

HUMAN RIGHTS WATCH

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Letter to Donors on Reconstruction after Cyclone Nargis

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Human Rights Watch remains deeply concerned about the dire plight of Burmese severely affected by Cyclone Nargis, which struck Burma's Irrawaddy Delta on May 2-3, 2008. The United Nations estimates that the cyclone left at least 140,000 persons dead or missing and that approximately 2.4 million more were severely affected, many of whom are still in need of urgent and sustained humanitarian assistance.

Human Rights Watch recognizes the strong and committed role played by international relief agencies and organizations in responding to the crisis and the difficulties of operating in an environment where there is little infrastructure and many government barriers. We support the continued efforts by international and Burmese organizations and individuals to respond to the disaster.

The Burmese authorities' reaction to the cyclone shocked the world. Instead of allowing humanitarian assistance to be delivered urgently to survivors, as did countries affected by the 2004 Indian Ocean tsunami, the Burmese military government prevented international humanitarian agencies from entering the delta during the crucial first weeks after the cyclone. An untold number of people died and suffered needlessly as the junta treated the cyclone as a national security problem instead of a natural disaster, demonstrating the shocking disregard that Burma's ruling generals hold for the welfare of their own people.

While the government has improved its cooperation with aid agencies, the authorities continue to obstruct humanitarian relief efforts in various ways. More than two months after the cyclone, just 1.3 million out of the 2.4 million Burmese severely affected have received any form of international humanitarian assistance. While restrictions on international relief workers visiting affected areas have been eased, official permission to travel to the delta still takes many days and does not allow the full access required to reach all at risk.

From Relief to Reconstruction

Even when the immediate needs for food, temporary shelter, clean water, and medical assistance have been met, major efforts will be necessary to help people rebuild their lives and livelihoods. The

cyclone swept away entire villages and hundreds of thousands of survivors have lost their homes. The United Nations estimates that between 77 to 85 percent of houses in Bogale and Lapputa townships were completely destroyed. Public infrastructure, including roads, bridges, schools, hospitals, and other essential services, have largely disappeared in many areas. The rice cultivation paddies of the Irrawaddy Delta have been inundated with salt water and require a massive rehabilitation effort. Livestock populations, including the water buffaloes used for rice cultivation, have been decimated. Rehabilitating the Irrawaddy Delta region will require a massive reconstruction effort, including the financial support of the international community.

The Tripartite Core Group (TCG)—comprising the Association of Southeast Asian Nations (ASEAN), the United Nations and the Burmese ruling State Peace and Development Council (SPDC)—has completed its needs assessment of the affected areas and presented its formal findings at a meeting in Singapore on July 21. The total cost of relief and reconstruction was estimated at US\$1 billion. On July 10 a Revised Flash Appeal for humanitarian assistance was raised from an initial US\$201 million to US\$481 million for relief operations lasting until April 2009. For the 13 UN agencies and 23 international humanitarian organizations involved in operations in the cyclone-affected areas, adequate funding is urgent and crucial to alleviate suffering and prepare the way for reconstruction.

Human Rights Watch has long supported humanitarian aid to Burma so long as it is provided in an accountable, transparent and principled manner. Unfortunately, the Burmese authorities have long refused to allow aid to be provided in this way.

As the donor and humanitarian community move towards considering support for major reconstruction efforts in the cyclone-affected regions of Burma, Human Rights Watch believes it is of utmost importance that clear principles be established for the provision of aid. Aid provided without respect for clear principles—as detailed below—and without careful monitoring, will invariably be misused and fail to meet the needs of cyclone victims.

The greatest obstacle faced by the international community in addressing the large-scale reconstruction needs of the Irrawaddy Delta is Burma's abusive military leadership. The Burmese government has a long record of severe human rights violations against its own people, which have repeatedly been raised at the UN Security Council, the Human Rights Council (and its predecessor the Commission on Human Rights), and other international bodies. Many abuses previously reported will directly impact on the reconstruction effort, such as the widespread use of forced labor, documented by the International Labor Organization (ILO) and other independent international organizations.

In order to ensure that future reconstruction meets the needs of the affected population and does not contribute to further human rights abuses, donors should

adopt the following basic principles when planning, funding and implementing reconstruction projects in Burma:

- **Insist that the continuing humanitarian needs of the affected population are immediately addressed.** Soon after the cyclone, the Burmese government claimed that the “emergency phase” of the crisis had been completed and that the focus should shift to long-term reconstruction. This view reflected not only the military leadership’s disregard for the welfare of the affected population, but its own political and financial interest in being the recipient of multi-million dollar donor-funded infrastructure development projects. As more than one million of those affected by the cyclone have still not been reached by international humanitarian agencies, the donor community should insist that the immediate humanitarian needs of the population be addressed before embarking on large-scale reconstruction efforts.
- **Insist on unimpeded humanitarian access for local and international humanitarian organizations to the affected population and to determine reconstruction needs.** Despite promises made nearly two months ago by the military junta to UN Secretary-General Ban Ki-moon, the government continues to place significant obstacles in the path of international humanitarian agencies and local volunteer organizations in meeting the needs of the affected population. Two months after the cyclone, international humanitarian efforts remain severely impeded and far less effective than after other large-scale disasters, such as the response to the 2004 Indian Ocean tsunami and the May 2008 earthquake in Sichuan, China. While the government has granted 1,670 visas to aid workers from UN agencies, private nongovernmental organizations and ASEAN officials, many humanitarian relief professionals lose crucial time waiting for official permission to travel and are still prohibited from spending extended time in the delta. The authorities have also arbitrarily detained and harassed some local volunteers, such as the prominent comedian Zargana. The limited reach of international aid is almost entirely due to obstacles created by the government. The donor community should continue to insist on unimpeded access for humanitarian workers to the affected population, and make further assistance contingent on greater access and a removal of obstacles. The Burmese government has requested billions of dollars in reconstruction assistance but has provided almost no documentation to support its request. In order to accurately assess the reconstruction needs, countries considering pledges should insist on full and unimpeded access to affected areas to do their own independent assessments of reconstruction needs. The Post-Nargis Joint Assessment (PONJA) conducted by ASEAN, Burmese officials, and UN officials, is an important step towards an accurate assessment of the reconstruction needs, but further assessment efforts will be required.

- **Ensure that all internationally funded reconstruction activities be conducted by independent humanitarian and development organizations, rather than by providing funding directly to the Burmese government, and that local participation be monitored by the donor.** Many donors have long refused to provide aid directly to the government because of grave concerns over widespread human rights violations, corruption, and a lack of accountability and transparency in spending of donor funds. In recent years The Global Fund to Fight AIDS, Tuberculosis and Malaria, and Medecins Sans Frontieres (France) terminated their programs because of excessive government interference in aid activities. In light of these concerns, reconstruction funding should not go directly to the government, but should be conducted by qualified independent organizations that can be adequately monitored by the donor. Donors should insist that implementing organizations be freely allowed to recruit and hire local staff, and respond promptly should the authorities seek to intimidate or otherwise improperly interfere with local staff. Donors should take sufficient measures, including the creation of independent structures within Burma, to monitor aid to ensure that it is not diverted to the authorities.
- **Monitor reconstruction efforts to deter previously documented human rights abuses, such as forced labor, forced relocation and land seizure.** The Burmese government has a long history of human rights abuses carried out in pursuit of self-defined “development” projects. Villagers in Burma have had their land forcibly confiscated and have been conscripted for forced labor in road construction and development of biofuel and hardwood plantations. In the aftermath of the cyclone, the government has forcibly relocated thousands of displaced persons, at times placing them beyond the reach of humanitarian assistance. Donors should carefully design and monitor reconstruction projects to deter the government from using such abusive practices, particularly in the rehabilitation of infrastructure and the rice paddies, where the danger of forced labor practices are greatest. The donor community should ensure that international monitoring organizations like the ILO have sufficient capacity to monitor reconstruction projects.
- **Consult with affected communities, ethnic minorities, religious communities, and a broad range of civil society groups when considering, designing, and implementing reconstruction projects.** The Burmese government has a long history of disregarding the voices of civil society and the needs of the population in all facets of governance, and with development projects in particular. It considers independent views as a threat to its monolithic rule. Donors should set a strong and principled example in determining reconstruction needs by consulting a wide spectrum of individuals and groups, including local communities, ethnic minorities, religious communities, and a broad range of civil society actors, to ensure that reconstruction

projects meet the needs of the affected populations. Such consultation requirements are now mainstreamed into projects of the World Bank and many other donors. While the government may object and try to limit contacts and communication between implementing agencies and local residents, donors should insist on the need for broad-based consultation.

- **Do not award contracts for reconstruction projects to any Burmese company or individual under international sanctions, or with companies owned or controlled by the Burmese military.** Donor states have placed a number of individuals and companies under international sanctions because of their direct role in supporting government repression and human rights abuses. The military junta has already put many of these individuals and companies in charge of major reconstruction projects in the Irrawaddy Delta. The donor community should not support any reconstruction efforts conducted by individuals or companies under international sanctions, and should not engage companies owned or controlled by the Burmese military in reconstruction projects.
- **Provide humanitarian and reconstruction aid on the basis of need, and guard against government discrimination on the basis of ethnicity, religion, perceived political affiliation, or other basis.** The Burmese government has a long record of discrimination against and marginalization of ethnic and religious minorities, independent religious authorities, and independent civil society groups, and of politicizing humanitarian and development assistance. Consider supporting small-scale, community-based reconstruction efforts in health, education, water and sanitation, agriculture, and other essential sectors that directly benefit the poorest and most affected, and not just “prestige” infrastructure projects that may not bring the same benefits to those most in need. Donors should ensure that the humanitarian and reconstruction needs of all affected communities are met on a nondiscriminatory basis.
- **Before committing to reconstruction projects, require that the Burmese government, which has an estimated US\$3.5 billion in foreign reserves and receives an estimated US\$150 million in monthly gas exports revenues, formally commit to making a significant contribution to reconstruction efforts.** While much of the Burmese population lives in dire poverty with meager access to education and health care, the country’s leadership has accumulated huge wealth through government economic enterprises. The United Nations Development Program (UNDP) calculates that one-third of the population lives below the poverty line, with much higher rates of absolute poverty in regional areas. And while the government is demanding huge reconstruction sums from foreign donors, its own accumulated wealth is given little consideration. The government’s foreign reserves and gas

revenues are not allocated to address the basic needs of the population, causing Burma to be ranked 132 out of 177 in the latest UNDP Human Development Index. The government spends a paltry 1.1 percent of Gross Domestic Product on health and education, and Burma's health care system is the second worst in the world after Sierra Leone. An estimated 75 percent of hospitals and clinics in cyclone affected areas were destroyed or damaged and urgently need to be replaced. At the same time, the SPDC spends enormous sums on an oversized military and wasteful projects, such as the construction of the new capital in Naypyidaw. Were the donor community to fully fund the reconstruction effort without addressing the government's horrendous misallocation of resources, it risks being complicit in the government's continuing disregard for the health, education, and other basic needs of the population.

- **Use reconstruction projects to promote respect for human rights in Burma.** Some donors have been reluctant to discuss human rights abuses or the lack of progress in political negotiations while meeting Burmese government officials or in donor coordination meetings, fearing that this would complicate discussions on relief and reconstruction. While this may have been sensible in the immediate aftermath of the cyclone, it is now critical to address the connection between the government's dismal human rights record and its disregard for the Burmese people's welfare following the cyclone. Cyclone Nargis was a natural disaster that became a man-made disaster. While donors rightly are focusing on a massive humanitarian and reconstruction effort in Burma, they must simultaneously engage with the Burmese government on its atrocious human rights record. These two aims not only are not mutually exclusive, but can and should be pursued in tandem if the aid effort is to reach its intended targets and goals.

Establish an Independent Monitoring Body

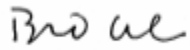
Finally, because of the complex and exceptional challenges faced by the donor community in funding, implementing, and monitoring humanitarian and reconstruction projects in Burma, donors should establish an "Independent Monitoring Body." This body should be co-managed by the donor community and the United Nations to ensure the integrity of the reconstruction and humanitarian effort, and to provide transparency and accountability in the effort. Such a body would be tasked with implementing the basic principles of assistance set out above.

While the above list of basic principles is long, it reflects the enormous challenges to providing effective assistance in a country ruled for decades by a highly repressive and corrupt regime. In addressing the enormous humanitarian and reconstruction needs of the people affected by Cyclone Nargis, it is essential that the donor community ensure that international efforts contribute to greater respect for basic human rights and do not have the unintended consequence of contributing to the

further consolidation of illegitimate military rule at the expense of the Burmese people.

We look forward to discussing these matters further at your convenience. Thank you for your consideration.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Brad Adams".

Brad Adams
Executive Director
Asia division