

# Achievements and limitations of the Guiding Principles in Burma

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## While the Guiding Principles have galvanised awareness of and assistance for IDPs in Burma, they have been an ineffective tool for dealing with a predatory military junta.

As FMR's recent issue on Burma outlined<sup>1</sup>, large-scale internal displacement has been a reality in Burma since squatters were forcibly evicted from Rangoon and relocated into satellite towns in the 1950s. Only since the introduction of the

displacement. It has now become accepted that displacement might result not only from violence and abuse that have already taken place but also from the need to avoid threats which are yet to occur. This has facilitated understanding of the

done little to alleviate poverty in conflict-affected areas. Communities perceived as opposing the state generally bear a disproportionate share of the costs and are denied a fair share of the benefits.

Recognition that "internal displacement may be caused by a combination of coercive and economic factors"<sup>2</sup> has also been

important. In Burma much impoverishment and forced migration are due to state-led land confiscation, asset stripping, forced procurement policies, agricultural production quotas, forced labour, arbitrary taxation, extortion and restrictions on access to fields and markets. The compulsory and unavoidable nature of these factors is distinct from the voluntary, profit-oriented 'pull factors' more commonly associated with economic migration.

Given the junta's increasing restrictions on humanitarian space in conflict-affected areas,



A Burmese family heads towards a relief camp near Kungyangon Township, May 2008.

Guiding Principles has there been a common framework for protection and assistance of IDPs. The Principles have proven invaluable in promoting awareness about displacement and mobilising assistance to respond to grave needs. Yet, in Burma, as in some other contexts, the Principles offer little diplomatic leverage when national authorities are unable and/or unwilling to fulfil their obligations.

The Guiding Principles have helped humanitarian practitioners advocate that it is not only proximity to actual fighting but also the broader effects of war that are causes of

involuntary nature of displacement in Burma, applying the Principles regardless of whether people are forced to flee conflict, violence or abuse, or obliged to leave by government orders or out of fear.

The Principles' concern with development-induced displacement has resonated in Burma as state-sponsored development initiatives have often undermined livelihoods and promoted militarisation. By focusing on infrastructure development and commercial agriculture, the junta's Border Areas Development programme has

the Guiding Principles have also helped to mobilise funds for cross-border assistance programmes. They underpin international humanitarian law's assertion that civilians caught in the cross-fire have a right to assistance and that such assistance should not be considered a threat to national sovereignty. Donors listened when experts advised that cross-border aid into Burma is not only justified in international law but should be strengthened.<sup>3</sup>

The protection dividend of increased awareness in regard to the national authorities fulfilling their obligations

has been limited. The regime has neither recognised its responsibilities for causing displacement nor the requirement to address its consequences. Despite concessions made in the Irrawaddy Delta after Cyclone Nargis struck in May 2008, restrictions on humanitarian access continue elsewhere in Burma and increasingly frustrate efforts to reach conflict-affected IDPs. The weight of evidence suggests that violations of human rights and humanitarian law in eastern Burma could constitute crimes against humanity.<sup>4</sup> International frustration has been reflected in the highly unusual denunciation of the junta by the International Committee of the Red Cross.<sup>5</sup>

It is now accepted that if national authorities are unable or unwilling to protect against massive atrocities, responsibility for enforcement shifts to the international community.<sup>6</sup> This shift is required to increase the leverage of the international community when dealing with recalcitrant rights-abusing regimes such as the Burmese junta. The Guiding Principles have put Burma's IDPs on the humanitarian agenda but new tools are required to stop violence and abuse and prevent emerging threats from causing further displacement.

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1. <http://www.fmreview.org/burma.htm>
2. UN OCHA & Brookings Institution, 1999, *Handbook for Applying the Guiding Principles on Internal Displacement*, New York, p5 <http://www.brookings.edu/fp/projects/idp/resources/HEnglish.pdf>
3. Roberta Cohen, 2000, 'Hard Cases: Internal Displacement in Turkey, Burma and Algeria', *Forced Migration Review*, issue 6, <http://www.fmreview.org/FMRpdfs/FMR06/fmr608.pdf>
4. Amnesty International, 5 June 2008, 'Crimes Against Humanity in Eastern Myanmar', ASA 16/011/2008 <http://www.amnesty.org/en/library/info/ASA16/011/2008/en> See also TBBC, October 2008, *Internal Displacement and International Law in Eastern Burma*. <http://www.tbbc.org/idps/idps.htm>
5. <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LRON-74LGRA?OpenDocument>
6. UN General Assembly, 2005 World Summit Outcome Document, UN doc. A/Res/60/1, 24 October 2005, para 138 UN Security Council, Resolution 1674.