

# After the Storm:

## Voices from the Delta



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

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# **After the Storm: Voices from the Delta**

## **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.

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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 Health 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/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.

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## **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(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 aid that did reach the villages was often inadequate to meet the needs of the communities, often of insufficient quantity, or infrequent:

#### **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.**

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## 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.**

## 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. They 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"<sup>1</sup> 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.**

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<sup>1</sup> Fees and other costs are reported here with the \$USD equivalent to Kyats in the subsequent sections. The USD equivalent is calculated based on the black market exchange rate of 1200kyat=1USD that was used at the time the data were collected (June-October 2008)

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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 SPDC 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 [Patheingyi] 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.

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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 Patheingyi 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.**

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## 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

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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.**

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## **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(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.

