



## **Rethinking Humanitarian Space**

An Analysis of Human Rights and Humanitarianism in Myanmar

by

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## **Declaration form**

The work I have submitted is my own effort. I certify that all the material in the Dissertation which is not my own work has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed: Sana Ahmad

Date: 31st October, 2016

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## Summary

This study looks at the humanitarian space in Myanmar which includes not just the humanitarian operations in the country, the access to volatile zones by the humanitarian organisations, the humanitarian principles, but also a space which permits a complementary arrangement of diverse actors holding different positions and skill sets and deliver to those in need. The study is based on the practical experiences and reflections of these different actors on field and their operations in different regions in order to gauge a more informed approach to the humanitarian space in the country.

Following the lifting of international economic sanctions on the country as well as the general elections in November 2015, Myanmar is in transition. It moves swiftly towards economic, social and political developments, although the country is still caught up in a post-conflict scenario amongst different ethnic communities and the military junta. An important development is the opening up of spaces in the country to express dissent, injustice and abuse of human rights. While a lot of this has to do with the intervention of international community in the country as the study explores, it is also noteworthy to acknowledge the self-building capacity of the locals through technology and social media.

The study observes the humanitarian space and its components such as international humanitarian principles and legal frameworks as well as the transition of temporary assistance and protection to long-term recovery measures. The study assesses it from the points of view of different actors in the humanitarian space through the fieldwork in Yangon, the former capital city of Myanmar.

The study recognizes the unanimous response from all respondents that humanitarian assistance is needed in the country and it can only be conducted in a safe, coordinated and complementary space. While most respondents are of the view that long-term protection-related measures are becoming the modus operandi for humanitarian actors, they do not see it contradicting the international humanitarian principles. Instead, the respondents note that the long drawn conflict in the country as well as lack of sustainable cross border agreements call for a conflict sensitive approach, inclusive of the current humanitarian needs and long-term structural changes.

**Keywords:** Humanitarian space, humanitarian principles, human rights, conflict-sensitive, protection.



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## **Acronyms**

AAR	Association for Aid and Relief
CBI	Capacity Building Institute
CBOs	Community Based Organisations
CBR	Community Based Rehabilitation
CDA	Community Development Association
DSW	Department of Social Work
EAOs	Ethnic Armed Organisations
GWM	Graceworks Myanmar
HAP	Humanitarian Accountability Partnership
HPN	Humanitarian Practice Network
HRC	Human Rights Council
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IHOs	International Humanitarian Organisations
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILO	International Labor Organisation
INGOs	International Non Governmental Organisations
KIO	Kachin Independence Organisation
LOA	Letter of Agreement
LOU	Letter of Understanding
MNFFE	Myanmar Network for Free and Fair Elections
MOU	Memorandum of Understanding
MPC	Myanmar Peace Centre



MPM	Myanmar Peace Monitor
MPSI	Myanmar Peace Support Initiative
MSF	Médecins Sans Frontières (Doctors Without Borders)
NCA	Nationwide Ceasefire Agreement
NCCT	Nationwide Ceasefire Coordination Team
NELM	National Education Law in Myanmar
NLD	National League for Democracy
NPA	Norwegian People's Aid
NGO	Non Governmental Organisation
NRC	Norwegian Refugee Council
OCHA	Office for the Coordination of Humanitarian Affairs
ODI	Overseas Development Initiative
OECD	Organisation for Economic Co-operation and Development
R2P	Responsibility to Protect
SIDA	Swedish International Development Cooperation Agency
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UPWC	Union Peacemaking Working Committee
USDP	Union Solidarity and Development Party

# **Chapter 1: Introduction**

## **Section 1.1: The Political Landscape of Myanmar**

The political landscape of the Republic of the Union of Myanmar is an interesting yet convoluted entanglement of social, economic and cultural realities, which has often remained difficult to comprehend, especially to the outside world (MacDonald, 2013). This situation of diverse ethnicities, cultures and needs has not only been challenging for the state government but also for the global community which has constantly sought to intervene in conflicting situations, though often being unable to introduce sustainable solutions.

### *Background*

With over 60 million people residing in the country with both citizenship status and non-citizenship status, Myanmar is divided into seven regions and seven ethnic states (refer to Appendix 1). The dominant ethnic group is constituted by Burmans (68%) which is followed by Shan (9%), Karen (7%), Rakhine (4%), Chinese (3%), Indian (2%), Mon (2%) and others (5%). Buddhism is the major religion, with more than 90% of the population practicing it.

It is interesting to note that Myanmar is often seen as the western gateway of mainland Southeast Asia. It serves as the trade route between India, China, Thailand, Malay Peninsula, Sri Lanka and even other far-stretched countries and has managed to preserve its own distinct identity.

Following a range of both political and demographic annexations (see Appendix 2) by powers such as the Mongols, British and Japanese, Myanmar finally gained independence in 1948 under the leadership of Prime Minister U Nu. However, for most of its independence, the country has witnessed internal conflicts and factions during the military coup of the 'Burmese Way to Socialism' (BBC News, August 2015), which finally ended in the year 2011 following the general elections in 2010.

### *Recent Developments*

In the past ten years, the political landscape of Myanmar has gone through a wide array of shifts, of which the most significant development can be traced back to 2007. Following the increase in fuel prices, pro-democracy groups along with Buddhist monks led the Saffron Revolution in the same year, which was brutally suppressed by the military junta, also known as the Tatmadaw.

Following the revolution, the government and the Tatmadaw drafted a new Constitution in 2008, which was passed just after Cyclone Nargis devastated the Ayerwaddy delta region in the south of the country, affecting 2.4 million people.<sup>1</sup> Noting that millions of people were still coping in the aftermath of the disaster, the government called for a referendum to pass the new Constitution of Myanmar. However, it did not go through a democratic process and did not involve the participation of the people and their diverse opinions.

There were many allegations against the way the election was conducted, including people being bribed for their votes, people voting on behalf of their family members, forced voting etc. (The Irrawaddy, 2008; BBC, 2008). None of the foreign observers present during this period, including the United Nations (UN), were allowed to monitor the electoral process (Saha, 2011).

Following the passing of the Constitutional referendum, general elections were held in November 2010 which led to the military-supported Union Solidarity and Development Party (USDP) coming into power, under the new leadership of President Thein Sein. It is important to indicate here the obscure nature of the relationship between the government and the Tatmadaw. In 1962, the Tatmadaw took over the country, introducing socialism, which later gave way to an elected civilian government in 2011.

The next general elections were held in 2015, which saw a clear victory of the NLD. What was remarkable about this victory in specific and the elections in general was the ‘people’s expression for the will for change’ (UN Special Rapporteur Yanghee Lee, UN News Centre, November 2015). Htin Kyaw, a close aide of Aung San Suu Kyi, the head of NLD, was sworn in as the first civilian president of Myanmar in the last five decades (Ray, March 2016).

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<sup>1</sup> Cyclone Nargis was one of Asia’s deadliest natural disasters. ‘In 2008, funding from all donors peaked dramatically when Cyclone Nargis made landfall in the Ayeyarwady and Yangon Divisions, killing around 140,000 people and devastating the lives and livelihoods of an estimated 2.4 million. Including contributions outside of the UN appeal, humanitarian assistance to Myanmar in 2008 reached a record high of US\$522 million.’ (Global Humanitarian Assistance Report, 2014:1).

Yet, many human rights concerns such as discrimination against ethnic communities, especially the Rohingyas, restrictions placed on freedom of expression and association as well as discrimination against ethnic and religious minorities rose during the elections and became something the new government needs to tackle (Mizzima, November 2015). With the military still holding 25% of the Parliament's seats as well as the heightened impunity for the soldiers, the conflict situation in the country remains precarious.

The Myanmar Peace Monitor (MPM) reports (2015) that the year 2014 was significant for the Thein Sein-led Myanmar government to engage in peace negotiations with ethnic armed organizations (EAOs) through the realization of the fourth draft of the single text ceasefire agreement. The subsequent Law Khee Lar and Laiza conferences in 2014 organized by the EAOs in the Karen and Kachin states respectively provided a fertile ground for ethnic communities to work with the government-led Union Peacemaking Work Committee (UPWC) and the Nationwide Ceasefire Coordination Team (NCCT) for a joint Nationwide Ceasefire Agreement (NCA) (MPC, 2015).

The hopes of the people of Myanmar to end a civil war that has been running for around 60 years were high. However, the latter half of 2014 was also rife with clashes between the Myanmar army and the EAOs. The worst hit areas were the Eastern states such as the Kachin, Mon, Shan, and Karen states and Rakhine state in the West. The grave human rights violations caused by these conflicts were aggravated by development-induced displacement threatening livelihoods of vulnerable people, communal violence against Muslims as well as problems involving drugs (MPM, 2015).

The two years of negotiations finally culminated into the signing of the NCA between eight EAOs and the Myanmar government. While the deal was struck in October 2015, just before the general elections in November with hopes to influence the results, it failed to realize a united agreement with all the EAOs, with seven of the 15 groups declining the collaboration (Slodkowski, 2015).

Following the elections in 2015 and almost a year of the new government in power, negotiations are taking place between almost all EAOs, except three smaller armed groups, and government representatives, army, civil society and other political parties. At the opening of the five-day peace talks in Nay Pyi Taw, NLD chief Aung San Suu Kyi declared, "So long as we are unable to achieve

national reconciliation and national unity, we will never be able to establish a sustainable and durable peaceful union,” (BBC News, August 2016).

The negotiations for peaceful reconciliation in Myanmar are in process.

## **Section 1.2: Situating the Humanitarian Agenda**

More than 1,020,000 people in Myanmar are in need of humanitarian assistance, with 5,60,000 in Rakhine, Kachin and Shan states as well as 4,60,000 living in flood affected areas (HRP, 2016; SIDA, 2016). The socio-economic and political instability in country is due to lack of political reforms as well as constant risks of natural disasters, such as the El Nino threat in 2016 (SIDA, 2016). The lack of access to vulnerable groups and regions to be able to provide aid and protection due to government control magnifies the vulnerabilities that Myanmar is exposed to.

State legitimacy has been questioned in Myanmar through continuous and varied forms of ethnic conflicts for a major period of its independent years. Amidst the mounting tensions in the political and socio-economic situations of the country, international humanitarian agencies have been taking a keen interest in Myanmar. Since the opening of borders in Myanmar following a 67-year period of internal conflicts, there has been a watershed movement of organisations in the country, especially those that intend on providing relief and assistance to the people of the country.

Often, getting agreements from the government in the form of a Memorandum of Understanding (MoU), Letter of Understanding (LoU) or Letter of Agreement (LoA)<sup>2</sup> is a complicated process. It requires humanitarian organisations to work under rigid restrictions and rules of procedures that are defined by the Myanmar government. The rules of procedures and stricter controls on relief provisions by the government render the humanitarian operations devoid of independence and freedom of movement, ideals which led to the origin of humanitarian organisations in the first place. In such an environment, questioning the operating principles, working and protecting these humanitarian personnels become especially relevant.

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<sup>2</sup> An MoU or LoU is an agreement between two parties to work together. This can be in the case of NGOs working with each other or with the government. An MoU deems all parties to be equal and to work together in good faith. More information can be found at [www.tools4dev.org](http://www.tools4dev.org). The LoA outlines the roles and responsibilities of each party in the agreement. It includes clearly defined rights and duties for the activities as well as reporting and monitoring standards. More information can be found at <http://www.slministryofplanning.org>

### **Section 1.3: Understanding the Humanitarian Space**

What is the Humanitarian space? According to Beauchamp, the notion of the Humanitarian space is ‘fluid’ (2008: Page 16). This means that not only is it a constantly changing space, in terms of definitions and involvement of actors, but also has to adapt to local, national and international needs for assistance.

The term Humanitarian Space gained momentum in the 1990s, originating with the concept “espace humanitaire” coined by Rony Brauman of Médecins Sans Frontières/ Doctors Without Borders (MSF) (ODI, 2010). This ‘space’ encapsulates much more than physical access by international aid agencies. It also includes the principles of humanitarian action, nature of the operating environment as well as the capabilities of local populations. This becomes clearer with the definition ascribed by the UN Office for the Coordination of Humanitarian Affairs (OCHA) as a ‘conducive humanitarian operating environment for the humanitarian agencies’ (OCHA, Glossary of humanitarian terms, 2003).

For the purpose of clarification of this study, the sections below will examine the term ‘humanitarian space’ through the lens of international laws, namely the International Humanitarian Law (IHL), Red Cross law and the UN laws. The humanitarian space is prone to dynamic developments such as change in the humanitarian assistance focus from military to civilians, the role change of military actors in assisting humanitarian agencies as well as the institutionalisation of both international disaster relief and international development (Beauchamp, 2008). This study uses these to gauge an operational framework of the humanitarian space, focusing on who is receiving and providing assistance and why and how it is taking place.

#### *IHL and Humanitarian Space*

Under IHL, it is the conflicting parties that are required to provide humanitarian assistance to civilians who suffer due to the conflict. Article 43 of 1907 Hague Regulation, Article 59 of Geneva Convention IV, 1977 Additional Protocol 1, Article 18 of the 1977 Additional Protocol II, IHL principles of human treatment<sup>3</sup> are regulations under the IHL which require the state parties in both international and non-international conflicts to provide provisions and relief to civilian populations.

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<sup>3</sup> The principles of human treatment were later confirmed in the Case ‘Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)’, International Court of Justice, 1986

However, beyond military context, the IHL under common article 9/9/10 of the 1949 Geneva Convention also requires the International Committee of the Red Cross (ICRC) and organisations related to the conflict concerned, to assist in the protection of civilians and provide relief. This is subject to the consent of the Parties ‘on the basis of valid reasons that are not arbitrary or capricious’. Art. 3 of the 1949 Geneva Conventions and Article 18(1) of 1977 Additional Protocol II clearly state that only humanitarian and impartial organisations such as the ICRC can provide humanitarian services to the parties in a conflict.

### *Red Cross and Humanitarian Space*

The Fundamental principles of the Red Cross were adopted at the 20th International Conference of the Red Cross (Vienna, 1965) to guide humanitarian actions outside the context of armed conflicts. The Red Cross and Red Crescent Movement incorporated these principles in 1986, known as Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universality. These principles are binding (although not legally) upon state parties to the Geneva Convention as they have been incorporated into the statutes of the Movement accepted by the Geneva Conventions.

The 1995 Code of Conduct for the International Red Cross and Red Crescent Movement and the non-governmental organisations (NGOs) in Disaster Relief, signed by 433 NGOs (until 2008), also reveres these principles. Similar is the Sphere Project’s Charter, a voluntary initiative that brings a broad range of voluntary agencies together ‘to improve the quality of humanitarian assistance and the accountability of humanitarian actors to their constituents, donors and affected populations’ (The Sphere Handbook, Humanitarian Charter and Minimum Standards in Humanitarian Response, 2011).<sup>4</sup> These principles, as Beauchamp notes (2008), are quite useful from a conceptual point of view to inform the content of humanitarian space.

### *UN and Humanitarian Space*

The Fundamental principles of the Red Cross laid the foundation of the UN 1971 Resolution 2816 (XXVI) – ‘Assistance in cases of natural disasters and other disaster situations’, establishing the

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<sup>4</sup> Can be accessed online at: <http://www.sphereproject.org/>

role of the Relief Coordinator, who was supposed to coordinate the UN assistance with International Non-governmental organisations (INGO) and NGO assistance. This was later revised in 1991 with the establishment of UN OCHA (UN General Assembly Resolution 46/182, 19 December, 1991).

This resolution is not legally binding. However it led to integrated missions and established UN's leadership in coordinating humanitarian assistance. It also emphasised that assistance had to be both recovery/ supportive that is short term as well as long-term development. Even though the UN stressed the importance of humanitarian assistance being provided in accordance with the principles of humanity, neutrality and impartiality, the long-term shift was seen by many as affecting the independence of the INGOs (Beauchamp, 2008).

Humanitarian space has been defined differently in different contexts. It has been aligned with the cold war conflicts in Central America, the focus of MSF on political independence and neutrality, to OCHA's definition of civil-military aspects of humanitarian space, to ICRC's emphasis on humanity, also projected by IHL (Collinson and Elhawary, 2012). It is important to note that humanitarian organisations have an important role to play in protecting the needs of peoples and providing comforts to the victims of war (Donini et al., 2008).

This research notes the importance of neutrality for humanitarian agencies according to the humanitarian principles while associating themselves with social transformation and change at the same time (Collinson and Elhawary, 2012). What this means is that there is a difference between providing emergency assistance on one hand and looking at structural inequalities and development on the other. While there are some humanitarian agencies that intentionally engage in doing long-term development work, there are others that are unaware of crossing the line.

There is an interdependent relationship between human rights and humanitarianism. However, there is an important difference between the two. Where humanitarianism, based on the principles of providing immediate help and assistance, is given importance in almost all cultures and religions (Beauchamp, 2008), a human rights approach tends to focus on the structural aspects - the roots of the problem - to understand why something is happening (O'Flaherty, 2013). For the purpose of identifying the humanitarian trends in Myanmar, this study observes the general understanding of



humanitarian operations as addressing immediate needs, while the inclusion of human rights is broadly seen as addressing conflict reduction and development agendas.

A background paper prepared by James Darcy (ODI, 2004) for the workshop on Human Rights and Humanitarian Action, convened by the IASC Sub-Working Group (Geneva, April 2004) reviews the approaches to human rights and humanitarian action and convergence of their agendas. Darcy (2004: Page 6) notes that principal goal of humanitarian action is to reduce human suffering through 'palliative' (addressing immediate suffering), 'remedial' (addressing health, dignity as well as ability to cope) and 'preventive' (short preventive measures to reduce exposure to certain threats). Human rights on the other hand, as he notes are concerned with root causes of this suffering and social justice. While the human rights approaches also focus on equal distribution of goods (through the economic and social rights approach), my thesis looks at the corrective and preventive justice goal of human rights for addressing the political crisis in Myanmar.

When using humanitarianism on the grounds of human rights, one starts poking into the structural, sociological and political problems; for example, women's rights, child rights. This can also create clashes between cultures and nationalities and raise suspicions in motives through cultural insensitivity (Donini et al, 2008). This will be further discussed in the third chapter on Conceptual Clarity.

#### **Section 1.4: Purpose of the Research**

The purpose of this research is to analyse the humanitarian space in Myanmar and the operations within it, and to determine whether there is a transition of its agenda from immediate relief assistance to long-term development. As a human rights researcher, I am interested in learning if the inclusion of human rights in the humanitarian space in Myanmar leads to focus on structural changes, long-term development work and understand if these collide with humanitarian principles.

As specified in the previous section, the international legal provisions for humanitarian space were established on the guiding principles of neutrality, impartiality, humanity and non-discrimination. Emphasis was placed on the non-politicisation of humanitarian operations (20th International Conference of the Red Cross, IHL). However, following WWII, humanitarian assistance and international development became intertwined, especially with the involvement of states and state-

controlled actors in the delivery of aid to civilians mainly through the work of the United Nations, the Bretton Woods institutions and other intergovernmental bodies (Beauchamp, 2008).

Increased military interventions in the 20th century as well as establishment of UN peacekeeping missions to protect the delivery of humanitarian aid as well as other humanitarian operations led the UN to propose an amalgamation of short-term humanitarian assistance and long-term development. In 1991, the UN General Assembly clearly expressed that the conceptual mixture of two fields - emergency relief and development - was especially required in order to have smooth transition to development after assistance (Para. 9 of the Annex to UN General Assembly resolution 46/182 (1991)).

However, this development work or long-term assistance is seen by many humanitarian agencies, especially the MSF and ICRC, as political in nature as it seeks to question the socio-economic structural inequalities. The report Humanitarian Response Review (2005: Page 51) states that, "For the humanitarians, the challenges revolve around creating and protecting the necessary humanitarian space and preserving the principles of humanitarian imperatives in a politically charged environment."

In the report by the UK-based think tank Overseas Development Institute (ODI) (South et al., 2012), it is clear that the scale of operations by humanitarian organisations in Myanmar has tremendously increased. The country held general elections for the first time in decades in November 2015, opening a democratic space for the state, its citizens as well as the international community for pushing political change, national and international accountability, moving away from the culture of sovereign impunity.<sup>5</sup>

Therefore, I find it necessary to analyse the present humanitarian space in Myanmar, the effect of the humanitarian operations on the local communities and its transition to long-term development measures, if any. To achieve this, the thesis first explores some concepts that are related to humanitarian and development work, humanitarian principles and human rights. Chapter 2 highlights the methodological overview of this study as well as the limitations of the research process. Chapter 3 presents a brief conceptual clarity on the coexistence of human rights and humanitarianism and its effect on the humanitarian space. Chapter 4 presents interviews with

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<sup>5</sup> The 1998 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

humanitarian organisations and local organisations in Myanmar, and analyses whether there are any overlaps between humanitarianism and development work and discusses the implications of this.

This thesis concludes with direct observations from the field, taking into consideration the noteworthy work done by both local and international organisations. The goal is to develop a succinct roadmap for future humanitarian action in Myanmar, on the basis of recommendations given by respondents.

### **Section 1.5: Utility of the Research**

The first of its kind World Humanitarian Summit (WHS) was held in May 2016 in Istanbul, Turkey. The summit brought together humanitarian agencies, workers, donors, governments, military personnel and respective officials from different parts of the world to build a roadmap for the future of humanitarian action. The summit proposed to focus on the agenda of humanity through: 'a) strengthening political leadership to prevent and end conflicts, b) upholding norms that safeguard humanity, c) leaving no one behind, d) changing people's' lives - from delivering aid to ending need, and e) investing in humanity' (WHS Agenda for Humanity, 2016).<sup>6</sup>

These focus areas shed light on the need for a protected, operative space for humanitarian actors to uphold IHL principles on one hand and the inevitability of the politicisation of humanitarian work on the other. An essential point to note from this summit is that in the face of growing humanitarian crisis, 'the humanitarian system is underperforming and lacks the speed, coverage and cultural knowledge needed to be truly effective' (ALNAP, 2015 in ODI, 2016: Page 1).

The international humanitarian space, in theory, allows humanitarian organisations, both local and international, to work together for those affected by conflicts. This research acknowledges the critique of temporary humanitarian work as well as the growing shift of many humanitarian agencies in Myanmar to long-term development work. In doing so, the research also questions this development work and whether it builds resilience and capacities of local people. Therefore, it asks if this development can end humanitarian needs in the country.

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<sup>6</sup> <http://www.agendaforhumanity.org/sites/default/files/AgendaforHumanity.pdf>

## Conclusion

It has not been very long since Myanmar opened its doors to the international community in 2011 and held the first general elections in five decades in November 2015; the country is now undergoing a series of political, economic and social changes. Along with the restoration of democracy, the peace process between different ethnic factions and the National League of Democracy's (NLD) restoration of diligent governance in Myanmar, the critical aspect here is that the lives of the people of Myanmar are at stake.

Myanmar faces grave humanitarian and political challenges and has been identified as one of the least developed countries in the UN Conference on Trade and Development Report (UNCTAD) 2013. Land displacement, human trafficking, child labour, government control over media, religious-ethnic discriminations especially the Rohingya-Buddhist conflict<sup>7</sup> as well as other contentions to political rights and civil liberties require intelligent and effective channels of change in the country (Freedom House, 2016).

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<sup>7</sup> The Rohingyas are located in the eastern Rakhine state and predominantly follow Islam. However, the Rakhine state is also inhabited by the Buddhists (Rakhines) who outnumber the Rohingyas. The Rakhines perceive the Rohingyas as competitors for resources as well as a threat to their religious identity. This has led to several conflicts between the two groups, claiming lives and forced displacement of Rohingyas mostly. "Rakhine state is one of the country's poorest areas, despite being rich in natural resources. The Rohingyas are thus considered an additional economic burden on the state, as they compete for the few available jobs and opportunities to do business. The jobs and businesses in the state are mostly occupied by the Burmese elite. As a result, we can say that Buddhist resentment against the Rohingyas is not only religious; it is also political and economically driven," (Siegfried O. Wolf, 2015: Page 1).

## **Chapter 2: Methodology**

### **Introduction**

This study has been an important work for me. As a researcher, I have not only been able to challenge myself by studying a new country and different cultures, as that of Myanmar's, but also challenge different ideologies that I attained studying and working in the civil society sector for the last couple of years. This means that the complex interplay of human rights and humanitarianism in Myanmar has been interesting to observe and be researched upon with the actors involved in this space.

Yangon, the former political capital of Myanmar and present day commercial capital, is the focus of this study and the data substantiating this research was collected here. This city has witnessed a vast influx of diverse actors ranging from private investors to aid workers and civil society volunteers. This research in Yangon was conducted in February 2015. I also conducted interviews at the branch offices of some respondent organisations and others at the Thai-Myanmar border in July 2014. These informal interviews have not been used as data in this research, but they were used as clarification of research questions for myself.

It is important to recognise here that even though both political and economic situations of the people from Myanmar and humanitarian organisations at the border regions are different from that of inside the country (Indregard, 2015), the operational context of humanitarian space remains the same. This is because both the Thai and Myanmar governments control the operations of the IHOs and local humanitarian actors in the two countries.

This research is an exploratory work in process, trying to comprehend the humanitarian space in Myanmar. While the study is limited in terms of direct inputs from Myanmar's government officials and the military, it does include the observations from a range of actors in the country involved in implementation of humanitarianism. Therefore, the conclusions from the study are based on legitimate responses from a limited but informed set of respondents working on the field. This will be further discussed later in the study.

The following sections in this chapter describe the methodology of the research, which has been inductive using qualitative inquiry in obtaining data from the field. The section on ethics and standards also delves into the challenges posited both during and after the fieldwork and possible solutions that were sought. As a researcher, I have tried as much as possible to remain neutral and objective during the entire research process.

### **Section 2.1: Framing the Methodological Design**

The core methodology of this research is inductive and based on a qualitative approach to procure data from the field. This form of inquiry is used so as to gather concrete understandings of humanitarian operations in Myanmar and make it more effective and useful. The research is also organized in a way where it can be useful for the main audience of this study, namely the humanitarian practitioners.

This study strives to keep intact the analytical and reflexive inquiry, supported both through the academic freedom at the University of Tromsø, as well as collecting data through interviews in the field. Manheim's concept of 'unique social position' (Manheim, 1936 in Neuman, 2013) describes my own approach where I strive to maintain a social-scientific objective stance, while trying to relate to different social positions of the people that I study at the same time.

### **Section 2.2: Research Implementation**

The preparation for fieldwork took careful planning of time and resources, which were limited due to both academic as well as personal reasons. This is elaborated further in the section on limitations. Due to the selected number of interviews for this research, it was essential to effectively utilise the limited time in order to undertake the linear research process.

The first step in this process was to identify respondents, which required some amount of research. Then I contacted them via email and requested to interview them. I went to Yangon and conducted the interviews and was advised by them to speak with more professionals working in the field. After all the interviews were conducted, I returned to Tromsø and undertook a thorough data analysis before writing the research.

Fieldwork has been the most important element of this study, simply due to the fact that I have been able to assess real life examples from local settings and understand humanitarian operations through the respondents themselves. Therefore, most of the data for this research has been gathered through the interview method.

#### *Interviewing the International humanitarian organisations (IHOs)*

I have found it useful to integrate responses of the IHOs, who are the main implementers of humanitarian operations, in this study. Their role in bringing international humanitarian aid in the country, coordinating with the government and ethnic communities, building capacities of local organisations place upon them an essential responsibility in the humanitarian space. This, however, does not in any way negate the important implementation work that local CBOs do.

The sampling technique for the organisations is probability sampling, selecting the simple random sample to be studied. In order to select the right sample of humanitarian organisations, the focus was placed on meeting them at their head offices (within Yangon), although their operational activities were being carried out in different regions of Myanmar. The IHOs were chosen according to their focus on both short-term and long-term humanitarian operations in the country.

I selected 20 organisations and contacted them for the interviews. These organisations were chosen from the official list of organisations prepared by the Local Resource Centre (LRC) in Yangon. However, due to the critical nature of the study as well as the limitation of time and resource persons, only ten organisations responded, from which five could be interviewed. These are enumerated in Appendix 3.

#### *Interviewing the local community based organisations (CBOs)*

The simple random sampling technique has been used to choose the sample for interviewing the local Community Based Organisations (CBOs). Around 20 CBOs were selected from the local resource center's data sheet, in accordance to their focus on capacity building activities, Furthermore, I sampled some local student networks and politically active youth through the non-probability sampling – the snowball sampling technique as they mostly work together and thus are known to each other so as for using respondents' references. These are listed in Appendix 4.

In addition to IHOs and CBOs, I also interviewed a number of other actors in the humanitarian space. These included the Yangon resource centre for civil society LRC, the election monitoring body Myanmar Network for Free and Fair Elections (MNFEE), the political body National League of Democracy (NLD) as well as a commercial consultancy firm Mekong Economics. The responses of Mekong Economics have not been incorporated in the data section of the study as they were predominantly conducted for my own understanding of aid investment in the study.

### *Interview Guide*

I used the semi-structured interviewing method for interviewing the respondents (see Appendix 5 and 6). This method has allowed me to include the allocated aims of the research in the interview guide, while at the same time allowing for the space to bring up new ideas in the interview and tailor questions according to the interview context/situation. It has been useful to have an interview guide for collecting data as it has enabled me to focus on relevant topics without being constrained to specific formats.

### *Interview Setting*

The interview setting depended on the respondents in the fieldwork. The respective organisations' offices were chosen while interviewing both the CBOs as well as the IHOs. The comfort of the respondents in the research was the utmost priority. However, there was also an occasion where I was uncomfortable visiting the male dominated office of a respondent and therefore requested a female friend to accompany me. She was, however, not present during the interview.

### *Language of the Interview*

The interviews have mostly been conducted in English. Interviews with the members of the INGOs can be taken in English as most of them are operating in the English language (along with the local language/s). Initially, an interpreter was sought for conversing with local organisations, however the respondents were comfortable with responding in English.

The interviews with the members of the NLD were conducted using the help of a local volunteer with the party. Using an interpreter has its challenges as well, especially when it becomes difficult



to understand the body language, verbal and physical gestures of the interviewees. It was therefore pertinent to the study to select an interpreter carefully who had the understanding of NLD's work in Myanmar.

### *Hearing and Recording Data*

I remember reading the letter of advice from Ernest Hemingway (1949) to a young writer suggesting that we need to listen to people when they talk: "Most people never listen. Nor do they observe. You should be able to go into a room and when you come out know everything that you saw there and not only that. If that room gave you any feeling you should know exactly what it was that gave you that feeling" (Hemingway, 1949:10). I have strived to observe both the verbal and nonverbal (body language, etc.) in order to filter out any misjudged perceptions in the research.

Audio recording as well as written notes have been the primary form of data collection. It includes direct observations, analytical observations and inferences. All respondents were informed of the use of the audio recorder and this was conducted only after they granted permission. This will be further illustrated in the section of ethical considerations.

## **Section 2.3: Ethical Considerations**

### *Reflexivity*

Ethical considerations have been applied to the entire research process. Right from gaining access to respondents and maintaining that access, drafting the document to giving the study a conclusion, reflective inquiry needed to be maintained through all processes<sup>8</sup>.

Kleinsasser (2000), while citing examples of Behar (1996), Shalinsky (1991) and Rosaldo (1989), advocates for the researcher to engage in a reflexive process so as to differentiate between personal and theoretical affiliations of the researcher. The author explores this claim in not just resolving ethical dilemmas arising from the blur of the two, but instead using them effectively. This not only validates the research by producing good data but also enriches the research with the 'passionate, wise and rich account of the researcher'.

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<sup>8</sup> Four critical junctures affecting the intimate relationship between the researcher and the participants, engaged in qualitative inquiry (Kleinsasser, 2000)

### *Objectivity and Validation*

I have strived to remain open and objective while conducting the research as well as assessing the data later. I have also been honest with the respondents about my research interests, which has helped them build trust in me. With some organisations, it was difficult to openly criticise the humanitarian operations in Myanmar and sometimes even their own work, but my persistence to learn and produce useful knowledge was appreciated by those being interviewed.

### *Knowledge Production*

Shannon Speed (2006), in her critically acclaimed work on intertwining human rights with anthropology during a community case in Chiapas, Mexico, reckons the reflective inquiry in such research as not just being anthropologically relevant but also practical. She outlines the practicality of the research in the shape of valid knowledge production, which is useful to both the participants to the research as well as the researcher herself.

Although local communities or even respondents have not been involved as participant researchers, I have reflected over the power relations between the researcher and researched which remain embedded in the saturated-relational ways. While not being able to address it directly by involving them, I have consulted and discussed the thesis question and direction of the research with the respondents. This has helped in maintaining flexibility as well as steering clear of 'othering', 'stereotyping' as well as 'romanticising' the situation and culture of Myanmar.

### *Confidentiality Concerns*

Researching on a complex issue like humanitarianism and in precarious socio-political situations of Myanmar brings up the important question of anonymity, which needs to be dealt carefully, all throughout the research process. One of the important concerns has been the confidentiality of data, which can also pose a dilemma in the research process. The decision of the respondents to remain anonymous has been respected during all the interviews. I have identified the institutions but not the names of the interviewees. All audio recordings post the transcription phase have been deleted. All data has been held in charge of the researcher and no other person or institution.

## **Section 2.4: Limitations of the Study**

This research has also faced limitations such as gaining access to gatekeepers and maintaining trust with them<sup>9</sup>, breaking through the dominant cluster of official statistics around the humanitarian needs of Myanmar<sup>10</sup> and security restrictions with gaining access to the country for field work. Other limitations include financial restraints while doing fieldwork as well as personal challenges of doing research in a new country and foreign cultures. This holds especially true for discriminations faced by me sometimes, on the basis of my religion and gender. Researching as a Muslim woman in Myanmar posed safety threats for me, especially with the increasing violence against the Rohingya Muslims by extreme Buddhist groups. Nonetheless, despite challenges standing in the way of research work, the constant support of the host research institution as well as the welcoming people of Myanmar have helped make this study possible.

## **Conclusion**

The methodology is based on an inductive social research through qualitative inquiry. The primary forms of data collection are through interviews with different actors in the humanitarian space in Myanmar, such as the IHOs, local CBOs, the NLD, the election monitoring organization as well as the Myanmar youth union. While constant efforts have been made to keep the study exploratory, reflexive and flexible, there are certain limitations that have occurred subsequently. These include language barriers, security concerns as well as financial constraints.

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<sup>9</sup> Gaining trust with the gatekeepers in order to interview the CSOs has been essentially important. A friend in Myanmar helped in establishing rapport with them.

<sup>10</sup> Official statistics in Myanmar are provided by the government of Myanmar on their website or are accessible from their respective offices.

## **Chapter 3: Conceptual Analysis**

### **Introduction**

This research explicitly seeks to highlight the intertwined relationship of humanitarian assistance with human rights and if it contradicts the international humanitarian principles. Even though humanitarian assistance is based on universal human rights and there is a UN Declaration of Minimum Humanitarian Standards (1990), there is a need to analyze the taken-for-granted benchmark of human rights in humanitarian space and understand if there is a requirement to separate the two or if their convergence is beneficial for people in need.

This chapter gives an overview of humanitarianism - the conceptual framework of the humanitarian space. This is then used as a referral for understanding the inclusion of human rights in the humanitarian space and the associated challenges as well as benefits. These concepts are briefly explained in the sections below so as to explore the possibility of the shrinking of humanitarian space due to the inclusion of human rights as well as other factors such as linkage with the government or military. The conceptual clarity is linked with the context of Myanmar as much as possible.

### **Section 3.1: Humanitarianism**

There are many definitions of humanitarianism and often it is based on the situational specific context of the country undergoing the humanitarian conflict. While a brief description has already been provided in the first chapter when explaining the humanitarian space, this section focuses on the definition of humanitarianism on the basis of its objectives as set by the UN, the ICRC as well as aid organisations during the International Meeting on Humanitarian Donorship in 2003.

1. 'The objectives of humanitarian action are to save lives, alleviate suffering and maintain human dignity during and in the aftermath of man-made crises and natural disasters as well as to prevent and strengthen preparedness for the occurrence of such situations.
2. Humanitarian action should be guided by the humanitarian principles of humanity, meaning the centrality of saving human lives and alleviating suffering wherever it is

found; impartiality, meaning the implementation of actions solely on the basis of need, without discrimination between or within affected populations; neutrality, meaning that humanitarian action must not favour any side in an armed conflict or other disputes where such action is carried out; and independence, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.

3. Humanitarian action includes the protection of civilians and those no longer taking part in hostilities and the provision of food, water and sanitation, shelter, health services and other items of assistance undertaken for the benefit of affected people and to facilitate the return to normal lives and livelihoods.'

This assistance and protection in principle is supposed to be non political and voluntary (Evans & Newnham, 1998). However, many in the humanitarian sector are increasingly asserting that the humanitarian assistance is linked to the government and the military. Humanitarian work being done in Afghanistan, Syria, Somalia, South Sudan provides insights into the control of humanitarian aid and assistance by the military or governments (Wijayadasa, 2012; Rieff, 2002). And even though Myanmar is moving towards a democracy, the military holding power in the government and having a say on how humanitarian work is to be conducted in the country, especially in the Rakhine state with the Rohingyas, does give an account of the political linkage with humanitarianism.

Further, the Paris Declaration on Aid Effectiveness 2005 puts emphasis on the involvement of state in the international assistance work. This gives the state the authority to intervene and determine the work of IHOs; this can have the effect of diluting the humanitarian focus as the political ambitions and goals of state parties come into play. It affects the operational independence, thus in turn affecting the neutrality principle of the humanitarian law. This will be reviewed in the data analysis section.

While the first two objectives focus more on immediate relief and assistance mechanism, the third one has the protection mechanism as its focus. It is clear from this point that humanitarian protection not only includes immediate saving of lives but also ought to look at human rights abuses

and facilitate measures for sustaining peace and provision of people's livelihoods. This protection component of humanitarianism is expanding beyond meeting needs to the fulfillment of rights and has become a defining feature of 'new humanitarianism'<sup>11</sup> (Darcy, 2004). The next chapter explores whether one of the implications of this is the shrinking of the humanitarian space.

### **Section 3.2: Identifying the Shrinking Space**

There is a growing amount of literature criticising the humanitarian space in Myanmar and the lack of sustainable solutions in the country. From a diverse range of analysis from the academia, think tanks, advocacy groups or even state analysts, as mentioned below, what can be observed is the importance placed on questioning the impact and effectiveness of aid and humanitarian work in Myanmar.

Network groups and organisations such as the Paung Ku Consortium, International Non-Governmental Organisation (INGO) Forum, Myanmar Non-Governmental Organisation (NGO) Network, Humanitarian Core Team (HCT) Forum, Humanitarian Practice Network (HPN), MSF, LRC, Oxfam, Human Rights Watch, ICRC and others are developing and supporting research into what an ideal humanitarian space should be like and if the humanitarian practices in Myanmar fit into that.

Further, analysing the many comparative research works done in Myanmar with common examples such as Zagreb, Somalia, Rwanda, Liberia, Afghanistan, Tajikistan, Bosnia and Herzegovina, what can be observed is that when external aid interacts with specific societies and local cultures, there are often compromises to humanitarian principles (Anderson, 1999: Page 2).

In this regard, it is essential to note that the often-heard concern by the practitioners and scholars (Collinson and Elhawary, 2012; Brassard-Boudreau and Hubert, 2010; Pilar, 1999) about the shrinking of the humanitarian space is not due to a decrease in the number of humanitarian organisations. It is in essence a reference to the discrediting of principles of neutrality and the apolitical narrative.

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<sup>11</sup> Mark Duffield claims, "rather than humanitarian assistance as a universal right and a good thing in itself, the new humanitarianism is based on a consequentialist ethical framework. Assistance is conditional on assumptions regarding future outcomes: especially, it should do no harm, nor should it entrench violence while attempting to ameliorate its effects. In this respect, the new humanitarianism reinforces earlier policy commitments to linking relief and development, conflict resolution and societal reconstruction." (Duffield, 2001: 75).

Humanitarianism in the periods before the cold war and global war against terrorism was assigned to operate on the 'margins of the conflict' where refugee camps were located (Donini et al, 2008). However, with the proliferation of wars and explosion of humanitarian needs, humanitarian actors find themselves occupying the centre stage in a conflict. "Politicization, militarization, and privatization nowadays represent more of a challenge for those parts of a diverse enterprise striving for a modicum of fidelity to principle", note Donini et al (2008: Page 8).

The 2008 final report 'Humanitarian Agenda 2015: Principles Power and Perceptions' by the Feinstein International Centre gauges the local perceptions of humanitarian action in 11 conflict-ridden countries, which are Afghanistan, Burundi, Sri Lanka, Liberia, Northern Uganda, Sudan (before the division), Iraq, Occupied Palestinian territory, Democratic Republic of Congo, Pakistan and Nepal. The researchers situate an important fact early on in the study that international humanitarian actors often find themselves oscillating between - immediate protection measures and social transformation. While a few IHOs see the difference clearly, others seem to find some difficulty with clarity. Researchers are of the view that clear protocols need to be set out to define agency roles and objectives in 'asymmetrical wars and highly fraught political situations' (Donini, et al, 2008).

According to Darcy (2004), the neutrality principle is the main concern when espousing rights-based approaches to humanitarianism. Neutrality, he argues, requires humanitarian agencies to not take sides in a conflict; this relates to the principle of independence of agencies. In theory, even human rights organisations are impartial and independent, which is as close they can get to the neutrality principle, especially regarding the funding they receive (example, Amnesty International, Greenpeace etc.). However, human rights practices are rarely neutral - they often include advocacy, naming and shaming, taking sides of the victims, and other 'non-neutral' approaches (Darcy, 2004).

Even though the humanitarian space is expanding in terms of the number of organisations sprouting up, the inclusion of human rights in the humanitarian space can introduce a clash between humanitarian and human rights agendas, on the basis of different practices and goals (short-term assistance and long-term conflict resolution, respectively). This contradicts the neutrality principle and opens doors for political dialogue. It is interesting to note, however, that the humanitarian principles of impartiality and independence are already threatened due to necessary negotiations for humanitarian access within military and government controlled zones, as the examples declare

above. In a situation like this, can the convergence of humanitarian and human rights agenda further shrink the humanitarian space? The next chapter analyses this.

### **Section 3.3: Human Rights & Humanitarian Space – Is Coexistence Possible?**

Human rights abuses often lie at the heart of the humanitarian crisis. And there is an overlap between fundamental human rights laws and customary provisions in the IHL (Bruderline in ATHA, 2012).

According to Rene Provost (2002), the major difference between the two is that the International Human Rights Law (IHRL) forms the legal basis of regulation between the state and the individuals within its jurisdiction, and which can be suspended during emergencies. However since the Teheran conference of 1968, the UN proposed the respect of human rights even during armed conflicts. This stress by the UN on co-application of IHL and IHRL during armed conflicts is known as the ‘lex specialis’ principle (Provost, 2002) and has been recognized by international courts and related bodies. However, the human rights vocabulary has yet not completely entered the domain of IHL and humanitarian treaties.

Zama Coursen-Neff, the Deputy Director of the Child Rights division in Human Rights Watch (ATHA, 2016), gives an example of the recruitment of child soldiers by armed groups. Where IHRL advocates for the protection of all children even when armed, the IHL sees these children as violating the law and committing crimes. Therefore, the human rights activist states that it creates confusion for international agencies to identify and report violations of international law.

According to David Petrsek (ATHA, 2012), a veteran in the field of human rights, humanitarian and conflict resolution issues, there are three main reasons why humanitarian agencies shy away from inculcating human rights in their work. First, the human rights tactics are predominantly seen through public advocacy work. This means that when implementing human rights, one tends to identify an enemy and use the ‘naming and shaming’ tactics predominantly. Petrsek states that it is an important tactic for human rights activists but not the only one. There are several other tactics such persuasion, capacity building and others, which are often not very visible to non-human rights actors. Further, IHRL is seen to have a strong accountability component and the perpetrators have to be brought to justice. But Petrsek argues that this component is common to both IHL and IHRL.



Second, it is often assumed by humanitarian agencies that the IHRL only identifies the state as the primary duty holder or accountable but the IHL holds all parties accountable to the conflict. However, through court extensions, international developments and soft laws, other parties are also being identified under the IHRL. For example, the additional protocol to the United Nations Convention on the Rights of the Child (UNCRC) holds the armed groups recruiting child soldiers accountable. Therefore, human rights place obligations on armed groups as well.

And finally, there is a lack of clarity in IHL for the kind of freedoms that the civilian populations can exercise during a conflict; however they are clearly laid out in the IHRL. Similarly, there are no particular rights and duties accorded to the humanitarian organisations to act on the field. But they are clearly stated in the IHL. According to Petrasek, the possibility of inclusion of IHRL into armed conflict is not only beneficial but also required. It leads to humanizing the war. It also challenges the argument of military necessity and the justification of its operations.

The application of human rights in the humanitarian space became a big question in the wake of the Rwandan genocide for the human rights as well as the humanitarian agencies. Since the debates of the 1990's, ICRC did a thorough analysis of what protection meant in the humanitarian context, as laid out in the humanitarian principles under the IHL. In 2009 it published the Professional standards for protection work - an understanding that if 'humanitarian actors have a protection component to their work, then both IHL and IHRL will be relevant' (David Petrasek, 2012). This is further elaborated in the ALNAP guide (2013)<sup>12</sup>.

Further, under the guiding principle of the UN Security Council (UNSC) resolution 1973 on the Responsibility to Protect (R2P), the IHL delegates the responsibility to protect the rights of the people to the international community, which entails supporting peace and bringing justice to all. The examples of Syria and Libya showcase that humanitarian agencies use human rights for greater protection of the civilians (Evans, 2012).

Petrsek states that it is a mistake to see invoking IHRL as more political than IHL. For him, it is all about the context of the humanitarian situation that the humanitarian actors find themselves within. In the example of Sri Lanka and its conflict with the LTTE (The Liberation Tigers of Tamil Eelam) the humanitarian agencies had difficulties in gaining access to the territorial populations. In such a

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<sup>12</sup> The ALNAP Guide on Evaluating Humanitarian Action consolidates on initiating, managing and evaluating the humanitarian actions. The guide can be accessed at <http://www.alnap.org/what-we-do/evaluation/cha>

case, the IHL becomes limited in terms of governance, participation, freedoms and therefore, several agencies had to refer to the IHRL (Petrasek in ATHA, 2012).

### **Section 3.4: Human Rights at the heart of Humanitarian Crisis in Myanmar**

The terms human rights and humanitarianism not only share a common etymological background but also focus on the 'human' context. The focus of the UN as well as the WHS lies on combining together human rights along with the humanitarian action in order to develop sustainable solutions to a conflict. It is useful for the study therefore to analyse what these human rights are and if and how can they facilitate better humanitarian actions in Myanmar.

Rights-based humanitarianism proponent Hugo Slim calls for challenging power structures to bring about a change. For Slim, unconditional charity within the humanitarian sector needs to end and instead acknowledge that humanitarian action is a political endeavor (Slim, 2001). This unconditional altruism, as he argues, which focuses on the temporariness of solutions, can create unwanted consequences such as dependency, impact on local economics etc. In a similar vein, Mary B. Anderson, the author of the book 'Do No Harm' (1999), states that humanitarian actors should carry on with providing assistance and protection to millions of people across the world. But what is also needed is careful retrospection of its long-term impact on the civilians they are trying to protect.

'The emergence of supra-national moral constructs such as universal human rights creates new platforms for NGOs and ethnic groups to forward issues at the international level with a real potential of initiating qualitative shifts in people's lives and living conditions' (Jacobsen & Bruun, 2003: Page 11). However, what is deemed important by IHOs might not hold the same level of significance for affected local CBOs. The significance and utility of human rights, affirmed through many international treaties, regional instruments as well as customary laws, can only survive, as the data from the field argues, through participation of grassroots actors and with 'open, informed and reasoned scrutiny' (Sen, 2012: Page 4).

Having closed its borders to any kind of international intervention for the last six decades before finally opening up in 2011, the Myanmar government and its Tatmadaw sought to steer clear of any kind of confrontation to cultural values and ideals by foreign countries. This was also questioned by

the member states at the Human Rights Council (HRC), Seventeenth Session (Report of the Working Group on the Universal Periodic Review 2011).

Considering the general elections in Myanmar last year, with some of the humanitarian agencies focusing on aid and relief deliverables and some channelizing efforts towards ceasefire process and democratic rights (LRC, 2014), the debate about the effectiveness of assistance has been caught in the limelight. The provision of adequate measures and protection are especially important in a country where humanitarian actors have a small window of opportunity in terms of both time and resources. Thus, they have to be cautious about the consequences that their humanitarian strategies might have on the people they are trying to help.

## **Conclusion**

This chapter provides a brief conceptual clarity on different topics in humanitarian space. The idea behind doing this is to bring out the clarity required to situate the humanitarian space in Myanmar. Where possible, comparisons are made with research conducted on humanitarian operations in other conflict and war ridden states.

It is observed that there are clear links between humanitarianism and human rights and therefore, both IHRL and IHL can be referred in Myanmar, depending on the context and the communities that need protection. It is also noted that Myanmar faces humanitarian problems, which has been made worse due to lack of humanitarian access to vulnerable people and government control. Both aspects, the human rights linkage as well as government control, seem to affect the international humanitarian principles. However, this paper takes note of the fact that both human rights and humanitarian actors need to come together and develop such protection strategies which are context driven, multifaceted and democratic.

The next sections take these concepts and understandings forward with local actors, CBOs and the humanitarian agencies based in Yangon.

## Chapter 4: Findings & Analysis

### Introduction

International humanitarian assistance has increased enormously since the Second World War (Guterres, 2015), with an 11-fold raise (1,100%) from 2000 to 2014 (Zyck, 2015:6). Following the Rwandan genocide (1994) and the Srebrenica massacre (1995), assistance through humanitarian action has become the preferred response to complicated crisis.

Growing humanitarian crises today and their different cultural and national contexts shed light on the distinctive forms of humanitarian responses to them, whether it be providing emergency aid or resolving human rights issues. By examining distinctive forms of humanitarian responses, we can explore the inconsistencies within humanitarian principles which may be contributing to the 'shrinking space'. Assessing from the conceptual analysis and review of legal doctrines on humanitarianism in this study, this research acknowledges that humanitarian actors do not work in isolation. They operate in a humanitarian space along with different actors such as the local NGOs, local communities, the government, the military, the rebels as well as others in order to access vulnerable communities and provide them with assistance and protection.

The data from my fieldwork is limited in terms of the lack of inclusivity of all actors in the interview process, most importantly the ruling government (at the time of the research) as well as vulnerable communities who are provided protection. Nevertheless, my fieldwork in Yangon has helped attain a unanimous acknowledgement from respondents on the need for conflict resolution-based humanitarian response in the country. I have also noted their concerns regarding consequent implications for humanitarian principles. However, these have been overtaken by the necessity placed on and by the respondents to focus on protection-related strategies, human rights as well as actively participating in conflict resolution measures in Myanmar.

The data in this chapter is divided into three main sections – the international humanitarian principles, the perspectives in the humanitarian space and assistance without victimization. The first one categorizes the data under the four main humanitarian principles according to the UN OCHA Humanitarian mandate, which are humanity, impartiality, neutrality and operational independence. Following categorization under these principles, the next section analyses the perspectives of

different respondents on international humanitarian assistance. The concluding section assesses the significance of this approach as inclusive and empowering for the people of Myanmar.

#### **Section 4.1: The International Humanitarian Principles (IHL)**

Humanitarian principles provide the fundamental foundations for humanitarian action.

– UN OCHA

Humanitarian principles find their legal basis in the IHL. The ICRC core principles, as described in the first chapter, have directed the UN General Assembly resolutions 46/182 (1991) and 58/114 (2004) to formulate humanitarian principles of humanity, impartiality, neutrality and operational independence respectively. The UN OCHA, which mandates humanitarian assistance to be both supportive and recovery in the long run and which takes leadership roles in coordinating humanitarian assistance across the world, as detailed in the first chapter, is guided by these humanitarian principles.

The responses of the IHOs have been grouped together in relation to the four humanitarian principles. These principles emphasise the conduct of the IHOs, inform the provisions under which relief agencies can have safe and sustained access for relief operations, distinguish humanitarian actions from political, military and other objectives as well as effectively strengthen the implementation of humanitarian principles. A brief description (UN OCHA, 2010) of the principles is given below before the data is analysed.

*Humanity:* Human suffering must be addressed wherever it is found. The purpose of humanitarian action is to protect life and health and ensure respect for human beings.

*Impartiality:* Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.

*Neutrality:* Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making no distinctions on the basis of nationality, race, gender, religious belief, class or political opinions.

*Operational Independence:* Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.

Organisation	Humanitarian Principles
<b>Note: Highlights in Italics</b>	
AAR	<p><b>Humanity:</b> We provide vocational training to people with disabilities. We also engage in community-based rehabilitation (CBR) projects for people who have been affected by conflict.</p> <p><b>Impartiality:</b> We work with vulnerable people from different communities such as the Kayin, Kachin, Shan and around Yangon as well. Also open to different religions. <i>However, we cannot work with people who cannot speak Burmese as the program is designed in this language.</i></p> <p><b>Neutrality:</b> We are not involved in political work and do not want to open sensitive issues. Therefore, also not specifically involved in strengthening the civic and political rights of the people.</p> <p><b>Operational Independence:</b> We strive not to affect the economy of Myanmar negatively. We want to steer clear from examples of certain INGOs and even UN bodies that employ loans to locals in Kayin state and pay them higher salary than what is available in local markets. This will deteriorate the economy in Myanmar.</p>
GWM	<p><b>Humanity:</b> We focus on sustainable development for the improvement of the quality of life and wellbeing of people of Myanmar.</p> <p><b>Impartiality:</b> <i>We follow the principle of impartiality but even when following traditional principles of non-preferential humanitarian assistance or to the group most in need especially in border areas, we are aware that it might create some positive discrimination. This can therefore lead to the fallout of partners. For example, the Rakhine state. Working with one local partner might affect the chances of working with another one due to large ethnic differences within the country.</i></p> <p><b>Neutrality:</b> We believe that having tangential goals with the government will posit challenges for the work of the organisation. <i>Although, we do advise local partners to liaison with local authorities and constructively engage with them.</i></p> <p><b>Operational Independence:</b> <i>We have restructured the organisation as a services company under the Myanmar law due to the political sensitivity and government control on INGOs in Myanmar. Therefore, we have to strike the right balance between commercial partnerships and running social enterprise activities in the country. Also, have to be cautious to not become captive to a commercial entity.</i></p>
ILO	<p><b>Humanity:</b> We work on the four pillars of improving the labour standards, generating employment, strengthening social protection as well as catalyzing a social dialogue in order to affirm and strengthen the human rights of the people.</p>

	<p><b>Impartiality:</b> We have to work with all parties – both the government and local people. It is not feasible for us to work with one party first. Especially in Myanmar where the citizens of the country do not have a say in the decision-making processes. We seek to engage with different ethnic communities as well and this is fostered by developing trust with the communities.</p> <p><b>Neutrality:</b> <i>We do not have very good relations with the government of Myanmar. Ratified the convention 29 of forced labor in 1955 but it has never been carried out in practice. This is a crime against humanity. Passed a resolution in 2006 to take the country to ICJ. In the same year, the Liaison officer received 46 letters which contained death threats. ILO believes in questioning the idea of neutrality. We do not believe in the concept of protection by presence, which is to just exist in a country without addressing the problems.</i></p> <p><b>Operational Independence:</b> We need to work together with the government and local people on building trust towards the principles of ILO. The power lies in the hands of a few people in the Parliament. <i>Initially, we had a lot of difficulty in working with the Myanmar government as we had to take them to the International Court of Justice (ICJ) for allowing forced labour in the country. Following intensive negotiation for investigation, protection to our people and squashing of death threats, a supplementary understanding was reached in 2006. Now, at least the residents can complain to ILO against forced labour. ILO has thus become like an ombudsman. Yet, operational difficulties for us still persist in Myanmar.</i></p>
NPA	<p><b>Humanity:</b> We focus on developing and sustaining ceasefire agreements between the government and EAOs. This has been the primary motivation for the Myanmar Peace Support Initiative (MPSI) and thus creation of the humanitarian space in Myanmar, so as to end the vulnerability for the people of Myanmar, especially the IDPs.</p> <p><b>Impartiality:</b> We solely work on peace process and humanitarian work in the country with local CSOs, EAOs and the government. Strive to have conflict sensitive approach through consensus.</p> <p><b>Neutrality:</b> <i>We believe that there is a lot of focus on technical issues but there is more need to support political processes such as the peace processes. This is seen as having very questionable legitimacy. We believe in upholding people’s right to self-determination and linguistic and cultural rights.</i></p> <p><b>Operational Independence:</b> <i>None of our projects take off before the approval of the President’s office, the Chief Minister of the state, the state/ regional authorities, as well as the ethnic armies and the communities themselves. However, operational independence is at stake when the government in Myanmar, on the question of human rights abuses, raises the issue of sovereignty. A persistent example is when we try accessing the Rakhine state to work on the Rohingya-Buddhist conflict.</i></p>

NRC	<p><b>Humanity:</b> We provide for the humanitarian needs of the people of Myanmar, especially the IDPs. We focus on a variety of humanitarian needs such as education, life skills as well as provision of infrastructure needs in 90 areas.</p> <p><b>Impartiality:</b> We strive to work with all stakeholders. We believe that in a politically charged environment like Myanmar, it is important to foster good relationships with both the local governments and the EAOs in order to get their opinions on how they view the humanitarian assistance – whether it is threatening or beneficial.</p> <p><b>Neutrality:</b> We are foremost a humanitarian organisation and do not strive to take sides and do not focus on long-term development outcomes. <i>We focus on finding durable solutions for the people and upholding their rights and where there is evidence of sustainable reintegration through the provision of humanitarian relief such as shelters, schools etc.</i></p> <p><b>Operational Independence:</b> <i>We believe that working with the government does not restrict but instead enables our work. We want to stand upfront and be visible.</i> Prior to the new government in April 2011, we had to use euphemistic language in relation to the IDPs and had to work in a not very visible manner. Post the elections, situations have changed. The Ministry of Immigration is more accommodating and easier to work, in comparison to other ministries.</p>
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There are certain inputs, which are marked in Italics and have been highlighted so that the reader can grasp the situation. These convey concerns that have been brought up by the respondents regarding the humanitarian principles. While the study does take note of different contexts of the humanitarian situation in different countries, it still seeks to analyse the above mentioned concerns. These concerns could arise either because of the conscious decisions taken by IHOs (for a variety of reasons such as political affiliation, restructuring the organisation principles etc.) or the socio-political environment within which IHOs require humanitarian access to carry out the operations.

Most IHOs focus on capacity building projects and some on conflict resolution measures. Where some IHOs like AAR and NRC might deny it, the focus on life skills development for the disabled or sustainable reintegration of IDPs through humanitarian relief respectively, emphasize the inclusion of human rights in their humanitarian operations. It is important to see this clear dismissal of the long-term development goals from the mandates of these organization, even if their operations are based on finding long-term solutions to humanitarian situations.

Observing this apparent irony, I asked the NRC representative if he fears that his organisation’s work might create dependency for the people they are trying to help in Myanmar. He responded that their work has long-term effects through vocational education (livelihood benefits) investment in



school infrastructure, shelter etc. When I asked the AAR representative if they were involved in the peace initiative process, he stated that his organisation did not want to get involved in political issues and not open up sensitive issues.

NRC and AAR were ambiguous about their responses on the inclusion of human rights in humanitarian space and long-term development goals. This could be due to the fear of possible incongruities with humanitarian principles. However, due to time constraints and trust issues, this could not be clarified with the organisations themselves. Nevertheless, there were other organisations that were more vocal about their focus on equal human rights and conflict resolution in the country.

A relevant example is the Myanmar Peace Support Initiative (MPSI), the intention behind which is to test the ceasefires, especially the bilateral ceasefire agreements between the government and ethnic armed groups in the southeast such as the Tanintharyi, Mon, Kayin, Bago and the Kayah states. The Norwegian-led initiative has been focusing on the Internally Displaced Peoples (IDPs) in the ‘black areas’, in order to create a humanitarian space between ethnic armies and state/regional authorities.

Most of the IHOs recognise the strengths and challenges associated with bridging relationships with different actors. The need for accessing conflict-sensitive areas is enabled by strong ties with both the government as well as local actors. However, it can also posit several challenges, the most pertinent one being the prevalence of skepticism amongst actors with different ideologies and values such as the ethnic armies on one hand and the government on the other. The ILO representative on the conflict of interests within the humanitarian space in Myanmar states:

“We have to work with all parties – both government and the people. One cannot go and work with one party first. This is especially true in Myanmar where people are desperate to have a say in their own development. However, in this process, sometimes we upset the government but we cannot remain neutral if they are abusing their power. At the end of the day, every humanitarian agency needs to ask themselves what neutrality actually means. One cannot be neutral to human rights abuses and we need to find a common space to bring both government and the people to listen to each other.” (ILO, 16th February, 2015).

GWM on the other hand has converted from a short-term responsive operating organisation into a long-leading/implementation-based services company. Considering the legal implications they faced in setting up as an NGO in Myanmar, GWM decided to establish themselves as a services company in order to surpass the government radar that other IHOs in the country have had to pass through. “Although, we do have concerns becoming captive to the commercial entity that we are, we still believe that our vision of context sensitive and recovery development in the country will sustain.”

What can be seen from these responses is that for the IHOs, partnership with all stakeholders in the humanitarian space is not just necessary but inevitable. While there are visible signs of government control and intervention in humanitarian operations, almost all IHOs (with the exception of AAR) value the inclusion of human rights in their work for the sustainable progress of the people of Myanmar.

In this process, some humanitarian principles, especially the impartiality/ neutrality principle as well as the operational independence might seem threatened from the IHL perspective. Nevertheless, responses from the IHOs indicate the context specific necessity of engagement with all partners in the humanitarian space, while at the same time focusing on the roots of problems through upholding the human rights in Myanmar.

#### **Section 4.2: Perspectives on Humanitarian Assistance**

Humanitarianism is context specific in Myanmar. From the responses of the IHOs in the previous section, it can be observed that humanitarian operations in Myanmar focus on both short-term support as well as long-term recovery. While this might be acceptable and even vouched for by IHOs, it is imperative to assess the viewpoints of other actors in the humanitarian space such as local CBOs, community movements as well as the opposition political parties in Myanmar.

It has been mentioned in the methodology section of the study that the fieldwork in Yangon has not been all inclusive and not included interviews with the military and the government. This has been due to both time and resource limitations. Nonetheless, apart from the inputs from IHOs, the interviews with two CBOs, an election monitoring body, students youth union as well as the NLD party office in Yangon provide an overview of the developments within the humanitarian space.

The responses are thematically categorised, in relation to the respondents' experiences in the humanitarian space in Myanmar. This section also predominantly looks at the perspectives of the local actors in Yangon and their understanding of the humanitarian operations in the country.

### *Access to the Humanitarian Space*

All respondents in the interview noted that gaining physical access to the humanitarian space is only possible with the help of local actors. Even if the IHOs have MoU, LoU or even an LoA, restrictions placed by ethnic leaders or militants might be difficult to surpass if local negotiating actors are not present. Working with different actors in a bid to remain impartial is both grounding as well as challenging and requires certain levels of trust for non-conflict of interests.

It is often the Department of Social Welfare (DSW) under whose regulations the local NGOs operate. The respondents state that they have to submit a report every quarterly to the department in compliance with state guidelines. CBOs often do not need to sign any agreements with the government but sign agreements with the IHOs for helping them with respective permissions to access the humanitarian space, especially in conflict sensitive areas.

An official from the CDA, a community mobilization organisation with a history of working with different UN agencies and international organisations, states, "We work with the state government as well as the regional governments to get permissions for IHOs in risky areas. This also includes taking care of the safety of the humanitarian professionals. We believe that building trust with the government of Myanmar is very important if any effective humanitarian work is to be done in the country."

Similarly CBI and MNFEE swear by the need for collaboration between the local NGOs and IHOs to facilitate change in Myanmar. They agree that it is difficult to see concrete changes on a broader scale, especially when it is not related to the city/ state infrastructure. MNFEE states that for the financial and technical support that it gets from IHOs, it has the responsibility to in turn facilitate trust building between the government, local communities and the IHOs. CBI on its part has taken up the MPSI initiative with NPA and other organizations through peacebuilding, civil rights education, natural resources management as well as change management.

An excerpt from NPA highlights the importance of this facilitation that helps them build bridges with the government as well as the ethnic communities.

“We have been working very closely with government and the ethnic armed groups, especially through the MPSI. Our aim has been to create a humanitarian space, which can enable us to access the vulnerable communities as well as effective coordination amongst the different actors. However, the lack of trust between the government on one hand and the ethnic armies and IDPs on the other make it challenging to bring everyone on the same page. Yet, we cannot move ahead with our operation without prior consultation with all actors. The work of local NGOs and actors helps us in doing so.” – NPA, 13th February 2015.

The representative from GWM believes that it is because of the passion and commitment of local partners to make a change in the country that they have been able to enter hostile spaces. “We are very careful in fostering that trust and are careful of not having too many foreign team members and staff in the field. This will help in maintaining the integrity of the projects as well as keep them locally driven,” states the respondent from GWM.

### *The Humanitarian Situation*

All respondents claimed that international humanitarian assistance is needed in Myanmar. The focus of IHOs on both long-term and short-term protection work, as can be observed from the responses noted in the second section of this chapter, is supported by all local actors interviewed for this study.

The responses of local actors are grouped together for more clarity:

<b>Organization</b>	<b>Responses</b>
CBI	<b>Human Rights in Myanmar:</b> We believe that the international fund is to be put in use for the welfare of the people. But the amount of money that we spend is nothing in comparison with what the government uses. However, what is the scale of development or change that the government is making? In the last few years, the physical infrastructure has changed but the political, economic and social systems remain the same. The government can therefore manage the defense sector and military but not the rest. Peoples’ rights need to be taken care of.

	<p><b>Long-term protection:</b> We actively work with different donors and aid organizations and have witnessed a transition from capacity building towards other issues such as peace-building, de-mining and civil rights education and change management. The peace process is important and we need to be a part of it. The country has finally opened doors to the international community, which will ease the process. Together with the international community, we can work on peacebuilding and capacity building programs.</p>
CDA	<p><b>Human Rights in Myanmar:</b> We work along with IHOs and UN agencies to strengthen the capacities of local people so that that the communities can have ownership of their programs. We are not involved directly in the human rights protection work but help and enable the local people to secure their own human rights. We work with local CBOs and communities to identify a project, prepare a proposal, manage the project, focus on accountability as well as prioritise the needs.</p> <p><b>Long-term protection:</b> We are careful about such development projects which are political in nature. With our history of working with both the government and the ethnic leaders, collaborating on the development projects by DFID as well as the US funded ones might affect our cooperation with other actors. Sustainable humanitarian operations need to be conducted in the country but the international community must remain sensitive to Myanmar's rural development and community development projects.</p>
LRC	<p><b>Human Rights in Myanmar:</b> We are established as a collaborative response between the international and the local actors to the Cyclone Nargis and since then have been striving to empower the civil society and foster transparency in the humanitarian response to the conflict.</p> <p><b>Long-term protection:</b> CBO capacity, sustainability of the organisations and good governance are the three main pillars of LRC's network. We believe in striving for accountability in our works. Our main training programs focus on introduction to humanitarian accountability and good governance, consultation on accountability practices as well as learning and working group. We strongly believe in working with local and international actors together.</p>
MNFFE	<p><b>Human Rights in Myanmar:</b> We believe in protecting and safeguarding the civil and political rights of the people of the country. We initially started as a monitoring network for the 2010 elections. The inconsistencies in the fairness of election process and flouting rule of laws led the network of a handful young people build into an organisation that seeks to push for grassroots participation for democratic elections. We receive rare support from humanitarian agencies like the NPA and certain others. However if we receive more support from the international community, then political freedoms of people in this country can be strengthened.</p> <p><b>Long-term protection:</b> We believe that democracy and political rights are not given enough consideration in the country. There are only a few organisations that are working for the benefit of the democratic rights of the peoples of Myanmar. The international community can support us through the financial and technical support. We will also then be able to conduct training in the regional areas and teach about political and democratic rights to the people.</p>

<p>MYU</p>	<p><b>Human Rights in Myanmar:</b> We believe that the right to education in Myanmar is flouted. And therefore, we have been protesting against this since 2012, garnering support from different groups of peoples such as the student unions, teachers' unions, educational organisations and educationists as well as ethnic education organisations such as the national network of education reform. A national emergency meeting of students was started in the month of November 2014, which mobilized student representatives from all over the country in order to boycott the outdated education system in Myanmar. The protests were violently cracked down by the government in the year 2015. We believe that education is an imperative for sustainable progress in the country and international intervention is required in this regard to sustain our struggle.</p> <p><b>Long-term protection:</b> We are supported financially and ideologically by the NLD in regional areas but not in Yangon where their headquarters is. The IHOs negotiate with the government to not use violence against us, however on the other hand the same IHOs provide education aid to the government, which does not help for any possible change in the redundant education sector in the country. We believe that while IHOs focus more on conflict resolution measures, these organisations also need to focus on supporting such educational reforms which will help in building capacities of people in Myanmar.</p>
<p>NLD</p>	<p><b>Human Rights in Myanmar:</b> Myanmar faces grave human rights situations related to forced labour and lack of access to education by many. Our party office functions under the guidance of Aung San Suu Kyi and believes in empowering people with equal human rights. We believe that everyone must have access to just labour standards, wages and education so as to make Myanmar's standing higher in the world.</p> <p><b>Long-term protection:</b> The International community needs to keep coordinating and working work together with us for the benefit of this country. This is especially relevant to fight forced labor and illegal migrant workers. They should come and see the situation of workers in Myanmar – low wages and extreme working conditions – this needs to be changed. We acknowledge the work of ILO on forced labor and use their resource material on informing people about labor rights. However, we also recognise that ILO's work is greatly controlled by the government in power (before the general elections in 2015).</p>

It can be observed from the responses above that humanitarian work has to be honest, consistent, transparent and clear about what it can achieve. Some were of the opinion that intertwining human rights with humanitarian operations is complicated, yet inevitable.

To assess the feedback from both the local and international actors, it is useful to acknowledge that there is a pressing need for complementary arrangement of the different actors within the humanitarian space. Neither the international humanitarian agencies' role in providing financial benefit and technical expertise to support the local actors and the state can be negated and nor can the locals' understanding of their own conflict and historical experiences be undermined.

The concluding section looks at the shifting trends of the rights-based humanitarian operations in Myanmar and their focus on assistance rather than victimisation.

### **Conclusion: Assistance Without Victimisation**

One of the significant changes in the politics of Myanmar over the last couple of years can be gauged from the relationship between local community organisations and the government of the country. There is an increase in spaces where one can express dissent against the abuse of one's rights in the country.

This space for civilians in Myanmar to actuate their freedom of expression and dissent has also been made possible with the international humanitarian intervention. It can be observed from the responses of both international and local actors that there is an immense need for humanitarian assistance in the country. The respondents were unanimous in saying that this assistance can only exist in a safe and complementary space. The research has drawn parallel between the responses of the different actors who believe in a multifarious set of coordinated responses to the humanitarian situation in Myanmar. This is not just to enable safe access for humanitarian actors but also engage the local communities in the assistance process as well as focus on long-term recovery measures.

South (2012) recognises the defining shift in humanitarianism after the cold war, which acknowledges civilians as active rights holders rather than passive victims. This means that the IHOs should consult with the local actors and understand their needs before they provide for those needs. While at the same time, the study also acknowledges the analysis by Mackintosh (2000) who states that a development context to humanitarian assistance, which is becoming common for the relief and development agencies could possibly contravene the IHL principles. An example of this is Operation Lifeline Sudan where the ground rules in southern Sudan have often been criticised for their capacity-building approach.

The MPM observes (2015) that along with the support given by the local CBOs to build trust between the EAOs and the government as well as consultation on important socio-economic and political matters, the international assistance and aid can also help facilitate the peace process. Foreign aid and humanitarian assistance has expedited the negotiation process between different parties. However, the monitoring network also notes that the foreign political interests as well as

prioritising development before political ceasefire agreements can create insecurities for the EAOs and affect their relationships with all stakeholders - the government, IHOs and CBOs.

Therefore, it can be observed in consultation with the respondents working in Myanmar that a conflict-sensitive approach needs to be applied in the country. This also means that the people in need must first be consulted and presented with non-prescriptive choices so that they can choose if they want to receive humanitarian assistance. Consultation before humanitarian operations are especially relevant when there are parallel systems of administration running for the local government as well as ethnic armies. Different listening projects such as stories of IDPs, forced labour, livelihood security etc. have been useful for both the respondent IHOs and local CBOs to build bridges with the local communities as well as with ethnic armies and the local government.

The “need of the hour” is an inclusive and sustainable humanitarian architecture that encompasses the local knowledge and resources of people through international assistance and support. Whether it is building capacities through vocational training or microfinance or even developing a peace policy with the government, the respondents see the shift to long-term conflict resolution work as useful and required. The study found that some respondents were not comfortable talking about the growing humanitarian shift to development. While this could be a case of apprehension with the development terminology, they were clear in stating that human rights, democracy and conflict resolution were important in Myanmar, without vouching for the related development context to them.

Nonetheless, the respondents perceive the role of IHOs as facilitators of change in Myanmar, while at the same time, striving to prevent the dependency and harm due to this assistance. As the ILO representative puts it, “In repressive societies when people are treated as victims, they shout and are not able to speak up strategically. Eventually people have to learn the strategy and proper mechanisms which can help in protecting themselves and thus, gain respect from the government. The international community can facilitate this process”.



## **Chapter 5: Conclusion**

### **Introduction**

This thesis studies the humanitarian space in Myanmar. From the onset, it identifies the space as a conducive operating environment for humanitarian actors, built upon the framework of humanitarian principles. These principles provide organisations with strategic operational focus as well as shed light on the responsibilities of those involved in giving, receiving and even managing humanitarian assistance.

The approach of this study is not only to look at the humanitarian access in the country but also to situate an environment of complementary arrangement of different actors, including the military and government, so as to provide assistance and protection to those in need. In doing so, the study places focus on two important contexts, a) the inclusion of human rights in the humanitarian space and b) the consequent shrinking of humanitarian space and inconsistency with humanitarian principles.

The growing emphasis by the international humanitarian community on long-term development and conflict resolution measures rather than just short-term relief and assistance provides impetus to look at the ongoing humanitarian operations in Myanmar, a prominent humanitarian topography (due to the ongoing conflict and the recurring natural disasters). While doing so, this study also records the factors that might lead to the shrinking of humanitarian space in Myanmar, as claimed by humanitarian practitioners and scholars for humanitarian spaces worldwide.

This research is based on data obtained from the fieldwork in Myanmar. A total of 12 semi-structured interviews were conducted with international humanitarian organisations, local CBOs, NLD party office, Myanmar Youth Union, a local election monitoring agency and an international business consultancy firm in Yangon. However, this study is also limited in terms of lack of interviews with the government and military junta. This is due to time, resource and bureaucratic concerns. Nonetheless, the limited yet in-depth responses have helped in understanding the need for both long-term protection-related measures and short-term recovery measures in the country.

## **Section 5.1: Humanitarian Situation in Myanmar**

The Humanitarian response plan for Myanmar for the year January – December 2016, prepared by the UN and its partners, states that over 1,020,000 people in the country are in need of humanitarian assistance.<sup>13</sup> The ongoing conflict in the country especially in Kachin, Shan and Rakhine states have led to grave humanitarian violations such as continual displacement of people, violence based on gender, religion and ethnicity, exposure to landmines, violence against children and control on the freedom of movement.

The Rakhine state is one of the least developed regions of Myanmar with over 477,700 people in need of humanitarian assistance (HRP, 2016). The forced displacement of the Rohingyas and Muslims from the Rakhine state has led to over populated government settlements, IDP camps and fleeing to other countries for refuge. The 2015 Rohingya crisis presented the dire situation of the Rohingyas stuck in the Bay of Bengal after neighboring countries refused to provide them protection (Griffiths, 2016). Comparable if not same situations are faced by IDPs from the Kachin and Shan states with over 96,400 refugees displaced due to the armed conflict (UNHCR, 2016).

People in Myanmar continue to undergo socio-economic and humanitarian problems despite the international humanitarian intervention. In 2011, following the general elections, the international community (countries) lifted the economic sanctions from Myanmar and initiated the political negotiation process. It sought to mediate the long-standing conflict between the military regime and the ethnic communities for over six decades (MPM, 2015). However, despite the knowledge of the needs of the vulnerable in the country, many international efforts, resolutions and policies such as the MPSI and others, much remains to be changed in Myanmar.

Humanitarian access to conflict regions is limited, the collaboration between different humanitarian actors remains to be strengthened and the lives and dignity of the people of Myanmar need to be protected. The next section analyses the information from respondents on the transition from a military controlled regime to a people led democracy in the country and what it means for both the resolution of the humanitarian conflicts as well as the future of the humanitarian space in the country.

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<sup>13</sup> [The plan is available online at bit.ly/HumanitarianMyanmar](http://bit.ly/HumanitarianMyanmar)

## **Section 5.2: Expectations from the 2015 General Elections**

Myanmar held general elections in November 2015. Expectations from the elections ran high because it was the country's first national vote since the end of the military dictatorship in 2011 (BBC, December 2015). The NLD party won by a landslide victory and Htin Kyaw, the first civilian nomination in over five decades, was elected as the country's new President (Macnamara and Htay, 2016).

There were however, discrepancies in the voting as well as monitoring processes. Due to discrimination against certain ethnic communities such as the Rohingyas, there was no representation of the community in the country's 91 political parties and many of them had their identity cards revoked for voting (Myanmar Now, 2015). Further, the constitutional control under the military through reservation of 25% unelected seats, appointed by the government, in the Hluttaw (Parliament) and the refusal to allow constitutional amendments for Aung San Suu Kyi's presidential nomination<sup>14</sup> gives insights into the controlled democratic mechanisms in Myanmar.

Nonetheless, touted as the first free but not fair elections in last 25 years, Aung San Suu Kyi and her party's victory meant clear expectations of new changes and resolutions from the people of Myanmar (The Economist, November 2015). The feedback from the respondents during the fieldwork reflect their hopes for constitutional reforms and change of leadership of the country, so that sustainable progress can take place. They were of the common opinion that conflict resolution and cross border agreements need to be prioritised by the new government.

### *Constitutional Amendment*

The respondents in this study agreed that democracy in Myanmar depends on the will of the army because they control a majority of the political system. Therefore, the only sustainable solution is to have the Constitution amended. 'Without the amendment, it is easy to pay lip service to the word democracy', stated the representative from NPA. For a local organisation like CDA, the administration in Myanmar needs to be changed so as to gauge substantial changes in the governance system. These administrative changes are only possible with specific Constitutional

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<sup>14</sup> The parliament of Myanmar voted against the Constitutional amendments in June 2015, which ensures that any citizen of Myanmar having foreign spouse or children cannot be allowed to stand for elections. The Military's veto power left NLD's chief Aung San Suu Kyi without a legal provision to stand for the position of the President of Myanmar, during the general elections 2015.

reforms. Without these, even the new government will have troubles in operationalising changes in Myanmar.

For an election monitoring body like MNFFE, the nationwide ceasefire, change of government as well as change in the Constitution are necessary developments for people to uphold their civil and democratic rights in Myanmar.

The importance of democracy is reinstated by the words of ILO representative, “There are two groups of people in every country – one who fight for the political cause and the other who are not so strong and wake up every morning wondering how they would feed themselves. Both sets of people can rise together and demand for a revolution in the country and this is only feasible if they see a possibility for change. The general elections of 2015 present that possibility”, ILO, 16th February, 2015.

#### *Elections and the Humanitarian Discourse*

The general elections 2015 have raised many expectations in humanitarian actors, but most importantly in relation to the humanitarian space in the country. The respondents await these constitutional amendments, which will enable them to access the humanitarian space and conduct humanitarian operations safely and in coordination with local actors and communities. This would also mean that the humanitarian actors along with the government can focus more on long-term measures, which can resolve structural humanitarian problems in the country stemming from human rights issues; out-rightly accepted by most, if not all the respondents.

Meanwhile, the lack of cross border ceasefire agreements (NPA), the permanent settlement of IDPs and refugees (NRC), upholding basic human rights in Myanmar (NLD), freedom of labor (ILO) and reforming the education law (MYU) are some of the main obstacles that stand in the path of sustainable conflict resolution and ending humanitarian needs in Myanmar. Nonetheless, the 2015 general elections presented opportunities for grassroots voices to be heard by the government and international community as well as the humanitarian space to be made more accessible, safer and coordinated.

### **Section 5.3: Road-mapping the Humanitarian future of Myanmar**

The WHS, a first of the humanitarian summit, which focused exclusively on humanitarian needs and responses across the world, took place in Istanbul in 2016. The outcomes of this summit were concluded as a commitment to ‘change people’s lives-from delivering aid to ending need’ (WHS Commitment to Action – Transcending humanitarian-development divides, 2016). There was a clear consensus in the international community to integrate socio-political structural changes along with the short-term humanitarian initiatives (Ban Ki-moon, 2016).

The criticism of the Summit has been directed at the UN Secretary General’s report, which does present preventative solutions and standardizing options but fails to include larger structural changes within the international humanitarian relief apparatus (Aly, 2016). This also reflects the impact on different humanitarian spaces in different conflict zones and consequences for the local people. Aly (2016) states that the humanitarian sector has become a ‘mammoth machinery’ due to its foreign dominated inclination, lack of integrated and sustained local engagement, unaccountable humanitarian response and finally the control of power and money in the hands of a few key humanitarian actors.

The respondents in this study who believe in the complete recovery of Myanmar, including developing social and human capital, building resilience as well as resolving conflicts, have also noted the above stated concerns. For them, humanitarian needs in the country can be acknowledged and effectively be responded to through better coordination between the different actors, especially through the government and ethnic armies. Further, there needs to be more involvement of local actors in the humanitarian operations and focus on structural changes so as to end humanitarian needs in the country.

The viewpoints of the participants and WHS's focus on transcending humanitarian and development divides can also be observed in the 2016 Humanitarian response plan for Myanmar. It places stress on ‘strengthening linkages between relief, recovery and development, reducing long-term dependency on humanitarian aid, and building national capacity to prepare for and respond to humanitarian needs’ (HRP, 2016). The plan also suggests comprehensive regional plans as well as undertaking an integrated approach towards ‘humanitarian, development, human rights and peace building issues’ (HRP, 2016).

The political situation in Myanmar with little or no access to contentious ethnic states such as the Rakhine state and some parts of the Shan state as well as stricter control on provision of operating licenses by the government point to the fact that the humanitarian space is influenced by government and military interests. As the interview records taken for this study represent that some IHOs agree to accept the government demands, only to have access to the vulnerable communities.

The humanitarian space relies on the principles of humanity, impartiality, neutrality and independence in order to save lives and alleviate suffering (international meeting on humanitarian donorship, 2003). This includes focusing on such protection measures which can facilitate the return of people affected by humanitarian crisis to their normal lives. The process is strenuous and requires sustainable humanitarian aid and assistance in order to facilitate change. It also requires cooperation amongst different actors including the IHOs, local communities, the government and the military as well as identification of the root cause of the humanitarian needs.

Myanmar has been a witness to humanitarian crisis, both man-made and natural over the last few decades. Some of these are recurring, especially the conflict between the EAOs and the military, as well as disasters induced by climate change. This requires providing protection measures to the vulnerable people which not only address the immediacy of the crisis but also build resilience of the people and the country. Hugo Slim (2001) calls for this humanitarianism to be based on human rights, which can challenge the power structures and move towards bringing about a change. The universal human rights offer an opportunity to look at the root cause of the humanitarian problems and the consequent needs in Myanmar at the international level, in order to facilitate qualitative shift in people's lives. This, however, is only possible with the inclusion of voices of the local actors and the government through civil and democratic processes.

The inclusion of human rights in humanitarian space in Myanmar seems to contravene international humanitarian principles, especially in relation to the neutrality principle. However, most of the respondents acknowledge the necessity of including human rights so as to resolve the conflict in the country and provide sustainable humanitarian protection to those in need. Also, the question is whether the humanitarian actors can still continue to stay neutral in a country which remains caught up in the ongoing humanitarian crisis. Instead, can they not channelise their efforts and aid into finding sustainable solutions in the country? The responses from the interviews restate that most of these IHOs and CBOs whose objectives are humanitarian in principle are here to stay in order to

support the conflict sensitive protection measures. If not completely focused on development, they are also looking to facilitate resolutions together to long drawn conflict.

In a country like Myanmar with grave humanitarian and political problems, the transition to democracy is a difficult process. It is still under the control of the Tatmadaw and the government, and the people vulnerable to conflict are not provided for. Therefore, humanitarian responses need to be comprehensive. The humanitarian space needs to be inclusive of non-state actors such as local communities, the militants, the media and others. Proper processes and protocols also need to be developed for amplifying the democratic engagement with different actors in the humanitarian space as well as curtailing unintentional harm while producing long term results.

Therefore, based on my research and analysis, I conclude that the humanitarian space in Myanmar is evolving to include more participation of different actors, especially the local and the government as well focusing on sustainable recovery of Myanmar and the protection of its people.

### **Conclusive Summary**

This study is an endeavor to look at the humanitarian space in Myanmar through the perspectives from those operating in this space. Therefore, the study is predominantly based on the respondents' viewpoints on the access to and coordination within the humanitarian space as well as the transition from short-term relief measures to long-term conflict reduction measures. In doing so, this study also analyses if the humanitarian space in Myanmar is shrinking and if the current transitions, developments and coordination with all actors including the government contradict with the humanitarian principles.

It can be concluded from the observations of the respondents in this study that while efforts are being made, the humanitarian space in Myanmar is still to further include integrated participation of the local communities, human rights need to be designed into humanitarian operations and sustainable conflict resolution measures need to be taken. Humanitarian operations cannot thrive in an isolated manner, even though its wheels are oiled by international humanitarian aid. It requires different actors and their active participation to sustain the humanitarian space.

The desire for change points towards the opportunities to do so.

*Word Count: 16,505*

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# Appendices

Appendix 1: Map of Myanmar (Source: UN, 2012)



## **Appendix 2: A chronology of key events (Source: BBC News, 19 August 2015)**

**1057** - King Anawrahta founds the first unified Myanmar state at Pagan and adopts Theravada Buddhism.

**1287** - Mongols under Kublai Khan conquer Pagan.

**1531** - Toungoo dynasty, with Portuguese help, reunites country as Burma.

**1755** - Alaungpaya founds the Konbaung dynasty.

**1824-26** - First Anglo-Burmese war ends with the Treaty of Yandabo, according to which Burma ceded the Arakan coastal strip, between Chittagong and Cape Negrais, to British India.

**1852** - Britain annexes lower Burma, including Rangoon, following the second Anglo-Burmese war.

**1885-86** - Britain captures Mandalay after a brief battle; Burma becomes a province of British India.

**1937** - Britain separates Burma from India and makes it a crown colony.

**1942** - Japan invades and occupies Burma with some help from the Japanese-trained Burma Independence Army, which later transforms itself into the Anti-Fascist People's Freedom League (AFPFL) and resists Japanese rule.

**1945** - Britain liberates Burma from Japanese occupation with help from the AFPFL, led by Aung San.

**1947** - Aung San and six members of his interim government assassinated by political opponents led by U Saw, nationalist rival of Aung San's. U Nu asked to head the AFPFL and the government.

**1948** - Burma becomes independent with U Nu as Prime Minister.

### Appendix 3: International Humanitarian Organisations

Name of the Organisation	Sectors	Geographical Coverage
AAR	International civil and humanitarian organisation	Yangon Ayeyarwaddy Divisions
GWM	Non-denominational community development organisation	Yangon Division (primary) Mandalay Division Rakhine State Chin State Magway Division
ILO	International labour rights organisation Liason office	Yangon Dawei Mandalay Kyaing Tung Shan state Mon state Bago Rakhine state Tanintharyi region
NPA	Capacity Building support to local organisations, agriculture and rural development, Cyclone Nargis Response Program	Yangon Mandalay the Dry Zone Shan State Delta Zone Mon State Karen State Bago State
NRC	Cyclone resistant shelter, primary school, rural health service centre.	Yangon HPA An – Kayin State Thaton – Mon State Loikaw – Kayah State Taunggyi – Shan State Dawei and Myeik – Tanintharyi Region

#### Appendix 4: Community Based Organisations

Name of the Organisation	Sectors	Geographical Coverage
CBI	Coordination	Yangon
CDA	Coordination and capacity building	Yangon
MNFFE	Election monitoring body	Yangon
MYU	Political association	Yangon
NLD	Democratic Socialist-liberal Burmese political party	Yangon
LRC	Resource centre, coordination	Yangon

## **Appendix 5: Interview Guide for International Humanitarian Organisations**

1. What is the background to the conflict between ethnic minorities and military junta in Myanmar?
2. How is the current political situation in Myanmar today?
3. What is the nature of the humanitarian space in Myanmar?
4. Please provide a brief overview of your work in Myanmar.
5. Is there a threat to you or humanitarians in general in the country?
6. Do IHOs work in collaboration with the local partners?
7. Do IHOs work in collaboration with the Myanmar government and military?
8. Provide broad guidance on how conflict can be resolved in Myanmar.
9. Do you think the elections will improve the political situations?
10. Do the local communities want sustainable conflict resolution?
11. Does the international community have a right to intervention in Myanmar? What are the indicators that prove so?
12. Can the international humanitarian community work together with the both the government and the local organisations for the benefit of Myanmar?
13. Do the IHOs consult and manage the projects in accordance with the needs of the local people?  
Any examples?
14. What have been the challenges associated in providing assistance to the local people?
15. What is expected out of you as humanitarian workers by your organisation? Any ethical challenges associated with your work?
16. Does your focus on long term protection or development measures (if any) contradict the international humanitarian principles? If so, what needs to be done?
17. What can the international community learn from the struggles in Myanmar and what models can be drawn for implementing in other conflict-ridden states?



## **Appendix 6: Interview guide for Community Based Organisations**

1. What is the background to the conflict between ethnic minorities and military junta in Myanmar?
2. How is the current political situation in Myanmar today?
3. What is the nature of the humanitarian space in Myanmar?
4. Please provide a brief overview of your work in Myanmar.
5. Do IHOs work in collaboration with the local partners?
6. Do IHOs work in collaboration with the Myanmar government and military?
7. Is the international aid and relief useful for the local communities? Please provide examples.
8. How would you regard the social services provided by the government?
9. Do you prefer IHOs providing you short-term relief measures than your own government?
10. Have these short term measures created any dependency for the local people?
11. Provide broad guidance on how conflict can be resolved in Myanmar.
12. Can people in Myanmar exercise their human rights, granted to them by the Constitution?
13. Do you think the elections will improve the situations?
14. Do the local communities want sustainable conflict resolution? Can that be achieved through focusing on people's rights?
15. Can the international humanitarian community work together with the both the government and the local organisations for the benefit of Myanmar?
16. Do the IHOs consult and manage the projects in accordance with the needs of the local people? Any examples?
17. What can the international community learn from the struggles in Myanmar and what models can be drawn for implementing in other conflict-ridden states?