. Thirty-three were among relief workers and health care providers in the affected areas, while 57 interviews were among survivors of the cyclone. Interviews were conducted in two waves, the first from June through September and the second from October through November. Interviews were conducted by the EAT team in Rangoon, and covers 87 villages in 17 townships in the affected areas of the Irrawaddy Delta. Interview sites are presented here in coded form, to protect the anonymity of relief workers and survivors. Dates and sites of interviews are held by the research group. Some interviews were in conducted secure locations on the Thai-Burma border with relief workers who came out of Burma to re-supply or for follow-up trainings specific to their work or were conducted with survivors and other witnesses of the Nargis response who had taken refuge in the area.

1. Immediate needs for Food, Water, and Shelter following the cyclone

Interviews conducted by EAT teams with survivors of the disaster and relief workers operating in the hardest-hit areas of the Irrawaddy Delta explored access to basic needs including food, shelter, and clean water. Reports of unmet needs of these survival basics continued from the May with the landfall of the storm and were ongoing through the end of the assessment period in November, 2008.

Before the storm hit, respondents indicated they had little advance warning and in the immediate wake of the storm little aid arrived, even in urban centers of the country. Immediately following the cyclone many afflicted towns reported a lack of official assistance. Survivors were forced to take action to meet their own immediate needs and to come to the assistance of their distressed neighbors.

> Everything was destroyed, they had no food and later, they began eating their seeds [for planting] that had been washed out of the storage cabinets because they could not save them.
> **-- Relief Worker, Male, Physician, working in Pyapon. Interviewed in Mae Sot on August 20, 2008.**

> The storm hit at night and was over by about 9:30 am. I immediately went to see the damage. There was no help; no soldiers, no police, no USDA. I felt we had to do something. I went to the UNDP but they only talked about assessments and staffing. That is not effective, we need to do something NOW. So we organized emergency relief. I called my friends in Burma and asked for rice, money, beans to distribute on the outskirts of Yangon [Rangoon] first.
> **-- Relief Worker, civil servant working in Hlaingtharya, Dala, Bogale, and Dedaye. Interviewed in Rangoon on June 21, 2008.**

The initial situation was most severe in the Irrawaddy Delta:

> The entire village was destroyed. We could not recognize the village and all the people are in trouble. After about six or seven days, we received some rice, cooking oil, and snacks provided by the religious center of the township.
> **-- Survivor, Female, from XX village. Interviewed in Mae Sot on July 14, 2008.**

Food. As a result of the urgent need for food, robberies began to take place, as noted by another relief worker from Rangoon:

> By the 8th, we went to Kungyangon [in Rangoon Division]. The road from Rangoon was still no good, it was still blocked by trees. This area was not flooded but it was windy [during the storm]; the thatch roofs were all gone. The people did not have access to clean water. There were robberies; since people did not have enough to eat, they robbed rice mills.
> **-- Relief worker, working in Kungyangon. Interviewed in Rangoon on June 26, 2008.**

Relief workers cited that aid that did reach the villages was often inadequate to meet the needs of the communities, often of insufficient quantity, or infrequent:

> The villagers said that the government had only come that one time to bring them food since the time of the cyclone.
> **-- Relief worker, Female, working in several villages in Labutta. Interviewed in Mae Sot on June 14, 2008.**

> At the sites in Kawhmu where my group delivered assistance, the total government contribution in the first two months was 2 blankets, 2 packs of medicine, and 4 bags of rice.
> **-- Relief worker, Male, working in Twantay, Kungyangon and Kawhmu in Rangoon Division. Interviewed in Rangoon on.**

> About ten days later, the government and the religious association from the township came to provide relief and supplies. We received rice, oil, chilies, onions, salt, ten bottles of purified water [size/weight unknown], mosquito nets, and blankets. … The supplies, however, are not enough. We have enough rice for about one month but not enough chilies or onions.
> **-- Survivor, Female, Karen from XX Village. Interviewed on July 14, 2008.**

In some cases, heavily affected areas in the Delta had still not received basic assistance from any source more than one month after the storm and were increasingly concerned with diminishing food stores:

> People needed food, all is gone. The rice that was left was often unhusked, the rice mills were destroyed after Nargis, there was nothing to eat.
> **--Relief Worker, working in Kungyangon and Hlaingthanrya. Interviewed in Rangoon on June 26, 2008.**

> Now they have a food crisis. They don't have vegetables or any other food in those areas. So they take the coconut trees and try to eat the soft part like it is a vegetable. Also, in some areas they get the meat from the dead bulls.
> **-- Relief Worker, Male, working in Wakema, Labutta and Bogale. Interviewed in Mae Sot on June 24, 2008.**

It was because of these shortages that many individuals at the local and international levels were critical of the government's May 20th announcement of the end of the relief phase. Noted another relief worker from the Delta in an interview on June 24, 2008, "Now it is two months after the cyclone and still some need food. There is no way that the relief phase is over."

Water. Access to potable water was also a significant problem both in the immediate days and for months following the cyclone. The storm left wells and freshwater ponds unsuitable for drinking; contaminated by saltwater from the tidal surge and later by decaying corpses of cyclone victims. The end of the monsoon rains further exacerbated this problem:

> The area was flooded and there was no clean water, ponds were covered with salt water and if not, they often contained corpses. People were scared, they didn't use this so had no water.
> **--Relief Worker, working in Kungyangon and Hlaingthanrya. Interviewed in Rangoon on June 26, 2008.**

> Safe drinking water is still a problem, two months after the cyclone. People still use manual, shallow wells, the water has mud. There are no buckets for rainwater.
> **--Relief Worker, working in Dedaye and Pyapon. Interviewed in Rangoon on June 25, 2008.**

> Water is also important for them, because for now is rainy season, so they can solve this problems just a little, but after this rainy season, how they will get water we don't know, because all of their wells are damaged, also all the towns are damage, so they cannot use this water, so we also worry for the water too.
> **-- Relief Worker, Female, working in Bogale and Labutta. Interviewed in Mae Sot on August 28, 2008.**

> During rainy season drinking water is okay. Now we are thinking what to do during cold season in La Butta [Labutta], Bogole [Bogale] – this area they use the ponds but after the cyclone the ponds all gone. This time they cleaned the pond and during rainy season it's okay. But later it may not be enough'
> **--Relief Worker, working in Bogale, Labutta, Myaungma, and Maubin. Interviewed in Mae Sot on June 21, 2008.**

Later in the relief phase, organizations were able to provide some assistance in obtaining water, yet water quality and quantity continued to be a concern despite the efforts.

> Water is difficult, salt has contaminated the wells. They have to be pumped out with a generator two to three times before they can be used, and then they are still al little salty. AZG and MSF Holland are assisting with desalination. Shallow wells cannot be dug, because they are still salty, so new well must go very deep, and even then, they cannot be sure.
> **-- Relief Worker, Male, working in Labutta. Interviewed in Rangoon on August 4, 2008.**

Shelter. Efforts to provide shelter and rebuild infrastructure such as temporary schools by the junta were similarly inadequate. While the military regime placed significant emphasis on junta-lead reconstruction efforts, our surveyors observed few such projects in the hard-hit areas of the Delta. Indeed, where such projects were underway, they were often organized by local CBOs or religious groups:

> Many people are still living in temporary shelters built from debris and tarps. Still living in same shelters. Government has cut down wood to build homes, but hasn't seen any new construction yet.
> **-- Relief Worker, Male, Karen, working in Kwin Yan, Kone Gyi, Wabee Kone, Wae Duak, Tar Lu Pa Htaw in Labutta Township, interviewed in Mae Sot on September 23, 2008.**

> We had makeshift tents up, made of tarp and bamboo, with matts. This was two weeks before official tents made it there.
> **--Relief worker working in Labutta, Dedaye, Pyapon, Mawlamyinegyun, Bogale, and Kungyangon Townships. Interviewed in Rangoon on June 23, 2008.**

> The government provided tents for use as schools, but they are tiny, with no windows; they are dark and have no ventilation. For 180 students, it was a 12 by 6 foot tent. This is for show only, it is useless. Maybe you can use it as a shelter for 3-4 people.
> **-- Relief Worker, working in Bogale. Interviewed in Rangoon on June 26, 2008.**

> In Bogale he has not seen any reconstruction efforts by the government. In Kan Gee (near Bogale), there is an organization called I love Burma. They have some reconstruction efforts going on, rebuilding the church and about 300 houses. (15000 kyat per house). They are building homes for everyone in this village, not just church members.
> **-- Relief worker, Male, working in Bogale, Dedaye, Thaw Pye Townships. Interviewed in Mae Sot on September 23, 2008.**

In search of more aid, supplies, and security, many survivors were forced to leave their damaged villages and travel to other areas. As word spread of private donors giving out food and housing materials along the main road from the delta, many survivors resorted to setting up makeshift shelters along the roadside to beg for what little aid and donations were available there.

> On the road [from Rangoon] to Kungyangon [Township, Rangoon Division and on the way to the worst hit areas of Irrawaddy Division], there was a lot of private aid from Rangoon going. Thousands were on the roadside, begging for aid. Within days, they were cleared out. Where did they go? I don't know. On the bridge, they are stopping all and giving out a slip of paper, it says no foreigners allowed. You have to tell them what you are bringing and your ID number.
> **--Relief worker working in Labutta, Dedaye, Pyapon, Mawlamyinegyun, Bogale, and Kungyangon Townships. Interviewed in Rangoon on June 23, 2008.**

One health worker described the scene along a road in the Irrawaddy Delta nearly four months after the cyclone, well after the junta declared the relief phase was officially over:

> In the areas like Pyapon and Bogale road, there are many people living on the road. They stay there and ask for the food. They build small huts and try to stay together in groups and they use the coconut leaves for the roof.
> **-- Relief worker, Female, Pathein and Bogale. Interviewed in Mae Sot on September 23, 2008.**

Image 5 Survivors along the road in Dedaye (courtesy of EAT)

Health Reports from relief workers and survivors on the health of the affected communities were told of cases of diarrheal diseases, respiratory illness, malnutrition (however one stated, the prevalence of malnutrition was "not more than usual"), and psychological disorders. It should be noted however, that lack of diagnostic capabilities prohibits any true assessment of disease incidence. Perhaps most significant was the dearth of medical relief available to the communities after the destruction of local health clinics and loss of trained health professionals. Local volunteers who provided immediate relief were often limited to offering health education or donating soap and bednets for malaria prevention.

> Malnutrition is common; we checked height and weight and 9 out of 10 children had malnutrition. This village was beyond villages accessed by WFP, only 45 minutes away but out of sight… many of the children had sunken eyes, stunted growth.
> **-- Relief worker, Interviewed on June 23, 2008 in Rangoon**

> No one knows what they had, the government doctor can't diagnose. There is little equipment.

> The storm victims often gathered in schools, with no support, no mosquito nets, blankets, beds. It was dirty, crowded so many got colds. Now they have been forced back to their villages where the situation is still bad. Many are dying in their villages, not enough calories, energy, not enough food. Depression. The shelters are

> also often poor, when it gets wet or the wind is hard, the people can't sleep, they imagine that it is another cyclone.
> **- Relief worker, working in Hlaingtharya, Dala, Bogale, and Dedaye. Interviewed on June 21, 2008 in Rangoon**

> Diarrhea was a problem especially in kids. There was not enough treatment; many died.
> **- Relief worker, working in Kungyangon and Dedaye. Interviewed in Rangoon on June 20, 2008**

The experience of a physician who traveled to a devastated village in Pyapon Township (pop. 10,000) three days after the cyclone, with only the medical supplies that included drugs, clothes and food, donated by his parents (who are also physicians) and aided in transportation in his friend's car, reflects the rapid response and motivation to overcome the challenges faced by the majority of relief workers interviewed by EAT.

> In the 13mi distance we made only 6 miles by car, the bridge was broken so the rest was transported by machine boat that was rented…People from outside the village came to see me. Most of the NGOs are situated in the township center but not in the village. The villagers cannot go there because it is too difficult and far (the road is bad).

> I went alone, not with an organization, and stayed for one month. I provided the only medical care, solved the health problems, provided medical education (how to clean the water), distributed medicines and food.
> **-- Relief Worker, Male, Physician, working in Pyapon. Interviewed in Mae Sot on August 20, 2008.**

The few organizations that were able to enter to provide care were challenged by local officials.

> The clinics were so damaged that they cannot be rebuilt. Before the cyclone, there was a government clinic, but there was no medicine available there, and few services. It they were sick, they went to the city [Labutta]. They still do this. The only medication that is available in the village now is paracetomol. Some organizations came to provide services, but the government came to observe them, which prohibited them from providing services.
> **--Relief worker, Male, working in Labutta. Interviewed on August 4, 2008**

> The government doesn't allow even medical teams to stay overnight; they have to leave [Rangoon] early in the morning, quickly treat the people, then leave. There is no reliable information; there are no real health systems.
> **-- Relief worker, working in Labutta, Dedaye, Pyapon, Mawlamyinegyun, Bogale, and Kungyangon townships. Interviewed in Rangoon on June 23, 2008.**

2. Timely Delivery of Relief

Physical Challenges to Delivery The initial challenges to aid distribution were many and included physical, economic, and political obstacles. Travel and physical access to affected areas was most commonly reported in the immediate days following the cyclone; roads and boats, necessary to reach some areas of the Delta, were washed away or severely damaged by the storm. Challenges to travel were exacerbated with increasing costs of fuel and supplies:

> Even when distance is not far, travel is a problem, especially the expense. Renting trucks and diesel is expensive; diesel is now $6 per gallon; the vehicles [available in Burma] are old, they use lots of gas.
> **-- Relief worker working in Labutta, Dedaye, Pyapon, Mawlamyinegyun, Bogale and Kungyangon Townships. Interviewed in Rangoon on June 23, 2008.**

> Prices have gone up dramatically. For example, the cost of tarps has increased almost 100%, rice almost 50% in the last 2-3 weeks. Transportation is also a problem. Costs are high- hiring trucks and boat is expensive and hard to get. Roads are also broken and many boats are gone.
> **-- Relief worker working in Kungyangon, Kawhmu, Dedaye, Kyaiklat, Bogale, Ngapudaw, and Labutta. Interviewed in Rangoon on June 25, 2008.**

Aid, however, did eventually arrive but initial assistance predominantly came from private sources such as local religious organizations, CBOs, and private citizens. Relief workers interviewed by EAT were able to begin providing assistance within the next day or two, following the cyclone. As one interview on June 23rd revealed, a local CBO working in several villages in the Irrawaddy and Rangoon Divisions had been able to receive private donations and channeled $500,000 by this point straight to those affected by the cyclone. This had been used to build over 200 houses, provide medical care, food, water (rainwater storage facilities), tractors, seed, diesel, household goods (such as pots), and clothing. Their distribution activities started within 48 hours of the cyclone. Other survivors indicated that local organizations were able to begin about 2 to 3 days following, but it was several days later (reports indicate anywhere from 6 days to weeks later) that assistance came from the government:

Image 6 Donations such as this were most often provided by local organizations (courtesy of EAT)

> The government didn't provide any aid, only other public donor came and provided blanket, mosquito net, and soap.
> **-- Survivor, Female, from XX village. Interviewed on July 17, 2008.**

> We have got assistance firstly from Pathein religious association. They provided us rice, oil, salt, cloths, etc and medical care. The religious association assistance arrived two or three days after the cyclone and then the government assistance arrived at about 7 or 8 days after the cyclone. The government provided us some rations.
> **-- Survivor, Male. Interviewed on July 21, 2008.**

> After one month, the SPDC made a camp at the monastery but most of the villagers did not want to stay in the camp, however, they had been given the choice of whether to stay there or not. The government shelter was too small and leaked when it rained. The SPDC came and gave out food (two to three kilos of rice per family) and took a video, but did not come on a regular basis (he could not estimate how often).
> **-- Relief Worker, Male, Physician, working in Pyapon. Interviewed in Mae Sot on August 20, 2008.**

Government interference: Many of these barriers were a result of government interference, direct or indirect, with the delivery of supplies. The barriers reported in these EAT interviews included travel restrictions, numerous check-points along routes into the delta, and "fees" to access the delta, all of which dissuaded and delayed relief work, as groups were forced to find alternate routes and methods (often clandestinely) to deliver aid to survivors.

On our first trip to Dedaye [Township], we had to smuggle medicines in our backpacks to get to the relief area. After two weeks, it was better, now they don't stop us. But the first week was very difficult, they arrested people, stopped cars. We had to smuggle in supplies. Later, some relief groups had to pay, 30,000 kyat [$25USD], at the checkpoint to pass. We avoid this; negotiations or smuggling is okay but we won't go this way, we won't give money to the military.
-- Relief Worker working in Dedaye and Pyapon Townships. Interviewed in Rangoon on June 25, 2008.

It is difficult to access many areas [because of] transport and security. If you aren't local, it is difficult to go, you won't know the areas. The government also always say security measures, have to do this or that because of security. But not always. We didn't really face this issue, we just say that we are giving provisions to relatives. If we tell them that we are distributing, we will need to answer all the WH questions. [Where, Who, What] Then afterwards, we would have to report again; sometimes they even send the authorities with you and you can't do [your work] freely. And once you are known to be a distributor, they will know and question you every time. They know.
-- Relief worker, working in Kungyangon and Hlaingtharya. Interviewed in Rangoon on June 26, 2008.

They asked for our name and where we are from. I gave them a fake name and told them that I came from Sittwe. I could not tell them that I came from the border. If I tell them that I am from the border, that I work with [organization name withheld for security reasons] they will arrest me for sure. I do not dare to tell them the truth because they will arrest me and so I tell the government that I am from a Rahkine organization and want to donate the food to our people in this village.
-- Relief worker, Male, working in Hi Kyi township. Interviewed in Mae Sot on June 13, 2008.

They had to stay alert, and ready with quick answers, so when they were questioned by the SPDC about where the aid they were distributing was from, they could answer. They said it was from their church, and that was okay. The government is diverting aid supplies to the market.
-- Relief worker, Male, working in Labutta. Interviewed in Mae Sot on August 4, 2008.

The government come and observe to watch what we are doing but they do nothing…sometimes the government tell to bring things to distribute and they take…some of the villagers negotiate with the government and they are okay, but some of the villagers are not okay such as Bongoma village [Labutta], Thaminchaung village [Labutta], Paysilad village [Bogale], Thabyunchaung [Labutta]…they don't get anything. **-- Relief Worker, Male, working in Bogale, Labutta, Myaungmya, and Maubin. Interviewed in Mae Sot on October 4, 2008.**

When we went, the authorities asked us, who are you? Where are you from? What are you doing? We had a monk with us who explained to them, and it was okay. If not, we would have been taken to the police station. Others have been stopped there, like the Free Funeral Service. They must give their supplies to the authorities at that time, not directly to the people.
-- Relief worker working in Hlaingtharya, Dala, Bogale, Dedaye. Interviewed in Rangoon on June 21, 2008.

The challenge is with organizing groups without letting the government know. We are visible, have tons of stuff. I was very scared for my people [going to deliver aid]. We had to make relations with the government, let them know we are not [political] … We choose villages that have no government office, it makes our work easier. Big villages have a police station, they sometimes want to see permissions… sometimes, the headmen are afraid to lose their job and they inform police; foreigners are not allowed. The government is always reporting you, it is unnecessary… they tell you you can do this, you can't do that.
-- Relief worker, working in Bogale. Interviewed in Rangoon on June 26, 2008.

Assistance to Agriculture. Restoration of agriculture was a top priority in relief efforts to meet both the nutritional needs of the communities as well as to boost the devastated economy and prepare for the forthcoming planting season. Early attempts to help the devastated agricultural base of cyclone-affected areas also were not without significant problems. Although farming implements, seeds, and other supplies were distributed by the government, they were often insufficient or inappropriate for local conditions. Noted a monk from Labutta, providing relief in the community:

> The government distributed rice seeds, but in that area, before the cyclone, they used to plant a different kind of rice seed. This rice seed given by the government doesn't fit for the place and also there are not enough seeds for farming. So, the villagers eat the rice instead of planting. They don't have anything else so they decide to eat it instead of planting what little bit they are given. They distribute this, 6 tins to each person including children. They ate this for 2 days and then it was finished.
> **-- Relief Worker, Male, 60 from Labutta interviewed in Mae Sot on June 25, 2008.**

Tractors were a common feature of early donations to hard-hit communities to replace the over one hundred thousand cattle estimated to have been killed by Cyclone Nargis. However, these donations often were also problematic:

> 10 tractors were given [by the government] to one village in Kungyangon [Township, in Rangoon Division]. Only four were functional; after a few weeks, only 2 were still working. The villagers have to pay for their own diesel and seeds.
> **-- Relief worker working in Labutta, Dedaye, Pyapon, Mawlamyinegyun, Bogale and Kungyangon Townships. Interviewed in Rangoon on June 23, 2008.**

> Only one tractor was donated from the government after one month of the cyclone, in June. It could not be fixed and was only for show. (see photo)
> **- Relief Worker, Male, Physician, working in Pyapon.**
> **Inteviewed in Mae Sot on August 20, 2008.**

Image 7 Government donation of a [broken] tractor (courtesy of anonymous relief worker)

> Government give the tractor, but the tractor is no use…[tractor] quality is no use, because made in China and no new parts…some of the tractors are old, some of the tractors are broken…The government can also not reach the rural areas because it is very difficult to go.
> **--Relief Worker, Male, working in Bogale, Labutta, Myaungmya, and Maubin. Interviewed in Mae Sot on October 4, 2008.**

> The government provides only 2 tractors per village. That is not enough; one can only work on 30 acres per month, that is not good enough. The tractors also need special wheels, steel wheels because the mud here is strong, [regular] wheels sink. Some of the [government donated] tractors were bad quality, many were already broken. Many tractors were donated to the side of the road so people can see the donor: Htoo Trading1.
> **-- Relief Worker, civil servant working in Hlaingtharya, Dala, Bogale, and Dedaye. Interviewed in Rangoon on June 21, 2008.**

> The government is not doing this [relief and rebuilding] properly. The people are getting some machines [tractors] but they are not new. I think the middle people shuffle it, get reconditioned machines. When you start the engine, by 20 meters, it is broken. How can you re-start business? The top doesn't know, they don't want to know and you can't tell them.
> **-- Relief worker from Haingyi Island of Ngapudaw Township, Irrawaddy Division. Interviewed in Rangoon on June 25, 2008.**

In some cases, farmers were forced to take out loans to pay for government "support," putting them even deeper into debt:

> The government provides tractors, they have to pay in 3 installments, 16 lakhs [1.6 million kyat] total. They sign a contract to pay back and do not own the machine. The government also gives seeds for free, 8 baskets for big farmers, 1-2 for small farmers. It is of medium quality but it is not enough.
> **-- Relief worker in Dedaye and Pyapon Townships. Interviewed in Rangoon on June 25, 2008.**

Indirect Interference with Relief: Requiring Permits, Limiting Access, and Monitoring of Activities. Respondents also reported that the junta further complicated relief efforts of CBOs, local NGOs, and INGOs by limiting access to disaster areas, imposing extensive bureaucratic red-tape, such as requiring permits to provide aid, and monitoring relief activities:

> Some organizations came to provide services, but the government 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.
> **-- Relief Worker, Male, working in Labutta. Interviewed in Mae Sot on August 4, 2008.**

> [Name withheld] took one month to get approval [from the government] to do relief work, then one more month to get an okay to go to the delta. Other groups have to report every day to the authorities at 4 pm for permissions [in Labutta town], so they can't go far.
> **-- Relief worker working in Hlaingtharya, Dala, Bogalay, Dedaye. Interviewed in Rangoon on June 21, 2008.**

> Village heads are forced to report to the government, who came, what was donated. They have to do this everyday, and have to pay for their own diesel to do the reporting.
> **-- Relief worker, working in Labutta, Dedaye, Pyapon, Mawlamyinegyun, Bogale Townships and Kungyangon Township. Interviewed in Rangoon on June 23, 2008.**

> Conditions of government control and financial problems have made it difficult for the NGOs to work. The government checked their movement and function. They had to report to the SPDC how much they distributed and where, and the SPDC accompanies them.
> **-- Relief Worker, Male, working in Labutta. Interviewed in Rangoon on August 4, 2008.**

Direct Interference with Relief: Confiscation of Relief Supplies. Relief efforts were hampered not only by restrictions and monitoring by the junta, but occurrences of theft and confiscation of relief supplies by authorities, including international aid, were frequently reported among those surveyed. According to relief workers, such reports are particularly problematic in light of the regime's policy that all donated relief supplies be handed over to the Burmese government for distribution and not given directly to survivors:

> Supplying through the [Burmese] government doesn't work. At the [Rangoon] airport, you can see supplies landing there but they are stored at a government warehouse. You can see army trucks carrying it out and in some areas, you can see them reaching the army camp. The army camp gets [the supplies], not the villagers.

> Some was labeled with USAID. In some areas, there are 7 villages and only one received supplies with the USAID logo, not the others. Local commanders don't dare distribute and need to wait for permission from the top.
> **-- Relief worker, working in Hlaingtharya, Dala, Bogalay, Dedaye. Interviewed in Rangoon on June 21, 2008.**

> You can bring other things [to the government camps] like food or clothes, but you cannot give it to the people directly, you have to give this to the government. The government will keep this and then distribute. I don't think they give this to the people, though.
> **-- Relief worker, Male, working in Wakema. Interviewed in Mae Sot on June 13, 2008.**

> Villagers cannot donate supplies directly to the victims, they must hand it over to local authorities. It is a barrier to helping those in real need; village authorities often keep it [the donated supplies].
> **-- Relief Worker, working in Dedaye and Pyapon Townships. Interviewed in Rangoon on June 25, 2008.**

Confiscation of aid by the government not only prevented aid from reaching those in need but, as word spread to relief groups of the junta's actions, local donors became increasingly hesitant to give aid:

> Some private donors wanted to donate on their own, but the government would not allow this. They made the donations go through the military and said they would distribute it themselves, but the military wanted to control it. The private donors took the supplies back with them because they got angry about not being able to distribute on their own. They didn't have a permit and the military would not let them distribute it. … Now I have a connection with a monk who can get many donations for the victims, but the government will not allow for distribution. For example, a donation of supplies about 195,000,000 kyat [$162500USD]. But the military won't let it go in because it has to go through them.
> **--Former SPDC solider interviewed in Mae Sot on September 13, 2008.**

> Zarganar (movie star) tried to provide relief, but government would not allow to distribute directly. Tried to give food and mats. He would not give to the government, so no aid was given out.
> **-- Relief Worker, Male, working in several villages in Labutta Township. Interviewed in Mae Sot on September 23, 2008.**

Direct Interference with Relief: Arrest of Relief Workers. The military also obstructed delivery of aid to those suffering from the destruction of cyclone Nargis by intimidation and arrest of relief workers, including the private volunteers which were relied upon by most survivors in the critical weeks immediately following the disaster:

> After one month, they came to the village, saw my supplies and started asking – they sent my information to Yangon [Rangoon] to investigate me. They were asking why there were so many supplies. They think it was anti-government. So I left; I don't like prison
> **-- Relief Worker, Male, Physician, working in Pyapon. Interviewed in Mae Sot on August 20, 2008.**

> We were initially very worried about security. Zarganar [the comedian, Mr. Tweezers] was arrested. But were weren't interrupted or bothered by the authorities… groups donate to help people but if they have political activities, there are restrictions. Our group is not involved in politics, so it is fine. But Zarganar and some other groups . . . [shakes head].
> **-- Relief worker, working in Myaungmya Township, Irrawaddy Division. Interviewed in Rangoon on June 24, 2008.**

In Rangoon, the authorities are the main barrier. When we rebuild houses, they prohibit and we have to explain to them. They think we are opposition to the government; they don't want opposite groups like the NLD to do relief.
-- Relief worker, working in Dedaye and Pyapon Townships. Interviewed in Rangoon on June 25, 2008

We went with [religious organization name withheld] … so we are safe, but we heard that the other organizations, when they come back from the area, they were arrested. … They were arrested by the government. We have the problem that the government does not allow us to go and deliver the food. If we go and we see the government, we have to give a bag of the supplies that we are taking – give to the government – and then they let us go.
-- Relief worker, Female, working in Pathein and Bogale. Interviewed in Mae Sot on June 21, 2008.

3. Information and Communication Challenges

The inability to access reliable information emerged as a significant theme from interviews with relief workers. Throughout the relief phase, the junta retained strict control over the flow of information from the Delta. Restrictions on information related to conditions on the ground made thorough needs-assessments that are vital to planning cost-effective and appropriate responses, unfeasible. This problem was exacerbated by information released through the state-controlled official media outlets, which frequently minimized or obscured the extent of the disaster or needs of the victims. Meanwhile, efforts by authorities to create the impression that the junta's relief efforts were meeting the needs of survivors were reported by many as a further limitation on the ability of groups to provide aid to storm victims:

The government is telling people exactly what they can say to people if they are interviewed. They are told to say these exact things and nothing more during an interview. They have to say that the government is providing support and they can do farming and everything is ok. They say that they get everything from the government.
-- Relief worker, Female, working in several villages in Labutta. Interviewed in Mae Sot on June 20, 2008.

On one of their trips in late May / early June, police guards were roaming the many roads clearing survivors, under the stated pretense that it looked ugly for the international community and that private donations weren't meeting people's needs.
-- Relief worker, Male, 24, working in Kungyangon (Rangoon Div), Dedaye (Irrawaddy Div). Interviewed in Rangoon.

Initially, we had some problems with authorities, they confiscated the truck and kept it for 2-3 days because they [the authorities] did not want survivors to beg on the street. There were over 100,000 people on the side of the street, begging. On the road from Yangon [Rangoon] to Kungyangon, which is easily accessible. The government didn't want people to see. They know they cannot stop donors but they can stop trucks, make them afraid to go, and the villagers disappear. Now, there are no problems.
-- Relief worker, working in Kungyangon, Kawhmu, Dedaye, Kyaiklat, Bogale, Ngapudaw, Labutta. Interviewed in Rangoon on June 25, 2008.

When they come to inspect, everything is acceptable, all is taken care of. It is not. Even the refugees: I have seen pictures of the same kid, same mother, in pictures of different camp visits on different camp days [in the official news]. How can this be? It is impossible…
… Last time we went out, the military authorities were very rude. We wore UN shirts, they stopped us and said to us, "the UN are like dogs." In Myanmar, that is very bad. They say the military has to take care of the victims, not the UN. The forced us to listen to their speech, which was very rude.

> One of our team members did not bow at the end of their speech, they were questioned by a military officer, a major, why didn't you bow like the other villagers? This makes me sick.
> **-- Relief worker, working in Dedaye and Pyapon Townships. Interviewed in Rangoon on June 25, 2008.**

> … Later, the government forced the victims to go home from the camp; there are no refugees and no camps in Myanmar. Everything is fine and we can do [take care of the problem] on our own resources. Actually, it is not.
> **-- Relief Worker, working in Ngapudaw Township, Irrawaddy Division. Interviewed in Rangoon on June 25, 2008.**

Restrictions on the Collection of Information. The independent collection of data related to the cyclone was forbidden by the Burmese government. This further complicated the ability of groups to provide appropriate aid and prioritize, but also made coordination and planning between and within organizations difficult:

> The restriction on media in Myanmar made it initially difficult for civil groups to get information on the extent of the disaster; could not rely on local journals for information that could be used for planning efforts; additionally, the decade long discouragement and harassment of civil society groups meant they were often poorly organized and had little experience in community outreach projects; these combined to create a degree of ineffectiveness and chaos in CBO efforts
> **-- Relief worker, Male, working in Kungyangon and Dedaye. Interviewed in Rangoon on June 20, 2008.**

> We could not get any information about how many people were here, how many people die after the cyclone…after two days we got the information…We have already formed conference and association church by church to provide information. We don't get information from others, only from church leaders … the NGOs contact the Christian organizations because government do not allow NGOs to go to all affected areas but allow Christian organizations…the government don't want to give information [to NGO] on what happened.
> **--Relief Worker, Male, working in Bogale, Labutta, Myaungmya, and Maubin. Interviewed in Mae Sot on October 4, 2008.**

Restrictions on Communication Devices. Communications within the Delta were also restricted by government control of communications equipment. High equipment costs and policies on number and type of equipment utilized impacted the provision of aid by preventing effective communication and coordination of relief efforts and, in some cases, making their work even more dangerous. As these rules were not relaxed even for approved relief groups, those attempting to clandestinely access communications technologies did so at significant risk:

> The government is allowing INGOs to purchase up to 10 CDMA phones from one of their affiliated companies at about $2000 each. They ban the import of communication equipment. Some INGOs have hundreds of employees but are limited to 10 [phones]. Some can carry in satellite phones but it is not safe: if the staff are caught with these, it is illegal and they can be charged with treason.
> **-- Relief worker, working in Labutta, Dedaye, Pyapon, Mawlamyinegyun, Bogale Townships and Kungyangon Township. Interviewed in Rangoon on June 23, 2008.**

> It was hard to stay in touch with the [rest of the relief] team. Sometimes they could use mobile phones, but they must be careful, because some phones are controlled by the government.
> **-- Relief Worker, Male, working in Labutta. Interviewed in Rangoon on August 4, 2008.**

4. Distribution of Aid, Misappropriation of Relief Supplies, and Profiteering.

Reports of discriminatory distribution of aid and misappropriation of aid were common by our respondents. Such practices often involved relief supplies distributed through official government channels and resulted in a significant proportion of donated aid not reaching its intended recipients. Respondents described witnessing Burmese government authorities confiscating aid for personal use or selling donated aid for profit. In some cases, military officials were observed exchanging higher quality aid supplies for cheaper goods, which were then distributed to survivors instead.

Unfair Distribution and Misappropriation of Relief Supplies. A detailed account of misappropriation of relief aid witnessed by a former SPDC soldier was given in a September 13 interview on the Thai-Burma border:

> Some of the supplies that arrived in the stock were taken by the authorities and taken to their home. It especially happened at the evening time. …
>
> … When they opened these boxes and saw the good things inside they took them. That's why they only gave the tents to the Nargis Cyclone victims and then kept all of the rest for themselves… They didn't take back the clothes … but before distributing they kept the good ones. They also took back the tent and the sheet. They didn't distribute the rice … I would estimate that for drinking water, only a small portion of this arrived at the community level. Some was broken, some was taken by the authorities and some people who were taking the supplies drank it on the way. We didn't give the water to the community, the donated water.
>
> … About 30% of the supplies ended up with the community…
>
> …"General Tin Htay [name could not be confirmed] was the 2nd general in charge and he was there telling people what to put in storage and what to take for distribution. [Prime] Minister Thein Sein was also very close to this process"

This same former SPDC solider vividly recounts visiting markets near military bases where misappropriated relief aid was being sold in shops owned by the families of junta authorities:

> 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. The markets were Bathein [Pathein] Air Force Market, Military Central Market in South West. I saw Mama noodles, coffee 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, they came from other countries...The money from selling these things would go to the shop owner, but they are all part of the military. The shopkeepers are all families of the military. Like soldier or general's wife…

Other relief workers observed similar incidents. Theft of relief supplies by government officials was frequently reported, and some respondents related cases of government officials selling donated aid to victims:

> Also, there is some SPDC that wait on the roads that go to these villages and they don't have enough food so if they do go on these road the SPDC will take the food from them.
> **-- Relief worker, Male, working in Pathein. Interviewed on June 20, 2008.**

Sometimes, if they know [you are a donor], uniformed officers will come and ask for their share, for their personal use. It is common that aid is missing, they also don't have enough facilities so want to fill themselves first. Police may have only 40,000 kyat in savings, how can they survive? …
… the government announces they will distribute to X village 5 bags of rice and 1 bag of beans, come and get it. They [the government] wants to give impression that distribution is free. But they don't send it to the village, the village must go to town to pick it up. They need transport and the headman must pay. He could not afford it, it costs 10-13,000 kyat [per trip; $1,500-2,000USD]. He charges the villagers for this so now it isn't free, they have to pay… the government tells him he cannot charge the villagers, so who will bear the transportation costs? So he sold some [of the supplies] to cover the costs, then the government doesn't allow him to sell. In the end, the village head doesn't go to get the supplies. For "insulting the government's goodwill," he was slapped in the face by the township authorities.
-- Relief worker, working in Hlaingtharya and Kungyangon. Interviewed in Rangoon on June 26, 2008.

USDA often guards supplies [at the warehouse]. They take some home after their shift, they divide it with the army. Maybe only 10% gets to the villagers.
-- Relief worker working in Hlaingtharya, Dala, Bogale, Dedaye. Interviewed in Rangoon on June 21, 2008.

When the Thai people donated shelter supplies, it did not arrive directly to the people – it went to the government and the government gave the supplies by the household. If 4 people, they gave 4 pieces of the shelter. But, this is not free. The people have to pay for this. One piece is 4,000 kyat [$3.50USD]. But the Thais meant for this to be free. The government takes it and sells it for themselves. But for the government volunteers, they can get however much they want for free. But they have to volunteer for the government.
-- Relief worker, Female, Pathein and Bogale. Interviewed in Mae Sot on June 21, 2008.

Every village, big and small, the military gave 3 generators for farming, but no petrol. But this is not enough and if they want to buy more they have to give 200,000 kyat [$160USD] to the government in advance. In addition, they have to pay 300,000 kyat [$250USD] after the farming comes in.
-- Relief worker, Male, working in Labutta Township. Interviewed in Mae Sot on June 25, 2008.

The authorities want to control all supplies and have them pass through the SPDC so if you give to the government they will switch the supplies and materials and not give them to the victims. Sometimes they will switch and give things to the victims that are not good or they will keep all of the supplies for themselves.
-- Relief worker, Male, working in Wakema, Labutta and Bogale. Interviewed in Mae Sot on June 24, 2008.

The barriers are that the international organizations come and make some donations, but the people do not get this because the government. For example, the international organizations bring foreign blankets, but the government takes this and changes for very bad, Burmese blankets. They change the very good, nutritious biscuit for bad, very bad biscuits. I saw this. I saw this in the market. These biscuits that were donated were being sold in the market. These were being sold in the people's shops.
-- Relief worker, Male, working in Pathein district. Interviewed in Mae Sot on June 20, 2008.

> Donations to township authorities are often not distributed [to cyclone victims]. Maybe half or even less is given out. What happened [to the donations]? I don't know. Even donations from outside [go missing]. I have seen donations in the market of sold by local authorities, mosquito nets, some food products. Some marked with UNICEF.
> **-- Relief worker, working in Kungyangon, Kawhmu, Dedaye, Kyaiklat, Bogale, Ngapudaw, Labutta. Interviewed in Rangoon on June 25, 2008.**

One aid worker suggested that these incidents were not isolated incidents confined to some officers but may, in fact, be systematic and widespread, given the lack of transparency and oversight in official aid distribution:

> There is long term oppression; all levels of officials and village leaders are self-centered. They aim for individual benefit, the whole picture is ugly. Not just the restrictions [on aid] but the ego of local officials. They want to keep all donations; this is not just the main government's fault but also local officials. There needs to be strategic ways to overcome these obstacles. The whole world points at the government, they are responsible. But if this is the focus, you lose track of local leaders, village leaders taking advantage. This is ugly business.
> **-- Relief worker, working in Myaungmya Township, Irrawaddy Division. Interviewed in Rangoon on June 24, 2008.**

Reconstruction Permits and Contracts for Government-affiliated Individuals and Companies. The lack of oversight and transparency in aid extended well beyond the initial phase of cyclone relief and well into reconstruction and rehabilitation efforts. Again, respondents suggested that government reconstruction efforts were often for show, and corruption was rife throughout this process:

> Some people get rich from this cyclone. General Than Shwe's [business associate], Tay Za, is an example of this. Tay Za has to apply for a permit to get the wood for rebuilding. He applied to the foreign ministry for 4 tons. He gave 2 tons to the cyclone victims and then sold 2 tons for this profit.
> **-- Former SPDC solider interviewed in Mae Sot on September 13, 2008.**

> Some companies are trying to do model villages, like Htoo Trading. They only support a few villages with food, water. But they emphasize one village as a model village, they want to show that they are doing good things, charity, social work. In return, they get some sort of contract from the government, a subcontract from the government.
> **-- Relief worker, working in Hlaingtharya and Kungyangon. Interviewed in Rangoon on June 26, 2008.**

> There are government show donors, rich companies. They have easy access to the government and coordinate with the government and are getting a lot of business [in return]. Like getting permits to buy things, operate [businesses]. In return, they donate to the commanders… but in return, they get a permit.
> **-- Relief worker, working in Kungyangon, Kawhmu, Dedaye, Kyaiklat, Bogale, Ngapudaw, Labutta. Interviewed in Rangoon on June 24, 2008**.

> Small businesses like us have lost everything. We can't re-establish and now, big businesses are coming in, grabbing the chance. The government has some people controlling big business, they want to re-establish to get their cash flow back- they lost money [in the cyclone] too. So small businesses like us are lost, in between.
> **-- Relief worker, working in Ngapudaw Township, Irrawaddy Division. Interviewed in Rangoon on June 25, 2008.**

5. Discrimination in the Delivery of Cyclone Relief by Ethnicity, Religion, and Government Affiliation.

Interviews with multiple respondents indicated that discrimination existed in the distribution of aid to cyclone victims, particularly in the Irrawaddy Delta, which had significant non-Burman (Karen) and non-Buddhist populations. This further blocked timely or sufficient relief to some of the most vulnerable communities affected by the disaster. Respondents interviewed indicated discrimination in relief on the basis of ethnicity, religion, and political affiliation occurred:

Discrimination based on Ethnicity. In many cyclone-hit areas in the Irrawaddy Delta, sizeable populations of ethnic Karen were affected. Yet in the provision of official aid, there were allegations that it was primarily directed towards the ethnic Burman population by Burman government officials:

> Aid distributed by the government went to Burmese [Burman] people. 100% of the Burmese in need got aid, but only about 20% of other ethnic people. The villagers told him that the government will only sell boats to the Burmans.
> **-- Relief worker, Male, working in Labutta. Interviewed in Mae Sot on August 4, 2008.**

> At first the government only supported the Burmese [Burmans]. Not Karen people. The church pastor, my friend, told me. He said that when the government came to help the people, they came by boat, they took the Burmese [Burman] people in the boat. But … the Karen people, they kicked them down. They didn't let them on the boat…
> …if the government gives 200 kyat per person for Burmese [Burmans] day, they only give 50 kyat per day [$4USD]. This happened really. Also, they give the good rice to the Burmese [Burmans] and the bad rice to the Karen. When they give support. The rice was so pour for the Karen that when you wash it it would break in to very small pieces.
> **-- Relief worker, Male, working in Pathein district. Interviewed in Mae Sot on June 20, 2008.**

> When the government comes to take people away, when they came right after the cyclone they only took the Burmese. They told the Karen they could not come. They had to wait. When they went to save the people they only took the Burmese and they kicked out the Karen people so when our group went, the Karen people did not dare to get on the boat because they were afraid. They feel like when the government came, they kicked them out and didn't allow them on the boat so now they felt like the people don't really want them to get on the boat ... But the government went to see what ethnic group they were and only took Burmese.
> **-- Relief worker, Female, 31, working in several villages in Bogale and Pathein. Interviewed in Mae Sot on June 21, 2008.**

> I have heard government officials in the teashop saying that the government should not give support to the Karen … they say that if the Karen die it will be better. I heard a district leader say this one time when I was at a teashop in Bogale. It was around the 21st of May in Pya Pone [Pyapon] city. But it really is discrimination for everyone, for all supplies because the government takes everything and then only gives to government, military, USDA families…
> … Another example is Aye Ma village, this has a police camp, a police station and the government only came to take the police and the government people. They left all of the Karen. Some of the Karen came out by themselves, but they had no help. The Karen wanted to go because if they stay in that place they will not have anything to eat.
> **-- Relief Worker, Male, working in Wakema, Labutta and Bogale. Interviewed in Mae Sot on June 24, 2008.**

The Burman villages are fine but the Karen villages have many military bases around. You have to cross them [to get to the Karen villages]. When we cross, we have to answer to them, they ask where are you from, what is your background, where are your supplies from? On our first trip to Dedaye [Township], we had to smuggle medicines in our backpacks to get to the relief area.
-- Relief worker, working in Dedaye and Pyapon Townships. Interviewed in Rangoon on June 25, 2008.

The NGO groups were no problem, they shared aid fairly. The problems were with government-controlled groups. They only gave support to Burmese people. The same is true now as it was immediately after the cyclone.
-- Relief worker, Male, working in Labutta Township. Interviewed in Mae Sot on August 4, 2008.

Discrimination based on Religion. Similar discrimination occurred on the basis of religion, perhaps also linked to ethnicity as most ethnic Burmans in the Delta are Buddhist while the ethnic Karens are largely Christian. In the early stages of cyclone relief efforts, much of the relief was provided by Christian religious organizations, and this appears to have added to some respondents' sense that this aid also appeared to be discriminatory:

So we asked the church groups to carry the food to the villages. When we gave the food to the Christian people there were also Buddhist there, but they didn't get the food. The Buddhist went to the government and said that they didn't have anything. The government explained to the people that the food came from their church group so that it is up to them how they distribute it. Every church does like this. Every church only give rice to the Christian. This is because the government gives favors to the Buddhist people and nothing to the Christian, because they are Karen. Most of the cyclone victims are Christian.
-- Relief worker, Female, working in several villages in Labutta. Interviewed in Mae Sot on June 20, 2008.

When the government comes to help people in the affected area, they leave behind the Christian groups because they know they may be helped by Christian organization.
-- Relief worker, Male, working in Bogale, Labutta, Myaungmya, Maubin. Interviewed in Mae Sot on October 4, 2008.

Karen groups often distributed aid only to Christian communities and Christians within mixed communities, further creating ethnic/religious divide, and making it difficult for other CBOs to work equitably in specific village settings; the Karen groups provided the reasoning that Burmese authorities don't want Christians interacting with Buddhists; Karen groups also explain that many villagers are afraid to talk with Buddhist groups.
-- Relief worker, Female, working in Bogale. Interviewed in Rangoon on July 30. 2008.

Discrimination by Government Affiliation. Humanitarian assistance, when available, was reportedly distributed on the basis of political affiliation or personal connections to the military regime. Such nepotism favored military personnel, their families and those aligned with the junta:

The military gave 5 tractors to some villages, but the community peace and development team only gave these to people who are close to them.
-- Former SPDC solider interviewed in Mae Sot on September 13, 2008.

Image 8 Government donations
(courtesy of anonymous relief worker)

> The relatives and associates of the authorities are getting more aids than others. The people un-associated with the authorities are getting a lesser amount of the aids...What I mean is … there are distribution of fishing nets, rice, goods and etc. For instance, instead of getting three, they get only two and instead of four baskets of rice, they get only one or two baskets...Now, the authorities from above can know this situation. But, we do not have the right to speak out…
> **-- Survivor, Male, from Labutta. Interviewed in Labutta on November 10, 2008.**

IV.7: Forced Relocation and Land Confiscation

Following the devastation of cyclone Nargis, the first to mobilize relief efforts were private groups who used their extensive community networks and associations to assess the impact of the disaster over a widespread area of the Irrawaddy Delta region. Supplies were immediately mustered and teams of volunteers from unaffected areas quickly rallied to coordinate the distribution of basic supplies as well as the provision of essential services ranging from medical care, unifying family members, and setting up temporary relief shelters in schools, churches, and monasteries.

While much of the international relief supplies and resources were stalled in neighboring countries or in Rangoon immediately following the cyclone, many of the victims found refuge at temporary relief centers operated by these private charity groups. However, respondents indicated that many of the victims were forcibly transferred by the military to government-designated relief centers soon after reaching temporary relief shelters run by private groups:

> Some religious groups with aid from outside donors "buy" people out of the government camps, but then they were all forced to relocate.
> **--- Relief Worker, Male, working in Labutta. Interviewed in Mae Sot on October 24, 2008.**

> The government authority came there and brought us to their camp, as they did not have the people living in their camp. If we did not go there, we were afraid to see the quarrel between the government and volunteers working in the monastery...We were sent to the XX camp...Just after staying there for a week we were moved again to Latputta [Labutta]. And then we were ordered to go back to our owned village.
> **--- Survivor, Female, from Labutta. Interviewed in Labutta on November 6, 2008.**

> We were kept in the compound of Bogale...The government authority did not permit us to settle there. We were sent to Bogale...We were not resettled in Bogale, we were sent again to Ma U Bin by five buses...There are about three hundred people in my camp...As I am learned, there are three more camps, No 1, No 3 and Tan Town camps...About one thousand and four or five hundred...We were ordered to go again to the government rehabilitation village. Because the government authority came and brought us, the pastors have to agree it...Some are lieutenants and some are privates..
> **--- Survivor, Male, from Bogale. Interviewed in Bogale on November 3, 2008.**

> On June 2 we arrived in XX and there are some refugee camps there. There is a list of the people who live there, but the government came and took all of the people who were on the list. The people were taken to Go Dawn camp, a government camp. This camp is used for storing the food.
> **--- Relief Worker, Male, working in several villages. Interviewed in Mae Sot on July 14, 2008.**

> After cyclone, a church in Bo Wyn [to] set up a shelter for cyclone victims. The government came to the shelter and told the church leaders that the villagers must come with them. They took villagers to Moo Ping college/monastery. They did not want to go there. Mostly Christians and Karen. About 250 people. This happened about 2 weeks after Nargis.
> **--- Relief Worker, Male, working in Bogale and Dedaye. Interviewed in Mae Sot on September 23, 2008.**

> Some people were forced to go to government center. The government asks the church leaders to send people to government camps. They went to stay in the big buildings, where they store grain. The camp was called Dan Daye Ya… the government wants to show people in their centers so they can get support and aid from outside. In July they are sent back to the village even if their village has not been rebuilt.
> **--- Relief Worker, Male, working in several villages in Labutta. Interviewed in Mae Sot on September 23, 2008.**

Within the official camps, movement was highly restricted, making it difficult for people to reunite with family members following the storm. The government relief centers were often operated in a highly controlled manner, further complicating efforts to gather information on the impact of the storm and the needs of survivors:

> People cannot leave these government camps whenever they want. The government has a list of all the names. If you want to go and meet someone there you have to say who you are meeting and cannot bring a camera.
> **--- Relief Worker, Male. Interviewed in Mae Sot on July 13, 2008.**

After the junta announced the relief phase to be over, most of the temporary relief centers, both government-run and private, were rapidly shut down. Our data show that many of the survivors were forced to return to their villages without any assurances for safety or sustained provisions for food, water, and shelter. Those that had managed to remain in many of the private relief centers during the relief phase were forced to move back to their original villages under threat of punishment. Our respondents overwhelmingly describe the despair of having to return to the destruction without the basic necessities to survive and to rebuild their lives:

> Now because the government forced them to move back to their original villages, they don't have anything. They don't have any farming equipment. No buffalo, no ox. They cannot do anything. Nothing. .... The people were given one day to prepare to move back. Many children were crying. They were without parents
> **--- Relief Worker, Male, working in Pathein. Interviewed in Mae Sot on June 20, 2008**

> They forced us to go back. For us, we did not want to go back because there were no food, no shelter in our village. The government said that we could not stay in the camp anymore so we had to go back." There was nothing left of the village. We collect pieces of wood which flow from the other village and set up small hut. The military group came and said, "Your village was destroyed, there were some death bodies and trees fell down in the village, so you have to do cleaning. If you do not do, no one will do for you.
> **--- Survivor, Male, 35 living in Labutta. Interviewed in Labutta on October 20, 2008.**

> After two weeks, the government came to call back again. They shared rice, Ma Ma noodle and a pair of slippers. We were in a queue the whole day to get the rice. About four peoples came. I didn't understand their rank. Some positions were in bars, some were captain or major. We were sent back at the next morning. The government said that they would known as the guilty person who the people didn't go back. Somebody didn't go back and went to the other towns to get jobs but I went back to

my village…We didn't want to go back for without everything except a little food. We were unhappy but we were afraid of the government. So, we went back to the village."
--- Survivor, Male, living in Labutta. Interviewed in Labutta on October 24, 2008.

Initially, people went to schools, temples in Labutta. After 2-3 weeks, some went home but others were sent to camps, then later sent home. Many people were displaced multiple times.
---Relief Worker, Male, working in Kungyangon,Labutta, Dedaye, Pyapon, Mawlamyinegyun, and Bogale townships. Interviewed in Rangoon on June 23, 2008.

…staying at XX monastery in XX [village]. Was forced to return to village by the government. For me, I do not want to go back, I am happy to stay there but the military group said that we can not stay there anymore. They came and saw the family guardians; got the lists and said that we could not stay there anymore; we had to go back to our village."
--- Survivor, Male. Interviewed on November 2, 2008.

This survivor was forced to relocate from gathering centers two times. The first time was in Labutta, a church with over 500 survivors. This survivor then moved to Po Karen religious area after the "Government said there were a lot of people, so we had to move."
"Then the victims have been sent to Maupin gathering centre by township. About ten victims left in Pawin to look after their village and the properties. About one week later, in Maupin [Maubin] the victims were sent back by the government. But in their home village, there was no food, no water, the dead bodies and damaged are not being cleaned and they cannot stay at their home village. So they have to go to XX relief centre again.
--- Survivor, Male, living in Bogale. Interviewed in Bogale on July 16, 2008.

Everyone in the camps was forced to return, 3-4 weeks after the cyclone. Most returned to their villages, but some went to towns, including La Butta [Labutta], Pathein, Myanmyant."
--- Relief Worker, Male, working in Labutta. Interviewed in Rangoon on August 4, 2008

Some areas were hit harder – entire villages disappeared, so those people went to live in other villages. People that went to Labutta were told they must return home – but only a few did. They "had water under the ground" and were afraid to stay.
--- Relief Worker, Male, working in Labutta. Interviewed in Rangoon on August 4, 2008.

If people are not in camps, they often are living in monasteries or schools. The authorities forced them to leave, they want to show the higher authorities that there are no refugees after Nargis. In some areas, Ban Ki Moon and the UN visited; they don't want them to see [the displaced populations] and moved the whole camp. They sent them all back to their villages, by big ships. They had no choice. Sometimes, they were given some food, but often, they were given nothing and have to rely on local donors to fill the gap that the government is not doing.
Relief Worker, Male, working in Kungyangon, Kawhmu, Dedaye, Kyaiklat, Bogale, Ngapudaw, and Labutta. Interviewed in Rangoon on August 4, 2008.

No aid from international means the government has to try and support the victims themselves. That is why they then forced the people to go back. Some people have no food, no house, nothing so they don't want to go back. The government forced them to go, though, by using guns. Some people don't want to go back but they do because they are scared. Some people don't have a shelter and so they go around and asked for some food or work for some income and don't have a village and just go around without shelter. The government only aimed the guns at the villagers and using the gun to intimidate them.
---Monk Relief Worker, Male, working in Labutta. Interviewed in Mae Sot on June 25, 2008.

The government forced the people staying in the compound to leave. The government did not like that foreigners could come and see the people so they forced the people to leave the compound. They forced them to go back to their own place. So, they have nothing there in their villages.
--- Relief Worker, Male, working in Pathein. Interviewed in Mae Sot on June 20, 2008

> One religious group rescued villagers who were affected by the cyclone and brought them to Bassein [Pathein], the nearest big town. Overnight, the authorities stormed the compound and forced the people to return home, forcibly, including parentless children. Relief groups tried to get aid to them back at their homes but it was unsafe because of military checkpoints and poor weather
> **--- Relief Worker, Male, working in Labutta, Dedaye, Pyapon, Mawlamyinegyun, Bogale. Interviewed in Rangoon on June 23, 2008.**

> "We went to an army unit nearby and asked their help. They brought us to a village, four miles far from Labutta...they asked our group repeatedly to go back to the village...After 15 days, we all were sent back to the village...As they said, it is Brigade No. 66...We felt very irritated! Even illness, we could not avoid it. It is very pitiful for the sickness."
> **--- Survivor, Female. Interviewed in Labutta on November 6, 2008.**

The forced return of survivors to their devastated home villages further complicated aid efforts, as many of these were scattered and inaccessible, particularly to international humanitarian aid. In addition to creating such a logistical hurdle, the government continued to intimidate and raise barriers to private groups trying to reach survivors in inaccessible areas:

> Now the camps are closed, the people were sent back to their places, now they are really hard to reach. What happened to them? I don't know.
> **--- Relief Worker, working in Myaungmya township, Interviewed in Rangoon on June 24, 2008.**

> Then the international groups went to the church group and they could help. The people could stay and get good food. Then the government found out about this and didn't want the international organizations to come and see this and give support. That was when they forced people to move back to their original villages.

> The government gave a warning to the church group leader when they took the people away .... They told the church leader if you want to do something, you have to ask permission from the government. Without our permission, you cannot do anything. When they were forced to go back, the church group gave them some food, but the government gave them nothing"
> **--- Relief Worker, Male, working in Pathein District. Interviewed in Mae Sot on June 20, 2008.**

Another problem encountered by respondents was the widespread confiscation of land, the source of livelihood for most residents of the cyclone-hit Delta, without compensation. In some cases, this was done for reconstruction; elsewhere, there were instances of land confiscation for the material gain of the Burmese authorities:

> The most recent time I was there, I see [Light Infantry Division 66] demand some of the villages move their house to build a road. The government also took land that people were living on. They took this land and built houses for other people on this land.
> **--- Relief Worker, Male, working in Labutta Township. Interviewed in Mae Sot on September 23, 2008.**

> The military forced the refugees to go back to their home. They have a lottery for where the people will stay. If they "win" they will get a good shelter. So, the people from the villages around this new place are forced by the military to go to this new place. They don't want to go. But, there is no way they cannot go. They have to go. They are forced to go. Then, the villages that they were forced to leave are bought by the military. The rich people buy the land and buy it from the military. The few people who were living there that were left there, about 3-4 families, they can sell the land to the rich people if they want. It is up to them. But the rest of the land, from the people who died, is purchased from the military by the rich people. This is in Labutta district, many villages there. Also in Labutta township. Also in Bogale. The military does not try to find out who owns the land. The military

takes the land and then sells it to the rich people and the military keeps the profit. The people who are still alive there are allowed to still own their land but they are made to leave. To go to that place I just told you about where they are building some shelters for these people.
--Former SPDC Soldier, Male. Interviewed in Mae Sot on September 13, 2008.

The law is that people can live on land if they work it. It is the government's land. But the people cannot afford to farm the land: they have no rice, no machine, they cannot farm, so they will lose the land. The government will take it away.
-- Relief Worker, Male, Physician, working in Pyapon. Interviewed in Mae Sot on August 20, 2008.

6. Forced Labor and Forced Donations

Beginning approximately two weeks after the storm, amidst the junta's claims that the relief phase was over, survivors were made (some by force) to return to their devastated villages, and many, as the EAT interviews indicate, were recruited to provide free labor for the reconstruction phase. Survivors and relief workers describe cases in which survivors were forced to work on military-run reconstruction projects, which included repair of military bases as well as schools, roads, and other infrastructure projects. These individuals were still repairing damages to their homes and properties, and many families had lost members who would have provided more manpower to reconstruction efforts; many interviews elucidate the added burden of losing family members to government reconstruction activities at such a critical time. Furthermore, survivors worked for little or, more often, no compensation, and were saddled with additional burdens of providing their own food, transport, and tools.

At XX, the villagers had to carry wood where they [the military] want. Between the shore line and the recent building. They said that is for the Cyclone Nargis refugees. It will take three hours by walking...Yes, one per family. If you couldn't participate you had to buy a worker. Two thousand [Kyats] for an employee. Some family has extra man so we could requested to buy. They didn't give like that equipments. We brought our works. Sometime, there were some pressure by the soldiers. If you leaved from home at seven o'clock, you could started the work at nine o'clock. There was an hour for lunch and then until evening.
--- Survivor, Male, from Labutta. Interviewed in Labutta on October 24, 2008.

This survivor was forced to work in his town by military officers from Light Infantry Division 66. He was required to clean rubbish and debris and to rebuild a school. He says one person was required to go from each household and they would "scorn" those who did not work. The military did not provide tools building supplies for reconstruction of the school; they must provide their own.
---Survivor, Male, from Labutta. Interviewed in Labutta on November 14, 2008.

We have to build road, repair bridge, and carry wood. The government combines twenty-six villages together and arranges the job for each of village… Light Infantry Division 66 is in charge in this area and the leader is Ngein Chan Aung. If we do not go to work, we have to pay 4,000 to 5,000 Kyat [$3.30-4.20USD]. [We] were forced to work for one month, but were allowed to return to their village to work on reconstruction projects for their communities…other villages had to remain and are still working now.
--- Survivor, Male, from XX Village. Interviewed in Labutta on October 14, 2008.

..some people were forced to work on the road every day they would go to 10 houses and one person from each house would have to go work . This was in Labutta township in Kxx village, Kxx village and Nxx village. I went there and saw [the military] moving people on September on 18, 19, and 20.
--- Relief Worker, Male, working in Labutta township. Interviewed in Mae Sot on September 23, 2008.

> On September 9 we went to the town with the naval base XX by boat. When we arrive with supplies, only the women and young children in the town come to meet us. We ask "Where are the older men?" The villagers say that the men have to go and work for the military. Trying to build roads. Still working there. One person per household has to work there. If they don't go there they will be punished. They do not get pay for their work.
> **--- Relief Worker, Male, working in Bogale and Deday. Interviewed in Mae Sot on September 23, 2008.**

Households that were unable to provide a worker were forced to pay a fine or run the risk of further abuse.

> The situation for the people who were asked to volunteer for the relief work is forced labor. People who cannot go and work have to pay that money every day. The people who don't have any money borrow from other people or sell something so that they can pay the military and not have to go. The military keeps this money as pocket money.
>
> Some authorities asked the people to come and volunteer. If the people could not come then the authorities in the community would collect money. Community Peace and Development group. 200-500 kyat per family. If the family cannot pay one person, male, had to go to work. They would have to work at least 1 month.
> **--- SPDC Soldier, Male. Interviewed in Mae Sot on September 13, 2008.**
>
> "In XX village, there were two people who refused to work. One Karen and one Burmese. The intelligence person beat them. Hit them on the back with a small bamboo stick. They did not die, but their backs were inflamed."
> **---Relief Worker, Male, working in Wakema, Labutta and Bogale Townships. Interviewed in Mae Sot on June 25, 2008.**

In addition to forced labor without any compensation from the government, some villagers also were forced to contribute in other ways to government reconstruction efforts. These include providing equipment such as boats to the government or making forced contributions, all of which also impacted the ability of business and individuals to recover from the disaster:

> "My motor boat was sent to their work, that seemed like forced labor. I have to hire an engine driver for this motor boat. As the army had asked me to use it in their works for a month, I have to give them mine. So, I stopped my earning from this motor boat again. It was a month, from May 25 to June 25. My motor boat was used by the army.
> **--- Survivor, Male, from Labutta Township. Interviewed in Labutta on November 5, 2008,**
>
> "I have a rice mill and a motor boat. As it becomes limited for the production, it is not good for my earning just like before…But we have to depend on this limited income. During struggling these living conditions, the township authorities asked me the donations two times for the rehabilitation after the Nargis. For these donations are not done by our consents. The first time was 100,000 Kyats [$83USD] and for the next time was 120,000 Kyats [$100USD]. ... For the first time [I was force to make a donation] on June 25 and the second on July 20…Town authorities would make trouble for him and likely shut down his rice mill…In my area, there are four to six people approximately like me get to do the donations."
> **--- Survivor, Male, from Labutta. Interviewed in Labutta on November 5, 2008.**
>
> "In Pxx and Txx village there are companies that are rebuilding houses for the people there. Last Friday I received a phone call. Military called to say that our boats have to come to the navy base and carry supplies for the houses for one month. We have to use own fuel and we are not paid for their use."
> **--- Relief Worker, Male, working in Bogale and Dedaye. Interviewed in Mae Sot on September 23, 2008.**

> "The government is making people work for them. They force people to build things. For example, they built this wall to prevent sea water from coming in. They made this dam and asked labor from the villagers. The USDA came and made the villagers construct it. They only give USDA people support, but for the others they don't get money or anything. At least USDA [members] gets some food and a little money. "
> **--- Relief Worker, Male, working in Wakema, Labutta and Bogale townships, Interviewed in Mae Sot on June 25, 2008.**

Cyclone victims were reportedly forced to work on rebuilding military installations instead of their livelihoods. In some cases, they were compelled to travel long distances to do so, or for long periods of time:

> "We had to do constructing the fallen buildings in their camp, mowing the lawn at the parade ground and mending its fence…unit 308 [was in charge]...Every household has to send one person least to the work compulsorily. If it cannot follow, there would be charged 1000 Kyats. As most are very poor, nearly all have to go the work...We went there by a craft before. But we have to go there on foot by now…It is about three miles...We have to work it unwillingly. Because, we need to finish our duty without any complaint...all have to work there."
> **--- Survivor, Male living in Labutta. Interviewed in Labutta on November 11, 2008.**

> "Another example is an island called Hi Kyi Kyone. This is a navy base that was destroyed by the cyclone. They take people to this camp to rebuild the island. No one wants to go. People were crying when they had to leave and they only take the strong people, people with energy. Not the old people. They only need strong men to rebuild. These people have to stay there five to six months and work on the rebuilding. They don't provide them with anything, only some small food, but no pay. When people have to go to work, either at this place or at the island I mentioned before, they cannot leave and they cannot go away when they want to. Usually they have one group work for one month. If they refuse to go, the soldiers will punish them. They will hurt them and beat them."
> **--- Relief Worker, Male, working in Wakema, Labutta and Bogale townships. Interviewed in Mae Sot on June 5, 2008.**

Child Labor And, where adults were not available, children were forced to work in order to fulfill household quotas. Conditions in which adults and children were forced to work were unsafe and provided no medical care for injured workers:

> "[we were] required to go two times per day, once in the morning and once in the evening to rebuild the road and clean up the tree that was fell down by Nargis. One person per household was required to go, and children were also forced to work, especially if there were not any adults who could work in the home. If we do not work when they ask, we will be beat, tortured. That group is very violent."
> **--- Survivor, Male, from Labutta. Interviewed in Labutta on November 30, 2008.**

> Although, they [Light Infantry Division 66] did not help us, they threatened us. Everyone in the village was required to work for 5 days, morning and evening without compensation. Children were required to work too. A boy got injure at his leg and he got fever. After 2 or 3 days, he was taken to Yagoon [Rangoon], but in a few [days] he died.
> **--- Survivor, Male, from Labutta. Interviewed in Labutta on October 13, 2008.**

After cyclone Nargis, communities throughout the Irrawaddy Delta came together to help their villages by working to clear the devastation and to rebuild from the destruction. Traditional authorities and community leaders rallied and organized people to partake in local reconstruction efforts that, in contrast to government reconstruction projects, were voluntary, non-penalizing and non-coercive, compensatory, safe, and with provisions for food, tools, and families. The following interview excerpt highlights some of these striking differences.

That is not a forced labor kind. We do for the cleaning of the environment of the village. The heads of the villages asked for it and we all go. We cut the coconut trees and other trees on the road. Then we fix the roads. It's weekly but in a rotation system. They give daily paid. It's about 2,000-3,000 Kyat [$1.60-2.50USD] a day. When we started working, it was like a daily paid job, started from 6 am until 4 pm. They also provide [food] sometimes. We go together...[What do they do if there is volunteer work and you cannot do this?] They don't do anything..[Do you have to bring your own tools when you go?] They drop all. We don't need to...[When you have to work, how do you manage for the families?] That is the rations given by them....[What is the maximum work do they ask to do?] We do just what we can afford to do.
--- Survivor, Male, from Bogale. Interviewed in Bogale on November 4, 2008.

Image 9 Temporary shelter and distribution of aid by local groups (courtesy of EAT)

IV. DISCUSSION

Recent natural disasters on the Asian continent including the tsunami in 2005 and the earthquake in China's Sichuan Province in May, 2007 have demonstrated the success of coordination between local governments and the international community to rapidly and effectively deliver relief efforts.. The response to Cyclone Nargis stands out as an exception. The EAT interviews conducted with survivors from and relief workers travelling to the hardest-hit areas of the Irrawaddy Delta reveal a host of basic needs – food, shelter, clean water – that went unmet. These needs went unfulfilled in the first few days following cyclone (the emergency, life-saving phase), and most went unmet for weeks, and in some cases, months afterward. Those needs that were met were done so on generally inadequate scale and scope.

Our data suggests aid was not delivered in a timely fashion by either the military government or INGOs, and that some early aid was provided by CBOs based within Burma and along the border. These organizations were engaged early in the relief effort and continue to struggle to provide basic relief to survivors as well as community-based reconstruction efforts in infrastructure, health, education, and agriculture. The data indicates the junta subjected any and all relief efforts to scrutiny and control, and attempted to block civilian responses. These observations call into question whether an unpoliticized "humanitarian environment"[90] actually occurred following Nargis.

The findings of the report from the qualitative data collected from survivors and relief workers are substantiated by reports from multiple other sources. The evidence presented delineates clear connections between unmet needs, and the unnecessarily prolonged suffering of cyclone survivors with the delayed provision of relief. The EAT findings reported here further demonstrate a pervasive and systematic obstruction of relief efforts and corruption within government relief programs and among officials tantamount to a violation of basic human rights within both humanitarian relief norms and legal frameworks.

1. Unmet needs of food, water, and shelter during the emergency life-saving phase:

International standards call for provision of goods to meet the basic needs of victims. This includes the distribution of adequate food that are sufficient in quantity and nutritional requirements. Water is critical to the prevention of dehydration and, in combination with sanitation and vector control, is crucial for preventing the spread of infectious disease. Victims and IDPs are further entitled to shelter and operational guidelines suggest that the use of community/unused buildings, or shelters set up by the populations themselves, are preferable to the establishment of temporary camps[86]. Clothing and access to essential health services are also basic needs that should be addressed during the emergency life-saving phase. Furthermore, information should be provided to those who are to receive aid, indicating when and how to expect distribution. Relief efforts should also include the monitoring of nutritional status of children and victims with illnesses so as to gauge the health of the population and the effectiveness of the relief efforts. Above all, aid should be provided on a non-discriminatory basis, first to those with the greatest need and with attention to highly vulnerable groups and individuals with infectious and chronic diseases[85, 91]. In Burma, and especially in remote areas, access to assistance is often challenging in the immediate aftermath of disasters; however, in such cases where the state is unable to provide adequate assistance to its populations, cooperation with international parties and organizations is encouraged [82, 85, 86, 91].

In the immediate days following, many survivors were forced to drink dirty water and consume flood soaked seeds that had been preserved for the upcoming planting season in order to survive. EAT interviews indicate that aid in the form of food or shelter was not delivered

immediately by the government but was only provided by neighbors and CBOs, if at all. As one survivor, a mere 15 miles from Rangoon, noted that he received aid in the days after the cyclone only from a local organization, The Free Funeral Service Association, which normally provides coffins to the poor for proper burials. In fact, reports came that the junta felt civilians could fend for themselves as the *New Light of Myanmar* reported,

> "Myanmar people are capable enough of rising from such natural disasters even if they are not provided with international assistance. … Myanmar people can easily get fish for dishes by just fishing in the fields and ditches … In the early monsoon, large edible frogs are abundant."
>
> "The people (of the Irrawaddy delta) can survive with self-reliant efforts even if they are not given chocolate bars from (the) international community," it added.[92]

Later, in the days and weeks following the storm, insufficient quantities of food were provided. While the government provided limited quantities of rotting rice, media reports showed that the general's continued exporting tons of rice to Bangladesh from the nearby Thilawa seaport. [93] Forced to fend for themselves, the relief workers and survivors interviewed were faced with high prices: in Rangoon the price of eggs quadrupled, pork, doubled, gas increased from $4 to $10 per gallon and building supplies such as corrugated metal for roofing increased from $4 to $30 per sheet.[94, 95] Despite such dilemmas, it was the survivors, we learned, who volunteered to work with local relief workers, monks, and nuns to assist and to provide aid to their devastated neighbors; they were "accidental" relief workers using severely limited resources.

2. Direct Interference with immediate aid

Local relief workers and civilian volunteers, who responded first in providing assistance, noted that they had continually faced challenges by the authorities. Workers often met road blocks and were required to register their activities and donations. Foreign aid workers were unable to obtain visas for entry and relief workers from other organizations who returned to the delta after early phases of relief work also faced unexpected obstacles beyond that of access limited by damaged infrastructure and flooding but were forced to cope with scarce resources, inexperience, inflated prices of transportation and supplies. Junta officials monitored the activities of all relief groups and required village headmen to make daily reports as to the type and source of aid distributed to their villages.

Confiscation of supplies Supplies that were imported were met with strict control by the military. In Rangoon, an international controversy was ignited when on May 9, it seized the initial shipment of high-energy biscuits, enough to feed 95,000 people, refusing to allow WFP officials to oversee distribution. As a result, the WFP was forced to temporarily suspend shipments despite concurrent IRC estimations that only 220,000 of 1.9 million affected had been reached during the first six days[96]. Workers and survivors soon witnessed the rapid decline in foreign aid as donors and other NGOs became increasingly concerned over the security of such aid. However, this was not the only instance military confiscation of supplies; EAT interviews report that relief supplies donated by CBOs and private citizens were frequently seized, preventing the direct distribution to survivors and later causing local and international organizations and donors to reconsider assistance.

Four weeks after the cyclone, the UN estimated that overall, only 42 percent of those affected had received some from of emergency assistance; of the two million suffering in the Irrawaddy delta 1.5 million remained without shelter and only 23 percent had received supplies.[97] Foreigners remained prohibited from entering the delta and Burmese donors allowed to pass were

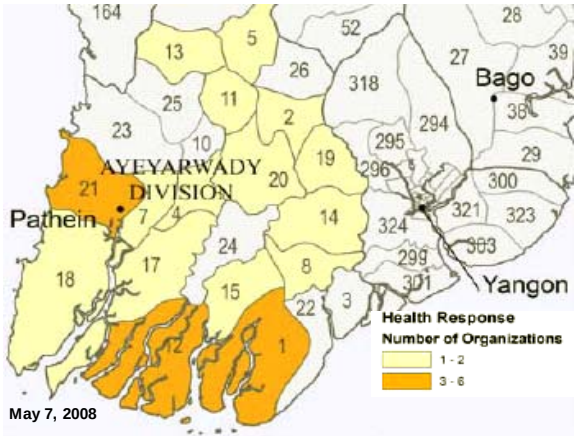
given yellow handouts stating that any donations must be given to government-affiliated villages for distribution.[98] At check-points around Rangoon private donors were forced to hand over their supplies by military officials and given leaflets that read relief handouts might make survivors "lazy and dependent on others." and a sign by the road where victims begged read: "Don't throw food on the roads. It ruins the people's good habits." These homeless victims were later forced to relocate to unknown locations and uncertain futures.[98] Later when foreign goods were given entrance to Burma, the junta remained indifferent to the immediate needs of the victims: Tons of relief supplies delivered to Rangoon airport were off-loaded by civilian workers while the military stood by and watched.[99] Assistance was provided by the government; however, this came in the form of the dedication of seven of their helicopters (of questionable working order) and 80 ships to the relief effort, which WFP spokesman Paul Risley called "a very small number considering the logistical needs,"[100] and limited numbers of tractors of poor functioning capacity, as our reports indicate.

Arrest of workers The UDHR and accepted international human rights norms, argue the right to liberty and security, including that persons should not be arbitrarily arrested. This provision not directed only to victims but is also maintained for those providing humanitarian services.[77, 86] Interviews conducted for this report presented evidence that local civilians providing immediate assistance were frequently investigated and often met with intimidation tactics by the military. As one physician who had volunteered his own services and donated supplies provided by his family related in his interview:

> After one month, they came to the village, saw my supplies and started asking – they sent my information to Yangon [Rangoon] to investigate me. They were asking why there were so many supplies. They think it was anti-government. So I left; I don't like prison
> **-- Relief Worker, Male, Physician, working in Pyapon. Interviewed in Mae Sot on August 20, 2008.**

Indeed, many other NGOs and private citizens volunteering in relief efforts experienced intimidation and fears were not unfounded as some volunteers were eventually arrested by military authorities. Among those arrested was Zarganar, a famous comedian who had organized civilian relief efforts and who received 59 years of imprisonment in Insein Prison.[101]

3. Obstruction of foreign aid Protection of persons affected by natural disasters is first the responsibility of the affected country.[82, 85, 86, 102]. Initially, official state reports totaled the deaths at 351 on May 5. This quickly rose to 22,500 on May 7, while the state-run *New Light* reported that the needs of survivors "have been fulfilled to an extent" while Vice Admiral Soe Thein stated that Myanmar "does not need skilled relief workers yet." The few, independent agencies inside Burma suggested, however, much bleaker numbers, upwards of 100,000 casualties.[103] Recognizing the urgent need for assistance, the international community responded to its duty to provide support provided by the operational guidelines [85, 86]and immediately readied emergency relief supplies, medical personnel, and disaster assessment teams. Although U.N. officials stated the junta had given a "careful green light"[104] to Western nations to begin

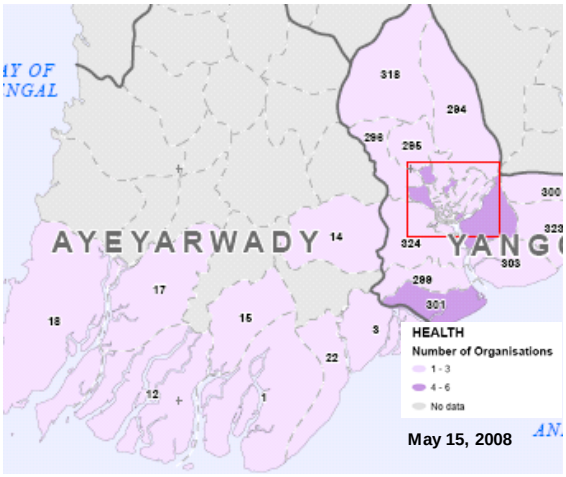


Map 1. MIMU Health cluster map - number of health organizations located in cyclone-afflicted areas.[1]

providing aid, early attempts by U.S. and U.N. rapid disaster-assessment teams to enter Burma were blocked[105] and subsequent weeks saw very little progress in the provision of aid. Maps published by the Myanmar Information Management Unit from May 7 through December, illustrate the number of health organizations reporting efforts in each cluster region and those health organization maps reprinted in this report are indication of the dismal change in the number of organizations present in the region during the time period (Maps 1-2). Other reports indicated that nearly one month into the relief effort, the UN estimated only 40 percent of survivors had received any foreign aid[106].

China, India, and Thailand were among the first permitted to transport donated relief supplies into Rangoon, with the U.N. World Food Program gaining permission later in the week. While these donations were permitted to enter the country, however, the junta refused to allow relief workers to enter the country as many were unable to obtain visas. The waiving of visas to facilitate entry of relief workers and assistance is a practice encouraged by international operational guidelines[85, 86] and was successfully implemented by Iran and Pakistan following earthquakes in 2003 and 2005. In Burma's case, however, the Burmese embassy in Bangkok astonishingly remained closed for a Thai holiday on Monday, two days after the cyclone struck[107] and again for the Thai holidays on May 9-11. In the following days, the flow of international aid increased to a trickle when the first U.S. and MSF planes were allowed to land in Rangoon on May 11; at this time the U.N. WFP received one of the 16 requested visas and World Vision, two of its 20.[5] Four weeks following the cyclone, relief workers from international organizations continuously faced difficulties accessing the delta region despite Than Shwe's promises. While the junta began granting visas, foreign organizations reported waiting up to four days for permission to travel to the delta, were required to give two days notice before traveling there, and were access was permissible for only 24 hour time periods. [108, 109] French, American, and British navy vessels loaded with thousands of tons of relief supplies, water purification equipment, helicopters and amphibious landing crafts able to access low-lying areas, and medics and relief workers anxious to help, sat for weeks awaiting permission to dock and deliver aid. Despite agreements to allow foreign aid from any nation, the junta refused to allow these ships to dock.[110, 111]

Map 2. MIMU Health cluster map - number of health organizations located in cyclone-affected Delta.[1]



General Than Shwe continued to ignore the requests of U.N. Secretary General, Ban Ki Moon's to meet, and after 11 days in which he was unable to contact the General by telephone or letter, spoke out: "I therefore call, in the most strenuous terms, on the government of Myanmar to put its people's lives first. It must do all that it can to prevent this disaster from becoming even more serious."[110] Three weeks after Nargis struck, Ban was able to meet with Senior General Than Shwe and secured his guarantee that aid workers of all nationalities would be admitted. While the U.N. declared the meeting a success, aid groups were more hesitant and waited to see if these promises truly translated into access on the ground.[112]

On August 10, the UN announced its termination of relief flights to Burma[113] while of the $482 million for which the UN had appealed only 200 million had been committed to this date.[114] After 15 US attempts to deliver aid, US relief ships as well as those from the British and French,

departed the Burmese coast leaving behind some aid and helicopters in Thailand in case the Burmese should have a "change of heart."[115]

Concerns over the financial motives and transparency of the government's use of relief funds were expressed on multiple occasions. During the May 25 pledging conference organized by ASEAN to raise money for the relief effort, the junta reiterated their view that emergency relief phase was over and called for the initiation of reconstruction; efforts that they estimated would reach USD 10.7 billion. At this time, several of the 51 nations and aid organizations in attendance disagreed that the emergency relief phase had ended and further expressed concerns over the junta's estimation of the amount of aid needed for aid and lack of transparency in allocation of finances. UNSG, Ban Ki Moon emphasized the need for Burma and international actors to remain vigilant in providing disaster relief.[116]

Relief efforts were further complicated when a report published on June 23 by the UN indicated "a significant loss" of relief funds. The loss was attributable to government regulations required foreign funds to be converted into Foreign Exchange Certificates (FECs), which are then exchanged for the local currency, Kyats resulting in a 25% loss. Later figures from the UN suggested an estimate of USD 1.56 million.[117] The junta's regulations directly contradicted international guidelines that recommend that States lift import tariffs, customs duties, and other administrative and financial obstacles that may prevent rapid entrance of relief staff and supplies [86]. In an attempt to remedy the issue, the junta agreed to permit direct payment of local vendors by international aid groups, although whether this resolved the issue completely remains in dispute.[118]

3. The Referendum Decision.

The Decision to continue with the scheduled referendum vote during the immediate cyclone response phase indicated the junta's political priorities A junta statement announced that "The referendum is only a few days away and the people are eagerly looking forward to voting." This was not a widely shared view. As one man interviewed by the AFP stated, "We don't want any democracy," said one man queuing urgently at a neighbour's well. "We just want water now."[119] Although it was postponed in 47 of the worst-affected areas, in other areas, voting booths were established down the street from camps for survivors. Around Rangoon, reports indicated the eviction of homeless survivors from the schoolhouses they were using as shelters so that polling stations could be set up there. Burmese citizens expressed their indifference towards the vote[120]:

> "[The referendum] is the least of my concerns. I wake up every morning planning where to get water and when to start queuing for gasoline," (Nyi Nyi, a 45-year-old office worker, quoted by Associated Press [121]

Official media outlets reported the results of election results despite condemnation by human rights organizations and accusations of vote-rigging by local groups; an astonishing 99 percent of 22.5 million eligible voters cast their vote on May 10 with 92.4 percent voting in favor of the new draft constitution, which creates a façade of democracy while firmly securing the military's control and barring democratically-elected Aung Sang Suu Kyi from ever holding office[122]. Despite the government's announcement of an overwhelming vote in favor, Burmese citizens interviewed after the vote spoke about the new constitution with indifference and disdain:

> "People are dying and they are talking about the referendum?" said Kyaw Muang, a small food store owner in Rangoon. "They (the generals) don't even care about dying people, you think they care about democracy for living people? I don't care about the referendum. It doesn't mean anything." [123]

Despite the overwhelming ratification of the draft constitution on May 10, and the conditions alluded to above, the junta carried out the planned vote on May 24 in the hardest-hit areas by the cyclone where it had been originally postponed. Again, accusations of fraud, and the appalled reactions of Burmese citizens resounded as they had with the May 10th vote:

> … the fisherman, 54, did remember that a village leader affiliated with the ruling junta told him and his neighbors a few days earlier that he had already marked ballots for them and sent them to the regional authorities. "He said he made the right choice for us," the fisherman said with a shrug. "So we said, 'O.K., no objection.' " …
> In Yangon [Rangoon], more than 60 miles northeast of his delta village, an official at a government-run company said the 1,000 or so workers there had not voted either: the company marked ballots for them as well. "This was my first chance to exercise my right to vote, but the government did it for us without our knowledge," said the official, in his late 30s. "None of our staff dared say that we wanted to vote ourselves. This is standard in Myanmar."[124]

The decision to continue with the Referendum vote not only undermined relief efforts and prolonged the victims' access to aid but was a further defiance of international guidelines that call for governments to ensure the right the rights of all to vote in elections[85].

5. Premature cessation of relief phase On May 15th, the junta had formally lifted disaster status from five Rangoon townships and 19 Irrawaddy townships stating the situation was "back to normal" in these areas[125] and outlined a three-phase restoration plan that was published in the *New Light.*[126] Meanwhile, the IRC estimates continued to rapidly increase from 68,833 to 127,990 deaths; [127] although official state estimates only declared 78,000 deaths and 55,917 missing. [128] Despite the junta's declarations, however, local relief workers insisted that immediate relief for survivors in the delta remained an urgent need:

> "It was horrible beyond description," said a foreign businessman, one of about a dozen eyewitnesses interviewed by AFP who had returned from the zone in the past two days. … "Most of the devastated huts looked like they were empty at first glance. But there were actually survivors inside," he said. … "One hut with no roof was full of about 100 people, crouching in the rain. There was no food and no water. Each person had nothing more than the clothes on their bodies, shivering in the cold."[129]

As a relief worker returning from Kungyangon, Kawhmu, Dedaye, Kyaiklat, Bogale, Ngapudaw, and Labutta Townships interviewed on June 24, 2008 pointedly stated: "Now it is two months after the cyclone and still, some need food. There is no way that the relief phase is over." According to international guidelines, states should take steps to ensure that all necessary aid has reached those in need and proper assessments of distribution are necessary to inform the progression from the emergency life-saving phase to reconstructive phases. These guidelines further call for protection of survivors from the "negative impacts of potential secondary hazards and other disaster risks" [86]. In prematurely declaring an end to the emergency phase, the junta may have effectively encouraged the movement of survivors to areas in which they had limited or no access to further aid or put them at risk of secondary hazards such as flooding, lack of potable water, or other dangers.

Despite warnings from international organizations, such as UNICEF and HRW, that it was too early to send children back to school, citing concerns over the structural safety of schools (over 4,000 were damaged or destroyed) and reporting a the deaths of over 100 teachers during the cyclone, the junta announced on June 2 that it would begin sending children back to school.[130] Yet,

provisions in the ICRC dictate that "State Parties shall ensure that the institutions, services, and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision"[78] In rushing to begin the reconstruction phase, the government placed children at risk and directly violated the promises committed with their accession to the ICRC treaty.

6. Violation of right to access correct information

Operational guideline and lessons learned reports acknowledge the critical need to ensure easy access to information both to the populations who are/will be affected controversy by the disaster, as well as to those provided assistance. Access to information provides the opportunities to mitigate damage and prevent potential violations as well as allows for the preparation and provision of the most efficient and broad-reaching humanitarian assistance.[85, 86, 91] Information provided by the government, however, took the form of propaganda and often were retorts to international disgrace or were simply boastful announcements printed in thee *New Light*. On the one-month anniversary of cyclone Nargis, Aye Myint, Defense Secretary noted "Due to the prompt work of the military government, food, water and medicine were provided to all victims."

Failure to provide early warning information Prompt responses to disasters begin with early warning systems. These systems should take a "people centered approach" to ensure that warnings reach and are understandable by all subgroups of a population. Warnings should be available via many outlets and indicate the level of disaster predicted, guidance on how to prepare for the event, and should inform of humanitarian assistance and relief efforts available.[85, 86, 91] The 2005 Indian Ocean Tsunami resulted in an extremely high death toll; a UN committee later stated the belief that the low risk awareness was one reason for the high death. To this end, recommendations were made stating that surrounding areas should develop "a comprehensive, multi-hazard early warning system…to inform the general population of impending risks."[102] Yet despite these recommendations and the authorities' knowledge of the impending cyclone, Burmese civilians reported that little warning came from the government of the forecasted severity of the storm and civilians were caught off guard and ill-prepared. Many international actors, including UN's Disaster Reduction agency, criticized the government for failing to provide adequate warning and evacuation procedures for those at risk.

The development of early warning systems also relies on information gathering following natural disaster events as they serve to enhance the ability to forecast events, identify specific vulnerabilities to therefore better national early warning system. To this end, governments should support information gathering in the form of population-based research and assessments to foster the exchange of information and development of databases and technical capacity.[91] By preventing international organizations access to the most devastated areas to conduct assessments and by further inhibiting the exchange of information, the junta not only prevented the development of well informed responses but effectively prevents the development of an efficient warning system, leaving vulnerable populations at greater risk of future disasters.

Restrictions on the collection of information: The emergency phase of disaster response requires rapid surveys to identify resulting damages, population needs, and vulnerabilities. It is further recommended that assessments determine other population characteristics (ethnic/religious minorities, languages spoken, economics) as well as assets and skills the population may contribute[86]. Such knowledge informs the efficient provision of immediate assistance and ensures

that highly vulnerable groups such as minorities or those living far from urban areas receive equal and undiscriminating assistance. During the emergency, life-saving phase of the cyclone response, however, the junta undertook an aggressive campaign to control and restrict the content and dissemination of information from the delta. Relief workers faced physical checkpoints and intimidation, foreign journalists were barred from the delta, and the government utilized propaganda tactics to minimize the appearance of the inadequate relief efforts. As our data suggests, information provided by the junta and exhorted among workers and civilians reflects the junta's suppression of information:

> The government is telling people exactly what they can say to people if they are interviewed. They are told to say these exact things and nothing more during an interview. They have to say that the government is providing support and they can do farming and everything is ok. They say that they get everything from the government.
> **-- Relief worker, Female, working in Labutta Township. Interviewed in Mae Sot on June 20, 2008.**

Propaganda techniques were routinely used to improve the appearance of the regime: regional commanders wrote their own names on boxes of relief aid that originated from other parts of Asia before distributing in an effort to create the appearance that aid came from within Burma[131] and the May 17 diplomat tours of relief camps were seen as a hoax. "It was a show. That's what they wanted us to see, said Shari Villarosa, Charge d'affaires of the United States in Burma[3] Sadly, visits from diplomats resulted only in fear for the survivors:

> Some cyclone survivors don't want Ban to visit their camps for fear the regime will tighten security and intimidate people, according to the Irrawaddy, a magazine published by Myanmar dissidents in neighboring Thailand … "The regime will clear roads and the surrounding areas when Ban is scheduled to visit," the magazine cited Thailand-based analyst Aung Naing Oo as saying. ``People who are begging from dawn to dusk will not get food or money to survive during his visit." [132]

Restriction of communications devices For relief efforts that were eventually able to take place, whether clandestinely or finally with the government's reluctant acquiescence, communication remained a challenge. The import of mobile phones was limited, resulting in minimal availability and greatly inflated prices while satellite phones were considered illegal and brought strict penalties if caught with one. This prevented the flow of information about the scope of disaster from reaching the world outside Burma and also effectively handcuffed relief organizations operating inside Burma. CBOs and NGOs found it difficult to communicate within their own organization and to coordinate efforts with other organizations. Alexander Richter, a relief worker with the German branch of British-based charity St. John Ambulance recalled "[w]eb sites were blocked, we had no cell phones to use — even satellite phones weren't functional… [the junta is] making modern communication completely impossible."[133] According to the surveyed relief workers, these restrictions on communication made the accurate assessment of the needs of cyclone survivors more difficult.

7. Issues with distribution

Discrimination in distribution Reports from survivors and relief workers indicated discrimination in the distribution of aid based on recipients' ethnicity and religious affiliation. These discriminations directly contradict operational guideline that state distribution of aid shall occur on an equal basis with preference given only to highly vulnerable populations such as children and individuals with illness.[82, 86] Furthermore, discrimination in provision of aid directly violates Burma's promises made in their accessions to the ICRC and CEDAW treaties.[78]

Misappropriation of supplies Inconsistency in the distribution of available aid was a common concern as reports began to emerge that even the small amounts of aid reaching the delta were not being distributed to those who needed it most. Consistent with our interviews, independent reports from Bogale and surrounding townships in the hardest-hit areas surfaced indicating relief supplies were being misappropriated by soldiers, sold in government-owned markets, distributed to military bases, and switched for lower quality supplies.[123, 134-136] Interviews with an ex-SPDC soldier, relief workers, and survivors in our sample support this evidence of corrupt acts committed by the junta. Almost all of the relief workers interviewed faced challenges from the local authorities in their attempts to deliver necessary supplies as they were often forced to register or to "donate" portions of their provisions to officials.

Nepotism in the provision of reconstruction permits and contracts Data collected during our survey as well as reports in the media suggest government corruption and unfair practices linked to civilian reconstruction projects. Government authorities "assigned" private companies to oversee resettlement work in the hardest-hit areas of the delta[137]

> Some companies are trying to do model villages, like Htoo Trading. They support a few villages with food, water. But they emphasize one village as a model village, they want to show that they are doing good things, charity, social work. In return, they get some sort of contract from the government, a subcontract from the government.
> **-Relief worker interviewed in Rangoon on June 26, 2008**

Htoo Trading, identified by several survivors in this report, is a company the US and other nations have previously sanctioned in response to their affiliation with the military regime.[138] The Htoo Trading Company, and others, has preferentially received lucrative reconstruction contracts to create model villages.. Even in areas where reconstruction and aid distribution was underway, evidence from news media suggested distribution entwined with nepotism:

> "Not all the needy got houses and not all those who got houses were needy," said one resident of Latkhitegon, a village south of Yangon [Rangoon] that has received ten new wooden homes. Five of them had their homes really badly damaged by Nargis. The other five did not suffer that much damage, but they got the houses because they are the VIPs," the man, who did not wish to be name for fear of reprisals, said. [139]

8. Coercive activities committed during the reconstruction activities

Forced Relocation Following the human rights framework, international guideline delineate the entitlement of those at risk of natural disasters to be free to allowed and assisted to leave the danger zone. This provides that 1) persons have the freedom to choose to move to a safer location and allowed to settle there at the time they desire provided it does not affect the safety of others, 2) persons that are forced to flee should be treated as IDPs and covered by the 1998 Guiding Principles on Internal Displacement, 3) persons should be given the free choice to return to their homes or relocate to another part of the country, 4) homes and other properties left behind by evacuees should be safeguarded until their return, and 5) IDPs who fled the natural disaster should not be forced to return or resettle in areas where they would be placed at further risk.[85, 86] In this case and in the immediate aftermath of the cyclone many that survived the initial destruction in the hardest hit areas were temporarily relocated to designated government relief camps or private relief centers with assistance from the government, non-governmental organizations, or private charity groups. Those

that had the strength to remain were left with the task of manually clearing the debris, removing the deceased, and initiating the rebuilding process with little or no resources available to them.

These guidelines further indicate the preference to utilize community buildings and shelters established by the survivors rather than temporary camps. Furthermore, when persons are choose to return to their place of origin, the government should take steps to provide protection and assistance to those IDPs.[85, 86] Reports from our interviews, however, indicated that after a period of time ranging anywhere from a week to a month, many of those who sought safe haven in the temporary relief centers were forcibly returned to their communities where they were expected to restart their lives despite the lack of capital and human resources needed to regain their livelihood. Accounts in this report revealed acts of forced relocation that occurred in late May to early June and further suggest that the junta targeted private religious relief centers as well.

> After cyclone, a church in XX set up a shelter for cyclone victims. The government came to the shelter and told the church leaders that the villagers must come with them. They took villagers to XX college/monastery. They did not want to go there. Mostly Christians and Karen. About 250 people. This happened about 2 weeks after Nargis.
> **-- Relief Worker, September 23, 2008 in Mae Sot**

Other reports from the media corroborated instances of forced relocation of survivor as the one-month anniversary of the cyclone approached. Soldiers forcibly relocated survivors from government relief centers to devastated villages yet to be rebuilt. Survivors were ordered by military authorities at one camp in Kyauktan to leave by 4 pm and were given little or no supplies upon leaving. These same officials stated "It is better that they move to their homes where they are more stable… Here, they are relying on donations and it is not stable."[140] Not all survivors were given such notice as camps in the most-severely affected areas of Bogale and Labutta were closed: "The government is moving people unannounced," said Teh Tai Ring, a UNICEF official, adding that authorities were "dumping people in the approximate location of the villages, basically with nothing."[109] Reports came not only from aid groups but survivors described these incidents as well: "We have nowhere to go and we don't know any other life except farming and fishing," said U Kyi, who was forced from a camp in Kawhmu, a district south of Rangoon.[141] Mass-evictions occurred at government-run gathering centers, as well as schools, monasteries, and other make-shift shelters.[142] Evictions from shelters in schools and community buildings were also common during the Referendum vote and reached a high point in June when the junta declared the school year would start on June 2 as scheduled, despite the cyclone's destruction of over 3,000 schools. [143]

Forced labor / Forced donation The right to "protection against forced or compulsory labour…and other forms of slavery" as well as the "protection of children against economic exploitation and hazardous or harmful work," are basic and critical rights to life recognized by many international human rights doctrines.[77, 78, 85, 86] It is within the context of survival, following the cyclone, that these rights were not provided to survivors. Rather, the junta used civilians' vulnerabilities to their benefit forcing many communities to provide free labor or donations to the military for 'reconstruction efforts', often for prolonged periods of time and with no provisions for food, transportation, equipment, or safety. Consistent with the military's past patterns of forced labor practices, we found that villages in the vicinity of military bases were often targeted for rebuilding of military structures that were damaged by the cyclone. One account describes the forced transfer of healthy villagers to a distant island military base for prolonged reconstruction. Civilians from villages in close proximity to areas where the government sought to maintain or construct public infrastructure, such as roads, were also subjected to forced labor. More detailed accounts emerged

from our assessment as several survivors and relief workers cited specific military units that had forced survivors to work on construction projects that included military bases, roads, and housing. Reports from owners of businesses told of their experiences in which they were forced to join relief efforts by making sizeable contributions of money or providing equipment such as boats, effectively jeopardizing their own livelihood and stalling the local economy. Also consistent with previous patterns of forced labor was the demand that each household provide one laborer or face fines ranging anywhere from 1000 to 4500 *kyats* per day, a sum unaffordable to many of the survivors that struggle to meet their most basic needs for living. Most abhorrent however, and in violation of the government's ICRC accession, is the evidence that children were also forced into labor for reconstruction purposes.

While many villagers rallied to the aid of their neighbors, the Burmese concept of "loh ah pay" referring to the notion of "aiding for merit" was often invoked to justify the military demands for forced labor in the name of cyclone relief. Scattered reports surfaced throughout the media of survivors forced to work for the government with little or no compensation.[144, 145] Village authorities were often delegated with the task of providing information on households or were held responsible for providing the required number of laborers to meet the military's goals.

The effects of forced labor, even months after the cyclone hit the region, are detrimental on multiple levels for families and communities who struggle to make ends meet with the limited and irregular support from outside aid. Often the fittest household member is sent to provide labor for the government, effectively leaving the family with one less healthy person to fend for their livelihood. Villagers are forced to work from morning to evening with no provisions for food and safety, often having to walk long distances and having to use their own tools. In the Irrawaddy Delta, an overwhelming proportion of villagers depend on farming and fishing to provide food and income, both traditionally fulfilled by male household members. The added economic hardship brought on by depriving households of human capital meant that many of the government 'reconstruction efforts' took place, and continue today, at the cost of survival for families.

This failure to protect basic human rights and to use forced labor follows a complex history of international pressure and efforts to pressure the junta to cease forced labor and child labor. Following the ASEAN meeting of foreign ministers that took place on May 19th 2008, a 'humanitarian work space' was created through the formation of the ASEAN Humanitarian Task Force and the Tripartite Core Group (TCG) comprising the UN, SPDC, and ASEAN. The first official needs assessment, more than a month after the cyclone hit the region (approx. the 10-19th of June), was conducted by the TCG, resulting in the release of the Post Nargis Joint Assessment Report on July 21st. This 213-paged report made no assessment of human rights abuses such as the use of forced labor. Most recently (two months prior to the cyclone) the International Labor Office (ILO) Governing Body called on the government to release incarcerated labor activists as well as for the authorities at the highest level to "..make an unambiguous public statement reconfirming the prohibition of any form of forced labour and their ongoing commitment to the enforcement of that policy." In June 2008, the ILO Conference Committee on Application of Standards held a special sitting on the application of Myanmar of the Forced Labour Convention, 1930(No.29). They concluded that "…none of the recommendations of the Commission of Inquiry had yet been implemented, and that forced labour continued to be widespread, including the recruitment of children into the armed forces."[146] Despite the repeated assurances by the military government to work towards their commitments, only a limited number of cases had been investigated by the regional ILO office in Rangoon. To date, no military personnel have been prosecuted on the grounds of forced labor. Meanwhile local human rights group have continually reported on the widespread use of forced labor abuses, particularly in areas of increased military mobilization as

well as areas surrounding large scale government-sponsored business projects.[147-149] On September 16th 2008, U Thet Way, a labor activist and chairman of the National League of Democracy's Sanchaung Township who had helped to bring cases of forced labor before the ILO, including forced military conscription of children, was arrested and sentenced to two years of hard labor.[150]

Land confiscation Operational guidelines also offer the following protection of land rights for IDPs and survivors of disasters:[85, 86]

> Competent authorities should be requested to protect, to the maximum extent possible against looting, destruction, and arbitrary or illegal appropriation, occupation or use of property and possessions left behind by persons or communities displaced by the natural disaster.
>
> Owners, whose land deeds or property documents have been lost or damaged during the natural disaster or whose land boundaries have been destroyed, should be provided with accessible procedure to reclaim ownership of their original land and property without undue delay

EAT interviews, however, indicated that survivors were faced with threats of land confiscation if unable to maintain agriculture outputs.

9. Post-Nargis Assessments

Independent assessments of the recovery progress post-Nargis have been few. The most extensive qualitative assessments have been undertaken by a collaborative effort between the United Nations, ASEAN, and the Myanmar government (often referred to as the Tripartite Core Group) that produced the Post-Nargis Joint Assessment (PONJA) Report.[6] The initial fieldwork took place between June 10-20 and subsequent review between October 29 and November 19. The PONJA team included representatives of the SPDC, and so it is not an independent assessment. It did not report on human rights aspects of the Nargis response. Both reports concluded that although relief work is taking place, more work is needed. After the most recent periodic review was released in November, Myanmar Deputy Foreign Minister Kyaw Thu, chairman of the Tripartite Core Group said, "…children are back in school, people are working again, the rice crop is due for harvesting shortly, and transport and health facilities are again accessible." Other members of the group pointed out, however, that "many survivors remain vulnerable, especially in terms of continued access to clean water, adequate shelter and restoring livelihoods."

Subsequent independent assessments favor the latter of the two TCG views on post-Nargis restoration. A recent survey by World Vision found that over 40 percent of those surveyed in three townships had borrowed food or money in the past month, one third had reduced the number of meals they had eaten last month, and one-third to one-half of children are not enrolled in school.[151] As the rainy season ended in November, many survivors who had relied on rain for clean drinking water became fearful as fresh water sources remained contaminated with salt water.[152] Concerns of access to clean water were prevalent in our survey as well.

Finally, restoration of agriculture, an important livelihood for many in the delta has been slow. Despite FAO assessments that 97 percent of affected paddy fields were being cultivated again many paddy fields remain unplanted and harvests, due to mixed varieties of seeds given out post-Nargis, have been unpredictable.[139] Farmers interviewed in the delta say they expect their harvests to yield 30 to 50 percent of normal production, noting they have only the use of one-third of the machines, animals and resources necessary to fully restart their operations.[153] This report details the early

half-hearted and superficial attempts by the military to revitalize the agricultural industry with meager supplies of seeds and a few, nonfunctional or poorly-equipped tractors, suggesting that survivors' struggles to resume their livelihoods are inevitable and likely to continue under such circumstances.

V. CONCLUSIONS

To date, this report is the only community-based independent assessment of the Nargis response conducted by relief workers operating free of SPDC control. Using participatory methods, and operating without the knowledge or consent of the Burmese junta or any of its affiliated institutions, this report brings forward the voices of those working "on the ground," in the Nargis affected areas of Burma. Due to security and logistical concerns, this was by design a qualitative investigation, and a quantitative population-based assessment, while ideal, was simply not feasible. Should the SPDC allow such an assessment to be conducted, it would clearly build on the evidence base amassed here. That said, within the limitations of participatory research and working within the very real fear of arrest and prison terms for providing aid, the EAT teams nevertheless have documented a wide range of human rights violations on the part of the Burmese junta during the response to Cyclone Nargis.

The collected data reveal a systematic obstruction of relief aid operating on both international and local levels. The willful acts of theft and sale of relief supplies as well as the use of forced labor for reconstruction projects implies a disregard for the suffering of survivors. The slow distribution of aid, the push to hold the Referendum vote, and the early refusal to accept foreign assistance are evidence of gross negligence on the part of the junta.

The tragedy of Cyclone Nargis remains unfinished. Yet, it is a tragedy that did not begin with the storm. The physical damage wrought by the cyclone – the homes, the livelihoods; and the sons, daughters, mothers, grandparents who were washed away by the tidal surge – and the subsequent emotional and psychological injuries are new events in Burmese history; the limits on the human rights of the Burmese people are not. Restrictions on the freedom of press and speech, ad-hoc arrests and extreme sentencing of dissidents, forced labor, and the willful neglect of the health and education of the Burmese people are all ongoing realities of junta rule in Burma. While such abuses are not novel, the attention the tragedy of Nargis has brought to them provides an opportunity to recognize these abuses and re-engage the international community in a concerted effort to ameliorate them.

VI. RECOMMENDATIONS

To the SPDC

The SPDC should meet its obligations under international law to respect, protect, and fulfill the rights of the people of the Irrawaddy Delta. It should immediately cease and desist from forced labor practices, especially the forced labor of women and children, as required by CRC and CEDAW. Other abusive practices including targeted interference of aid, forced relocation, property confiscation and resale, and the theft and resale of humanitarian aid should also cease immediately.

The SPDC should immediately release all incarcerated relief workers arrested and charged in the Cyclone Nargis Response, including Zarganar. The arrest and detention of humanitarian relief workers is a breach of international law and undermines the SPDC's credibility as a reliable partner with ASEAN, The UN, and other entities committed to humanitarian relief in Burma.

The SPDC should conduct relief and development efforts in a transparent fashion, including maintaining accountability of monetary and material donations and fair indication of what organizations were recipients and donors. Requests for financial donations and aid from the SPDC should come with a solid evidence base for the request.

The SPDC should re-consider the pricing system for rice in Burma and its current rice export policies. Current rice prices in Burma are fixed and are problematic for recovering farmers. While Nargis survivors struggle with increasing debts, the SPDC continues to export rice to Africa, Thailand, China, India and Bangladesh.

To ASEAN

ASEAN's engagement in the Cyclone Nargis response has been laudable. ASEAN should insist to the SPDC that its programs meet minimal international standards for humanitarian relief, including transparency, accountability, respect for human rights, and protection from forced labor, forced relocation, and other abuses now being committed in the Irrawaddy Delta.

ASEAN should use its influence with the SPDC to call for the release of incarcerated relief workers, and for the free and open involvement of Burmese civilians, NGOs, and all political parties, including the NLD, in the relief and reconstruction efforts underway in the Delta. This effort has the potential to build goodwill and generate real participation in democracy building efforts.

ASEAN should insist that the aid, including funds and commodities, which member states have provided and are providing for Nargis victims and communities, not be confiscated, diverted, resold for profit, or otherwise manipulated by the SPDC and its affiliates.

To the United Nations

A UN Commission of Inquiry should be established to investigate crimes against humanity which may have occurred and may be ongoing, in the response to Cyclone Nargis.

The UN Special Rapportuer for Human Rights in Burma should fully investigate the reports of human rights violations documented in this report.

Independent assessment, free from the control of the junta, should be conducted in the Irrawaddy Delta to monitor the human rights situation and to hold the SPDC and its affiliates accountable for rights violations. The PONJA Assessment process, with the participation of the SPDC, was demonstrably unable to conduct such an assessment.

Governments, international organizations, and INGOs should continue to monitor and document the situation in the Irrawaddy Delta, including forced labor, displacement of persons, and land confiscation. Furthermore, INGO's should ensure that aid programs are beneficial to the survivors; that such programs do not contribute to or involve use of forced labour or confiscation, nor place survivors at further financial risk (e.g. high interest rates on loans or charging fees for receipt of necessary aid).

To the United States and the European Union

The United States and The European Union should press the Burmese regime to respect, protect, and fulfill its human rights obligations in the ongoing Cyclone Nargis response.

Humanitarian assistance should continue, including support for reconstruction and rehabilitation in the Delta, but such aid must be distributed with accountability, transparency, and respect for human rights norms and principles. The US and the EU should demand the engagement of civil society, and of the NLD and other political parties, in the reconstruction effort.

The International community should reject the results of the May 10th constitutional referendum as unfree, unfair, and wrongly conducted in a time of humanitarian emergency.

APPENDICES:

Acronyms:

AFP	Agence France-Press
AIDS	Acquired Immune Deficiency Syndrome
ASEAN	Association of South East Asian Nations
BBC	British Broadcasting Corporation
CBO	Community-based organization
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CPHHR	Johns Hopkins Center for Public Health and Human Rights
CRC	Convention on the Rights of the Child
DFID	Department for International Development (UK)
EAT	Emergency Assistance Team
ERAT	ASEAN Emergency Rapid Assessment Team
EU	European Union
FAO	UN Food and Agriculture Organization
HRW	Human Rights Watch
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
INGO	International nongovernmental organization
MSF	Medecins Sans Frontieres
NLD	National League for Democracy
OCHA	Office for the Coordination of Humanitarian Assistance
PONJA	Post-Nargis Joint Assessment
R2P	Responsibility to Protect
RI	Refugee International
SPDC	State Peace and Development Council
TCG	Tripartite Core Group
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	U.S. Agency for International Development
USDA	Union Solidarity and Development Association
WFP	World Food Programme
WHO	World Health Organization

Timeline:

26-Apr-08 Junta received initial warning of approaching cyclone from Indian Meteorological Department.

27-Apr-08 Asian Disaster Preparedness Centre (ADPC) issues cyclone warning to Burma.

1-May-08 Indian Meteorological Department warns Burmese officials about approaching cyclone, landfall, and severity.

3-May-08 Cyclone Nargis makes landfall.

5-May-08 Junta announces Referendum will take place; Burmese embassy in Bangkok closed; Ban Ki Moon's chief of staff, Vijay Nambiar, and Burma's UN ambassador, Kyaw Tint Swe meet and agree to immediately airlift aid to the region; BBC reporter Andrew Harding stopped and deported from Rangoon airport.

6-May-08 Thai, Chinese military aircraft deliver relief supplies to Rangoon airport; US navy vessels wait for junta permission off coast of Burma; UN in Geneva says aid being hampered due to lack of visas being granted by regime; Aid workers of UN agencies and INGOs start to prepare emergency aid plans, in Bangkok, while awaiting visas; Some international aid (WFP) begins reaching Rangoon, surrounding areas; UN asks SPDC to waive visa requirements for aid workers but receives no response.

7-May-08 Junta forbids entry of foreign disaster assessments teams and refuses to waive visas; UN disaster assessment team still waiting in Bangkok for visas; UN cannot launch relief without proper assessment; trickle of aid reaches Delta, Labutta city, from WFP, Junta appoints minister (Deputy FM Maung Myint) to review aid visa applications but none given; France calls for international intervention, citing R2P; Discussion in UNSC vetoed by Russia, China, US Cargo aircraft flown to airbase in Thailand and await permission to deliver aid.

8-May-08 First UN relief plane lands in Rangoon (WFP); US planes still denied permission; No sign of top three Burmese leaders; US requests Thai PM Samak Sundaravej to use influence with Burmese to allow in aid; Attempts to contact generals unsuccessful; Ban Ki Moon requests talks with Than Shwe whose requests go unanswered for over 2 days; Plane from Qatar carrying aid turned back from Rangoon airport; Foreign Ministry statement: "We are not yet ready to receive such emergency rescue, search and information teams from foreign countries for the time being"; UN discloses that two of four experts granted visas flew to Rangoon the remaining two were turned back at airport for unknown reasons.

9-May-08 IRC estimates only 12% of survivors have received any aid; still no formal damage assessment conducted; WFP temporarily suspends flights after shipment of food aid is seized by junta, who insist on controlling its delivery; Thai PM cancels planned visit to Burma as the junta was "too busy with the people effected by the deadly cyclone to welcome Samak." (the Nation).

10-May-08 Junta holds vote on Referendum in all but hardest-hit areas; Junta hands out aid packages from Thailand with names of top generals pasted on top; UN estimates that only 1/10 of needed aid is in the country.

11-May-08 First US and MSF planes landed in Rangoon; Burmese embassy in Bangkok closed again for a public holiday, no visas granted.

12-May-08 Burmese government allows 1 US plane from Thailand to deliver emergency aid to Rangoon airport; US aid workers remain barred, Surin announces formation of ASEAN "Coalition of Mercy" and ASEAN's Emergency Rapid Assessment Team (ERAT) finally granted entry permits; Ban Ki Moon phones Thai PM Samak to ask for help persuading SPDC to accept more international aid

13-May-08 Reports of increasing restrictions on access to Irrawaddy Delta and increasing checkpoints to bar foreigners.

14-May-08 Ban Ki Moons calls for Junta to allow international aid in "most strenuous terms"; Thai PM Samak goes to Burma but fails to secure more aid access; "They do not want anyone to intervene or teach them what to do."

15-May-08 Aid workers allowed from ASEAN nations; Helicopters from USS Essex group within 30 miles of Burma, ready to help when requested; Burmese government announces resounding success of referendum: 99% voter turnout, 92.4% approval for new constitution.

16-May-08 Burmese military junta denounces French aid ship off coast of Burma as "warship" – the ship was carrying 1,500 tons of aid.

17-May-08 70 foreign diplomats given a supervised tour of the delta region; Advance team of 30 members Thai medical unit allowed into Burma; Official toll: 77,738 dead, 55,917 missing, 19,359 injured.

18-May-08 UN Humanitarian chief John Holmes goes to Burma with letter from Ban to Than Shwe after latter refuses to answer calls; Kyaw Swar Aung (private relief worker) arrested; 50 member Indian medical team allowed to enter and provide aid to victims and 50 Chinese medics arrives in Rangoon; No Western foreign relief teams allowed, only Asian.

19-May-08 ASEAN meets in Singapore to discuss cyclone and decide ASEAN to act as liaison for international aid; Burmese FM Nyan Win informs participants that Burma needs $11.7 billion for rehabilitation and reconstruction; Than Shwe seen speaking to survivors at a camp in first public images of leader since cyclone but claims that the government "took prompt action to carry out the relief and rehabilitation work shortly after the storm."

20-May-08 UN gains approval to bring in first aid helicopters but still negotiating for permission to bring in flight crews and helicopters able to fly to affected sites; Burmese government announces official 3 day official national mourning period for cyclone.

21-May-08 Leaflets dropped by government asking private citizens not to give aid as it would make victims "lazy and more dependent on others"; Surin meets with Thein Sein, appeals for SPDC to allow ASEAN to facilitate international aid; UN estimates aid only reached 25% victims; Junta announces it will not accept aid with "strings attached" - US helicopters and naval ships not welcome.

22-May-08 Ban Ki Moon finally goes to Burma and is told by Burmese authorities that "rescue and relief" phase over; Reconstruction now beginning.

23-May-08 Junta estimates reconstruction costs will top USD 11 billion; Ban meets Than Shwe, declares "He has agreed to allow in all the aid workers" and international aid workers will have "unhindered access."

24-May-08 Vote on Referendum held in 47 districts worst-hit by cyclone where it had been postponed; First UN-ASEAN aid flights using Bangkok's Don Mueang Airport hub as UN Staging Area (UNSA).

25-May-08 International pledging conference held in Rangoon; ASEAN-UN International Pledging Conference held in Rangoon raises $100 million in pledges of the approximate $11 billion requested by junta; Results of referendum in 47 worst hit districts announced: 92.94% voted “yes.”

26-May-08 Fire breaks out at Burmese embassy in Bangkok, visa section closed.

27-May-08 IRC estimates only 23% of survivors have received any aid in worst affected areas (42% overall); SPDC extends Aung San Suu Kyi's house arrest for another year, her 6th, in violation of their own laws.

28-May-08 French ship, Le Mistral, gives up waiting for permission and unloads aid supplies in Phuket, Thailand.

29-May-08 Junta announces new constitution is "confirmed and enacted" with 92.48% approval, 98.12% voter turnout.

30-May-08 UN estimates foreign aid has reached only 40% cyclone survivors; SPDC soldiers begin evicting survivors from relief shelters; Regime announces people are "self-reliant" and do not need "chocolate bars from international community," and can survive by hunting "large, edible frogs"; Regime names Deputy FM Kyaw Thu to be its representative to the Tripartite Core Group to coordinate relief.

31-May-08 Reports of emergency camp closures and forced evictions start to emerge.

2-Jun-08 Schools reopen in delta regions; UN receives permission to fly helicopter outside Rangoon while the remaining 9 still wait in Bangkok for permission to enter; Cyclone "boat people" detained by Burmese navy while attempting to flee.

4-Jun-08 US ships announce they will leave; Zarganar arrested for providing aid soon after returning to Rangoon from Delta; UN announces only 49% survivors have received any aid; USS Essex group leaves area after 15 failed attempts for authorization from Burmese authorities to provide relief; US disaster assistance team continues to wait in Bangkok; First six foreign Red Cross workers reach Delta.

5-Jun-08 Amnesty International releases report documenting widespread problems, including labor in exchange for aid, aid diversion, arrests of aid workers; ASEAN announces it was ready to send in the Emergency Rapid Assessment Team, a month after the cyclone; Over one hundred cyclone survivors documented to arrive in Mae Sot.

6-Jun-08 Five UN helicopters given permission to fly from Bangkok to Rangoon, joining 1 already there; four still wait on tarmac in Bangkok.

8-Jun-08 Junta lashes out at foreign media, "the enemy who is more destructive than Nargis."

9-Jun-08 Reports of increasing numbers of cyclone victims fleeing to Karen and Mon States and also to Mae Sot, Thailand.

10-Jun-08 TCG begins joint assessment of relief efforts; Junta announces new guidelines for delivery of international aid (later repealed); ASEAN ERAT heads into Delta for village survey; 18 survivors attempting to petition UN for aid arrested by junta; Junta distributes new, complicated guidelines for humanitarian aid agencies helping cyclone victims: would increase requirement for groups to gain permission and hold meetings with officials; Aid groups express concern.

11-Jun-08 Junta claims 911 visas granted for disaster relief workers but few granted travel permits necessary to enter Delta; Burmese government forbids WFP from buying rice in Burma to feed cyclone survivors; WFP forced to await permission and approval from government to import rice; All 10 UN helicopters now operating in Burma.

12-Jun-08 Private aid workers Yin Yin Wie, Tin Tin Cho and Myat Thu arrested by special branch police in Sanchaung Township, Rangoon.

13-Jun-08 Zaw Htet Htwe, journalist and private aid worker is arrested; Thais told not to send any more doctors to Burma as regime closes down relief camps in Delta; Regime warns aid from US cannot be trusted, "the goodwill of a big Western nation that wants to help Myanmar [Burma] with its warships was not genuine."

14-Jun-08 Seven members of volunteer workers of "the Group that Buries the Dead" arrested after burying cyclone victims.

15-Jun-08 Aung Kyaw San, editor of Myanmar Tribune and volunteer helping to bury dead bodies arrested along with four colleagues and sent to Insein Prison.

17-Jun-08 WHO claims health system in Myanmar "back on its feet"; US Senator John Kerry asks Sec of State Rice to investigate if junta's response to cyclone constitutes a "crime against humanity."

18-Jun-08 UNHRC passes resolution condemning SPDC's systematic violations of human rights, including the referendum, obstruction of aid workers, and relocation of cyclone survivors.

19-Jun-08 Aung San Suu Kyi spends 62nd birthday under house arrest; US House of Representatives passes Supplemental Appropriations Act 2008 stating "The Department of
State and USAID should seek to avoid providing assistance to or through the SPDC."

24-Jun-08 PONJA release reveals significant shortfalls in aid reaching the delta: only 45% affected received food aid; Burmese journalists banned from ASEAN press conference and report release in Rangoon; Official toll revised: 84,537 dead, 53,836 missing; New official aid guidelines dropped and regulations revert back to those in place before June 10.

25-Jun-08 Telecom Sans Frontieres leaves Burma - had entered on June 1 to work with UNICEF to provide communication support to aid agencies but additional authorization to reach affected areas never received from junta; Thousands of villagers in temporary shelters in Labutta and Bogale ordered to relocate.

8-Jul-08 SPDC claims 1,670 visas granted to international workers/foreign officials but no word on number permitted to leave Rangoon; Gap between value of FEC and cash reported and perhaps 20% aid funds deposited through MFTB being siphoned off by junta - no comment from UN.

9-Jul-08 Regime requests UN not to hold press conferences in Bangkok but in Rangoon.

10-Jul-08 UN raises flash appeal from $201 million to $481.8 million for relief and reconstruction, lasting until April.

11-Jul-08 Regime asks for more aid; "Powerful countries have spent hundreds of billions of dollars on the Iraqi and Afghanistan issue. How much will they spend on rehabilitation of the victims to the storm ‘Nargis’?" Junta claims life has returned to normal.

24-Jul-08 UN (John Holmes) admits aid loss through exchange mechanism "is a very serious problem."

28-Jul-08 "The losses are significant, but not absolutely gigantic" (John Holmes);UN admits at least $10 million in aid money lost through exchange mechanisms.

30-Jul-08 Zarganar and Zaw That Htwe appear in court.

1-Aug-08 To control rises in rice prices, government instructs rice traders not to sell to WFP.

14-Aug-08 UN now states $1.56 million in aid lost in previous three months due to exchange mechanisms.

15-Aug-08 WFP reiterates emergency relief phase is not over.

22-Aug-08 UN ends relief flights from Bangkok to Burma.

25-Aug-08 Report of more cyclone survivors fleeing to urban centers in Burma to seek help.

3-Sep-08 WHO claims Burmese authorities’ greatest medical assistance to cyclone victims.

early September 2 camps in Labutta ordered shut, 5,000 forced to move to remote relocation sites.

1-Oct-08 Former journalist and Mandalay elected MP Ohn Kyaing, chairman of NLD Cyclone Relief Committee and relief worker, are arrested.

4-Oct-08 Obstruction of aid called "a crime against humanity" (Lawrence Gostin)

10-Oct-08 Khin Maung Win arrested after providing relief to cyclone victims.

16-Oct-08 Critical Post-Nargis Analysis report launched in Jakarta; Surin Pitsuwan abruptly cancels scheduled appearance due to "an emergency."

23-Oct-08 Only 50% of $481.8 million flash appeal received.

4-Nov-08 Save the Children estimates 300,000 children still unable to attend school.

November 2008 TCG periodic review indicates basic needs remain unmet in certain areas of the delta;At least 21 cyclone relief workers given prison sentences; harsh sentences also meted out to other activists, monks, journalists and at least three of their lawyers also arrested for contempt of court.

10-Nov-08 Blogger Nay Phone Latt sentenced to over 20 years imprisonment; Poet Saw Wai sentenced to 2 years for poem critical of Than Shwe.

11-Nov-08 14 leaders of 88 Generation Students sentenced to 65 years imprisonment in closed court session (lawyers barred): Nilar Thein, Min Ko Naing, Ko Ko Gyi; Labor activist Su Su Nway gets over 12 years.

14-Nov-08 Ein Khaing Oo, age 24, of Ecovision Journal sentenced in closed-door trial to 2 years imprisonment for reporting on victims approaching UN office for more help on June 10th.

21-Nov-08 Zarganar sentenced to 45 years after criticizing regime's response to cyclone; Relief activists Zaw Htet Htwe and Thant Zin Aung sentenced to 15 years; Relief activist Tin Maung Aye given 29 year jail sentence.

27-Nov-08 Zarganar sentenced an additional 14 years (total: 59 years).

1-Dec-08 Relief workers Thant Zin Aung and Zaw Htet Htwe given additional sentences of three and four years (total: 18, 19 years respectively).

8-Dec-08 Mizzima reports that WFP allowed once again to purchase local rice.

19-Dec-08 First Periodic Review by PONJA details inadequate food, shelter, and international assistance remains problematic in Delta regions, especially in the west.

23-Dec-08 Nigeria gives $500,000 to UN ambassador from Burma Kyaw Tint Swe for cyclone victims; concern raised that money unlikely to reach intended population.

26-Dec-08 UN flash appeal only 64% funded.

28-Dec-08 Political Prison Htay Lwin Oo, 46, dies in Mandalay prison of untreated tuberculosis; had been sentenced to 7 years in 2003 for his labor rights activities.

3-Jan-09 ABFSU member Bo Min Yu Ko sentenced to 104 years for role in Saffron Revolution.

5-Jan-09 Khin Maung Win given ten year sentence after providing volunteer relief services for victims; he was arrested on October 10.

12-Jan-09 Freedom House ranked Burma among the “worst of the worst” countries in its annual worldwide survey on freedom

22-Jan-09 Monk U Arnanda of Thitsar Tharaphu Monastery, Rangoon, dies in Insein Prison.

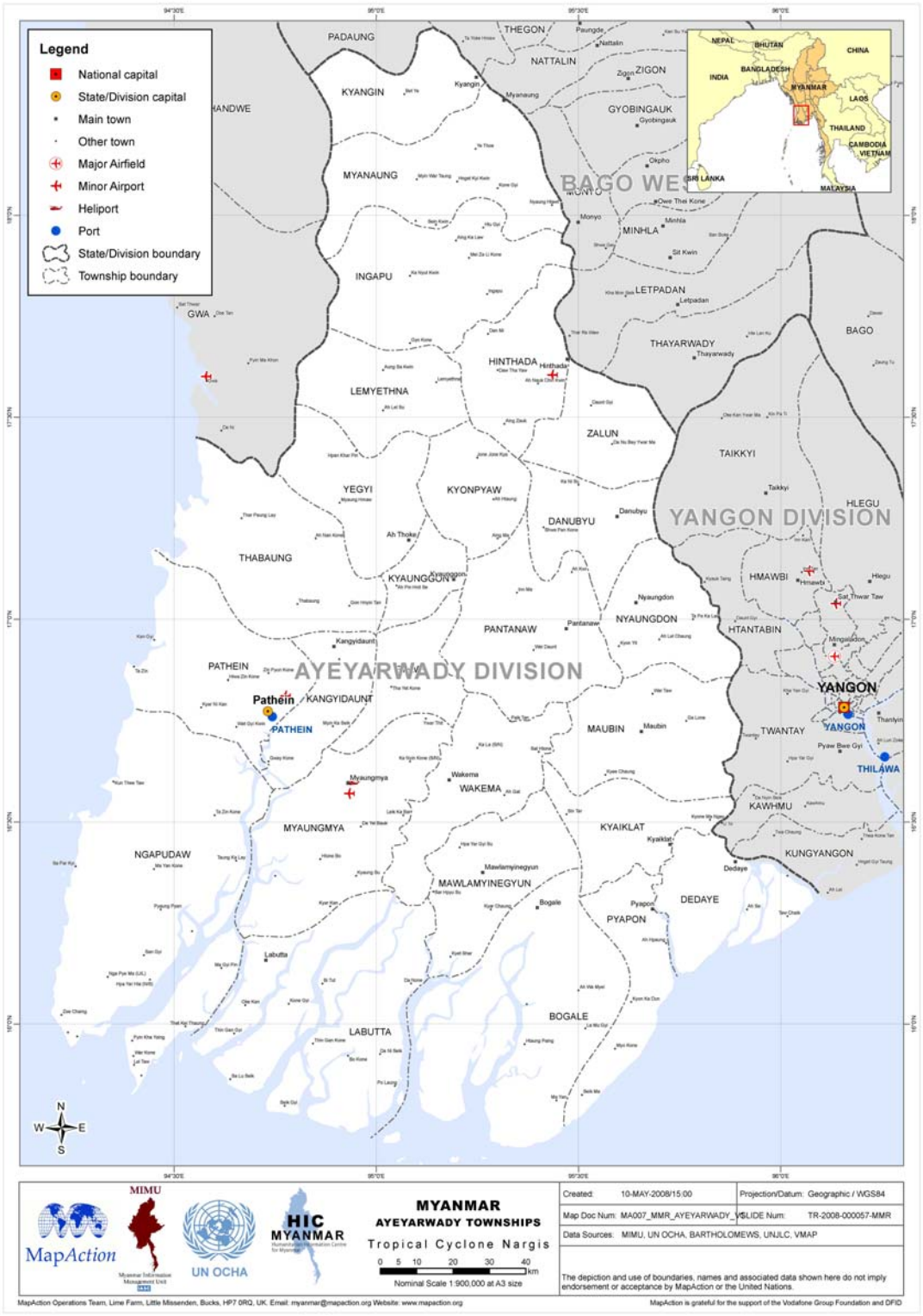
23-Jan-09 Labor activist Zaw Htay sentenced to 10 years imprisonment for reporting land confiscation by Burma Army to ILO.

28-Jan-09 Joint FAO/WFP report states 5 million still in need of food assistance; cites SPDC-imposed travel restrictions for inability to reach western Arakan and Chin states.

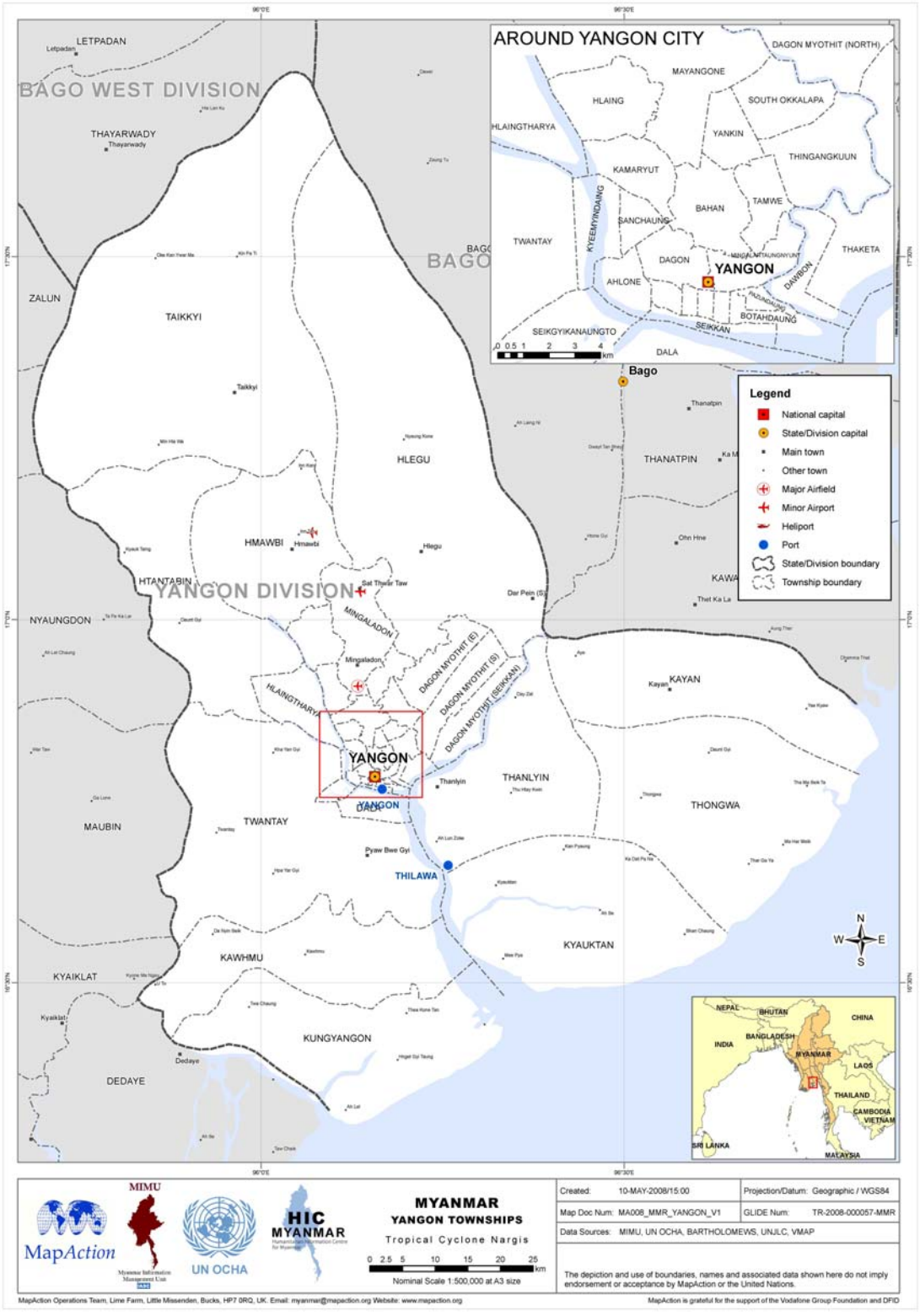
4-Feb-09 In a snub to the UN, Kyaw Thu, Burmese chair of TCG, transferred to inactive position.

10-Feb-09 10 aid workers, arrested after helping dispose of corpses: Phyo Phyo Aung, her father Dr Ne Win, Shein Yarzar, Aung Thant Zin Oo, Aung Kyaw San, Phone Pyit Kywe, Yin Yin Waing, Tin Tin Cho, Ni Mo Hlaing and Myat Thu appear in Insein prison court while their lawyers were barred from attending.

Maps



Map 3 MIMU Map of Ayerawady [Irrawady] Division



Map 4 MIMU Map - Rangoon Division

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