

Carving out humanitarian space

Jean-François Durieux and Sivanka Dhanapala

Agencies working inside Myanmar to assist forcibly displaced people work within an extremely constricted operational environment. Despite occasional glimmers of hope, carving out sufficient humanitarian space to meet urgent needs remains an uphill struggle.

On United Nations Day, 24 October 2007, in Yangon, in the immediate aftermath of events that had for a while put the country on the front pages of international media, the Resident/Humanitarian Coordinator of the UN system in Myanmar read out a statement on behalf of the UN Country Team (UNCT)¹. Among other things, it said:

“[T]he peaceful demonstrations that followed the sudden hike in fuel prices on 15 August [...] clearly demonstrated the everyday struggle to meet basic needs, and the urgent necessity to address the deteriorating humanitarian situation in the country. These are the same messages that the United Nations Country Team in Myanmar has been endeavouring to bring to the Government’s attention for some time.”

In the charged atmosphere prevailing at the time, this statement raised alarm in government circles, especially the Ministries of Foreign Affairs and Planning, whose responsibility it is to rein in the UN agencies and international NGOs operating in the country. The Ministry of Foreign Affairs promptly issued a note of protest as well as a detailed refutation of the UNCT’s claim of a “deteriorating humanitarian situation”. Furthermore, the Ministry accused the Resident/Humanitarian Coordinator of “acting beyond his capacity by issuing the statement” and concluded that “the Government of the Union of Myanmar does not want [the Coordinator] to continue to serve in Myanmar, especially at this time when the cooperation between Myanmar and the United Nations is crucial”.

This over-reaction is, sadly, the reflection of an operational environment that is severely constrained as a result of two abiding assumptions in the military regime’s ideology: firstly, that the UN agencies and international NGOs are used “by some big powers against the host country”² and, secondly, that there is no armed conflict anywhere in Myanmar and hence no internal displacement of potential concern to the international community.

Insiders and outsiders

As though such challenges were not serious enough, humanitarian organisations operating within Myanmar have also been criticised by agencies and Burmese opposition groups based in Thailand (and by the opposition groups’ supporters in the West). To their credit, Thai-based humanitarian actors, including those providing essential relief to stranded and displaced populations across the border in south-east Myanmar, have historically played a crucial advocacy role on behalf of the victims of military ruthlessness



Medical treatment for IDPs in eastern Burma.

and abuse in Myanmar. It is thanks to their cross-border ventures, and to the testimonies of refugees, that the phenomenon of internal displacement in the south-east has been documented, quantified and brought to the world's attention. Regrettably, this powerful advocacy was, at times, also used to discredit the efforts of those agencies who were pursuing, from within Myanmar, similar humanitarian objectives through other means and under a different set of constraints.

By the end of 2003, though, a glimmer of light began to appear within this rather gloomy picture. The appointment of Khin Nyunt as Prime Minister proved to be a significant turning point. Within a context of 'pacification' of border areas but also as a gesture of goodwill towards the international community, the Prime Minister opened up a number of areas in the east and south-east to international organisations for the provision of humanitarian and community development assistance.

Thus, in 2004, the UN obtained a qualified green light to assist returning IDPs to areas of potential refugee return. The authorities were careful not to use the term IDPs but rather referred to "those returning to their homes within Myanmar".

Retrenchment

This era of relative optimism and expansion came to a rather abrupt end in late 2004/early 2005. With the removal and incarceration of Khin Nyunt in October 2004, the regime started swinging resolutely back to its tested ways, shutting down the few avenues through which the international community had come closer both to a humanitarian dialogue with the authorities and to the affected populations themselves.

At the end of May 2005, the new Minister of the Interior reassessed his ministry's relations with humanitarian organisations. UNHCR was denied permission to undertake any further expatriate missions to the south-east. ICRC was informed that its activities in the border areas would be subjected to intense scrutiny, as they appeared to be "illegal" (meaning, based on verbal agreements only). The watchword of the new era was clearly suspicion.

Government counterparts, including the traditionally more understanding Ministry of Health, played the card of caution. The Minister of Economic Development and National Planning seized the opportunity to re-affirm his authority over international agencies, a process which led to the issuance of the controversial Guidelines on Cooperation in February 2006. In response, the UNCT submitted to the Minister and other counterparts a set of Guiding Principles for the provision of humanitarian assistance, describing both the objectives and the modus operandi of the UN in Myanmar as essentially humanitarian.

This ever more constrained operational environment coincided, sadly, with an apparent increase of humanitarian needs in parts of south-east Myanmar. The removal of Khin Nyunt had also presented a serious set-back to the tentative peace process with Karen insurgents, and the military forces on both sides prepared for confrontation again. The spark came in the final months of 2005 in the hilly areas of Eastern Bago Division, provoking an army offensive of proportions unseen for many years and displacing thousands of civilians.

Neither the UN nor ICRC got access to these troubled areas. In July 2006, the Prime Minister turned down the Assistant High Commissioner for Refugees' plea for an inter-agency mission to the area in order to assess the humanitarian needs resulting from "insurgency and counter-insurgency measures". During the same period, the government deployed extraordinary public relations efforts to convince the international community, through its representatives in Yangon, that the situation was under control, and to counter what it called the propaganda of the Karen National Union (KNU). In the same breath, the government blamed the insurgents for any suffering inflicted upon the civilian population. It also accused the KNU of forcibly displacing populations out of their villages and into KNU-controlled areas (including refugee camps in Thailand) – which at least was an acknowledgement that forced displacement was a reality.

Further south, the latter part of 2005 and 2006 witnessed some tentative humanitarian advances, as well as

setbacks. ICRC proved increasingly unable to operate according to its standards and by the end of 2006 the only field missions the agency carried out were related to its programme of prosthetic rehabilitation, the beneficiaries of which were Myanmar military as well as civilians. UN agencies managed to complete their 2005 micro-projects and even, in some cases, to strengthen their presence but only through their local staff.

Eventually, in April 2006, UNHCR secured a fresh legal basis for its programme in the south-east by signing a Letter of Understanding (LOU) with the Ministry for Progress of Border Areas and National Races (whose Burmese acronym is *Natala*). According to the terms of this document, which was renewed for two years in mid-2007, the target groups of this programme in the south-east are "communities affected by population movements" and agency staff should be given unhindered access to project areas, subject only to considerations of staff safety. UNICEF also opened a sub-office in the capital of Mon State; however, it has not been able so far to post an expatriate there on a permanent basis.

Natala is a relatively new player, and remains a modest one, in south-eastern Myanmar. There, as elsewhere in the country, it is the Ministry of Health that has the largest number of operational partnerships with the UN and international NGOs. As a result, it is in the health sector that humanitarian assistance is most developed in the south-east – although it is far from compensating for the dearth of public services.

Coordination

Since late 2004, flexible coordination mechanisms have brought together all members of the humanitarian community in the south-east, mainly in order to exchange information and initiate a 'mapping' of actors and activities. This information was fed into the work of the Population Movement Working Group (PMWG), established within the UNCT at the end of 2004. The PMWG commissioned a major study on internal displacement and in-country migration, which introduced a much needed typology of population movements and made a number

of concrete recommendations to the UNCT.³ The report provided an impetus to consult more with community-based organisations (CBOs) and to assess which of these were best placed and equipped to reach out to isolated communities.

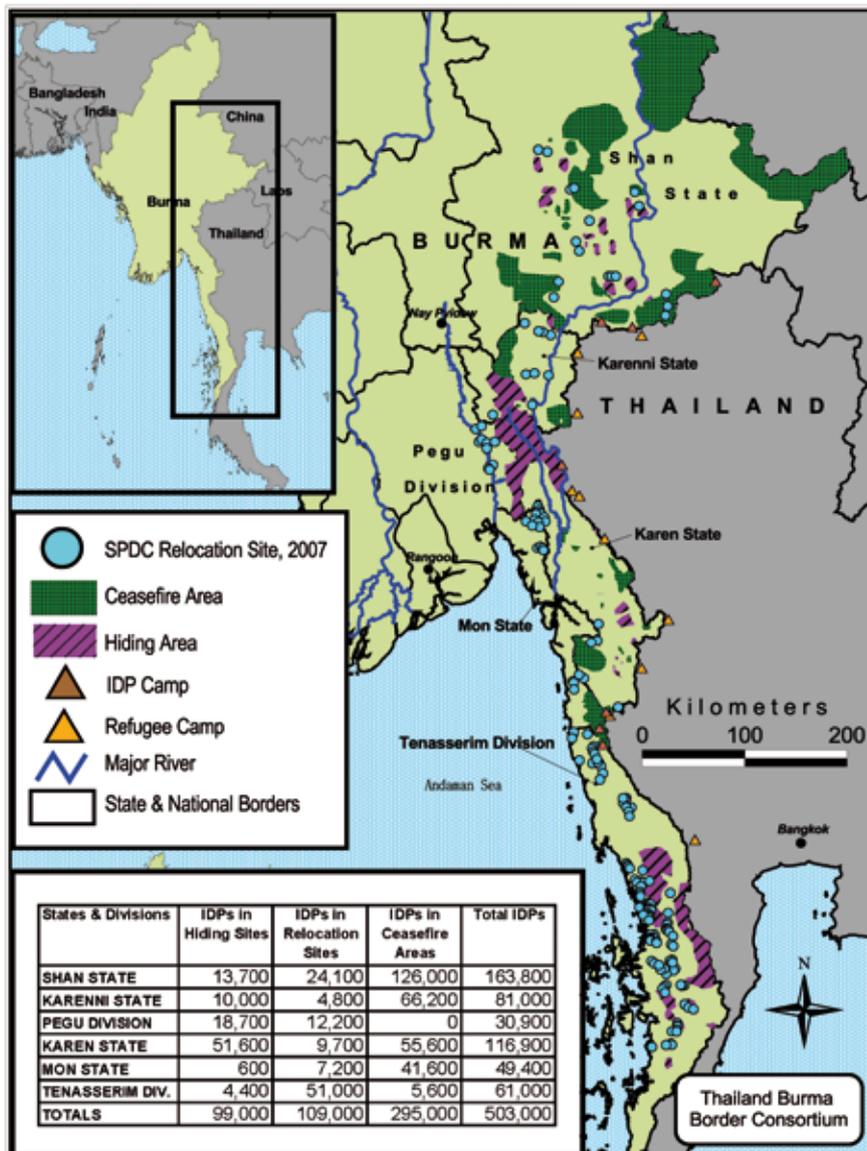
The establishment of the Humanitarian Coordinator function within the UN framework in Myanmar spurred on the establishment of the inter-agency standing committee.⁴ This in turn allowed for the inclusion of NGOs as an important voice in deliberating humanitarian strategies. While not all NGOs and CBOs could openly participate in these processes, innovative ways of safe consultation with them have ensured that they were heard.

The PMWG report, coinciding with TBBC's 2005 report on IDPs,⁵ also provided the occasion for a first structured exchange of views, in Bangkok, between the Myanmar UNCT and those doing cross-border work out of Thailand. These exchanges were to be continued, and their frequency and depth improved with time. By 2007 these 'convergence' meetings, as they came to be known, were organised thematically – with health, education, livelihoods and protection each addressed in its own right. It is reassuring to see that, between the 'insiders' and the 'outsiders', complementarity rather than competition has become the order of the day. Suspicions linger on, though, as evidenced by the fact that, so far, very few international NGOs based within Myanmar have welcomed the opportunity to interact with Thai-based agencies.

More significantly, the UN still has to find ways to bring IDPs and other vulnerable populations in the south-east out of the most pernicious form of 'invisibility', namely the denial of their plight, if not of their very existence, in the junta's official discourse.

The angry reaction to the UN Day message of October 2007 contains a bitter irony; while emphasising the need for greater cooperation

Relocation Sites, Hiding Areas & Ceasefire Areas in Eastern Burma, 2007



between Myanmar and the UN aid system, the regime brutally closed the door on attempts at a humanitarian dialogue, which the now ousted Resident/Humanitarian Coordinator had vigorously pursued throughout his tenure. That military regimes loathe being taken to task in public statements is nothing new. This does not mean that humanitarian principles cannot be used, even in Myanmar, in innovative ways. Carving out humanitarian space will remain a core mission of the UN and its partners in Myanmar.

Jean-François Durieux (jean-francois.durieux@qeh.ox.ac.uk) was UNHCR's Representative in Myanmar from May 2005 to September 2007. He is now a Lecturer in International Human

Rights and Refugee Law at the Refugee Studies Centre, University of Oxford. Sivanka Dhanapala (dhanapal@unhcr.org) is UNHCR's Senior Regional Durable Solutions Officer in Kabul, Afghanistan.

This article is written in a personal capacity and does not necessarily reflect the views of the UN.

1. The UNCT comprises FAO, ILO, IOM, UNDP, UNFPA, UNHCR, UNICEF, UNODC, UNOPS, WFP and WHO.

2. Ministry of Foreign Affairs, Response to the Statement of the UNCT in Myanmar, 31 October 2007.

3. Ashley South 'Burma: The Changing Nature of Displacement Crises', RSC Working Paper 39, Feb 2007: www.rsc.ox.ac.uk/PDFs/WP39%20Burma%20AS.pdf

4. Wherever there is a Humanitarian Coordinator, OCHA requires that there should also be an inter-agency coordination committee modelled on the IASC (www.humanitarianinfo.org/iasc), which includes, in addition to UNCT members, the Red Cross movement and major NGOs.

5. 'Internal Displacement and Protection in Eastern Burma', 2005: www.tbcc.org/idps/report-2005-idp-english.pdf