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**DISASTER DIPLOMACY: A CASE STUDY OF THE TRIPARTITE CORE
GROUP'S POST-NARGIS HUMANITARIAN ASSISTANCE IN MYANMAR**



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A Thesis Submitted in Partial Fulfillment of the Requirements
for the Degree of Master of Arts Program in International Development Studies

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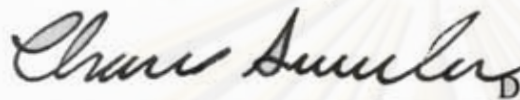
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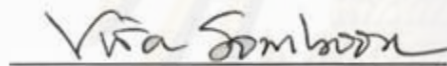
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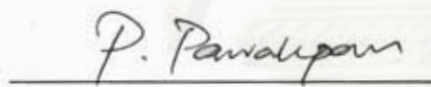
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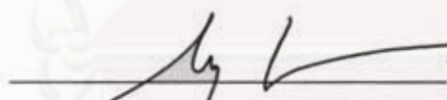
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เมื่อวันที่ 2 พฤษภาคม 2551 พายุไซโคลนนาร์กิสพัดถล่มประเทศพม่าทำให้มีผู้เสียชีวิตมากกว่า 140,000 คน และประมาณการณ์ว่ามีผู้ได้รับผลกระทบจากพายุนี้ราว 2.4 ล้านคนในประเทศ ผลเสียหายจากพายุไซโคลนนาร์กิสนี้อยู่ในระดับที่รุนแรง อย่างไรก็ตาม รัฐบาลพม่าได้ปฏิเสธความช่วยเหลือทางมนุษยธรรมจากองค์กรพัฒนาระหว่างประเทศและจากจากรัฐบาลตะวันตก การปฏิเสธของรัฐบาลพม่าทำให้ประชาคมนานาชาติต้องคิดหาวิถีทางนอกรอบในการนำความช่วยเหลือเข้าไปยังประเทศพม่า โดยพยายามใช้หลักการ "ความรับผิดชอบในการปกป้อง" (Responsibility to Protect) แต่ไม่ประสบความสำเร็จ ต่อมาประชาคมนานาชาติจึงตัดสินใจใช้วิธีการทูตเชิงจัดการด้านภัยพิบัติโดยมีอาเซียนเป็นตัวกลางในการเจรจาระหว่างรัฐบาลพม่าและประชาคมมนุษยธรรม มีการก่อตั้งกลุ่มแกนนำสามฝ่ายอาเซียน-พม่า-สหประชาชาติ (TCG) นำในการช่วยเหลือผู้ประสบภัยพิบัติจากพายุไซโคลนนาร์กิสจากนานาชาติ

วิทยานิพนธ์นี้ใช้ทฤษฎีการทูตเชิงจัดการด้านภัยพิบัติเป็นกรอบในการศึกษาผลกระทบของพายุไซโคลนนาร์กิส ต่อความสัมพันธ์อันตึงเครียดระหว่างรัฐบาลพม่าและประชาคมนานาชาติที่เป็นมานานกว่าสองทศวรรษ การที่ TCG มีอาเซียนเป็นศูนย์กลางในการเจรจา ทำให้ดูเหมือนจะเป็นโอกาสอันดีที่จะฟื้นฟูและพัฒนาความสัมพันธ์ระหว่างรัฐบาลและประชาคมนานาชาติ นอกจากประเมินการทำงานของ TCG ภายใต้อุปสงค์ดังกล่าวแล้ว วิทยานิพนธ์นี้ยังมุ่งพิจารณาการทำงานของอาเซียนและสหประชาชาติ ว่าสามารถบรรลุวัตถุประสงค์ของ TCG ในการให้ความช่วยเหลือด้านมนุษยธรรมหรือไม่ รวมทั้งความสามารถในการเปลี่ยนมโนทัศน์ พฤติกรรม วิธีการ และจุดมุ่งหมายของพม่า การศึกษานี้ยังชี้ให้เห็นถึงช่องว่าง ข้อท้าทายและโอกาสที่ TCG ได้ประสบในการกิจครั้งนี้

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ลายมือชื่อนิติ.....
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DALINA PRASERTSRI: DISASTER DIPLOMACY: A CASE STUDY OF
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On 2 May 2008 the devastating Cyclone Nargis hit Myanmar, causing over 140,000 deaths and affecting about 2.4 million people in the country. Despite the desperate situation, the Government of Myanmar refused the humanitarian assistance offered by international development organizations and Western governments. This act caused the international community to formulate unconventional ways in order to bring relief into Myanmar. They attempted to apply the Responsibility to Protect principle but failed, and later on used disaster diplomacy tactics by utilizing ASEAN as a mediating agent to build dialogue between Myanmar and the humanitarian community. This ASEAN-led mechanism was operated under the establishment of the coordinating body called the Tripartite Core Group (TCG) aiming to bring aid into Myanmar.

This thesis uses the disaster diplomacy framework to address the impact of Cyclone Nargis on the two-decades-long tension between the Government of Myanmar and the international community. The TCG, with the mediating support by the ASEAN, was seen by many observers as an opportunity to revitalize and improve this relationship. Apart from facilitating aid, the TCG was expected to help breaking down Myanmar's suspicion about the West's agenda and help the Government of Myanmar realize that the humanitarian community had no hidden political objective on its aid agenda. Beyond evaluating the work of the TCG in the above light, the thesis also aims to examine the achievements of the ASEAN and the UN as to whether they were able to efficiently meet the TCG's objectives regarding humanitarian aid and their ability to change the perception, behavior, approach and objectives of Myanmar. The study also identifies the gaps, challenges and the opportunities faced by the group to provide efficient and meaningful emergency response to Myanmar.

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ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

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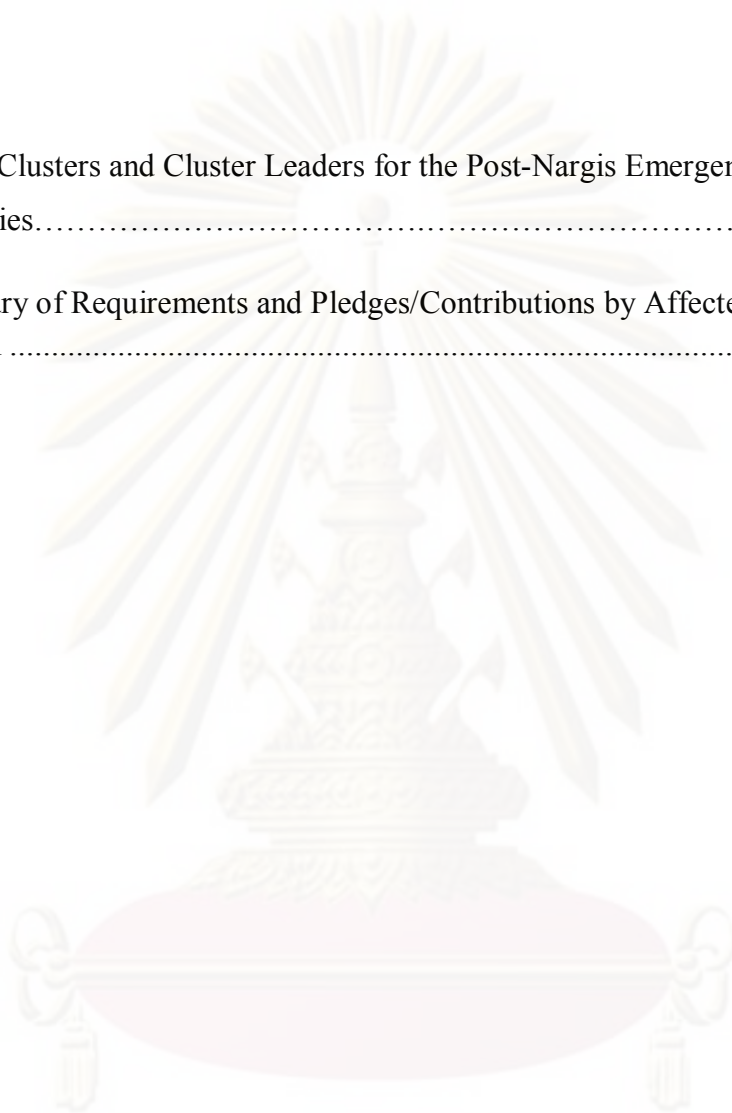


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ABBREVIATIONS

3D Fund	Three Diseases Fund
ADB	Asian Development Bank
ADPC	Asian Disaster Preparedness Center
AHRB	ASEAN Human Rights Body
AHTF	ASEAN Humanitarian Task Force for the Victims of Cyclone Nargis
ASEAN	Association of Southeast Asian Nations
AusAID	Australian Government Overseas Aid Program
DALA	Damage and Loss Assessment
DFID	United Kingdom Department for International Development
EEC	European Economic Community
EU	European Union
FAO	Food & Agriculture Organization
FEC	Foreign Exchange Certificate
FTS	Financial Tracking Service
IASC	Inter-Agency Standing Committee
INGO	International Non-Government Organization
LIFT	Livelihood and Food Security Trust Fund for Myanmar
MAPDRR	Myanmar Action Plan on Disaster Risk Reduction
MIMU	Myanmar Information Management Unit
NAFTA	North American Free Trade Agreement
NGO	Non-Government Organization
NLD	National League for Democracy
PONJA	Post-Nargis Joint Assessment
PONREPP	Post-Nargis Recovery and Preparedness Plan
R2P	Responsibility to Protect
TCG	Tripartite Core Group
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNRC	United Nations Resident Coordinator
VTA	Village Tract Assessment
WASH	Water, Sanitation and Hygiene
WFP	World Food Programme
WHO	World Health Organization

CHAPTER I

INTRODUCTION

1.1 Introduction

The hit of the devastating Cyclone Nargis in Myanmar's Irrawaddy Delta on 2 May 2008 caused immediate global attention and as a result, international aid agencies and governments offered assistance to Myanmar. Despite the desperate situation, the Myanmar government resisted the assistance by attempting to block humanitarian aid from reaching the cyclone victims in the affected areas. Planes transporting aid were not permitted to land and visas were not granted to the foreign aid workers. This refusal of aid caused the local and international community to respond with harsh criticism and condemnation of the Myanmar Government's indifferent and uncooperative attitude.

After a long political game between the West and Myanmar, together with the pressure from the Association of Southeast Asian Nations (ASEAN), the Myanmar government finally agreed to accept foreign aid and permitted humanitarian aid workers to enter the country. This decision was made with a disclaimer that the aid coordination had to be mediated by the ASEAN. This led to the establishment of an ASEAN-led UN Task Force called the "Tripartite Core Group" (TCG) consisting of the ASEAN, the UN and the Government of Myanmar. This new approach used ASEAN to facilitate the distribution of foreign aid and to provide Asian disaster response experts and military assets, backed with funds, materials, and logistical support provided by the donors and humanitarian community (Charny, 2008). This ASEAN-led mechanism was headed by Surin Pitsuwan, the Secretary-General of the ASEAN, a Thai national (who is known to hold principled views on Myanmar) who had long been advocating for an increased engagement policy towards Myanmar.

The establishment of the TCG, with the mediating support by the ASEAN, is seen by many observers as an opportunity to revitalize the relationship between the Burmese government and the international community. It assisted breaking down Myanmar's suspicion about the West's agenda and helped the Myanmar government realize that the UN had no hidden political objective on its aid agenda. The use of ASEAN as facilitating 'middle-man' is described as a "face-saving way for Myanmar" that has enabled them to open up and co-operate with the Western countries (International Crisis Group, 2008, p. 11). It allowed all counterparts to work together peacefully in a dignified manner, and in hindsight shows that such stage, as embodied by the TCG, could possibly become an alternative platform for future collaboration between the West and Myanmar. Supporting this sentiment, Ibrahim Gambari, the special UN Envoy to Myanmar also stated that the TCG is an "effective model" for cooperation and collaboration between the international community and Myanmar.

Nevertheless, there have also been skeptical comments regarding the TCG's ability to facilitate aid into the country. Some observers perceived ASEAN to lack internal unity on matters related to Myanmar policy and on human rights, lack of sufficient experience in emergency response, and in general as being an organization that does not take much action (Charny, 2008). The UN was and currently is in a very difficult position as they had to convince international donors, who tended to have negative sentiment due to Myanmar's resistance, to maintain or even increase their support (Irrawaddy, 2008). UN special envoy to Myanmar, Ibrahim Gambari, has been sarcastically criticized by the Thailand-based Irrawaddy newspaper to be treated as a "whipping boy" by the Myanmar government with the overall message that the UN is too politically sensitive to set a firm agenda on Myanmar and therefore is not able to point fingers at the Myanmar government (Irrawaddy, 2008). In addition there are concerns, expressed by observers and by the UN and ASEAN themselves, that the work of the TCG should extend beyond the humanitarian response in the areas affected by Cyclone Nargis to, and on a longer term, include social and economic development assistance to the rest of the country (ASEAN, 2008).

The debate on the effectiveness of the TCG is still ongoing. The critics continue to question whether ASEAN and the UN would be able to carry this task efficiently to meet the TCG's objectives. This thesis aims to examine the achievements of the TCG and identify the

gaps, challenges and the opportunities faced by the group to provide efficient and meaningful emergency response to Myanmar.

1.2 Research Questions

The thesis aims to provide answers to the following research questions:

1. Based on the good relationship between ASEAN and Myanmar, has the TCG's aid facilitation into Myanmar proven effective?

2. How has the Myanmar government responded to TCG's humanitarian efforts? Has the TCG succeeded in breaking the government's distrust towards Western humanitarian assistance to Myanmar?

3. How have the donors responded to TCG's humanitarian efforts? Has the TCG succeed in convincing and strengthening the confidence of donors in providing aid to Myanmar?

4. Can the ASEAN expand its role from being an aid-facilitator during and after Nargis to possibly become a vessel of mediation for future development collaboration between Western countries and Myanmar?

1.3 Objectives

The objectives of this research include:

1. To examine how the TCG helped improving aid facilitation into the disaster affected areas in Myanmar.

2. To assess whether ASEAN was able to act as an effective mediator or facilitator between Western aid donors and the Myanmar government.

3. To evaluate the Myanmar government's response to the TCG's humanitarian efforts as to whether the TCG succeeded in breaking the government's distrust towards Western humanitarian assistance to Myanmar.

4. To discern whether the TCG has the potential to, not only facilitate immediate humanitarian assistance, but also, on a longer term, function as a mediator or facilitator to enhance productive involvement in Myanmar with a view towards promoting overall development.

1.4 Research Scope

The scope of the research aims to look at the post-Nargis relief effort led by the TCG from May 2008 until July 2009. It will examine the role of the ASEAN in the TCG, ASEAN as an autonomous body, TCG as a whole, and the response of the Myanmar government to the humanitarian assistance within this period.

1.5 Hypothesis

This thesis is designed to test the following hypotheses:

1. The Myanmar government is more receptive to the TCG than to foreign (Western) aid agencies.
2. The Myanmar government will demonstrate signs that it would not give in to Western pressure but would provide more flexibility and improved access for ASEAN humanitarian assistance.
3. By adhering to ASEAN Way approaches, the non-interference principle of the ASEAN characterizes the way the bloc negotiates with the Myanmar government.

1.6 Research Methodology

Most of the research will rely on secondary data, literature reviews, and interviews with humanitarian aid workers from various organizations working on the Cyclone Nargis or Myanmar related issues. These interviewees came from the UN agencies such as the UN Resident Coordinator Office, UN Office for the Coordination of Humanitarian Affairs (UNOCHA), United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), Food and Agriculture Organization (FAO); ASEAN representatives from the ASEAN Humanitarian Task Force (AHTF); bilateral donor agencies like UK Department for International Development (DFID) and Australian Government Overseas Aid Program (AusAID); local journalists from the Living Colour magazine and Foreign Affairs Newspapers; Bangkok-based independent journalists and observers; Myanmar-based local NGOs like Myanmar E-gress and Ar Yone Oo; and international NGOs including Norwegian People's Aid working on the Nargis issue (See Appendix A).

The aim with this approach is to identify how the TCG is working, and whether it has been effective in achieving its objectives. By interviewing UN representatives and donors, the picture of the humanitarian coordination and donors' perspective will be obtained. Research and interviews with stakeholders from ASEAN will provide more insight as to the mandate of the organization to support the politically non-interventionist approach. Interviews with independent observers, NGOs and journalists will provide an overview of the actual situation on the ground in Myanmar to see whether the TCG solution actually met its objectives. In addition, the author attempted to contact Myanmar government officials to confirm the assumptions regarding Myanmar's unwillingness to cooperate with the international community, but unfortunately no interviews were granted.

The author went to Myanmar in the period from the 28 June through 6 July 2009 to interview aid agencies, NGOs and international organizations on the Nargis issue. A trip to the field was also planned, but due to travel restrictions, on-site research was limited to the Yangon area.

1.7 Significance of Research

The study of this topic is important because of the following reasons:

1.7.1 New Approach to Foreign Policy

This is the first time in 20 years that Myanmar and the international community show signs of willingness to establish a compromise in the way they manage humanitarian aid. It is the first time that important stakeholders are working together, such as the UN, ASEAN, the Myanmar government to reach consensus in conducting assessments and harmonize data collection and evaluation. The Post-Nargis Joint Assessment (PONJA), for instance, represents the first time that such global cooperation was carried out after a disaster. The PONJA provides consistent data with consensus between the Myanmar government and the UN. This “third way” policy framework through the TCG shows the will to identify a ‘face saving’ option to work together for both the international community and Myanmar.

From a foreign policy perspective there is also a certain sense of renewal to be seen through for instance the fact that the US is currently reviewing its long-held sanctions policy towards Myanmar. The US Secretary of State Hillary Clinton has been calling for a review, implying that the past policies towards Myanmar have largely failed. This revision of its Myanmar policy has the aim to increase its effectiveness and to improve international cooperation with Myanmar. The US is currently working through and takes a common approach with its partners such as ASEAN and Thailand on the Myanmar issue.¹

1.7.2 Global Financial Crisis

The monitoring of aid done by the TCG is implemented during a crucial time. In the global context, the economic crisis is affecting developed countries, and Official

¹ This is the position of the US, even though, President Obama recently decided to renew the sanctions after Aung San Suu Kyi had been put on a trial in May 2009 (McCartan, 2009).

Development Assistance (ODA) is predicted to drop by 10% in 2009. The task for the ASEAN and the UN will be to help the donors to ensure that the aid will be used in the most effective and efficient way, despite limitations posed by the economic crisis.

1.7.3 Election in 2010

Although political turmoil is the rule rather than the exception in Myanmar, the upcoming election in 2010 may bring a transition to the country. Despite the fact that any new government will have to function under the scrutiny of the military and the constitution also guarantee a long-term military role in Burmese politics, it would be interesting to evaluate the effectiveness of the TCG now and see if the change in government will improve or worsen its influence in Myanmar. Currently, the Tripartite Core Group has been granted an extension of its mandate until July 2010, which means that they may still be functional when/if a new government is installed in Myanmar.

Finally, it would also be interesting to find out if Myanmar's political landscape could be changed before and after the 2010 general election, provided that the international community steps up and implements a coordinated "stick and carrot" approach to improve development access to Myanmar.

In addition, this research could be interesting for scholars that would like to see an analysis of recent events in Myanmar with regards to deconstructing preexistent approaches to aid and humanitarian interventions and explaining this new, unconventional approach to humanitarianism and to international relations. Currently, we are in an interesting time, since liberal democracy and untamed financial globalization has taken a hard hit during the financial crisis. Hence, there may be other, softer approaches to intervening and aiding developing countries in need, without necessarily having to impose a specific set of moral values upon them. Instead, a more humble monitoring could be a part of a new and less politically tainted approach to humanitarian aid.

CHAPTER II

HUMANITARIAN ASSISTANCE, HUMANITARIAN INTERVENTION AND DISASTER DIPLOMACY

This chapter will first discuss the principles of humanitarian assistance and humanitarian intervention. It will later explain the term and concept of disaster diplomacy and how a mediation and facilitation approaches can be adopted when a country does not want to engage with the external parties.

2.1 Humanitarian Assistance

The Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD) defines humanitarian assistance as the aid and action designed to “save lives, alleviate suffering and maintain and protect human dignity during and in the aftermath of emergencies”. Assistance that is classified as humanitarian should be adherence with the humanitarian principles of humanity, neutrality and impartiality. The UNOCHA defines each terminology as:

- *Humanity*: Human suffering must be addressed wherever it is found, with particular attention to the most vulnerable in the population, such as children, women and the elderly. The dignity and rights of all victims must be respected and protected.
- *Neutrality*: Humanitarian assistance must be provided without engaging in hostilities or taking sides in controversies of a political, religious or ideological nature.
- *Impartiality*: Humanitarian assistance must be provided without discriminating as to ethnic origin, gender, nationality, political opinions, race or religion. Relief of the suffering must be guided solely by needs and priority must be given to the most urgent cases of distress (UNOCHA).

Humanitarian assistance can come in a variety of forms including as financial assistance, supplies, or as deployed personnel. The humanitarian aid comes from a variety of

sources ranging from the governments, NGOs, UN agencies, Red Cross and Red Crescent Movements, public donations, local community groups and remittances from Diaspora communities (Development Initiatives, 2008, p. 34).

There are three main categories of humanitarian assistance ranging from emergency response; reconstruction and rehabilitation; and disaster prevention and preparedness. Emergency response is further broken down into material relief assistance and services, emergency food aid and relief and coordination services (Development Initiatives, 2008, p. 34).

Although the true humanitarian assistance should be a non-political motivated action, but in reality donors often use moral ground to decide which country would receive assistance or not. The moral factors influencing such decisions are explained by the theory of obligation.

2.1.1 Theory of Obligation

Humanitarian assistance usually has a positive connotation due to its moral implications and due to the embedded principle of human rights. It implies a fundamental moral relationship based on the obligation of “those who have” to address the felt needs of “those who have not” (Nockertsin, 2008). Nockertsin explains this as a *theory of obligation*—where aid has a “moral imperative which structures one to respond by giving aid” (Nockertsin, 2008). Obligation is often accompanied by feelings of gratitude, which in turn are expressed for acts of kindness (Epstein, 2006, p. 69).¹

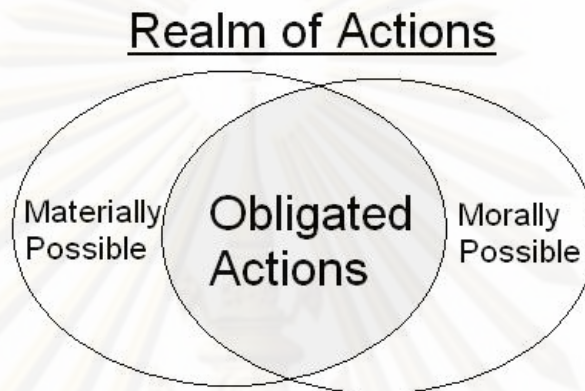
The theory of obligation consists of two major components:

- *Moral/ethical element*: The moral/ethical component informs decisions as to which issues are appropriate for humanitarianism and which actions are morally permissible in pursuing them;

¹ According to Comfort, this sentiment of obligation is derived the “feeling of recognition” of each nation as a “member of the world community”. Seeing the crises, nations feel that they can provide help by participating in “creating, and benefiting from a more stable, less vulnerable world” (Comfort, 2000, p.3).

- *Pragmatic element*: The pragmatic dimension guides one in evaluating the most effective use of available resources (Nockertsin, 2008).

Figure 1 **The intersection of the material and the moral, in the context of obligation (Nockertsin, 2008)**



Therefore, when donor governments decide to take or to provide support to the humanitarian action, they would use the moral and ethical element to evaluate the degree to which the recipient country “deserves” the assistance. The moral and ethical element may be the human rights or democratic principle that each donor country has.

It is important to note that while the moral obligation is acting as a catalyst for a nation to help another, it is also being used as a justification to support the act of sanctions or humanitarian intervention. Many Western nations use the moral obligation principle to express disapproval of the situation that happens in the developing countries.² This principle was also applied in the case of Myanmar. The stubbornness of the Myanmar government to open up the country for humanitarian assistance led to a call for humanitarian intervention, using Responsibility to Protect (R2P).

² This may practice even by a liberal state in order to serve its human-rights based principle and political stance. The Swedish government, for instance, has threatened to cut aid to countries in South America (consisting of Nicaragua, Honduras, El Salvador and Peru) that oppose its pro-abortion policy. Sweden has stated their stand point that the Swedish foreign aid policy was meant to address topics such as “peace, security, democracy and human rights”, which includes the rights to make decisions on reproduction (Hoffman, 2007).

2.2 Humanitarian Intervention

Humanitarian intervention is defined by Walden Bello as “any military action taken to prevent or terminate violations of human rights that is directed at and is carried without the consent of a sovereign government” (Bello, 2006). The main rationale for the intervention is usually justified on humanitarian grounds.

The support for humanitarian intervention stems from a growing human rights movement throughout the world and relentless stream of images and stories depicting the human rights abuses through global media. This makes humanitarian intervention appear as a “moral necessity, fraught with complexity but better than doing nothing” (Barnett, 2003).

Unlike humanitarian assistance, humanitarian intervention is performed in a forceful way, usually in the form of UN peacekeeping missions or occasionally through outside parties without UN sanction. The approach for humanitarian intervention can vary from full-scale military intervention to more limited measures of aerial relief drops or to carry food via ships, for relief workers to be dispatched into the region without the approval of the government, or conveying assistance across the borders.

Dump and Run is one form of humanitarian intervention. This method is performed by aid agencies sending plane loads of “low value” supplies, like ration biscuits, and drop them on the affected areas (Farrelly, 2008). Air drops are criticized for being imprecise as it is done without people on the ground ensuring that the aid gets to the neediest. There is a strong chance that a substantial portion of the aid would end up in the hands of the strongest, most mobile (hence, the authorities) or simply fall into water. Humanitarian agencies also stated that this forceful delivery of supplies such as airdrops would be inefficient and possibly dangerous for those in need (Oxfam, 2008).

To get around the above problems, development agencies can take up another strategy, which is to dispatch aid workers into the affected areas without government consent. Medecins sans Frontieres, for instance, was able to operate in the Cyclone Nargis affected areas prior the government’s green light (however, only because it deployed there before).

Both of these strategies, however, come with other problems. Most notably, without government cooperation, it would be very difficult to get the volume of assistance required to the victims who are really in need. Furthermore, both of these strategies are done without the recipient government's consent, the forceful method would therefore make it more difficult to persuade the regime to permit more international aid workers on the ground. It also could "make cooperation with the local authorities more difficult, regional support less forthcoming, and ultimately delaying assistance to those who need it most" (Asia-Pacific Centre for the Responsibility to Protect, 2008, p. 12).

The risk is particularly high in Myanmar, where the government has already shown its intention, even prior to the hit of the Cyclone Nargis, to deport relief workers who enter without visas (Asia-Pacific Centre for the Responsibility to Protect, 2008, p. 12).

2.2.1 Responsibility to Protect (R2P)

A legal and ethical way to justify the act of humanitarian intervention is through the Responsibility to Protect (R2P). The concept of R2P states that where a population is suffering serious harm, as a result of genocides, war crimes, ethnic cleansing and crimes against humanity and the state in question is unwilling or unable to halt or avert it; the use of forceful intervention can be applied to protect the civilians (UN, 2009).

The R2P principle was strongly supported by Kofi Annan, the former UN Secretary General who holds the principle that individual governments have the responsibility to protect its populations, but the responsibility will shift to the international community when the state is unable or unwilling to do so. Nevertheless, he also encouraged international community to use appropriate range of measures to protect populations (of the affected countries) which could include diplomatic, humanitarian efforts and other peaceful means before using the military force (ICRP, 2009).

This request is done according to the UN Charter's Chapters VI, VII and VIII. In Chapter VII, it says that the international community should take "collective action, in a timely and decisive manner, through the Security Council, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be

inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity” (Asia-Pacific Centre for the Responsibility to Protect, 2008, p. 5).

In summary, the R2P consists of the following principles:

1. All states accept that they have a responsibility to protect their own citizens from genocide, ethnic cleansing, war crimes and crimes against humanity.
2. The international community will encourage and assist states in the fulfillment of their responsibility, including by helping states to build the necessary capacity and assisting states under stress.
3. The international community has a responsibility to use diplomatic, humanitarian and other peaceful means to protect people from genocide, ethnic cleansing, mass atrocities and war crimes, through either the UN or regional arrangements.
4. The UN Security Council stands ready to use the full range of its Chapter VII powers, with the cooperation of regional organizations where appropriate, in cases where peaceful solutions are inadequate and national authorities manifestly fail to protect their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity (Asia-Pacific Centre for the Responsibility to Protect, 2008, p. 5).

The R2P can be enforced only when authorized by the Security Council which consists of United States, Britain, France, Russia and China.

While the UN justifies that R2P as a duty of the international community, critics view it to be a form of violation of the sovereign State’s right to manage its affairs free of outside interference. For them, R2P is a code for an attempt by Western powers to impose their moral principles on the weaker states that may have different opinion on the values of human rights or democracy (See Section 4.5). Miguel d’Escoto Brockmann, former Nicaraguan Foreign Minister once stated in his paper argued against R2P that “colonialism and interventionism used ‘responsibility to protect’ arguments” (Reuters, 2009).

Responsibility to Protect Myanmar?

The Nargis situation in Myanmar has also become a testing ground of the R2P. The confusion, consternation and anger of the international community towards Myanmar's resistance to aid for instance led the French Foreign Minister Bernard Kouchner³ to seek to apply a R2P principle on to Myanmar.⁴

Through the UN Security Council, Kouchner's proposal was rejected by major regional powers such as China, Russia, India and other countries including Indonesia, South Africa, and Vietnam. These Non-aligned Movement countries were fierce opponents of the R2P principle and therefore shielded Myanmar from international censure (South, 2008, p. 26). They interpreted R2P as a Western or colonialist intervener's charter.

China argued that the situation in Myanmar was a natural disaster and not a matter of "international peace and security", which placed the crisis outside the remit of the Security Council. The country further argued that there were more appropriate approaches for coordinating the delivery of international assistance. Indonesia also shared China's view and stated that "there are other better forums to discuss the humanitarian dimension of the Myanmar situation... the last thing we would want is to give a political spin to the technical realities and the situation on the ground". South Africa also indicated its skepticism about the effectiveness and appropriateness of a UN Security Council resolution on this matter (Asia-Pacific Centre for the Responsibility to Protect, 2008, p. 10).

Apart from the Non-aligned Movement countries, the Asia-Pacific Centre for the Responsibility to Protect also view that that placing restrictions on the delivery of aid does not constitute a prima facie breach of one of the four crimes that the Responsibility to Protect applies to. The organization said the focus should be on finding the quickest and most effective way of delivering assistance to the victims of Cyclone Nargis instead. This

³ This decision came up after the French, British and US ships, filled with food, boats, relief teams and army weapons, were not allowed to enter Myanmar waters and forced to return home with full cargo (The Mon Forum, 2008, p. 7).

⁴ This is not the first time that R2P has been invoked in relation to Myanmar. Following the forceful suppression by the Myanmar government in the 2007 Saffron Revolution, a number of states and humanitarian and advocacy NGOs raised R2P in calling for some kind of response or action by the UN Security Council (Black, 2008).

alternative pathway in delivering relief should not require tenuous legal arguments about the scope of crimes against humanity. The organization recommended bilaterally approach or through the UN, ASEAN and the neighboring countries such Thailand, India and China. The starting point should be an assessment of needs by those agencies already on the ground in the Irrawaddy Delta region (Asia-Pacific Centre for the Responsibility to Protect, 2008, p. 3).

The organization further expressed its concern that careless appeal and application of the R2P could also damage efforts to strengthen international consensus on the principle, especially in Asia. This will make it more difficult in the near future to build agreement on institutional reforms necessary to better prevent and protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing and mobilize the political will to act in cases where those four crimes are committed.

Some analysts, such as Surapong Jayanama, view France's decision in seeking for the R2P application simply as a way to pressure Myanmar and China to take action. He said that France knew since the beginning that the proposal would be vetoed by China. The French pursuance is an indirect way to pressure Myanmar to find a new solution and that it cannot continue to be stubborn and prevent assistance from entering the country. At the same time, while China has shielded Myanmar on this international stage, it also realizes the importance in finding an alternative to the situation, otherwise China could lose face for protecting the country (Surapong Jayanama, interview, 19 August, 2009).

As the R2P principle was not applied, the international community had to seek for an alternative to send in humanitarian assistance. This is when the ASEAN came into the picture. Seeing the magnitude of the crisis, ASEAN decided to step in and offer to mediate between the two parties in order to settle the conflict. This initiative led to the creation of the Tripartite Core Group (TCG) which consists of the ASEAN, UN and the Government of Myanmar. The role of the TCG could be understood in the framework of Disaster Diplomacy, which will be elaborated in the following section.

2.3 Disaster Diplomacy

Disaster diplomacy is a term that is described as “the concept of natural disasters as paving the road for conflict transformation” (Smith, 2008). Theories on disaster diplomacy suggest that disaster-related activities have the possibility of catalyzing diplomatic actions such as cultural connections, trade links, or negotiations. The interactions during the disaster response would increase cooperation from states that are normally considered to be in conflict or isolated from the outside world.

The assumption underlying the principle of disaster diplomacy is that relations among nations are managed through negotiation, the work of envoys or the mediating party, which have the potential to temporarily improve an otherwise mistrustful relationship with affected countries. This suspension of doubts subsequently offers a policy window for negotiators to “redefine existing conflicts in light of greater understanding of their respective nations needs and to create a more constructive interpretation of common goals” (Comfort, 2000, p. 1).

Comfort further suggests that disaster brings diplomatic change because it breaks the existing norms and practices among nations, creating a “momentary opportunity for fresh recognition of the fragility of life and common humanity that bond all parties” (Comfort, 2000, p. 2). This subsequently leads to more productive modes of interaction between parties. The nations would then start to identify common elements to facilitate constructive engagement in reducing the impacts of a disaster. Such engagement would offer an important opportunity to build cooperation among nations in other areas of interaction, such as in areas of socio-economic development, as well as disaster reduction (Comfort, 2000, p. 3).

At the same time, the global media also captures the world’s attention on the losses and destruction caused by disasters or evolving crises (Comfort, 2000, p. 3). The media records and broadcasts this risk of natural hazards many countries share, and subsequently makes the world realize the need for the common action where each nation must share responsibility in providing assistance to alleviate the crisis. This initiative requires appropriate policies and technical skills on disaster management and reduction, from experienced countries to the countries prone to disasters. The donor nations would therefore offer expertise and resources to support collective action to reduce the destructive impact of

the disaster in the affect countries (Comfort, 2000, p. 6). At this point, given the magnitude of the disaster, the collaborative action undertaken to achieve a common goal in providing relief may “outweigh older hostilities based upon economic, religious, ethnic or political rivalries” (Comfort, 2000, p. 7).

In the case where the affected countries are paranoid with external interference, disaster diplomacy may not be applied so easily. More often, a supplementary diplomatic method, such as mediation would be introduced. Mediation is a negotiation tool to settle the differences between parties in dispute or interest. The action is aimed to indirectly or directly promote a temporary or permanent solution based on a “conception of outcomes likely to receive joint or widespread acceptance by the parties in conflict” (Barston, 1997, p. 216). The utility of a mediator is that if trusted by both sides he can soften the edge of controversy and provide a mechanism for solution on the issues. The ultimate aim of mediation is to change four aspects in the dispute parties including perceptions, approach, objectives and behavior (Barston, 1997, p. 216).

Mediation is usually undertaken by third-party representatives from states and international institutions but also by individuals, NGOs and informal actors. The mediator should be external to the conflict, though he could have a closer relationship with one of the parties. The party acts as the “brokering” of compromises or initiatives, negotiation initiatives or facilitating roles (Barston, 1997, p. 216).

If one of the parties in dispute is diplomatically isolated, such as in Myanmar, then there can be a tendency for the mediator to use informal communication channels and conduct several levels of mediation negotiations. More often, initial or pre-negotiation contacts will be made at the margins of conferences or meetings (Barston, 1997, p. 218). The formal rejection of mediation is relative rare.

The success of mediation generally depends on the diplomatic skills of persuasion, explanation, concept creation and drafting, trading economic rewards or coercion (Barston, 1997, p. 220). Most importantly, the mediator must apply the “mediating formula” where as the negotiation muse “leave aside or suspend decisions on sovereignty while reaching agreement on matters of practical co-operation, such as relief efforts” (Barston, 1997, p. 223).

Apart from being a mediator, the third party can also act as “facilitator” or provides “good offices” to the dispute parties. H.G. Darwin defined “good offices” as an “action taken to bring about or initiate but without active participation, the discussion of the substance of the dispute” (Booth, 1979, p. 352). Facilitator tends to have a more limited role than a mediator as it usually does no more than helping to bring the parties in conflict into direct negotiations, rather than trying to settle the conflict (Berridge, 2005, p. 195). Facilitator may provide possible facility including advice on procedure and approaches as well (Booth, 1979, p. 351).

The theory of disaster diplomacy will be applied to the establishment and function of the TCG in order to justify the formulation of the mediation and facilitation platforms. Consisting of representatives from international, regional, and national government groups, the TCG was able to grab the “opportunity of the moment”, when it was created in the wake of the Nargis disaster to mediate and facilitate the in-flow of aid into Myanmar.

According to the brief overview of theories and principles behind humanitarian intervention and disaster diplomacy, there are certain policy windows in the wake of disasters that can allow increased involvement in countries that otherwise do not permit external influence. The post Nargis relief effort is a case in point, which exemplifies the grounds on which aid was brought into the country. Due to immediate global media coverage, the international community felt compelled to act and sent aid into the country, quickly realizing that non integrated efforts of dump-and-run would not fit the large bill of destruction imposed on Myanmar by the disaster. Hence, following the theory of obligation, the R2P principle and the theory of mediation, the TCG was created with the hope that an ASEAN-led effort would create less suspicion within the Myanmar government and allow aid and personnel to enter the conflict ridden areas. The following section will show why the creation of such impartial mediator/ facilitator was necessary in the first place.

CHAPTER III

HUMANITARIAN ASSISTANCE IN MYANMAR

3.1 Myanmar's Political Ideology

Ever since the crackdown in 1988, Myanmar has been governed under the authoritarian dictatorial regime by the State Law and Order Restoration Council (SLORC), which was later changed to State Peace and Development Council (SPDC). Although SLORC was defeated by the opposing party, the National League for Democracy (NLD) in the election in 1990, they refused to step down and hand over the power to the NLD. Until today, the Myanmar government has restricted the NLD's leader, Aung San Suu Kyi from travelling to meet her supporters and has also house arrested her for long periods of time. She is currently in detention and has been charged with violating the terms of her house arrest after an American man swam across a lake to gain access to her compound.

The Myanmar government has governed the country using a nationalistic approach. Its rule has been characterized by heavy handed suppression and control to ensure the maintenance of power and sovereignty. The rulers of Myanmar claim that the protection of sovereignty is their top priority, and sovereignty becomes an excuse for maintaining an authoritarian regime and refuse to heed international and domestic calls for democratization.

Stemming from nationalistic pride, Myanmar also adopted the doctrine of "self-reliance" as a governing principle of the country. This doctrine reinforces the view that the country and its population must take care of themselves and "eschew any kind of outside assistance" (whether political or economic), even if this entails hardship (Belanger and Horsey, 2008, p.2). The Myanmar government has even rejected humanitarian aid on these grounds of nationalism and self-reliance. General David Abel of Myanmar government once said that "we cannot trade off our country's sovereignty for USD 1 billion or USD 10 billion or USD 100 billion" (Irrawaddy, 1998).

Some critics interpret Myanmar's inward-looking characteristic as a result of a xenophobic attitude which subsequently leads to an inadequate level of understanding of international affairs and the motivations and values of other nations (ICG, 2001). One may say that Myanmar is a xenophobic country whose rulers hold an ingrained mistrust towards foreigners.¹ Such xenophobia may explain the way in which the Myanmar government operates and can also be used to characterize the government's reactions to any outside interference with its domestic matters.

This distinctive dictatorial ideology and the on-going house arrest of Aung San Suu Kyi have caused outcries throughout the international community, particularly from the US and the EU. Driven by democratic and neo-liberal ideologies, the Western nations find Myanmar government's authoritarian governance to be unacceptable, as it violates human rights and democratic principles. Western countries have therefore imposed aid sanctions and economic isolation onto Myanmar hoping that these interventions would pressure the country to open up to the international community and begin the process of democratization. This issue will be further elaborated on in Chapter four.

Not only outsiders that are enraged with the authoritarian ruling regime, Myanmar civilians are also feeling oppressed. In September 2007, a large-scale, monk-led protest was held in Yangon demanding a solution on the food shortages and rising fuel prices. The focus of the protest later moved to also cover the generally poor level of democratization in the country, and protesters were hunted down, kidnapped and otherwise punished arbitrarily. This Saffron Revolution was considered to be the biggest threat to the power of the Regime since the upheaval in 1988. The subsequent violent crackdown of the protest caused a major diplomatic crisis that resulted in renewed international condemnation and sanctions towards Myanmar (International Crisis Group, 2008, p. 10).

Acknowledging the domestic and international condemnation of the lack of democratic reforms, the Myanmar government issued the "Roadmap to Democracy" in August 2003. The launch of the roadmap brought positive vibes to development as it promoted an atmosphere of increased dialogue and cooperation between Myanmar and the outer world. In the roadmap, the Myanmar government also outlined plans for a referendum

¹ One may ponder if the reason for this innate mistrust is to be found in the colonial history of Myanmar.

on the constitution² and a general election in 2010. Some analysts are skeptical whether this road map will truly bring true democratic reforms in Myanmar.

This clash of ideologies and decisions taken in the troubled relationship between Myanmar and Western nations has caused the civilian population in the country to endure great suffering. While the Myanmar government is oppressing its people with their authoritarian dictatorship, the aid and trade sanctions imposed by the West have left civilians with few options to maintain their livelihoods. Throughout the country, particularly in the border regions, the Burmese are faced with problems due to extremely low incomes, lack of food and basic necessities, poor infrastructure and inadequate access to education.

3.2 Overview of Socio-Economic Development in Myanmar

Myanmar is classified by the United Nations as one of the world's 49 Least Developed Countries (LDC). Despite being one of the poorest countries in the world, Myanmar is also among the lowest recipients of overall aid. The United Nations Development Programme (UNDP) reported that Myanmar received USD 114.5 million of foreign aid in 2005, while Indonesia received USD 2,523.5 million and Cambodia received USD 527 million (UNDP, 2007). According to the Organization for Economic Cooperation and Development (OECD), Myanmar ranked last with USD 4.08 per capita of foreign aid in 2007 (Kate, 2009). According to UN surveys, significant numbers of people in Myanmar live below the poverty line or just above it—90 percent of the population live on 65 cents a day

² This refers to the proposed constitution in May 2008 drafted by the National Convention. The National Convention is being criticized for being unrepresentative and lacking space for free debate. Many remain skeptical about the drafting process because the majority of the drafting committee members were appointed by the Regime. Pro-democracy parties, which took part in the 1990 elections, were not allowed to be involved in this constitution drafting process. As a result, the opposition and pro-democracy groups called for a rejection of the constitution at the referendum in 2008.

and have no margin to guard them against economic shocks. Further economic hardship could push large numbers into poverty.³

At the same time, the state of the health and education sectors is also particularly alarming. Government expenditure in the social sector in Myanmar is amongst the lowest in the world. In 2004, spending on education and health combined were less than USD 1 per capita per year (DFID, 2004). Less than half of children finish primary school, and one-third are malnourished. Those of the children who do survive often work in hazardous environments, including in sex trade.

Myanmar's humanitarian needs for children also remain substantial. In Myanmar, infant mortality is seven percent, almost four times as high as in Thailand, and life expectancy is 56 years, 15 years less than in Thailand (EC, 2008). The three main causes of childhood death are malaria, pneumonia, and diarrhea. Ten percent of all children in Myanmar die before their fifth birthday. This shows the lack of the government's commitment to poverty reduction and development.

With respect to human development, Myanmar is ranked 132 out of 177 on the UN Human Development Index (HDI) (UNDP, 2008). This data suggests that the population in Myanmar is still under severe socio-economic strain and that the number of households living in acute poverty is increasing (Igboemeka, 2005, p.9).

In terms of improving governance and fighting corruption, Myanmar is also ranked below the fifth percentile in all of the dimensions which measure the quality of governance. The six indicators include Voice and Accountability; Political Instability and Violence; Government Effectiveness; Regulatory Burden; Rule of Law; and Control of Corruption. The low ranking, according to Paller, also implies that the low level of aid assistance to Myanmar is expected to remain at the same level in the future. Moreover, the figure reflects that assistance will continue to be withheld from aid agencies and simultaneously illustrates the need for "more assistance that addresses the very issues that contribute to such low rankings" (Paller, 2008, p. 68).

³ This fact may be disputed, because statistics from Myanmar are unreliable, so the true picture could be much worse.

With respect to economics, Myanmar's largest source of legal export revenue is natural gas. It is estimated to account for about 30 percent of Myanmar's total exports. Despite the rich resources, the sum of political and armed conflict, isolationist policies, trade sanctions and unsuccessful economic policies have significantly stagnated the economic development and growth of Myanmar.

Apart from the high level of poverty and the lack of consistent socio-economic development, Myanmar also faces two additional circumstances that have exacerbated the seriousness of the humanitarian situation. One is the devastating hit of the Cyclone Nargis in May 2008 that affected about 2.4 million people in the whole country. The second is the long-standing civil wars within the country that add up to humanitarian distress.

3.3 Humanitarian Space in Myanmar

The term "humanitarian space" refers to the access and freedom for humanitarian organizations to assess and meet humanitarian needs.⁴ By looking at the amount and quality of political and humanitarian space available, it is possible to evaluate the ability of humanitarian agencies to address Myanmar's humanitarian crises from a macro perspective. In the case of Myanmar, it is appears that the humanitarian space is very small and limited. The level to which international agencies and donors can assert influence in Myanmar is still considered very low, while the interactions between the Myanmar government and the international development agencies remain equally limited. This is due to Myanmar's fear of opening up the country, because in doing so, they may risk a change in the authoritarian power balance. Therefore, the regime continues to isolate itself from the international arena.

According to the International Crisis Group (ICG), the period in the early 2000's was considered to be favorable for humanitarian space in Myanmar (ICG, 2006, p. 5). During that time, the authorities, who were under General Khin Nyunt, were willing to allow access and even facilitate the humanitarian assistance. However, after the fall of General Khin Nyunt in 2004, Myanmar rolled back towards a more aggressive nationalistic line with international agencies, including the aid community (ICG, 2006, p. 5). Since then, the Myanmar

⁴ Defined by the European Commission's Directorate for Humanitarian Aids (EDCHA)

government attempted to use intrusive controlling methods with the aid agencies, creating a very limited humanitarian space.

One of the methods used by the government included imposing restrictive guidelines on the humanitarian operation in Myanmar. In 2006, the Ministry of National Planning and Economic Development introduced “Guidelines for UN Agencies, International Organizations and NGO/ INGOs on Cooperation Programme in Myanmar.” The guidelines required that a state official must accompany UN and international NGO staff on all field trips. These proposed ‘supervisory’ roles were played by central, state-divisional and township coordinating committees (including roles for the Union Solidarity Development Association and various government-operated NGOs); and the government vetted all new local staff of the UN and international NGOs. These guidelines caused major frustrations for aid workers as they created another layer of coordination and unnecessarily slowed down any humanitarian process. It was even reported that the Burmese version of the guidelines was harsher than the English version and that the two did not correspond with one another. This reflects, as explained by Paller, that the “[Myanmar government] does not have a strong will to allow international agencies to provide essential services (Paller, 2008, p.70).”

The second factor that limits humanitarian operations and space is the government’s regulations on financial transactions. In 2006, the Myanmar government imposed regulations and demanded that all humanitarian aid hard currency deposits in Myanmar be exchanged through the government backed system of Foreign Exchange Certificate (FECs) before being converted into local currency, Kyat. This proxy currency, FEC, was introduced by the Myanmar government in 1993 as a substitute for the US dollar to be used inside the country, where it was illegal for nationals to handle foreign currency (Thomas, 2001).

Therefore, when aid money was transferred into the Myanmar account, the banks (run by the government), remitted the money in FECs, which were treated as equivalent to the US dollar. This conversion usually does not give real value of the US dollars and after the conversion to FEC, the recipient lost around five percent of the original amount (Bobby, interview, 29 June, 2009).

It was anticipated that the humanitarian space would expand in Myanmar after the hit of Cyclone Nargis. The humanitarian assistance that entered into Myanmar through the

coordination of the TCG is expected to forcefully, but convincingly acquaint the government with the international assistance for the areas affected by Cyclone Nargis. Chapter six will elaborate more on this topic.

3.4 Cyclone Nargis: An Overview

This section will briefly highlight some of the most serious impacts inflicted on Myanmar by the Cyclone Nargis. Myanmar is the largest country in mainland South-East Asia. It has a total land area of 676,578 sq km, and a population of 51.5 million. In addition, it has a 2,000 km long coastline that covers almost the entire east coast of the Bay of Bengal.

The Cyclone Nargis struck Myanmar on the night of 2 May, 2008 and hit Yangon and Irrawaddy Divisions, severely affecting the capital city of Yangon and more than 50 townships up to 250 km southwest of the capital city. The storm carried wind speeds of up to 200 km/h and flooded large parts of the Delta region, where as a result of the heavy winds, a 12 foot storm surge hit the flat land. Nargis was the worst natural disaster ever to hit Myanmar, and the worst cyclone event in Asia since 1991.

The official death toll suggests that nearly 140,000 people may have died.⁵ Assessment data of UNOCHA states that some 2.4 million people were severely affected by the cyclone and in need of emergency humanitarian assistance. Furthermore, assessments (PONJA 2008) indicated that more women than men died, which distorted social structures.

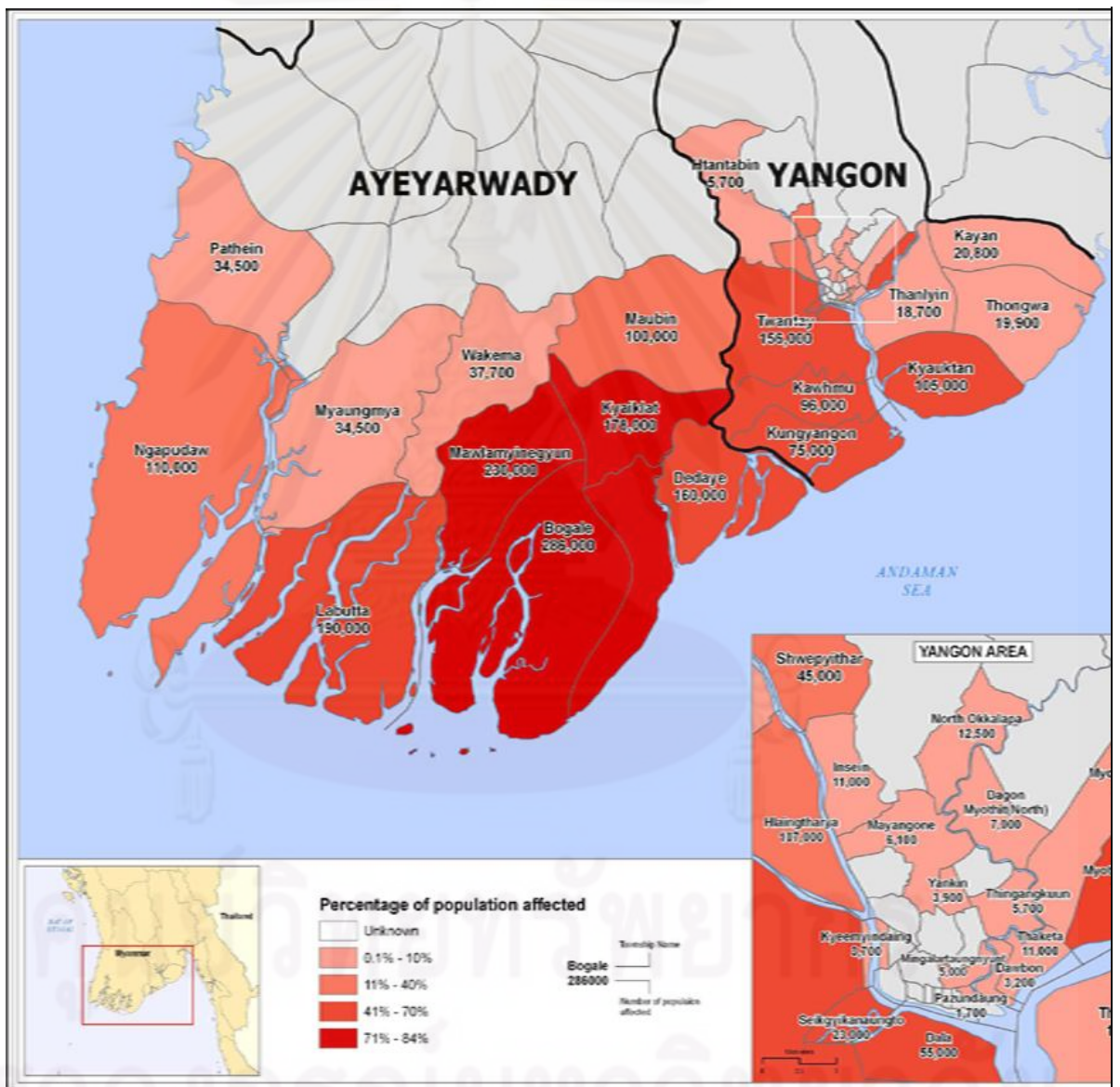
Estimates suggest that the cyclone may have displaced as many as 800,000 people, with some 260,000 living in camps and shelters in the initial time after the cyclone. Moreover, international agencies (UNOCHA) stated that there was widespread devastation, with high numbers of fields and shelter in areas most severely hit by the cyclone. In addition, communication, power lines and other crucial infrastructures (roads, jetties, and water and sanitation systems) necessary for the livelihoods of the people were completely destroyed.

The damage was most severe in the low land Delta region, also known as the country's rice bowl, significantly affecting the availability of food and fertile areas. The

⁵ The authorities stated that 84,537 people died. An additional 53,836 people are still listed as missing.

cyclone struck just as the farmers were about to conclude the harvesting of their dry season crops and destroyed not only un-harvested food crops but also devastated several rice warehouses and their stocks (PONJA, 2008). Most affected were the seven townships of Ngapudaw, Labutta, Mawlamyinegyun, Bogale, Pyapon (not indicated in the map, it locates between Bogale and Dedaye), Kyaiklatt and Dedaye (PONJA, 2008).

Figure 2 Affected Townships and Population



The city of Yangon also sustained a very severe blow, which downed power and communications lines and inflicted major damage to buildings and communications. Many roads into and out of the city, as well as vital roads into the Delta region, were blocked by flooding or debris which disrupted many people's lives. Figure 2 shows the areas (dark red indicates the most seriously hit) that were hit by the cyclone.

The chapter above has briefly described the distrustful approach with which the leaders of Myanmar handle international relations and has shown that the xenophobic attitude has created a country whose peoples suffer due to the long-lived isolation that the Army has put upon them. The section on socio-economic development has sketched out the dire situation that Myanmar's citizens must face in terms of development and human well-being. The section on humanitarian space has shown how any humanitarian work was made cumbersome and difficult by the military regime, which in turn gravely aggravated the impact of the Cyclone Nargis as summarized in the section on the storm.



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CHAPTER IV

ASEAN AND MYANMAR

This chapter examines the relationship between ASEAN and Myanmar. It explains the concepts of non-interference and of constructive engagement, which both are fundamental governing principles of ASEAN. The chapter also aims to explain how these principles have put ASEAN into a dilemma between trying to protect Myanmar's sovereignty as a member of ASEAN, and facing the pressure from the international community towards meaningful intervention.

4.1 The History of ASEAN

ASEAN is a regional cooperative organization that was established in 1967 by the Bangkok Declaration. The founding members of ASEAN are Indonesia, Malaysia, Philippines, Singapore and Thailand, or known as the ASEAN-5. The association later on expanded to admit Brunei, Myanmar, Cambodia, Laos, and Vietnam as well. The initial aim of the establishment was to bring national stability and economic growth to the region.

The initial push factors for the formation of ASEAN included the common fear of the potential spread of communism and the growing military might of China in the region. Being geographically linked with communist countries, the ASEAN founder nations grew fearful of the domino effect of communism due to China's Cultural Revolution (Mya Than, 2005, p. 13).¹ At that time, China was supporting the communist insurgent movements throughout

¹ At that time, the ASEAN leaders all subscribed to the "domino theory"; that the fall of anticommunist parties (such as the South Vietnam) would set off a chain of communist uprisings throughout the region (Storey, 2004, p. 206).

Southeast Asia and was viewed as a backstage player to the communist uprising.² The country was perceived as a direct politico-military threat to the region (Storey, 2004, p. 205).

Apart from communism, ASEAN also feared China's strong military power. China's attack on Vietnam in 1979 made ASEAN realize the huge role of China in the region and the potential that China could influence the ASEAN's agenda, and the countries feared that this could subsequently affect regional peace, security and prosperity.³ The sum of these threats rang the alarm bell for ASEAN countries, which therefore urged the establishment of a regional grouping of countries that could balance the power of China.

At the later stage, the aim to increase regionalism and regional cooperation in the Southeast Asia region also found economic reasons. Towards the end of 1980's, Southeast Asia was facing global economic challenges as the other parts of the world were forming a single market strategy. Since 1968, there had been a formation of the European Economic Community (EEC); in 1985, the EU announced itself as a single market; and in 1989, the North American Free Trade Agreement (NAFTA) was established. A similar economic integration of Asia would enhance economic linkages in the region, and the investors from the ASEAN-5 could seek raw materials from within the region rather than importing such products from outside.

It was also believed that the regional economic integration could act as a conflict management mechanism of the regional disputes and enhance regional stability. Such intentions were also stated by the Thai Prime Minister Chatichai Choonhavan in 1988, who

² The communist parties that China supported include the Communist Party of Malaya (CPM), North Vietnam (in war against South Vietnam), and the Pol Pot and Khmer Rouge in Cambodia. This made it very difficult for ASEAN to deal with China. The aim of these insurgent movements was to overthrow the region's fragile post-colonial governments through armed force, and then establish communist regimes (Storey, 2004, p. 206). Moreover, in 1979, China intruded into Vietnam in order to demonstrate the level of political influence China could have had in the region and on ASEAN's agenda. The diplomatic shift between ASEAN and China only started at the end of the Cold War in the late 80s. This is when Beijing became supportive of ASEAN's peace plan for the Cambodian conflict and abandoned support of the Khmer Rouge. Indonesia, Brunei and Singapore established formal diplomatic ties with Beijing (Balakrishnan, 2008).

³ China invaded Vietnam in order to respond to Vietnamese intimacy with the Soviet Union, mistreatment of ethnic Chinese living in Vietnam, the Vietnamese rejection of Beijing's attempt to repatriate Chinese residents of Vietnam to China, and Vietnamese invasion to Cambodia in 1979.

expressed his eagerness to turn the “battlefields [of Indochina] into market places” (Khong, 1997, p. 335). By mid-1990’s, ASEAN began to expand and admitted the communist-led countries such as Laos, Cambodia and Myanmar.

4.2 ASEAN’s Governing Principles

The concept of non-interference is a fundamental governing principle of the ASEAN. The willingness of all members to adhere strictly to the principle of non-interference is central to the successful establishment of ASEAN, given their past history of suspicion and conflict, and the on-going attitude in preserving sovereignty (Mya Than and Singh, 2001, p. 175).⁴ ASEAN also uses consensus as a decision making principle. This provides reassurance to the weakest members that unwanted policies would not be imposed without universal concurrence.

The practice of the ASEAN using the non-interference is often referred to as the “ASEAN Way”. The ASEAN Way is characterized by Surapong as informal interaction, quiet diplomacy, consensus-based dialogue and decision making, self restraint, solidarity, and respect sovereignty and non-interference in each other’s internal affairs (Surapong, 2007, pp. 34 - 35). It assumes that personal relationship would facilitate the resolution and friendly negotiations among the government leaders, reducing the need to resort to various forms of pressure for resolving bilateral disputes (Mya Than, 2005, p. 18).⁵ An example of this can be seen when ASEAN leaders cement their ties on golf courses or at post-meeting entertainment sessions (Funston, 2000, p.5).

⁴ The Thai Deputy Foreign Minister MR Sukhumbhand Paribatra described the non-interference as a “glue keeping ASEAN together” but also realized that it should not “be the proactive promoter of changes in the existing political arrangement of any member country” (Funston, 2000, p. 12).

⁵ This attempt to solve bilateral issues through personal contacts, in an ASEAN Way, rather than acting in accordance with diplomatic and legal procedures, is also perceived as potentially exacerbating corrupt practices (Pavin, 2005, p. 143).

In addition to the consensus-based relationship, ASEAN government leaders would refrain from open criticism of their neighbors. If there was any criticism at all, it would be followed by government apologies to the offended party. The members would also refrain from supporting the opposition movements in their neighboring countries, such as the communist groups. The ASEAN Way is not only practiced on a regional level, but also at the international level. This is because the ASEAN leaders feel that if they intervene in the affairs of non-ASEANs countries, then they would have to accept the right of such countries to intervene in their sovereignty.

Another governing policy of the ASEAN is the constructive engagement policy. The underlying rationale of this policy is to “encourage political coexistence rather than isolation and critics as the most effective means to influence positive changes in Myanmar” (Muang Aung Myo, 2002, p. 4). Seen in light of the relationship between Thailand and Myanmar, this policy intended:

- To promote a close relationship with Myanmar as a neighboring country with which it shares a border for the benefit of security.
- To encourage Myanmar to be a good and stable neighbor.
- To co-operate with the Myanmar government on various conflicting issues in accordance with the mutual interest of both countries in order to develop close co-operation in economic, social, technical and cultural fields (Muang Aung Myo, 2002, p. 4).

Previously, this policy has been called “flexible engagement” and “enhanced interaction” (Pavin, 2005, p. 145). It was modified several times due to its implications of enhanced interaction challenging the principle of non-interference.

4.3 Constructive Engagement

The relationship between the ASEAN and Myanmar is largely based on this constructive engagement policy. The relationship the two started after the so-called 8888 Uprising. While the Western countries had sanctioned and isolated Myanmar due to the

government's human rights violations, ASEAN went against this trend, and engaged into dialogue with the country.

ASEAN's positive reaction to Myanmar at that time was primarily motivated by commercial interests.⁶ Myanmar began accepting foreign investment from ASEAN countries and also engaged with the Thai military in lucrative logging, gemstone concessions and fishing rights (Kavi, 2001, p. 120). In 1988, more than 50 percent of all foreign direct investment (FDI) in Myanmar originated in ASEAN (Narine, 2002, p. 114). This beneficial relationship has lasted until today, where Thailand is a major importer of Myanmar natural gas.⁷ This flourishing business deal allows Myanmar to maintain its power through the support of ASEAN despite it being isolated from global trade.

Gradually Myanmar saw participation in ASEAN as a way to end its international isolation and enhance Myanmar's economic development.⁸ At the same time, ASEAN was concerned with China's increasing influence in Myanmar and thus sought ways to prevent the

⁶ Thailand had a political interest in Myanmar since the 1950's. During that time, Thailand had a policy to guard against the expansion of communist ideologies by siding with the Mon insurgents on the Thai-Myanmar border to use them as buffer armies to fight against the Communist Party of Thailand (CPT) (Wongpolganon, 2005, p. 2).

⁷ Thailand relies heavily on Myanmar for natural gas. Gas sales to Thailand accounted for 43% of all Myanmar's overseas revenue in 2006 – 2007 (ASEAN Inter-Parliamentary Myanmar Caucus, 2007, p. 6).

⁸ The potential benefits for Myanmar to join ASEAN were shown in the Myanmar government's press release as follows:

- Myanmar, through ASEAN, could now meet the group wishing to pose a threat to her collectively, and make her attitude known to them in specific and precise terms and act accordingly.
- Opportunities emerge to open the door wider politically and economically with the help, understanding and sympathy of other fellow ASEAN members.
- With greater co-operation with friends in the region in various sectors, Myanmar does not have to place more emphasis on investments from the other parts of the world (Western hemisphere) than that from its own region.
- With more contacts and communications among the peoples of the region in multifarious fields, the ten nations, with common cultural traditions and colonial experience, can now formulate specific characteristics of ASEAN (Khin Ohn Thant, 2001, p. 264).

country from tilting towards the superpower. By accepting Myanmar, ASEAN could strategically prevent this from happening. In 1994, ASEAN finally expressed its intention of wanting Myanmar to join the association. But in order to do so, Myanmar had to show its stance in committing to improve the situation of human rights by opening a dialogue and by granting Aung San Suu Kyi an early release from house arrest in 1995. This conciliatory gesture enabled Myanmar to sign the Treaty of Amity and Cooperation in Southeast Asia (TAC) and thereby become an official ASEAN observer (Narine, 2002, p. 115). Myanmar applied for full ASEAN membership in 1995 and was eventually admitted in 1997.⁹

This decision was very controversial and almost caused a diplomatic crisis between ASEAN and the international community. At the time, the EU threatened to drop out of an Asia-Europe Meeting (ASEM) (Pavin, 2005, p. 136). The pro-democracy and human rights advocacy groups and the media had conveyed their strong opposition and harshly criticized ASEAN on this matter. *The Nation*, an English newspaper in Thailand, described it as “a triumph of evil over humanity” (Archaya, 2000, p. 114).

To defend its action and policies toward Myanmar, ASEAN argued that if Myanmar has a chance to trade or receive more assistance from the democratic nations, these countries could be able to encourage the onset of a gradual democratic reform in Myanmar. Moreover, the economic engagement with Myanmar would create another locus of power – a growing middle class – that would press for better governance, more just rule of law, the establishment of land tenure rights and eventually pave the way for democracy in Myanmar (McCartan, 2009).

⁹ By 1997, the influential members of ASEAN started to have different interests and priorities in admitting Myanmar. While Malaysia, Indonesia and Singapore advocated the admittance of Myanmar into the group, Thailand and the Philippines appeared to be less enthusiastic. This was called the “hiccups” period where Thailand and Myanmar had disputes due to the criticism to the ASEAN values on democracy and human rights (Puangthong, interview, 6 August, 2009). Nevertheless, the mixed feelings among the ASEAN members did not have sufficient significance to override the overall constructive engagement policy towards Myanmar. The difference was compromised by consensus that the admission of Myanmar was considered a strategic necessity in order to balance China’s influence on Myanmar. Another factor that appeared to have helped ASEAN to overcome the differences over the Myanmar admission was the decision of the US to impose sanctions against Myanmar. The US action made it impossible for ASEAN to delay its admission, since that would imply “caving in to US pressure and thereby compromise its goal of regional autonomy” (Acharya, 2000, p. 113).

Politically, ASEAN sees that the imposition of sanctions would be of limited use, since sanctions would risk pushing Myanmar further into the sphere of influence by China, Russia, India and North Korea.¹⁰ These countries hold different perceptions and norms regarding democracy and human rights from the West, and strengthening of the relationship with these countries could potentially influence the Myanmar regime to remain as it is (Saul et al, 2009). The close relationship between China and Myanmar is particularly worrisome because it may cause China to win diplomatic and economic sway and also to threaten South East Asian regional security.¹¹

Additionally, as the West further imposed its sanctions, ASEAN articulated a defiant position vis-à-vis the west, which included the engagement policy (Narine, 2002, p 113). ASEAN felt that they knew the situation in Myanmar better than the Western countries and therefore its policy towards should be more suitable and effective. Applying non-interference doctrine, ASEAN believed that Myanmar should be left alone to sort out its internal problems without outside interference (Kavi, 2001, p. 121).¹²

The engagement policy has challenged ASEAN's credibility and capacity to bring positive changes to Myanmar. Given that in the past 20 years, the Myanmar government has showed little or no interest and progress in promoting democratization or human rights situation in the country. Critics perceive this as a failure of the constructive engagement policy. The Nation newspaper in Thailand addressed this pertinent question asking if

¹⁰ During the time of writing, Irrawaddy has reported that a 2,000-ton North Korean cargo ship will be expected to dock at Thilawa port, 30 kilometers (20 miles) south of Rangoon (Irrawaddy, 22 June, 2009). In the past, North Korea is believed to have sold guns, artillery and other small weapons to Myanmar.

¹¹ This refers to the boundary and maritime disputes over the Spratly Islands between China and some Southeast Asian countries (including Vietnam, Taiwan, the Philippines and Malaysia). China may exploit Myanmar for its natural gas and gain a more favourable standing in South East Asia. In fact, China is currently gaining crucial access to the Indian Ocean by building oil pipelines and roads through Myanmar (China Stakes, 2009). At the same time, China is also supporting Myanmar by providing soft loans, selling weapons, and protecting the regime from being intervened in by the West at the UN Security Council.

¹² This argument on constructive engagement is considered to be rather ironic as this term has been rejected by Myanmar themselves since they view this as an interference in their domestic policy realm.

“ASEAN’s constructive engagement can make a leopard change its spots” (Acharya, 2009, p. 111).

Critics believe that the real driving force behind the policy can be found in economic interests of some ASEAN members in Myanmar’s economy. Accordingly, the policy of constructive engagement therefore merely acts as a facilitating tool for these members to trade and extract natural resources from the country, while at the same time enabling them to conveniently turn a blind eye towards the domestic political affairs and human rights violations in the country (Pavin, 2005, p. 144). This implies that ASEAN is upholding the norms of non-interference and regional autonomy in its approach to regional order more than acquiring a positive international image and developing regional efforts to promote human rights and democracy (Acharya, 2009, p. 114).

Furthermore, critics see the policy as being constructive only for the Myanmar military, but not to the people or the nation as a whole. The grant of ASEAN membership and continuous engagement with Myanmar has provided the regime with a greater sense of international legitimacy, which subsequently has strengthened the domestic position of the military government vis-à-vis the internal pro-democratic opposition. Hence, ASEAN’s policy towards Myanmar is perceived internationally as “sanctioning repression” (Acharya, 2009, p. 114).

4.4 Sanctions

The objective of sanctions is to punish the target country that acts reprehensively or does not comply with international moral grounds. Sanctions cut off the target country from international markets, cause major economic damage, and frequently lead to massive human suffering in the target country. As the civilians suffer, they are expected to protest and pressure the government to change their policies to meet with internationally acceptable standards (Puangthong Pawakapan, 2009).

Since 1988, the Western governments have imposed sanctions through various means including suspending non-humanitarian bilateral aid¹³, imposing an arms embargo, denying tariff preferences to imports from Myanmar, limiting the diplomatic relations, as well as preferential financing for exports to and investments in the country. These generalized measures have been supplemented by the so-called smart sanctions, which target the military rulers and their main supporters. This includes imposing visa ban and freezing the assets of the top officials, their families and those who benefit from the military regime, including military-affiliated companies, banks and mass organizations.

The sanctions in Myanmar are supported by many human rights activists, Myanmar exiles, and pro-democracy movement groups, who have carried out extensive grassroots campaigns to stop and boycott all foreign trade, investment and tourism in Myanmar. Sanctions supporters believe that aid will not facilitate any beneficial trickle-down effect, especially when most businesses in Myanmar are controlled by the military. They suspect that the aid received will be siphoned off by the Myanmar government for its own purposes, rather than reaching the people. Aung San Suu Kyi is also an icon of the pro-sanctions movement.

In 2005, the US decided to withdraw the Global Fund for AIDS, Tuberculosis and Malaria which amounted to USD 98 million. Fortunately, the fund was later filled up by Australia, the UK and the European Union (EU) who decided to step-up their pledge to cover the loss. The fund name was changed to the “Three Diseases Fund (3D Fund).¹⁴ At this stage many countries began to realize that there was a need to move beyond debates over Myanmar’s political system and work towards alleviating the humanitarian crisis and providing broader development support.

In sum, it can be said that the 20 years of sanctions on Myanmar have proven to be largely unsuccessful. Given the continuous engagement between ASEAN and Myanmar, sanctions could not and would not influence or resolve the country’s political and economic

¹³ Actually, even humanitarian funds have been cancelled, as for instance in 2005, when the US decided to withdraw the Global Fund for AIDS, Tuberculosis and Malaria which amounted to USD 98 million.

¹⁴ The fund name is only changed when referring to Myanmar. At the global level, the fund is still referred to as the Global Fund for AIDS, Tuberculosis and Malaria (GFATM).

hardship. Instead the isolation negatively impacted the civilian population while having only little effect on the power stronghold of the military. Recognizing the flaws of sanctions, the Western nations are now considering a revision of their policy towards Myanmar. For instance, the US Secretary of State, Hillary Clinton, recently offered Myanmar the prospect of better relations with the U.S., but under the condition that the Government of Myanmar has to release Aung San Suu Kyi.

Nevertheless, to succeed in improving human rights and the democratic situation in Myanmar, there is a need for changes from both the inside and outside parties. As suggested by Puangthong, for a revised policy by the West that must be consistent with the one of ASEAN, and vice versa. This is certainly not an easy solution as one must consider the potential benefits, the principles on which sanctions were upheld, and also the ideological and political loss that can emerge from compromising with the Myanmar regime (Puangthong Pawakapan, 2009). In this light, Puangthong has recommended that all nations should be implementing a carrot and stick policy with “clear procedures and conditions”. The clear procedures refers to the fact that while the involved countries are willing to give a carrot in the form of aid and foreign investment, they should also be prepared to use a stick, coherently, when Myanmar fails to follow the conditions. These conditions imposed on Myanmar include the release of Aung San Suu Kyi and proper access to the political process by all political groups (Puangthong Pawakapan, 2009).

Unfortunately, at the moment, the outlook for ASEAN’s engagement in Myanmar will be more uncertain. It is expected that the next chair of ASEAN, Vietnam, will not carry the same incentives to build humanitarian ties and push for human rights progress in Myanmar (Hadju, 2009). Many believe that Surin’s success in convincing Myanmar to cooperate with the international community is also because he is Thai.¹⁵ Therefore, if the

¹⁵ Wanna Suksriboonamphai, Coordinator of the Coordinating Office of the AHTF sees that Surin’s success in convincing Myanmar to join the TCG and in pushing the human rights agenda is not only because he is Thai, but it is also because he is a “good man” (Interview, 1 July, 2009). Surin’s goodness is also recognized and appreciated by the ASEAN member countries. After having seen the success of the TCG, the country leaders agreed to designate Surin to be the humanitarian assistance coordinator for the Cyclone Nargis and future natural disasters.

chair of ASEAN is from a country that is further from Myanmar, such as Vietnam, it could implicate less interest and ability to influence Myanmar.

The argument on constructive engagement policy versus sanctions towards Myanmar resembles a major test for the ASEAN until today. The debate remains vitriolic and polarized over the relative effectiveness of Western sanctions and the more cooperative stance of ASEAN nations and other regional neighbors. While ASEAN urges an increase of aid and overall constructive engagement for the alleviation of the hardship in Myanmar, the Western nations and the pro-democracy groups outside Myanmar argue that aid should be given only if it is accompanied with a portfolio of better governance and human rights practice promises by the Myanmar government. To date, governments, international organizations and activist groups are still divided on which approach to adopt towards the Myanmar government. Essentially, the international community is split amongst those who support engagement and those that support sanctions.

4.5 Addressing Human Rights and Democracy Issues: ASEAN's Dilemma

The continued challenges of dealing with the recalcitrant military government in Myanmar, has caused increased international pressure on ASEAN to play a greater role in addressing issues of political and humanitarian crises in the country. ASEAN leaders, particularly from the ASEAN-5, have reciprocated to this pressure realizing that there is a need for reinvention or recalibration of the ASEAN. They realized the increasing value of human rights in international relations and critics of Asian values often point to this flaw. They have gradually started to find new ways to enhance ASEAN's international standing, image, credibility and its ability to deal with regional problems.

For instance, in November 2007, ASEAN established its first constitution, the ASEAN Charter. The Charter provides legal status to regional negotiations and transactions of the ASEAN members. The constitution was expected to be a means to turn ASEAN towards becoming a "rules-based, people-oriented and more integrated entity" institution by legally binding all the member states to the ASEAN's principles of respecting democracy and

promoting and protecting human rights, with a view to enhance the overall “institutionalization” of ASEAN.

Set out in Article 1, seventh item, the purpose of the Charter is to “strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN” (ASEAN Charter, 2008). Further, Article 2, second item, (h) and (i) declare the principles of human rights and democracy to which ASEAN and its member states adhere. These include “adherence to the rule of law, good governance, the principles of democracy and constitutional government”, as well as “respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice” (ASEAN Charter, 2008).

The Charter proponents claim that the constitution is “transformative” which will bring the ASEAN to a “new era” and expecting that it would indirectly influence Myanmar to fulfill the human rights and democratic obligations.¹⁶ Nevertheless, many analysts and observers described the Charter as “toothless” and are skeptic with regards to how the new charter can make a difference to the situation in Myanmar, especially when the Charter contradicts with ASEAN values on human rights and democracy.

The suggestion of an ASEAN human rights mechanism in the ASEAN Charter is a major challenge to the ASEAN’s value of human rights and democracy. In Asia, the concept of human rights refers to something that “has to be earned” rather than what one is “entitled to” simply because one is human (Donnelly, 1999, pp. 61 – 66). For Asians, human rights are considered to be culturally specific, family and community takes precedence over individuals, a matter of national sovereignty and the state are not obliged to bear the duties in providing and ensuring human rights to the same extent as in the West (reaching full equality). The human rights obligations, as set out in the ASEAN Charter are therefore very broad and difficult for to achieve in practice.

¹⁶ The Philippine President Gloria Macapagal-Arroyo expressed such expectation that “if Myanmar signs the charter, it is committed to returning to the path of democracy and releasing [opposition leader] Aung San Suu Kyi.”

This problem can be traced back to the heyday of the institution, where ASEAN failed to establish a proper human rights commission which would be crucial in monitoring the commitment of the members. The constitution instead provided an unspecified “ASEAN Human Rights Body” (AHRB), which operates in accordance with the “terms of reference to be determined by the ASEAN foreign ministers meeting” (Article 14, second item, ASEAN Charter, 2008). These terms of reference do not specify measures for the AHRB to enforce its rights protection mandate. Therefore, the body is left with no power to investigate human rights violations. During the July 2009 ASEAN meeting, Indonesia attempted to get the support of the majority of the other ASEAN member-states in its bid to give more “teeth” to the AHRB, but failed. The majority of the member-states believed that the current terms of reference already “embrace” elements that provide stronger protection powers (Romero, 2009).¹⁷

With respect to democracy, Southeast Asia possesses democratic values and a political culture that is different from the West. The traditional definition of democracy refers to a system where political authority arises from the sovereignty of the people (Donnelly, 1999, p. 68). However, in Asia, people follow the so-called “Asian Democracy” values that in fact resemble more of a roll back of democracy, rather than step forward. This specific understanding of democracy can complicate the enforcement of any democratization process by the ASEAN charter.

Further, the Asian values of democracy embrace the democratic practice which is embedded under the traditional attitude for “paternalistic headship.” Through this value, rulers are seen as the “wise ones” and therefore can function with legitimate authority and with the assumed objective in protecting the citizens and maintaining harmony. People put a lot of faith in their leaders without much consideration to performance or accountability. As this value is closely linked to moral values, it creates acceptance among the people. This

¹⁷ The Myanmar government reportedly opposed the strengthening of the AHRB’s rights protection powers since July 2008 HLP meeting. Myanmar Foreign Minister Nyan Win purportedly said that the human rights body should also observe ASEAN’s principle of non-interference. The AHRB’s rights protection mandate – or the lack of it, is one of the most ticklish issues in its creation, as the ASEAN reels from international criticism over its stand not to push for sanctions against Myanmar (Romero, 2009).

paternalistic value is considered to be one of the major hindrances to establishing fully fledged democracy in this part of the world.

It would also be quite a challenging task to encourage the people in Southeast Asia to believe in the Western way of democracy, because they are in fact starting to lose faith in it. Democratic politics were more accepted in the 1970's as people saw it as an escape from repressive and authoritarian regimes (military, absolute monarchy, communism, etc.). However, for almost 30 years now, the economies in the region have progressed, but citizens do not see much improvement in the political arena. They only hear about corrupt politicians and power struggle between the elites but fail to see much progress regarding true representation of citizens' interest. This young age, inexperienced democracy in Asia is leaving people with intolerance and frustration especially when they learn that their leader may be a "little corrupt" (Beech, 2009).¹⁸ This negative attitude towards democracy therefore leads people to doubt the government, and has created an urge for a return to paternalism, all of which have caused the questioning of the legitimacy of democracy in Asia.

Lastly, for democracy to work, the political system has to be established with transparency and accountability within the judicial system. However, in the case of Southeast Asia, it is based on a nepotistic network system which allows the government to corrupt both financially and throughout the electoral process. Therefore, leaders selected may not reflect the majority of the vote by the people. This weakens both credibility and efficiency of democracy, and as can be observed in recent political developments in many countries of the region, can threaten the political stability of the region.

The values and reactions of the ASEAN members with respect to human rights and democracy reflect how far they would go in terms of accepting these principles. ASEAN speaks about these two principles but it appears that they do not touch their core principles, due to their culture specific interpretation and the sensitivity of the topics. Critics are suspecting that ASEAN is not embracing the principles whole-heartedly, but only promoting

¹⁸ However, even in the Western world corruption still exists within the democratic system. In the US, when George W. Bush won the second term of presidency in 2004 there was trouble with the numbers of votes counted in Florida, but the President was elected anyway. It could be that people in the West are more aware of the imperfections of democracy, but know - like Winston Churchill - that "democracy is the worst form of government, except for all those other forms that have been tried" (www.democracy-building.info).

them to improve their image and credibility to the international community. Funston notes that ASEAN benefits from continuing to demonstrate willingness to be proactive in areas such as the human rights and democracy, “so that the non-intervention principle is not perceived simply as a convenient device to protect the interests of autocrats. [In addition,] ASEAN knows that the principle of non-interference cannot be completely abandoned, therefore it is important to work around it” (Funston, 2000, p. 14). Also, the lack of consensus on these principles, such as on the issue of the AHRB, would leave ASEAN in a dilemma to “strike a balance between protection and promotion powers.”

Apart from the Asian human rights and democratic values, the enforcement of the ASEAN Charter would also go against the members’ principles of sovereignty and non-interference. Myanmar has been using these norms to constrain ASEAN by objecting to statements and decisions that potentially signal increased scrutiny of member states’ domestic affairs (Poole, forthcoming, p.9). The enforcement of the ASEAN Charter would also mean going against these norms and the “ASEAN Way,” meaning it would impose Western institutional structures instead of using a private, informal, and consensus-driven decision-making political culture (Poole, forthcoming, p.2).

Without mechanisms to enforce compliance, critics consider the ASEAN Charter to comprise of “false promises in its building of a genuine community”, “misleading” and “meaningless” (ASEAN Studies Center, 2008, p. 7). Moreover, there is no provision for sanctions or expulsion from the grouping if a member state fails to follow the obligations. Instead, the Charter avoids specific guidance by deferring the case to the summit.¹⁹

Nevertheless, this does not necessarily suggest that the Charter should be dismissed as insignificant. At least it indicates that certain principles, including democracy and human rights, are now “on the agenda” for dialogue and debate. The constraints to the drafting and adoption of these principles with traditional practices and procedures do not in itself preclude the possibility of gradual change (Poole, forthcoming, p.2). The security and humanitarian challenges in recent years, particularly in Myanmar, provoke both instrumental and normative motivations to at least “open space” for debate about the possibility of institutional

¹⁹ ASEAN Charter states in Article 20, forth, that “[in] the event of a serious breach of the Charter or non-compliance, the matter shall be referred to the ASEAN Summit for decision” (ASEAN Charter, 2008).

and normative change with regards to the sovereignty and non-interference (Poole, forthcoming, p.2).

As the time passes, the ASEAN finds it more and more difficult to justify the constructive engagement policy, given the lack of improvement in Myanmar. The association faces a major dilemma between protecting its members' national interest and respecting Myanmar's sovereignty, but on the other hand, fulfilling the human rights and democracy principles at the internationally acceptable standard. On top of this, ASEAN also has to handle the on-going criticism from the international community, which questions the effectiveness of the constructive engagement principle and whether the policy would actually involve a serious effort of the ASEAN to persuade Myanmar to undertake political liberalization.

Despite the attempt to demonstrate its commitment to promote democracy and human rights by establishing the ASEAN Charter, this initiative appears to have lost its credibility because while all the ASEAN members are adapting themselves to it, Myanmar, as one of the member states continues to violate serious human rights and oppress its political opponents. This demonstrates that while ASEAN very much cherishes the attributes of a security community, Myanmar has no desire to turn itself into a "democratic security community (Acharya, 2009, p. 114). This crisis continues without ASEAN being able to bring a halt to it.

This stubbornness and oppressive attitude of Myanmar has brought an insufferable embarrassment to ASEAN (Puangthong Pawakapan, 2009). After having been criticized consistently by the international community²⁰, ASEAN has been showing signs that it is getting fed up with Myanmar dragging its feet on the democracy issue by using stronger worded statements to criticize Myanmar's inappropriate actions in various events. For instance, ASEAN used the term "revulsion" to express its disapproval of government's violent reaction to the 2007 Saffron Revolution protestors (Puangthong Pawakapan, 2009).

Another example is reflected through ASEAN's statement responding to the recent (May 2009) detention of Aung San Suu Kyi. ASEAN harshly stated that "the Government of the Union of Myanmar, as a responsible member of ASEAN, has the responsibility to protect

²⁰ The embarrassment was recently highlighted during the July 2009 ASEAN Annual Summit at which the US Secretary of State Hillary Clinton lambasted Myanmar for its bad human rights record.

and promote human rights.” In this same statement, ASEAN also warned Myanmar that “with the eyes of the international community on Myanmar at present, the honor and the credibility of the Government of the Union of Myanmar are at stake” (Ministry of Foreign Affairs Thailand, 2009). The decision to issue this statement was considered to be a strong and rare step by the ASEAN which, as seen in the brief overview of its traditional non-interference stance, hardly ever speaks out on any domestic political issues of its members (AFP, 24 May, 2009).

Nevertheless, ASEAN also realizes that it cannot be too harsh or scrutinizing on Myanmar’s domestic political situations, because that could threaten the business deals that it has with the country. Therefore, after criticizing, the organization would lower down its tone and protect Myanmar again by “concluding that the isolation of ASEAN would not bring any positive result” (Puangthong Pawakapan, 2009). This is especially the case when the body gets pressured from the West. An example of this is reflected in the statement of the Thai Prime Minister Abhisit Vejjajiva responding to the US Secretary of State Hillary Clinton’s call on ASEAN to consider expelling Myanmar if it does not release Aung San Suu Kyi. He said that ASEAN will not consider expelling Myanmar over this detention because it would not solve the problem. He insisted on using the policy of constructive engagement (Bangkok Post, 2009).

This particular conflict of interest that ASEAN is facing is clearly derived from the operation of ASEAN Way, where the norm of non-interference has traditionally been applied. Therefore, it would be very difficult for the ASEAN to identify how to apply the doctrine without getting caught in the pressure between the international community and the national interest of each member states, particularly in the case of Myanmar who made it clear from the beginning that the main reason she is attracted to ASEAN was precisely the doctrine of non-interference. This will continue to be a problem as long as the differences in development levels, ideologies, legal systems, and historical baggage between Myanmar and other member nations exist. It will certainly take time for members with different backgrounds to become fully socialized into the habits of avoidance of threat or use of force. ASEAN needs a better coordination mechanism, more intrusive characteristics and integration of its Charter by its members in order to solve this dilemma and become a politically integrated regional bloc.

This dilemma of non-interference/ ASEAN Way versus a call for Myanmar regime to open up for political reform is a basis that characterizes the role of TCG and its relationship with the government of Myanmar. The next chapter will discuss the role of the TCG in facilitating humanitarian assistance in Myanmar.



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จุฬาลงกรณ์มหาวิทยาลัย

CHAPTER V

THE TRIPARTITE CORE GROUP (TCG)

5.1 Background

The hit of devastating Cyclone Nargis in the Irrawaddy Delta on 2 May 2008 caused immediate global attention and many aid agencies and governments offered assistance to Myanmar. However, despite the desperate situation, the Myanmar government resisted the assistance by attempting to block humanitarian aid from reaching the cyclone victims in the affected areas. Planes transporting aid were not permitted to land and visas were not granted to the foreign aid workers. This aid-blockade caused the local and international community to respond with harsh criticism; the Myanmar government was pressured to open up the country and accept the assistance.¹ The Thai Prime Minister Samak Sundaravej attempted to lobby the military and conveyed a letter from Ban Ki-Moon calling the government to allow international relief workers to enter Myanmar, but the negotiation turned out to be unsuccessful (Win, 2008).

It was not until one week after the hit of Cyclone, ASEAN sent in an Emergency Rapid Assessment Team and with ASEAN Secretary General Surin Pitsuwan's diplomacy got Myanmar to agree to open up. The Myanmar government agreed to open up for aid, with an exception that it had to be done in cooperation with ASEAN.

This led to the establishment of the "Tripartite Core Group" (TCG), which is an ASEAN-led UN Task Force, consisting of the Government of Myanmar, ASEAN and the UN. The TCG was established on 31 May, 2008 under the ASEAN Humanitarian Task Force for the Victims of the Cyclone Nargis (AHTF).

¹ Western governments threatened to withdraw or reduce the amount of aid that was otherwise regularly sent into the country.

The AHTF was headed by the Surin Pitsuwan (TCG, 2008, p. 46). The AHTF has an Advisory Group which consisted of representatives from the neighboring countries of Myanmar (i.e. China, India and Bangladesh), UN, the Red Cross and Red Crescent Movement, the World Bank, the Asian Development Bank and international non-government organizations (TCG, 2008, p. 47).

5.2 Tripartite Core Group Architecture

As aforementioned, the TCG comprises of high-level representatives from the Government of Myanmar, ASEAN, and the UN.

The three members from the Myanmar Government are U Kyaw Thu, Deputy Foreign Minister, who is also the Chairman of TCG, U Aung Tun Khaing, Acting Director-General, Ministry of Social Welfare and Resettlement and U Than Aye, Deputy Director-General, Ministry of Agriculture and Irrigation.

The three members from ASEAN are Robert H. K. Chua, Singapore's Ambassador to Myanmar, Puji Pujiono, senior UNDP officer seconded to the ASEAN Secretariat, and Adelina Kamal, Assistant Director of the ASEAN Secretariat.

The three members from the UN are Bishow Parajuli, UN Humanitarian Coordinator, Bishow Parajuli, UN Resident Coordinator, and a rotating UN agency Representative.

As chair of the TCG, the Foreign Minister U Kyaw Thu played a critical role in liaising between the international aid community, including ASEAN and the UN, with all levels of the Government of Myanmar, including the Myanmar Central Coordinating Board (CCB), which is chaired by the Prime Minister of Myanmar. This direct connection would ensure effective and expeditious deployment of international assistance.

In February 2009, Minister U Kyaw Thu was transferred to a new position in the Civil Service Selection and Training Board of the Government of Myanmar (Surin, 2009a).

5.2.1 ASEAN-led Mechanism

The TCG established an ASEAN-led working mechanism for coordinating, facilitating and monitoring the flow of international assistance. Through this mechanism, ASEAN takes a crucial role in mediating and bridging national interest and international assistance and also to coordinate humanitarian operations (ASEAN, 2009). The main role of the ASEAN in the TCG is to liaise between the UN and the Government of Myanmar, to facilitate the distribution of foreign aid and to provide Asian disaster response experts and military assets, backed with funds, materials, and logistical support provided by the donor countries (Charny, 2008).

The mandate of the ASEAN-led mechanism is to “facilitate trust, confidence and cooperation between Myanmar and the international community in the urgent humanitarian relief and recovery work after Cyclone Nargis hit Myanmar” (TCG, 2008a).

Figure 3 ASEAN-led Mechanism (TCG, 2008c)



To support the ASEAN-led coordinating mechanism, ASEAN Secretariat set up a Coordinating Office for the ASEAN Humanitarian Task Force (AHTF) in Yangon to work closely with the representatives of the Government of Myanmar and the UN under the TCG. The Coordinating Office of the AHTF serves as the hands, arms and legs of the AHTF as it provides secretarial support to the AHTF. Moreover, it also supports the coordination between the AHTF and the ASEAN Chairman country. Unlike the UN, the Coordinating Office of the AHTF is allowed to work directly with the Myanmar Central Coordinating Board (CCB). AHTF meetings can be held anywhere, not only in Yangon like the TCG meetings (ASEAN Official, interview, 1 July, 2009).

AHTF acts as the advisor to the TCG by providing policy suggestions. Although acting as part of the ASEAN, AHTF also received the authority from the ASEAN foreign ministers to administer the overall aid-efforts. AHTF would report to the ASEAN foreign ministers on the TCG meeting results, and the ministers will subsequently report to their country leaders. Normally the foreign ministers, including of the Myanmar government, do not object the proposals and recommendations sent from the AHTF. This reflects the comparative advantage and benefits in having ASEAN lead the TCG. ASEAN claimed that even the extension of the TCG's mandate to July 2010 is also part of the AHTF's recommendation (ASEAN Official, interview, 1 July, 2009).

In May 2009, Surin Pitsuwan appointed a new Head of Operations for the Coordinating Office for the AHTF, who also serves as a Special Envoy for Post-Nargis Recovery in Myanmar. This demonstrates ASEAN's willingness to consolidate the commitment of all stakeholders in the implementation and monitoring of the emergency and recovery stages (ASEAN Official, interview, 1 July, 2009).

5.3 Roles of the Tripartite Core Group

In overall, the TCG was expected to “facilitate effective distribution and utilization of assistance from the international community, including expeditious and effective deployment of relief workers, especially health and medical personnel (TCG, 2008, p. 46).

The roles of the TCG were to achieve the following:

1) To facilitate the access to the affected areas in the Delta for the humanitarian workers. Between May 2008 and May 2009, the TCG was authorized to facilitate visas through the “fast track” visa mechanism. Through this channel, aid workers could apply for visas directly through the TCG rather than having to apply via their line ministries.

2) To function as coordination body for the three parties to congregate and discuss operational issues. The TCG function as a coordinating body only applied to the humanitarian response, it did not cover any political areas. The coordination meetings were held twice per week at the beginning of the emergency period, and then once per week. The TCG also ensured that all the three parties conducted field trips together to the Delta.

3) To undertake an assessment of the immediate and medium long term needs for relief and recovery. These reports are: Post-Nargis Joint Assessment (PONJA), Post-Nargis Periodic Reviews, Post-Nargis Social Impact Monitoring Study (SIM), and Post-Nargis Response and Preparedness Plan (PONREPP).

In March 2009, the Myanmar government announced during the 14th ASEAN Summit in Thailand that it would extend the mandate of the TCG to July 2010. This decision is done despite the three-year medium term recovery plan² which requires the mandate of the TCG to remain valid at least until 2011.

5.3.1 “Fast Track” Visa Facilitation

After Nargis struck, Myanmar's military-led government initially hesitated to allow in large numbers of aid workers. However, soon after the establishment of the TCG, the coordinating body has received authority to facilitate visa applications using a “Fast Track” process for humanitarian workers involved in cyclone relief efforts.

Prior to the establishment of the Fast Track System, the requests for visas, the international aid workers were required to apply directly to their respective line ministries,

² This plan is officially called The Post-Nargis Recovery and Preparedness Plan (PONREPP)

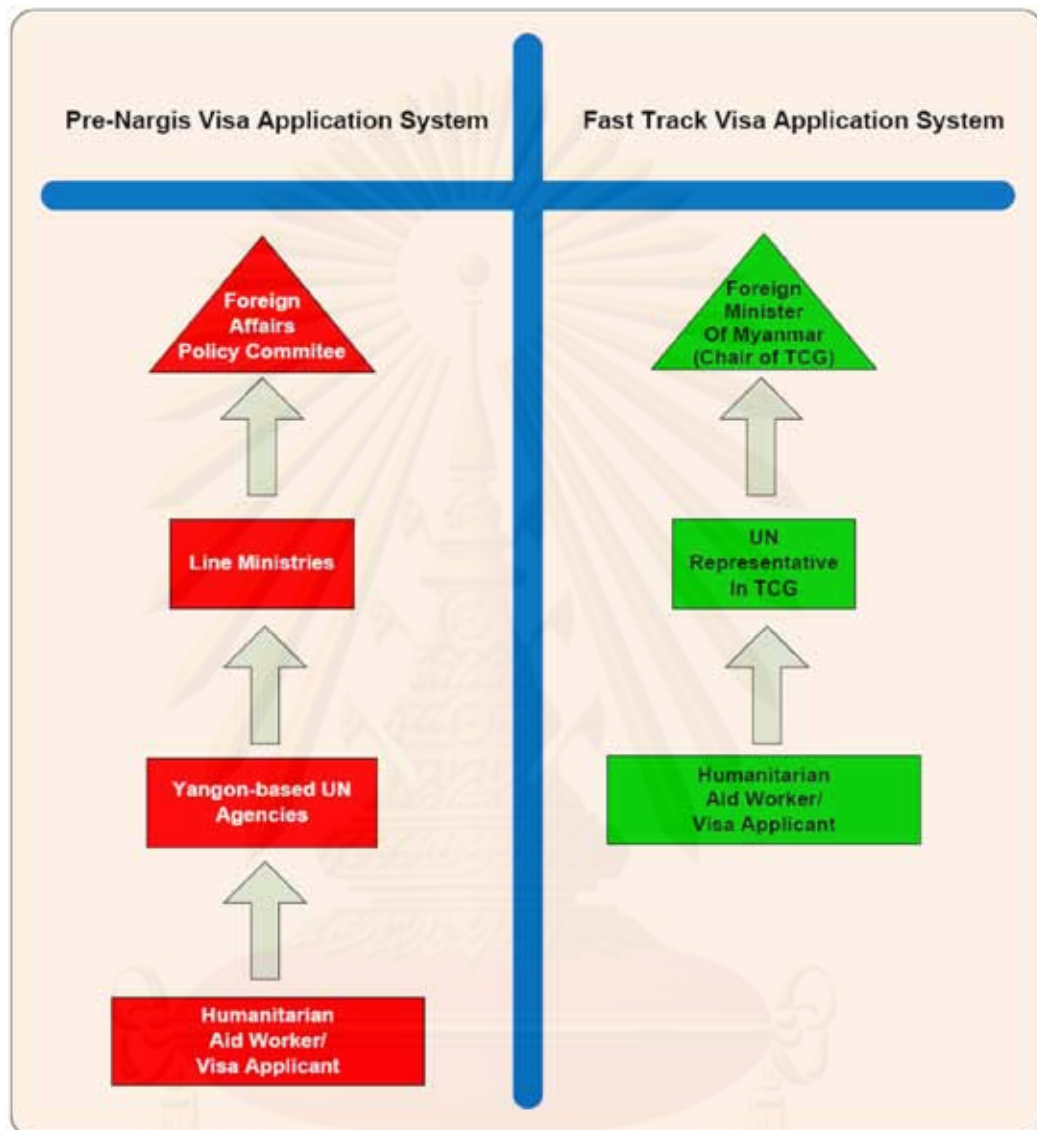
which in turn would submit their applications to the Foreign Affairs Policy Committee (FAPC), which handles all visa applications. The line ministries act as “conduit for the visas, make recommendations, complete the files, and make 23 copies of each visa request for the FAPC” (IRIN, 2009). FAPC members would meet once a week to review the applications before granting it. This was a very bureaucratic process and cumbersome because the visa applications would be pending with the FAPC. An example of this would be, UN agencies such as the World Health Organization (WHO) were obliged to submit their visa applications to the Ministry of Health, who would pass the documents to the FAPC.

The Fast Track system instead allows the aid workers to apply for visas through the TCG rather than having to apply via their line ministries. The TCG would pass the applications directly to the Foreign Minister of Myanmar, who had the ultimate authority to approve the visa applications. And since the Minister of Foreign Affairs is also the chairman of the TCG, it was easier to get visas granted since he is already working closely with the UN officials through the TCG. With the Fast Track System, the TCG who also acts as a conduit of the visa, does not have to make excessive number of copies of documents in the same way that it would have to if coordinating with the FAPC. Using this new system, close to 3,000 visas were secured to the foreign humanitarian workers. Moreover, many of the visas had a validity of one to three months, whereas the visas granted by the FAPC only had a single month validity with a single entry (See Figure 4).

The fast track visa system was found to be particularly beneficial for the international organizations which send in humanitarian workers and experts from abroad. Local NGOs, such as Myanmar E-gress, do not rely on this assistance as much since they do not have international staff or “guests” (Bobby, interview, 29 June, 2009).

Unfortunately, the visa-granting authority has been taken away from the TCG at the end of May 2009. The government views that, since the relief period has come to an end and is now in transition to the recovery period, the needs are as pertinent or crucial anymore. And since the issues are no longer urgent, the government prefers to be more restrictive with the visa applications, seeing that there is no need for too much presence of the aid workers (ASEAN Official, interview, 1 July, 2009).

Figure 4 Pre-Nargis vs. Fast Track Visa Application



5.3.2 Strategic and Operational Coordination

The strategic and operational coordination work takes place on three levels ranging from the policy level, over the programmatic level, and the field operations level. On all of the three levels, the TCG established coordination mechanisms that connect a range of actors, including the Government, civil society, local and international NGOs, and UN agencies.

Policy Level

At the policy level, the TCG has provided a space for strategic and policy dialogues, cooperation and resolution, between the Myanmar government, ASEAN and the UN, on practical issues affecting effectiveness and efficiency of aid delivery of post-Nargis response. The space is utilized to share lessons learned and best practices on aid effectiveness, on matters of coordination, transparency and accountability, prioritization, addressing overlaps, fund mobilization, operations oversight and evaluation, setting overall impact indicators, and discussing broader strategic issues. Although the dialogues between the three parties are purely on humanitarian response and does not cover politics, it is considered to be step towards deepening dialogues with the Myanmar government on other matters.

ASEAN has taken a crucial role in building these dialogues between the international community and the Myanmar government. The organization acts as a secretariat body who provides administrative and management support of the TCG meetings. The TCG meetings were held twice per week at the beginning of the emergency period, and then once per week. For these meetings, ASEAN would make agenda and circulate draft minutes of the TCG meetings. The ASEAN also provide technical and administrative supports in the High Level Round Table meetings, workshops, trainings on technical and policies with relations to the Cyclone Nargis response (Wanna Suksriboonamphai, interview, 1 July, 2009).

ASEAN also developed a strategic partnership with United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) since the beginning of the Post-Nargis recovery process. UNESCAP would provide a regional platform for policy dialogue on early and medium-term recovery. In October 2008 and February 2009, ASEAN and ESCAP co-organized a High-level Experts Meeting on Post-Nargis Recovery and a launching event of the medium term recovery plan (PONREPP), respectively.

The TCG had also coordinated the first field trip between the three parties on 26 July 2008. The TCG helped coordinating with the international community when the government of Myanmar hosted a field trip for foreign aid workers to the Delta area on 29 July 2008. The field trip involved more than 148 representatives of foreign missions, UN agencies, international non-governmental organizations, relief organizations and the media to the

cyclone Nargis-affected areas in the Irrawaddy Delta. The Government provided six Myanmar Air Force helicopters.³

Programmatic Level

At the programmatic level, the actor that has a crucial role is the UN. The UN supports the humanitarian community to work with the Government of Myanmar to ensure effective coordination and in line with its mandate, expand humanitarian space for the aid community to address the needs of the affected population in a timely manner; through coordination, advocacy, information management and resource mobilization. The efforts to assist the population in the Cyclone Nargis affected areas are done through the UN agencies present in Myanmar. The UN has the overview of the destruction.

UNOCHA is the agency that was the key coordinator of the humanitarian efforts in Myanmar, whose mandate focuses mainly on the humanitarian work, ranging from emergency to early recovery. According to UNOCHA, the UN's involvement in the Cyclone Nargis started when John Holmes, Head of UNOCHA and Under Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, visited Myanmar twice in June and July 2008. This has opened the dialogue with the government to realize the significant role that the UN could play in terms of fostering collaboration and promoting support in the post-Nargis relief (Thierry Delbreuve, interview, 2 July, 2009).

UNOCHA has a key role in the TCG to conduct humanitarian operation and feed information to the TCG on the relief progress. The office works under the Humanitarian Coordinator of the UN Resident Coordinator Office (UNRC).⁴ At the policy level, UNOCHA partners with Asian Disaster Preparedness Center (APDC) to work with 13 ministries on the government's Myanmar Action Plan on Disaster Risk Reduction (MAPDRR). It works particularly on the disaster management, preparedness and response and also provides

³ The intention of the trip was expected to bring forward and provide complementary support to the government's 50-billion-kyat recovery programme.

⁴ UN OCHA reports to the UNRC office because the UN OCHA is not a permanent UN "resident agency" in Myanmar, unlike UNICEF or UNDP (Thierry Delbreuve, Interview, 2 July, 2009).

support on the disaster risk reduction initiative. This work provides an opportunity to make Myanmar more resilient and safer from potential hazards UNOCHA also supports national authorities to develop a natural disaster-risk reduction mechanism to improve preparedness and awareness (Thierry Delbreuve, interview, 2 July, 2009).⁵

The UN also introduced the cluster approach, which divided the needs into different sectors, for example, education, health, protection, water and sanitation sectors etc. Each cluster would assess one township and see what the needs for one particular township are. The cluster approach was convened in Yangon by UNDP with participation from international and national NGOs, the Red Cross Movement, and UN agencies (UN Official, interview, 30 June, 2009). Cluster focal points/leaders are appointed from the organization that has expertise in the cluster area (See Table 1).

Table 1 List of Clusters and Cluster Leaders for the Post-Nargis Emergency Relief Activities

Cluster Heads	Cluster Leaders
Agriculture	FAO
Fisheries & Aquaculture	FAO
Livestock and Animal Health TWG	FAO
Early Recovery	UNDP
Education	UNICEF
Shelter	UN-HABITAT
Emergency Telecommunications	WFP
Food	WFP
Health	WHO and Merlin (Cluster co-leaders)
Protection Cluster	UNHCR and UNOCHA (Cluster co- leaders)
Women's Protection (Sub-Cluster of Protection)	UNFPA
Child Protection (Sub-Cluster of Protection)	UNICEF
Nutrition	UNICEF
Water Sanitation Hygiene (WASH)	UNICEF
UN Communications Group	UNDP
WFP Emergency Coordinator	WFP
International Federation of Red Cross	Red Cross

⁵ It has been identified that Myanmar has nine different kinds of potential hazards (Thierry Delbreuve, interview, 2 July, 2009).

The cluster system is supported by UNOCHA's Myanmar Information Management Unit (MIMU) which manages the exchange of information between different clusters. UNOCHA also produces a working map which identifies "who is doing what and where" in order to strengthening cluster-based coordination and promoting effective humanitarian response in the country as a whole (See Appendix B).

Field Operations

On the field, UNOCHA and ASEAN established six field-based hubs with each hub composed of four national and four international staffs. The six hubs are located in Mawlamyinegyun, Patheingyi, Bogale, Labutta, Pyawbwe and Yangon. At the time of writing, UNOCHA's presence in the Delta is expected to be gradually reduced by July 2009, and the responsibility is gradually being transferred to UNDP (Thierry Delbreuve, interview, 2 July, 2009).⁶

The hub offices also hold meetings that are open for the NGOs to attend and the languages used are both in English and Burmese. These channels are very crucial because local NGOs do not have a representing body in the TCG and therefore needs a space or channel to voice themselves. Many local NGOs face difficulties in participating in the UN meetings due to either language barriers or political sensitivity.⁷ The field hubs allow these local NGOs to keep themselves low-profile (UN Official, interview, 30 June, 2009). For NGOs in Yangon, they can voice themselves through the local set-up, known as the "Local Resource Center." This body provides an effective institutional home for the Yangon-based NGOs.

In these field hub meetings, the local NGOs can take issues forward through UNOCHA, who will report to the Humanitarian Coordinator, who will later report to the

⁶ During the first half of 2009, there have been some developments that provided OCHA with an added value in serving all the sectors/ areas which are not necessarily Nargis-related. Therefore, OCHA is likely to stay in Myanmar at least until December 2009 (Thierry Delbreuve, interview, 2 July, 2009).

⁷ Some of these local groups have not been registered and, therefore, do not want to be at meetings with government officials.

TCG. After the high-level TCG meeting, the Humanitarian Coordinator would report back to the international NGO community through the Inter-Agency Standing Committee (IASC) meeting. This meeting is held on a bi-weekly basis where the Humanitarian Coordinator would update all the members on what is going on or what has been decided at the top level. At the same time, the Humanitarian Coordinator also brings the issues of the UN Agencies and international NGOs to report at the TCG meeting. Hence, the representation of the international and local NGOs is done under the UN Humanitarian umbrella. The IASC is in fact a global practice in order to bring the NGO, INGO and the UN together (UN Official, interview, 30 June, 2009).

The hub offices also work closely with the Township Coordination Committee (TCC), which is the national counterpart authority to the system of field hubs and has close links with the national and international NGOs.

ASEAN also set up the first ever “ASEAN Volunteers Programme” in order to strengthen relationship with the villagers and local authorities, in addition to promoting ASEAN-wide unity. The ASEAN volunteers take part, facilitate and assist in the TCG community-based projects which aimed to build disaster-resilient and safer communities (ASEAN, 2009). The qualified volunteers must come from the ASEAN nations and many of them must live and work in the affected communities to improve their livelihoods.

5.3.3 Aid Funding Coordination and Aid Tracking

Another major role of the TCG (through the UN) is to seek funding from donors through the flash appeal and the revised appeal. The funds can come from multiple channels and are to be contributed directly to the implementing organizations such as the UN, international and local NGOs, Red Cross and Red Crescent, etc. The funds can come in various forms such as in cash, in-kind, or as technical assistance.

The UN has raised funds three times. The first time was prior to the TCG, when the UN conducted a Flash Appeal for Myanmar requesting donors to contribute USD 201 million. However, after the formation of the TCG and the assessment of the situation

(PONJA) was conducted, it was found that the needs required for the first year (for emergency and relief response) were much higher than that. Therefore, the UN revised the appeal to USD 477 million of which USD 330 million or 69 percent were met. The UN regards this figure as successful especially when compared to other disaster affected countries (UN Official, interview, 30 June, 2009). The third time, in December 2008, the UN requested another USD 691 million from donors to cover for the medium-term recovery needs for 2009 – 2011 (UN, June 2009). It is not known yet, to what extent this request has been accommodated.

It is important to note that many of the Western governments refrain from funding for the hard reconstruction work, whereas ASEAN countries do. Therefore it is important that the funding from the Western governments and ASEAN are complimentary to each other (Matthew Maguire, interview, 4 July, 2009).

For the medium term recovery stage, the UN proposes that a Recovery Trust Fund (RTF) be established. This trust fund is to serve as a channel for PONREPP-targeted support to meet identified gaps and thus complement other mechanisms (TCG (PONREPP), 2008, p. 2). Surin called for ASEAN Member States to make their own contribution both financially, in kind and in cash, to this trust fund (Surin, 2009b).

The TCG also implemented an aid tracking mechanism which is used for following up on pledges, paid-in contributions, uncommitted pledges and disbursements. The establishment of the system is requested by donors who want to see more effective and transparent method for delivering aid. The UN created this system believing that if the mechanism is in place, then there is no reason for donors to withhold aid to Myanmar. Donors' confidence is fundamental to achieve this goal because it can form a virtuous circle where "the more donor money is used effectively, the more money is drawn in".

The monitoring is operated through UNOCHA's Financial Tracking Service (FTS) which is a recording tool and can be Retrieved via the internet. The data is sorted by the donor countries, donor organizations, cluster area, etc. In terms of the financial report, the UN Resident Coordinator's Office (RCO) would prepare a monthly financial report by sector for key international organizations (TCG, 2008c).

5.4 Deliverables - The Assessments

As part of the mandates, the TCG also conducted a number of assessments in the cyclone-affected areas of Irrawaddy Delta and Yangon Division. The reports provide the findings on the current humanitarian situation and on the damage and loss sustained, the social impacts, and what should be done to overcome the problems. These assessments were done in a joint, comprehensive and credible manner. They were conducted according to international standards by using tested methodologies developed by the UN and the World Bank. The assessments involve various actors including the Myanmar government, UN, ASEAN, international and local NGOs, etc. While the TCG conducted these reports, there are also assessments done by the individual agency or the cluster (UN Official, interview, 30 June, 2009).

5.4.1 Post-Nargis Joint Assessment (PONJA)

One of the very first activities done by the TCG was the Post-Nargis Joint Assessment (PONJA). The assessment was conducted in order to determine the full scale of the impact of the cyclone and requirements for both immediate humanitarian assistance needs and priorities and medium to longer term recovery. The assessment uses multi-sectoral approach by exploring the damage in different areas including food and nutrition, health, education, agriculture, livestock and fisheries, industry and commerce, infrastructure, environment, women and children, and vulnerable groups. Experts from all these sectors were sent from various agencies ranging from the UN, donors, Myanmar government, local and international NGOs. The period of the assessment was between 10 to 19 June, 2008 in the Irrawaddy and Yangon Divisions. The research team used two following approaches to gather the data:

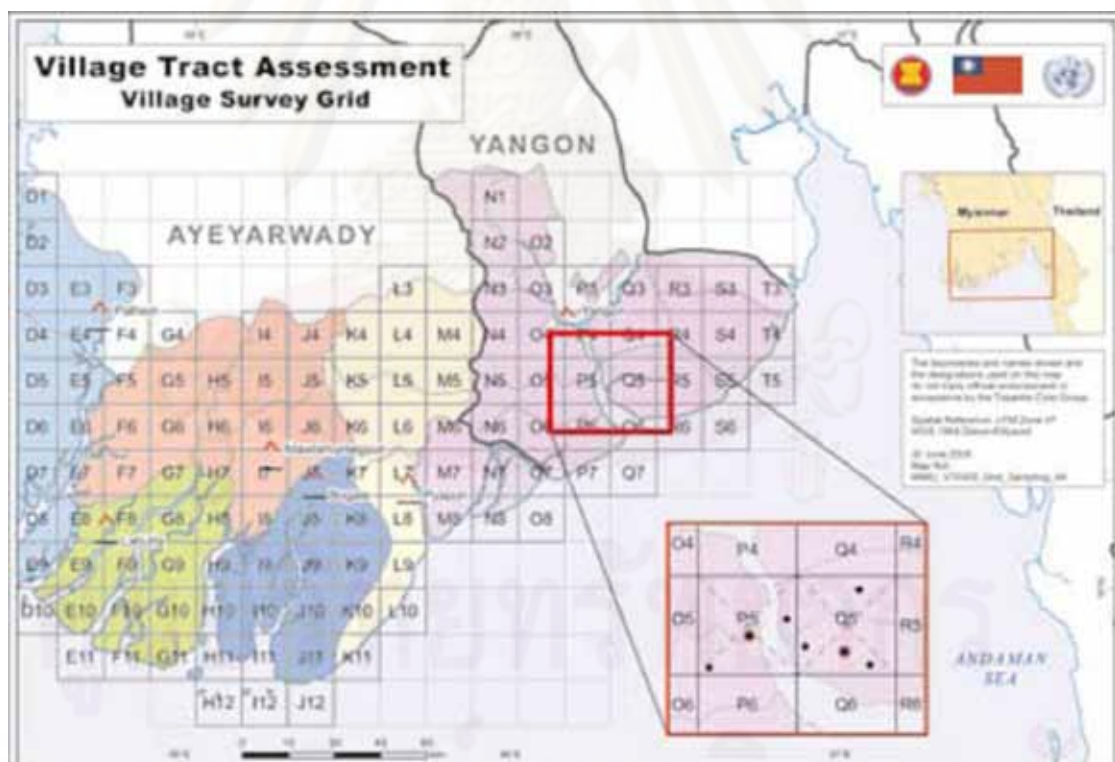
Village Tract Assessment (VTA)

The purpose of the VTA is to identify the vulnerabilities and the humanitarian needs of the population living in the most affected areas. The approach uses household surveys, key

resource persons (for example, teachers, village leaders) and focus groups as methodology in obtaining the data. The survey included questions on different sectors ranging from health, food and nutrition, women and children, water and sanitation, agriculture, early recovery, temporary settlements, education, and emergency shelter (TCG, 2008c, p. 57).

The communities were selected by using “grid-based sampling frame” to give even spatial coverage across the Delta region. The mapping experts used “centric systematic area sample” (CSAS) method to identify “Probability Sampling Units” (PSU). The method involves dividing the assessment area into non-overlapping squares of equal areas (15 km by 15 km) and assessing communities closest to the center of each quadrat. The enumerators visited 291 communities in 30 townships (TCG, 2008c, p. 57).

Figure 5 Grid Applied to Sample Villages



Source: TCG, 2008c, p. 56

The author had the opportunity to interview with the Myanmar E-gress, a capacity training institute and one of the largest local NGOs in Myanmar. Myanmar E-gress was one of the very first local NGOs to be involved with the TCG by provided training to 55 alumni

students of the organization to become enumerators for the VTA.⁸ The organization also mobilized all the logistics including, motorcycles, boats, buses, Sport Utility Vehicles (SUVs), food, and accommodation (Nay Win Maung, interview, 29 June, 2009).

Damage and Loss Assessment (DaLA)

The objective of the DaLA methodology is to identify and estimate the degree of the damage and losses caused by the disaster. This assessment is essential for the estimation of financial needs for recovery (TCG, 2008c, p. 59). The research procedures has three steps: reviewing baseline information on damages (provided by the government), identifying gaps and the capacities to fill them and conducting field surveys through extensive consultations with inter alia township officials, community leaders and representatives, NGOs, villagers, business owners and other stakeholders. The assessment analysed information on in 79 townships located in the affected area in Delta.

According to Nay Win Maung, the Secretary General, Myanmar E-gress, PONJA assessment was very crucial because it was the first time in history that there was a data set on Myanmar which achieved consensus by many different stakeholders including the UN, ASEAN and the Myanmar government. Prior to PONJA, this kind of assessment did not appear to be possible. There were many different kinds of data sets, for example, the UN's and the government's (interview, 29 June, 2009).

Moreover, the PONJA was considered to be a very useful document as it provides the overview picture on what happened and what are needed in the Delta area. The implementing agencies can use this information to plan out their programme activities and ensure that they appropriately serve the beneficiaries. For instance, in the fishery sector, implementing

⁸ The PONJA's VTA team consisted of 250 enumerators in total (Nay Win Maung, interview, 29 June, 2009).

agencies could learn from the PONJA on the number of boats⁹ needed in a specific area and then provided the appropriate amount accordingly (Bobby¹⁰, interview, 29 June, 2009).

5.3.2 Post-Nargis Periodic Review

Following the PONJA, the Periodic Review was undertaken as interim assessment in November 2008. It provides an updated overview, progress and success of community development across the affected area. The study aims to monitor humanitarian needs and recovery requirements on the ground and assesses the socio-economic and social impacts of Nargis and the aid efforts on the affected communities. The Periodic Review was expected to be used as a source of information to identify gaps, challenges, and priority areas for resource allocation and provide recommendations to what could be done in the future (TCG website, 2009).

The Periodic Review used VTA as its baseline for comparison of progress towards meeting humanitarian needs. Although covers the same geographic area as the PONJA, but it does not necessary interview the same communities. The periodic review uses a hexagonal lattice approach to select the sampling areas. The community nearest to the centre of the hexagon would be picked for interviews. There were 113 communities selected in total, with 22 households selected in each community.

Figure 6 Satellite Image with Hexagon Overlay

⁹ The PONJA researchers calculated the number of boats needed in the area by looking at the demographic of that specific area. The data on demography is provided by the government.

¹⁰ Note that the interviewee does not possess a last name.



The Periodic Review uses qualitative research method called “plug-in,” which refers to when the researchers analyse the data from the large-scale quantitative household survey in order to identify households that fell into pre-defined categories of vulnerability. The interviews would be made with these vulnerable household. The purpose of the qualitative study was to understand how formal institutions and social networks respond to the catastrophe.

The Assessment Team of the Periodic Review was led by ASEAN Chief Technical Advisor and the UN Humanitarian Coordinator. It was implemented through mechanisms which involve the participation of the Government, ASEAN, UN-Inter-Agency Standing Committee (IASC) as well as international and local NGOs (TCG website). UNOCHA is the main coordination body between the 55 international aid workers from different organizations. The local NGO Myanmar E-gress also played a significant role in this process as it shared human resource persons as enumerators to collect data in the field (Bobby, interview, 29 June, 2009).

The Periodic Reviews are conducted every six months. The first periodic review was launched in December 2008. The second periodic review has recently been released on 27 July, 2009 but the author is not able to access the document. The third round of such review is reportedly planned for August 2009 (Bobby, interview, 29 June, 2009).

This assessment helps provide information and assurances to the donor community that aid assistance is being achieved across the Delta. The document is also useful for implementing agencies to know if there remain any gaps or arise of new problems so that they can prioritize towards that direction.

5.3.3 Post-Nargis Social Impact Monitoring Study (SIM)

The study aimed to assess the social impacts that the Cyclone Nargis has had in Myanmar. The assessment takes the framework the PONJA and developed for assessing the social impacts of the disaster and uses it to see how the village life has changed, or remained the same, six months after the disaster. As the situation in the Delta is evolving, the repetition of the monitoring will identify which of the preliminary results from this early round of research are validated over time and if there are any further emerging dynamics. The study focus areas include “aid effectiveness, (how much and what type of aid people are getting, needs and shortfalls, how assistance is being targeted and delivered, and the process of aid delivery and decision-making); socioeconomic impacts (impact of Nargis on key occupational groups such as farmers, fishermen and laborers, and the degree to which they are recovering. It considers other key socioeconomic issues in village life such as debt and migration); and social impacts (assesses the way Nargis and aid effort is changing relations within and between villages and between villagers and their leaders, and how it is affecting local social capital and collective action capacity)” (TCG, 2009a, p. 1).

Currently, the second Social Impact Monitoring Study is being finalized and is expected to release in August 2009. The Social Impact Monitoring Study 2 includes content on Credit Market Analysis in the Delta because the result from the first SIM indicated that obtaining credits was the main difficulty for the Nargis victims. Therefore, there is a need to

understand more on the nature and availability of the credits. This study is supported by the World Bank (Bobby, interview, 29 June, 2009).

5.3.4 Post-Nargis Recovery and Preparedness Plan (PONREPP)

The last assessment is the Post-Nargis Recovery and Preparedness Plan (PONREPP), which was launched on 9 February 2009. PONREPP is a three-year medium term recovery plan which provides a thorough framework or the “blueprint” of the recovery efforts required in 2009 to 2011, one year after the formation of the TCG. It focuses on key sectors including agriculture, early recovery, education, shelter, emergency telecoms, food, health, nutrition, protection of women and children and water/sanitation/hygiene (Surin, 2009a). The PONREPP builds on the Government of Myanmar’s own sectoral plans for the Delta and therefore complements the Government’s reconstruction plan.

The PONREPP suggested that the three-year medium-term recovery proposal would require USD 691 million and placed the TCG to be the basis for providing continued funding. PONREPP suggested the operation to be done through the ASEAN-led mechanism, by using the existing regional mechanisms such as the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) and also through its initiative to build a people centred, people-oriented ASEAN community. This initiative was also part of the ASEAN’s aim in building a community of “caring society” by the year 2015 (Surin, 2009a). The ASEAN Humanitarian Task Force and the TCG will take these mechanisms forward (Surin, 2009b).

PONREPP is an indicative plan, not a fully-elaborated programme. It draws on the findings of the Periodic Review and the Social Impact Monitoring study undertaken. The plan aimed to provide descriptive, analytical, and practical information to allow the international community to consider its ability to respond to the medium-term needs in cyclone-affected areas and to review the activities which such assistance can support. As implementation proceeds, it is likely that the PONREPP will need to be reviewed and updated, initially perhaps early in the fourth quarter of 2009 (UN Official, interview, 30 June, 2009).

The above chapter explained the architecture, role and deliverables of the TCG. It demonstrated that the TCG has been very beneficial in terms of facilitating humanitarian access in Myanmar. The next chapter will provide the analysis of the TCG on its mission beyond the humanitarian relief response. It will attempt to explore whether the group could bring positive change on the long term development, such as in the areas of political oppression and human rights abuses. It will also elaborate on the TCG's ability (if any) to breakdown the mistrust of the Myanmar government.



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CHAPTER VI

ANALYSIS OF THE RESEARCH FINDING

This chapter will analyze the overall contribution of the TCG through the role of the ASEAN and the UN after one year of operating in Myanmar. It will examine whether the TCG has been an effective tool to alleviate the crisis due to the Cyclone Nargis, and whether the UN and ASEAN have reached their objectives in doing so. The chapter will also provide a comprehensive analysis on the potentiality that a mediating body such as the TCG can have a positive impact on development work in Myanmar in the long-term.

6.1 Overview

In overall, the establishment of the TCG can be seen as an opportunity to revitalize the relationship between the Myanmar government and the international community. Considering the extent of the crisis, the involvement of ASEAN seems to have been the most viable approach. It helped convincing Myanmar on the necessity in opening up the country for aid and cooperating with humanitarian community who had no hidden political objective. The TCG provide space for all three counterparts to work together peacefully in a dignified manner, and in hindsight shows that such stage could possibly become a good alternative platform for future collaboration between the international community and Myanmar.

Nevertheless, there appears to be mixed results on the ability in facilitating aid of the TCG. In terms of aid delivery, the TCG has proven to be able to receive cooperation from the Myanmar government on this matter and therefore could effectively deliver aid into the affected areas. However, with respect to fund raising for the second period or mistrust breaking of the Myanmar government, these remain to be areas of concern and a viable long term solution has yet to be found.

With respect to the diplomatic role of the ASEAN, it appears that the group was acting more as a facilitator, than mediator. To be a mediator, ASEAN would have to be able to settle the conflict by breaking down the mistrust of the Myanmar government, however

this is not the case (elaborated in section 6.2.4). Instead, as a facilitator, ASEAN was only able to bring the humanitarian community and Myanmar government into negotiations (although not directly, but through the ASEAN themselves) but the mistrust still persists. The association also provides support on the procedure and approaches by facilitating the assistance and also provides administrative and management support to the TCG.

6.2 Impacts of the TCG from a Disaster Diplomacy Perspective

To evaluate the effectiveness of the TCG, one has to see the changes or the extent of the changes, that the group has managed to introduce to the development actors, donors and Myanmar government, who initially stubbornly refused to cooperate with the outside assistance for communities severely affected by Cyclone Nargis. To analyse such changes, the disaster diplomacy framework will be applied. The analysis will look at changes with respect to the approach, objectives, behavior and perceptions.

6.2.1 Change in Objective: Myanmar Provided Cooperation in Solving Problems

Since the beginning of the relief mission of the TCG in 2008, the Myanmar government has shown interest and willingness in improving the difficult situations. This demonstrates a change in the Myanmar government's objective from being uncooperative towards the international community (especially when without ASEAN's mediation), to become proactively involved in improving the effectiveness of aid.

For instance, the government showed cooperation when there was a problem that caused a loss in the Cyclone Nargis humanitarian aid dollars due to foreign exchange rate differentials in 2008. The loss occurred in the first three months of the TCG implementation, which was amounted to about USD 1.56 million (TCG, 2008b).

The UN claimed that the exchange rate disparity was dictated by the supply and demand of the local markets in Myanmar and this was affecting everyone, not only the international humanitarian community (TCG, 2008b). Differences occurred especially when

the hard currency was changed into Foreign Exchange Certificate (FECs) which are the prescribed medium for purchasing local currency. The UN explained that at that time, the demand for FEC was high and since the Myanmar people can only carry FEC or Kyat, there would be higher demand for the FEC, than USD. At that time, in the market, FEC was valued at Kyat 870, while US dollar was valued at 1170 Kyat (Mungpi, 2008). This led to the shortage of FEC in the market and caused the speculation (Thierry Delbreuve, interview, 2 July, 2009).

Critics suspected that that the losses occurred because the exchange rates were manipulated and “arbitrarily set” by this FEC system (Russel, 2008).¹ The UN official said this accusation is “politically motivated” by the groups who would do anything they can to harm the authority. The UN said that it is “unfair” to blame the Myanmar government in this case because there was no evidence that the government was influencing the FEC exchange rate (Thierry Delbreuve, interview, 2 July, 2009).

This discrepancy was a source of double concern as it prevented the aid agencies to get the full value of dollars donated for emergency relief, while the situation was extremely worrying and the international community was keen to see that the crisis resolved. This issue was raised by the UN Under Secretary-General for Humanitarian Affairs, John Holmes, during his visit to the capital, Nay Pyi Taw, on 24 July, 2008 (TCG, 2008b).

To respond to the issue, the Myanmar government introduced a new mechanism by permitting the UN agencies to employ dollar-to-dollar direct bank transfers to the vendors when purchasing humanitarian goods and services, and it would be up to the vendors to manage their dollar accounts. The Myanmar government also confirmed that the vendors would have no obligation to convert the dollars into FECs or local currency, and neither

¹ The critics accused the UN for having long known of the discrepancy in the Myanmar foreign exchange mechanism even before the international community rushed in to the country to help victims of Cyclone Nargis, and that the UN should have done something about it instead of remaining silent for a long time.

would there be an obligation for the international humanitarian community to commission particular vendors (TCG, 2008b).²

The Minister for National Planning and Economic Development U Soe Tha also invited the UN representatives to inform them of any further issues, if they arose, so that the Government of Myanmar could help address them accordingly. He confirmed that the “effective assistance to the Nargis-affected population is our common goal and we certainly have the intention to continue addressing any issues as they arise” (TCG, 13 August 2008). This announcement and solution demonstrated the government’s willingness to work with the TCG on the issue. This provided the TCG members with assurance that no one was exploiting the situation.

Bishow Parajuli, the UN Resident Coordinator and TCG member expressed his appreciation that the mechanism introduced by the government will “help us [aid community] to address the bulk of the problem very quickly, and we appreciate that the government has been willing to work with us on a solution” (TCG, 2008b). The TCG also continued to address issues arising from the exchange rate by inviting the Representatives of the relevant ministries such as the Ministry of National Planning and Economic Development, the Ministry of Commerce, and the Ministry of Finance to the TCG meetings, whenever the issues such as currency exchange were on the agenda.

6.2.2 Change in Behavior: Myanmar Allowed Access to Cyclone Nargis Affected Areas

Another indicator of the positive influence that the TCG has on Myanmar is to cause a change in the government’s behavior from stubbornly blocking the humanitarian aid to supporting the facilitation of aid by approving visas for foreign aid workers to enter Myanmar

² Nevertheless, it was reported that the Myanmar Foreign Trade Bank, the principal bank in Myanmar that is used by several aid agencies to transfer aid money, still continues to give customers FEC while withdrawing their money which are transferred abroad. The bank official informed Mizzima News that “We treat the FEC as equivalent to the US dollar and give customers the same amount. But we deduct 10 per cent from the amount as tax” (Mungpi, 2008).

and access the affected areas. However, this degree of change is rather limited because its cooperation only lasts for a certain period of time.

During the first few months after the cyclone, it was critical to obtain access to the Delta for relief workers and providing visas for international staff from NGOs and the UN that were needed to support the relief effort. The Myanmar government was initially reluctant to accept relief materials and allow aid workers into the country and then later agreed.

When speaking about this change of Myanmar's behavior, the credit must go to ASEAN. After seeing Myanmar's resistance to open up the country for aid, ASEAN sent in the Emergency Rapid Assessment Team (ERAT) to examine the degree of the damage. Based on this result, the Surin Pitsuwan called for a Foreign Ministerial meeting in order to explain to Myanmar that the damage is beyond Myanmar's and ASEAN's capacity to handle. During this meeting, all the ASEAN members, including Myanmar, had agreed that there is a "need for UN intervention" (Wanna Suksriboonamphai, interview, 1 July, 2009). ASEAN therefore established the ASEAN Humanitarian Task Force (AHTF) and then invite the UN to join, which led to the creation of the TCG.

Through the ASEAN, the visa issue was also resolved and the visa authority to process the applications was granted to the TCG under the Fast Track visa application system. The idea of this system came from the TCG members who saw that there is a need not only to allow access for humanitarian workers, but also enabled them to work in Myanmar in a longer period of time than before. Prior to this new system, the international staff who were able to obtain visas, received permission to stay in Myanmar in a very limited time, usually two weeks causing the significant staff turnover rate in the first 8 weeks of the emergency. The fast track system allows the implementing agencies to be to invite their colleagues from other offices or to recruit international experts to assist in the emergency response (UNICEF, 2009).

Not did only were the aid workers allowed to enter the affected areas, but the logistical support to the relief supplies was also given access. Commercial helicopters, contracted by the World Food Programme (WFP), were allowed to fly daily to transport humanitarian relief supplies in Yangon and Delta areas (TCG, 2008a). A local NGO, such as Myanmar E-gress also contracted to mobilize all the logistics for enumerators on

transportation, including motorcycles, boats, buses and sport utility vehicles (SUV) (Nay Win Maung, interview, 29 June, 2009). The Post-Nargis Social Impacts Monitoring Report indicated that the relief had been able to reach all the affected communities indicating that the access provided by the Myanmar government was adequate (TCG, 2009, p. 5).

The TCG's ability to successfully operate the fast track system was crucial and was appreciated by the international NGOs and donors who stated that "without the TCG the humanitarian impasse may have dragged on" (Andrew Kirkwood (Save the Children)'s interview with Mizzima News) and "The TCG helped to build trust, coordinated the aid effort, and overcame obstacles like visa handling for humanitarian workers" (Matthew Maguire (DFID)'s interview with Mizzima News) (Jagan, 2009).

Unfortunately, this positive behavior towards the international community only lasted for less than a year. In March 2009 the authority to issue visa was taken away from the TCG. Visas are now taking much longer to approve as applicants have to send their applications through the line ministries, not the TCG. Without the TCG's authority, the visa application now takes around four weeks. This length of time is more than double the previous fast tracking process and most international NGOs now have a substantial back-log of people waiting for visas (Jagan, 2009). During the research, the author also had a chance to interview a Western humanitarian worker who has been waiting for the visa to re-enter Myanmar for over two months. Her visa application has been delayed regardless of the fact that she has been working for a Yangon-based international NGO for the past six months. She has to be relocated to work at the Phnom Penh office while waiting for the visa to be approved.

Some observers, such as Moe Thuzar and Tin Maung Maung consider that the removal of the fast track system to be "another blow in the uphill task to raise positive sentiments among donors" (Moe Thuzar and Tin Maung Maung, 2009). Nevertheless, donors such as DFID do not view this as a failure of the TCG. He said that visa facilitation "should not be the main responsibility of the TCG" at the first place. The TCG "has many more crucial tasks than trying to get visas approved, such as coordination, seeing gaps and challenges, mobilizing funds, tracking funds, etc". It should ultimately be the government that issues the visa to the aid workers (Matthew Maguire, interview, 4 July, 2009). This implies that the removal of the fast track system will not have a large impact on the donor's decision on funding the TCG.

6.2.3 Change in Approach: Enhancing Partnership from Actors

The TCG has proven to be a surprisingly effective forum for reinventing approaches to development and disaster relief in Myanmar. The group has brought partners from different sectors to work together and enhancing their partnerships. The TCG not only was able to build the partnership between the UN, ASEAN, and the Myanmar government, but it also includes the national and international NGOs, Red Cross/ Red Crescent movement and donors.

For instance, the TCG has led to a change between the relationship between donors and the ministries. Prior to the TCG, the ministries were not allowed to work directly with donors, but now they can. This is mainly because they have to conduct joint assessments together. The same goes for ASEAN who also found to have a closer relationship with donors after operating in Myanmar. Prior to the TCG, the relationship between the two was more based on the donor-recipient relationship, however they are now working as partnership through various activities including the making of the Post-Nargis Social Impact Monitoring (Wanna Suksriboonamphai, interview, 1 July, 2009).

The TCG has managed to also bring in experts from the World Bank and the Asian Development Bank to conduct a joint assessment on the damage and reconstruction in Myanmar. World Bank has provided both technical advisers and other support directly to ASEAN's AHTF. This joint mission was even extended to cooperation on report writing and strategic planning. This involvement by the World Bank and the Asian Development Bank is considered to be very rare as that they have been refrained from providing direct development assistance to Myanmar for the past 20 years.

This is regarded as a very big and crucial step as it is the first time in history that so many different stakeholders are working together in Myanmar (Nay Win Maung, interview, 29 June, 2009). It is a hope that this partnership may even offer the possibility of forging new partnerships for development beyond the immediate emergency phase (ICG, 2008. P. 23).

With regards to the partnership with the Myanmar government, one must give ASEAN the credit for its ability to make this happen. DFID had expressed its positive impression of the ASEAN's work that it has the "credibility in having more frank discussions

with its member [Myanmar] than the UN.” Donors see this ability as a “great value” for the work in Myanmar (Matthew Maguire, interview, 4 July, 2009).

6.2.4 (No) Change in Perception: Failure in Breaking Myanmar’s Mistrust

Although the UN and the ASEAN had received cooperation from the Myanmar government in the first year of the operation, the author would not assume that the group has been able to earn much trust from the Myanmar government. On the contrary, the Myanmar government is still strongly nationalistic, inward-looking and deeply suspicious of the whole aid community in the same way that it used to be before joining the TCG. This implies that even though Myanmar’s behavior improved temporarily, the attempt to change Myanmar’s perception towards the international community failed.

During the first year of the TCG, Myanmar’s cooperative behavior was optimistically interpreted by observers as a sign of trust. However, after the emergency period is over, the government has gradually begun to send various signals reflecting its on-going xenophobic attitude towards the international community.

Firstly, the one-year extension granted to the TCG by the government was one of those paranoia signals. This shows that the government has no trust in the presence of the humanitarian community as long as it remains in Myanmar territory, especially when the general election is scheduled to be held in a year time (July 2010). During the announcement of this extension, the Government of Myanmar attempted to distort its original intention by praising the TCG and also confirm the trust that it has on the tripartite group. Myanmar Foreign Minister U Kyaw Thu spoke on behalf of the government, at the 14th ASEAN Summit in Thailand, that “The [TCG’s] extension reflects ASEAN’s confidence that the mechanism is working efficiently... it also shows the government of [Myanmar’s] trust in the TCG partners to continue helping the cyclone-affected people” (Jagan, 2009).³ This fading

³ Nevertheless, while the one-year extension of the TCG may reflect an inadequate commitment from the side of the government, some observers do question whether the TCG would be able to raise funds for all three years, had the TCG been granted three years up-front. They believe that the UN and ASEAN should also realize that the government has already given them fifty percent of the time required and the organizations “need to analyse

out the TCG, is regarded by Jagan as “the end of a successful mechanism which has brought unprecedented access in Myanmar” (Jagan, 2009).

Nevertheless, many aid workers are still optimistic about the short period extension and remain determined to continue their work. Andrew Kirkwood, the Director of Save the Children states that “The end of the TCG would not be the end of our ability to deliver humanitarian assistance. It would only mean that we would have to work in the Delta under the same rules as we do in the rest of the country. These rules are more restrictive on international staff, but not for national staff. We would still be able to deliver assistance on a large-scale and in an independent, accountable manner” (Jagan, 2009).

Secondly, the fact that the Myanmar government has taken the fast-track visa application system out of the TCG’s authority clearly shows its intention to slow down the visa application process in order to prevent more foreign workers from coming into the country. This decision reflects the lack of genuine concern from the government of Myanmar on alleviating the suffering in the country.

Thirdly, the government’s order to transfer the Chair of TCG, U Kyaw Thu, to a new position in the Civil Service Selection and Training Board of the Government of Myanmar demonstrates the state’s attempt to limit the relationship and exposure of the government officers to the international community. Although U Kyaw Thu has assured aid agencies that his new position allows him better access to the government’s upper echelons, many remain uneasy about the future of the TCG and NGOs caused by this change of his position. This move is perceived by some observers as a “sacking” (Reuters, 2009).

Fourthly, the recent decision to extend the house arrest of Aung San Suu Kyi for 18 months was like a big slap in the face of the international community and ASEAN. It shows that the military clearly does not respect the principles of the UN or the ASEAN (who have

the level of efficiency of their own progress and then clearly lay-out how much they think they could achieve within that half of the time that has already been granted to them.” ASEAN officials questioned whether the problem is with the government or with the UN and ASEAN -- “Is it about them or is it about us?” (ASEAN Official, interview, 1 July, 2009). Hence, it may be useful for the UN and the international aid organizations to also look inward and work for an extension, not only by diplomatic negotiations, but also by showing progress.

been calling for her release for the past decades), regardless of the partnership that they have built the past one year working in the TCG.

The signals summarized above demonstrate that Myanmar's priority concern is still sovereignty, not the well-being of its people. The reason for Myanmar to open up seems not because of its genuine desire in helping the affected civilians, but more for the fear of humanitarian intervention/ external interference that could jeopardize the military power, had they not grudgingly accepted the presence of the TCG.

6.2.5 Change in Donor's Confidence

Funding of the Past One Year

After the hit of the Cyclone Nargis, some donors have demonstrated readiness to provide funding with Myanmar, where as many were reluctant to commit resources for longer-term development. The ASEAN and the UN have been vital in forging pragmatic partnerships for development between Myanmar and the region as well as the international community. The groups have been calling for secured support from the international community towards continued engagement with Myanmar in order to address the humanitarian needs and push forward humanitarian relief activities. After a year of operation, the TCG appears to have successfully increased the donors' confidence on contributing aid to Myanmar.

Table 2 Summary of Requirements and Pledges/Contributions by Affected Country/Region



Consolidated & Flash Appeals 2008

Summary of Requirements and Pledges/Contributions by affected country/region

as of 10-August-2009

<http://www.reliefweb.int/fts> (Table ref: R21)

Compiled by OCHA on the basis of information provided by donors and appealing organizations.

	Appeal launch date	Original requirements USD A	Revised requirements USD B	Funding C	% Covered C/B	Unmet requirements USD B-C
Bolivia Flash Appeal 2008 [unrevised as of Oct. 2008; appeal closed at 80% funding and unmet requirements reduced to zero]	20-Feb-2008	18,215,196	14,603,307	14,603,307	100%	0
Central African Republic 2008	10-Dec-2007	92,635,059	118,670,314	107,318,080	90%	11,352,234
Chad 2008	10-Dec-2007	287,661,130	317,920,558	256,431,401	81%	61,489,157
Côte d'Ivoire 2008	10-Dec-2007	46,642,196	58,099,693	25,257,907	43%	32,841,786
Democratic Republic of Congo 2008 Humanitarian Action Plan	10-Dec-2007	575,654,173	736,511,765	564,584,996	77%	171,926,769
Georgia Crisis Flash Appeal (Revised) 2008	18-Aug-2008	59,653,319	114,260,753	72,987,948	64%	41,272,805
Haiti Flash Appeal (Revised) 2008	9-Sep-2008	107,714,621	121,100,791	72,882,443	60%	48,218,348
Honduras Flash Appeal (November - April) 2008	29-Oct-2008	17,086,986	17,086,986	6,000,252	35%	11,086,734
Iraq 2008	12-Feb-2008	265,081,286	274,253,721	208,867,035	76%	65,386,686
Kenya Emergency Humanitarian Response Plan 2008	16-Jan-2008	41,938,954	207,568,401	136,895,869	66%	70,672,532
Kyrgyzstan Flash Appeal (Revised) 2008	28-Nov-2008	20,635,263	14,751,781	7,989,186	54%	6,762,595
Madagascar Flash Appeal 2008 [unrevised as of Nov. 2008; appeal closed at 50% funding and unmet requirements reduced to zero]	1-Mar-2008	36,476,586	18,838,643	18,838,643	100%	0
Myanmar Flash Appeal (Revised) 2008	9-May-2008	187,538,101	477,134,253	330,362,789	69%	146,771,464
occupied Palestinian territory 2008	10-Dec-2007	462,121,404	452,223,961	338,039,191	75%	114,184,770
Somalia 2008	10-Dec-2007	406,235,651	662,543,578	475,955,879	72%	186,587,699
Southern African Region Preparedness and Response Plan 2008 [unrevised as of Nov. 2008; appeal closed at 33% funding and unmet requirements reduced to zero]	12-Feb-2008	89,178,415	29,460,906	29,460,906	100%	0
Sudan Work Plan 2008 (Humanitarian/Early Recovery Component)	10-Dec-2007	1,864,188,415	2,004,531,299	1,403,197,244	70%	601,334,055
Tajikistan Flash Appeal (Revised) 2008	15-Feb-2008	25,303,587	26,914,132	15,391,103	57%	11,523,029
Uganda 2008	10-Dec-2007	373,943,491	374,363,536	265,394,180	71%	108,969,356
West Africa 2008	10-Dec-2007	312,646,547	459,049,815	306,136,381	67%	152,913,434
Yemen Floods Response Plan (November - April) 2008	10-Nov-2008	11,483,150	11,483,150	5,113,261	45%	6,369,889
Zimbabwe 2008	10-Dec-2007	316,561,178	583,447,922	399,367,525	68%	184,080,397
Grand Total:		5,618,594,708	7,094,819,265	5,061,075,526	71%	2,033,743,739

The on-going trust and confidence that the donors have in the TCG body is reflected in the funds donated to Myanmar for Nargis related projects, which was USD 330 million, or 69 percent of the UN revised appeal (for emergency and relief response). The UN and donors perceive this figure to be a “good indicator” reflecting the confidence of donors to provide funding (Matthew Maguire, interview, 4 July, 2009). The funds have continued to come despite the world wide instability, including the global financial crisis, hurricane in Haiti, war

in Gaza, or the instability in Pakistan. Table 2 below demonstrates the amount of fund Myanmar received after the flash appeal, which appears to be above the average when compare to other countries.

Donors, such as the UK Department for International Development (DFID) provides cash funding to over 40 partners (new and existing) in INGOs, local NGOs, UN, and the Red Cross. The total contribution for the Nargis response provided by the UK amounts to 45 million pounds (Matthew Maguire, interview, 4 July, 2009).⁴

According to DFID, the overall impression of donors on the TCG is positive. In their eyes, the TCG has done many “good jobs” and has provided a value added to the aid coordination system instead of becoming an extra level of bureaucracy (Matthew Maguire, interview, 4 July, 2009). Donors are impressed with the partnerships created during the PONJA study, which was the first time that such global cooperation has been executed after a disaster. The PONJA provided donors with the overview of the damage and needs, which is a helpful for them to strategically plan before committing the funds. Moreover, the increase in donors’ confidence is also due to the fact that the TCG, as previously mentioned, managed to resolve the visa problem by creating the fast track system. Matthew Maguire from DFID said to the author that “If anything, TCG was actually underrated,” implying his genuine appreciation on the work of the tripartite cooperation (interview, 4 July, 2009).

The above demonstrates that the TCG has helped improve the confidence of the international donors and encouraged a greater financial commitment to Myanmar’s humanitarian and development needs.

Future Funding for TCG

With the current political turmoil in Myanmar, the future prospect of funding may not be as promising for the TCG. In this section, the future funding refers to the three-year recovery plan (PONREPP) proposed by the TCG in early February 2009.

⁴ The UK fund provided is only for the humanitarian response, not the hard reconstruction work; as the UK is refrained from contributing such type of fund (Matthew Maguire, interview, 4 July, 2009).

The TCG's one-year extension, instead of three, appears to be quite a "tricky situation" for donors and may negatively affect their confidence on contributing fund to Myanmar. Understandably, for donors, one year is too short to enable them to efficiently maintain a consistent level of support. A longer extension of the mandate would provide clearer and more predictable outlook about funding for donors and also provide more assurance to the donors (Matthew Maguire, interview, 4 July, 2009).

Diplomatically speaking, TCG will have to make a "very hard push" and "make a case for more funding to come in" in 2010 in order to convince donors (Matthew Maguire, interview, 4 July, 2009). Continued operation of the TCG will be very critical in that period because it will have to show donors on the progress of the PONREPP, which by that time would be implemented already for a year. The TCG has to show that the group is "on top" of the projects/ programmes and possesses understanding on the issues of the Delta. They "need to show that things are happening" and that TCG has "an important role" in making this happen (Matthew Maguire, interview, 4 July, 2009). At the moment, the funding for the PONREPP still "remains to be seen" (UN official, interview, 30 June, 2009).

However, in reality, it appears that the future funding for PONREPP is currently under threat of being underfunded. There is a rumour that the TCG is planning to reassess the PONREPP in order to establish priorities of the plan. The TCG feels that the initial fund request of USD 691 million for the PONREPP might have been too large for donors to fund, especially when some donors remain cautious about large-scale aid assistance to Myanmar. Therefore, the TCG is planning to slim down the amount and prioritize the first year of the plan in order to attract more donors (UN Official, interview, 30 July, 2009).

Moreover, the joint-donors' new funding mechanism "Livelihood and Food Security Trust Fund for Myanmar" (LIFT)⁵ is also a threat for the future in-coming fund to the TCG. LIFT is a USD 100 million project supported by European Commission (EC), UK Department for International Development (DFID) and Australian Government Overseas Aid Program (AusAID). At the moment, donor's involvement and priority with LIFT has already

⁵ The objective of LIFT is to provide financial and technical assistance to improve the food and livelihood security of the poorest and most vulnerable populations in both Delta areas and throughout the rest of the country. The target beneficiaries are rural and urban vulnerable people, women heads of households, and marginalized groups.

caused the decision of this TCG Recovery Trust Fund establishment⁶ to be delayed (Matthew Maguire, interview, 4 July, 2009). Some NGO aid workers suspect that the creation of LIFT reflects donors' reluctance in providing funds directly to the TCG (Bobby, interview, 29 June, 2009).

Future Funding for Myanmar (Non-TCG Related)

With respect to the political situation, it is not certain whether (the majority of) donor's attitude towards Myanmar is subject to the current political issue or not. Although it is natural to expect that the current detention of Aung San Suu Kyi and ASEAN's failure to solve this political problem could affect donor's willingness to provide funding to Myanmar (especially when donors have been waiting for 20 years to see the political reform), in reality it may not be the case. The fact that donors, such as the EU planned to massively contribute to LIFT without having revised its common position towards Myanmar, reflects how little the impact the political situation could have on donors. The willingness to donate money to Myanmar on recovery projects, not just emergency relief, and also beyond the Delta area shows the donors' firm intention in helping Myanmar and gives an interesting hint supporting the case of post-Nargis disaster aid being politically untainted and not biased in favour of Western ideology (Anonymous, interview, 2 July, 2009).

The intention to stay involved with Myanmar is also apparent with donors such as the US. Although it has long been the public enemy of Myanmar, the US still appointed a Charge d'Affair at the US Embassy in Myanmar who performs as a full ranking Ambassador. The US has chosen to keep the title at this level because it does not want to upgrade the embassy in Myanmar to appoint an Ambassador. Nevertheless, this clearly shows that there is a lot of interest from the Washington DC, especially since the US administration changed from Bush to Obama. When compared to the Bush's administration, whose wife very much supported the sanctions towards Myanmar, things seem to have become more progressive under the government of Obama. The situation of the world is changing and it appears that there is less

⁶ The Recovery Trust Fund is funding mechanism plan initiated by the TCG under the PONREPP. The objective is to have the TCG manage the funds that would go for the Nargis-related projects. This is an addition to the funds that go directly to the UN, national and international NGOs.

resistance from both sides to engage constructively with each other (UN Official, interview, 2 July 2009).

6.3 TCG as a Good Model for Future Cooperation

For many observers and aid workers, the TCG is considered to be an effective tripartite model to address critical humanitarian concerns in Myanmar. The TCG facilitates the relief and recovery efforts in co-operative, efficient, transparent and accountable manner. It uses various mechanisms and strategies that ensure effective delivery of humanitarian assistance.

Firstly, the TCG provides space for dialogues and helped build confidence, understanding and co-operation from all sides. These are not only dialogues between the UN, ASEAN, and the Myanmar government, but there are also discussions between the UN, international financial institutions, national and international NGOs, Red Cross/ Red Crescent movement and donors.

The regular meetings between all parties (in the Inter-Agency Standing Committee (IASC) meeting) allow them to share their experiences, good practices, keep updated with the progress, address the problems and also to ensure that the work efforts are not being duplicated between the organizations. Moreover, there are also regular meetings between the six hub offices in the field level maintained by the UN and ASEAN with the participation of NGOs. This indicates how the TCG is able to involve different parties from all levels.

Secondly, the TCG uses a cluster system, which is a useful method to help avoiding overlaps and major gaps in response. This is to ensure that the aid is being used effectively. The cluster system also builds an opportunity to link the Post-Nargis related activities to the ongoing and proposed nationwide programmes addressing issues in common with the recovery plan on various areas including health, shelter, water, sanitation, education, livelihoods and food security, and so on. In this sense, using the wide network coverage of the TCG, its formula can be expanded and enhanced to address work in other humanitarian areas in the longer term.

Thirdly, TCG provides a mechanism to coordinate and monitor the channeling of funds to the operational sectors. As the quantity and timing of aid flows are extremely critical in the emergency period, this system helped to improve the way aid was prioritised, coordinated, delivered and implemented on the ground. This share of information and coordination mechanism on progress monitoring and aid tracking would also subsequently increase the quality of strategic decision-making and of aid delivery and its effectiveness.

Ibrahim Gambari, the special UN Envoy to Myanmar, said that the TCG is an “effective model” for cooperation and collaboration between the international community and Myanmar (ASEAN, 2008). The TCG mechanism is expected to serve as a model for future relief and early recovery efforts in the aftermath of a catastrophic natural disaster. It has already been replicated in other countries, including in Haiti after the devastating floods (Surin, 2009a).

The effectiveness of the TCG is also recognized by the journalists and Myanmar analysts, such as Larry Jagan, who considers the ASEAN-led mechanism of the TCG to be “invaluable in ensuring a rapid and effective relief effort in the weeks immediately after the cyclone hit [Myanmar]” (Jagan, 2009).

TCG's Potential in Expanding its Role to Cover other Development areas?

While the purpose of the TCG is purely humanitarian, the international community is wishful that the group could yield a long-term impacts, including improvement in other development areas. Many international aid workers and UN representatives are now suggesting that the ASEAN-led model should be used for all future humanitarian assistance to Myanmar. The humanitarian workers believe the model, if extended to the rest of the country, could potentially increase the international support and response to the problems in Northern Arakan state of Western Myanmar which is the home for the Rohingyas. The group has no Myanmar citizenship and ended up in Indonesia, India, Malaysia and Thailand as refugees in search for security. Since this is a regional issue, analysts raised the prospect of a

“TCG-type mechanism” to deal with the issue, particularly when the group consists of South East Asian nations who are directly dealing with the matter (Jagan, 2009).

Certainly, the existence of the TCG will not cause a drop in the human rights or bring major changes in Myanmar. But there are indirect ways in which the group could positively influence the state of these principles, even if their primary goal is to operate with a pure humanitarian intention.

For instance, the fact that the TCG has brought in many new humanitarian actors to the country, it allows these development agencies to get on-the-ground observation about the situation in Myanmar. These organizations may not be on the level where they can investigate, report or prosecute any abuses, but they can at least enhance their understanding on the matters and therefore adjust their activities to match the situation (Hadju, 2009).

As addressed by Puangthong, one of the main reasons that cause failure in Myanmar’s protests against the government is a weak civil society. This is due to the government’s restrictions on the formation of groups and meetings in order to prevent the civil society from growing and consolidating efforts. The humanitarian coordination mechanism of the UN (which also includes the national and international NGOs) would reinforce and improve on this previously poor-condition of the civil society (Puangthong Pawakapan, 2008). The building of networks will also reinforce and improve their capacity which will not only be beneficial to the achievement of the disaster relief missions, but also to longer-term development in other areas. One local NGO falls in this category.⁷ It is a capacity building institute that was granted by the international organizations to provide trainings on research skills to data collectors for one of the TCG’s assessment reports. The trainer informed the author that sometimes she also adds into her teaching “a bit” of human rights principles (NGO staff, interview, 1 July, 2009).

ASEAN is also in an important position to promote the development in Myanmar. Due to its non-interference principle, ASEAN could have more chance of expanding its work beyond the disaster recovery to other areas that are “softer” (less politically sensitive) such as education, youth, women and children. This can be an entry point before engaging with more challenging issues such as labor or human rights. An ASEAN official told the author that

⁷ Due to political sensitivity, the author decided not to disclose detailed information on the source.

“although the topic of human rights may appear to be difficult, there is still a space for an entry point” (Wanna Suksriboonamphai, interview, 1 July, 2009). This clearly will not be an easy task, but it can be done step by step. The fact that ASEAN now has an office in Yangon should also make the above, somewhat, an easier process. Moreover, the success of the TCG would make it easier for ASEAN to step in again.

Surin Pitsuwan also agreed that the ASEAN-led mechanism “of some sort” could be useful for other development areas, including helping the people in the Northern Rakhine State, especially when “neither Myanmar nor ASEAN have the resources necessary to [provide assistance]”. Nevertheless, he also said that it is not possible to do so now and that the regional and international community would have to wait for the “evolution of the environment -- political or otherwise -- to see if there is an opening” for this entry (Jagan, 2009).

Donors tend to have a different opinion on this matter. While understanding the importance of the ASEAN-led mechanism, donors prefer that the development work in Myanmar is implemented through the “donors coordination structure of the 3 Diseases Fund,” referring to the LIFT, rather than the TCG (Jagan, 2009).⁸ Currently the LIFT has only been partially approved by the government, where only the funding strategy for the Delta area got endorsed but not for the rest of the country. The donors will continue to be in discussions with the government in order to push on this matter (Matthew Maguire, interview, 4 July, 2009). The proposal therefore is pending because some of the money allocated under LIFT cannot be distributed to the beneficiaries (Bobby, interview, 29 June, 2009).⁹

⁸ 3D Fund is Myanmar’s Three Diseases Fund, which aims to combat malaria, tuberculosis and HIV/AIDS in the country. The fund provided USD 100 million to Myanmar. It is a five-year joint program between six donors (Australia, the European Commission, the Netherlands, Norway, Sweden and the United Kingdom) which aims to compensate for grants suspended by the Global Fund to Fight AIDS, Tuberculosis and Malaria (Three Diseases Fund, 2008).

⁹ This partial approval is causing a dilemma amongst donors because it is currently an agriculture (rainy) season in Myanmar and the framework is not yet ready to be implemented. Even if the funding was ready, it would still need time to fully prepare implementation. The delay in approval prevents the donors fund from being

In this light, it remains to be seen whether the government will be flexible enough to let the humanitarian community expand its work to other areas of Myanmar, both for the TCG and the LIFT frameworks. The government's decision to grant only a one-year extension to the TCG and to partially approve of the LIFT is quite worrisome to observers as it is already a sign that not all is going to run as smoothly in Myanmar, and even in the Delta. With the unpredictable nature of the Myanmar government, it is difficult to forecast the impacts that the TCG could have on the country, especially when it involves democratization.

6.4 Why would ASEAN be a Good Facilitator

6.4.1 ASEAN has the understanding of the Myanmar government

Having ASEAN as a facilitator in the TCG appears is the most vital approach because of its close relationship with Myanmar. The association recognizes and understands Myanmar's difficulties in opening up its country for humanitarian aid, since it does not have a very "open policy". It understands that the government's xenophobic reaction is simply the way the Myanmar government operates especially when there is an interference of other countries. Nevertheless, this does not mean the regime is lacking the willingness to cooperate or to open up, but it is partly due to their fear, lack of confidence, lack of English language communication skills, which may lead to communication breakdown between the international community and Myanmar administrations.

The understanding was so great that the ASEAN, offered to use the mechanism on disaster management in Myanmar realizing and understanding that Myanmar may not agree to rectify it. Moreover, considering the urgency of the matter, the pressure from the international community was so intense that ASEAN had to take this initiative (Wanna Suksriboonamphai, interview, 1 July, 2009).

distributed and there is a chance that the implementing agencies will have to advance their funding first (Bobby, interview, 29 June, 2009).

6.4.2 ASEAN has the Capacity to Help

ASEAN possessed the disaster management mechanism that originated from its experience with the 2004 Tsunami.¹⁰ This incident led to an establishment of the Committee on Disaster Management and Emergency Response Mechanism in 2005 that deployed an ASEAN Emergency Rapid Assessment Team (ERAT). ERAT was assigned to conduct a needs assessment in the aftermath of the cyclone and recommended the establishment of the ASEAN-UN Task Force (the TCG) (TCG, 2008, p. 46).

After receiving the recommendation from ERAT, the Foreign Ministers of the ASEAN member countries (including Myanmar) had discussions among themselves and agreed that the disaster is beyond ASEAN's capacity and there is a need for UN intervention. Surin Pitsuwan and the Foreign Ministers decided to set up an ASEAN Humanitarian Task Force (AHTF) first and then invited the UN to join.

Bansarn Bunnag, Senior ASEAN member to the TCG and Thailand's Ambassador to Myanmar, emphasized the role of ASEAN in relief and recovery process of the cyclone-hit areas as "outstanding" and "an invaluable factor" in the relief efforts. He also called for donor's commitments to "maintain a concerted effort to help those severely affected by Cyclone Nargis to build back their lives."

6.5 Motivation of ASEAN for Helping Myanmar

In the previous sections, the paper has presented the assistance provided by ASEAN to Myanmar in time of crisis. While this could be explained as an action of a good regional association and neighbors, it is also important to understand the underlining motivation, or pressure, for ASEAN to take such active role in the disaster management initiatives.

¹⁰ Moreover, several ASEAN member states, including Thailand and Indonesia, can use their experience and expertise in recovering from the 2004 Tsunami to enhance ASEAN's disaster management mechanism in the Nargis case (Noppadol, 2008). Thailand, in particular, has an active role in the TCG to coordinate international assistance to Myanmar. Since the beginning, Noppadol Pattama, Thailand's Foreign Minister had pledged further cooperation and assistance from Thailand to help the victims of Cyclone Nargis (Pattama, 2008).

Based on the author's interview with the UN official, who requested not to be named, the main incentives for ASEAN's helpful response to Myanmar could be the following:

6.5.1 Fulfilling Obligation

Firstly, ASEAN has to meet with the expectations on its duty in fulfilling the obligation of a good friend (and good neighbor for Thailand—who is the chair of ASEAN), both from the international community and from the Myanmar government. This is especially when many ASEAN countries are in trade cooperation and extracting natural resources and raw materials from Myanmar. This inter-independent relationship, *naam peung reu seu peung paa* (boat depends on water, tiger depends on forest), has transformed the action of help to be an “obligation” that ASEAN must provide to their brother, Myanmar. This is not only expected by Myanmar, but also by the international community. An inadequate response to the situation would therefore cause harsh criticism of ASEAN (and particularly Thailand) as being unthankful to Myanmar's help in letting other ASEAN nations exploit the natural resources of this least developed country in the past decades. Moreover, since the Nargis catastrophe put Myanmar and its surrounding neighbors into the international limelight, ASEAN may have had little or no choice except to help Myanmar.

6.5.2 Enhancing Credibility

A second motivation for ASEAN's involvement in the crisis relief is the fact that such involvement would bring credibility to the organization. By helping Myanmar, ASEAN could prove that the organization is able to settle regional problems by its own and avoid outside interference in a form of humanitarian intervention, such as R2P.

ASEAN hoped that its involvement in the humanitarian work would also be beneficial for the association's public image. ASEAN believes that by helping Myanmar, it can bring substance to the ASEAN Charter (ASEAN, 2009). This was confirmed by Surin who announced that ASEAN was eager to exploit this opportunity to demonstrate “ASEAN's

resiliency, ASEAN's capability, ASEAN's willingness and essentially a new ASEAN under the Charter" (Surin, 2009b).

In addition, Surin also once stated that "ASEAN has grown on the pain on Myanmar" and a "stronger ASEAN" will be better for the region and "a stronger and prosperous, peaceful region will help the world by the comfort of knowing that there is one less region to worry about because ASEAN can take care of itself" (Surin, 2008). These statements reflect Surin's intention in turning the disaster into an opportunity for ASEAN to bring about a positive direction for Myanmar and at the same time also take ASEAN to a higher level and stronger position.

Ironically, the fact that ASEAN's involvement with Myanmar is only limited to humanitarian assistance, and does not in any way link it to the domestic political, human rights and democratization issues, is actually serves to lessen the credibility of the regional body.

6.5.3 National Security

Thirdly, Myanmar is geographically located in the Southeast Asia region and shares the same border line with Thailand and Laos, therefore possess mutual interest. It would be a win-win situation if ASEAN would help Myanmar to overcome the crisis quickly. Conversely, if the situation in Myanmar would not have improved, Thailand, as Myanmar's closest neighbor, would unavoidably have suffered negative impacts. One of the most critical issues includes the potential impact on the inflow of illegal immigrants from Myanmar, a great concern for Thai internal security. This issue is reflected in the joint letter of appeal from the Action Network for Migrants (Thailand) and the Mekong Migration Network to the Thai government, on behalf of cyclone victims seeking refuge in Thailand, stating that "the people of [Myanmar] will only migrate to Thailand if there is no other means of survival in [Myanmar]" (Prachatai, 2008). Therefore, one can say that the motivation of ASEAN may also derive from the personal interest of Thailand in solving the problem.

6.5.4 Genuine Intention of Wanting to Help

Lastly, ASEAN's motivation to help Myanmar is simply their genuine intention in wanting to help their neighbor. ASEAN wanted to show that it can contribute and extend help as friends and partners of Myanmar whatever it can, to help its country member into a positive direction in improving the political and human rights situation in Myanmar (Surin, 2008). With such close relationship with ASEAN members, and a long and deeply rooted friendship with Thailand, one would expect ASEAN which happened to be chaired by Thailand that year, to have sympathy for Myanmar's desperate situation after the cyclone hit.¹¹

6.6 Myanmar's Motivation to Cooperate and Join the TCG

Myanmar's decision to cooperate with ASEAN and the humanitarian community demonstrates that the government was able to be flexible with its non-interference principles when the pressure was high. The factors that yield such flexibility are mainly serving Myanmar's national interests.

Firstly, after learning the magnitude of the destruction, Myanmar realizes that a large-scale aid is needed for the Cyclone Nargis victims. The failure to provide help in an appropriate manner by the government could cause anger among the suffering population, and may subsequently lead to protests as large as the 8888 uprising.

Secondly, Myanmar is in need for the international recognition for its upcoming 2010 general election. The international endorsement would legitimize this election process. By joining the TCG, the Myanmar government has hoped that it would help building a positive image of the country in the eyes of the international community that the state is in the stage of transition and that it has concerns on its people's well-being.

¹¹ Chongkittavorn has explained the general Thai perceptions of Myanmar as "they sympathise with the situation in that country and the plight of the Burmese people" (Chongkittavorn, 2008, p. 118).

Apart from the political purpose, the Myanmar government also needs to sustain its business deals with the trade partners. Without relief and recovery efforts, the country would be left in the dysfunctional state and that could jeopardize the trade transaction and national production.



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CHAPTER VII

CONCLUSION

The aim of this paper has been to show that the authoritarian country Myanmar has successfully used facilitation diplomacy of the tripartite dialogue to allow humanitarian assistance to enter the country.

Research for this paper has made use of qualitative methods to investigate the details behind the humanitarian access to Myanmar after the hit of Cyclone Nargis. The author interviewed officials from various sectors including UN agencies, ASEAN, donors, local and Bangkok-based media, Myanmar-based local and international NGOs, and independent observers. The literature review of this research has explored the concepts surrounding disaster diplomacy, mediating and facilitating processes, humanitarian assistance and intervention, ASEAN and debates on sanctions and constructive engagement, setting the stage for more in-depth analysis of the role of the TCG and ASEAN in the Myanmar relief effort.

7.1 Facilitation of Humanitarian Assistance

The first objective of this research was conducted to examine whether the unique tripartite dialogue approach could help in improving and facilitating the effectiveness of humanitarian assistance into Myanmar. The author did so by reviewing and evaluating core logistical systems and procedures established by the TCG, including the fast track system, the strategy and operation coordination, and the aid tracking and coordination. The achievements in adopting these mechanisms were summarized and evaluated to assess their application in the context of post disaster humanitarian assistance.

Even though the existence of these systems may have been temporally limited (for example, the fast track visa authority has meanwhile been revoked by the Myanmar authorities), they have undoubtedly proven to be useful for crucial and timely processing of

access granting visas and permits in the aftermath of the disaster. The numbers of visas granted during the first year (nearly 3,000) clearly indicate the benefits of the tripartite core group in enhancing access to the otherwise closed country. With regards to financial assistance, although the figure for the second year is not yet available, it is understood and expected throughout the aid community that the reception of funds towards rebuilding the areas devastated by the cyclone will dwindle, as the period is shifting from emergency and into recovery. Nevertheless, the author does not believe that the potential decline in contributions and donor interest is due to the lack of confidence on the operation of the TCG. The growing resentment towards Myanmar is connected to Aung San Suu Kyi's extended house arrest, her delayed trial, and the rebuff, which Ban Ki-Moon received from Tan Shwe in response to his request to free the famous icon of democracy. In sum, these events have increasingly complicated the situation, which has affected donor willingness to maintain financial involvement in the reconstruction of Myanmar on the longer term. In addition, the often unpredictable behavior of Myanmar, such as confiscating the visa authority from the TCG has also had a negative effect on donor cash flow into the country.

7.2 The Effectiveness of ASEAN in the TCG

Secondly, the paper aimed to assess the extent to which ASEAN was able to act effectively as a facilitator (rather than a mediator) between the Western community and the Myanmar government. This information was brought about by means of desk research and interviews both in Bangkok and Yangon. Throughout the interviews, a wide variety of national and international organizations, including representatives from UNOCHA, UNRC, Myanmar E-Gress, DFID, have expressed appreciation and positive attitude towards the work of the ASEAN in the wake of the Cyclone. The representatives have unanimously confirmed that the mediating role played by the ASEAN was vital for these organizations to engage into constructive dialogues with the government of Myanmar.

The cooperation, which the international aid-agencies received from the Myanmar government during the first year of the TCG operation, demonstrates that ASEAN indeed was able to encourage the government to cooperate with the humanitarian assistance to a much

larger extent than the UN and other countries. ASEAN was able to show Myanmar that the international community did not harbor any hidden political agenda, but sincerely aimed at granting humanitarian assistance to the suffering population in the country. This also implies that ASEAN still stands by its non-interference policy when it comes to political affairs, but at the same time it also engages itself in providing humanitarian assistance. In addition, ASEAN received much more trust than Western nations in general, who had never been able to enter Myanmar if it had not been for ASEAN's mediation.

Although ASEAN was able to change the behavior of Myanmar in the first year, their reaction in the second year shows that Myanmar remains rather isolated and xenophobic. Hence, the author concludes that the recent incident on the imprisonment of the Aung San Suu Kyi and the imposed restrictions on visa applications reflect that ASEAN's influence in Myanmar is only successful to a certain degree.

The future function and ability of ASEAN as a facilitator remains to be seen. A testing point will be when the role of the Secretary General will switch from Thai and into Vietnamese hands, of which the latter may place less priority and a lesser direct interest in sustained stability in Myanmar.

7.3 TCG's Ability in Altering the Distrustful Attitude of Myanmar

Thirdly, this research has evaluated the Myanmar government's response to the TCG's humanitarian efforts as to whether the TCG succeeded in breaking the government's distrust towards Western humanitarian assistance to Myanmar.

Based on the research findings, it is clear that the distrust and the overall negative attitude towards the West still remain prevalent in the Myanmar government. This is despite the fact that the TCG's operation was purely for humanitarian purpose and complied with the three principles of humanity, neutrality and impartiality. Therefore the author assumes that the regime's decision to open up for aid was not done willingly, but mainly driven by the forceful pressure of the ASEAN to lift Myanmar out of the mayhem caused by Cyclone Nargis. The cooperation and positive responses from the government were still conducted in

a rather authoritarian manner, in which Myanmar continued to dictate its own terms and conditions for the West to comply. This shows that Myanmar wanted to minimize the potential influence that the West could have in the country, but still needed all the help they could get in containing damage and reconstructing essential infrastructures throughout the devastated areas.

It is hence to be assumed that the suspicion of the government of Myanmar towards the West will remain in place, as long as Than Shwe is in power. The nationalistic attitude together with nearly obsessively protectionist policies will continue to stay as bad excuses to refuse to heed international and domestic calls for democratization.

7.4 Expansion of the TCG's Role

Finally, the dissertation discerned the potential of the TCG to expand its function as a facilitator and coordinating body to enhance the overall development into the country. Information pertaining to this issue was sought and evaluated through the interviews and literature reviews on the humanitarian situation, the political affairs in Myanmar and the increasing involvement of ASEAN in the relief effort.

The answer to this question is unclear. Although a certain enthusiasm was indeed felt by various key leaders on the large benefits that the TCG was able to yield beyond Nargis, there were also many signs hinting that the expansion of the TCG's role is not going to be an easy task, especially considering the limited humanitarian space currently available in Myanmar. The Myanmar government's decision to reject the joint-donors programme proposal, which includes both Nargis-related projects in the Delta and beyond, demonstrates that the country still rejects increased international involvement, and hence is not yet ready to accept such expansion of the TCG into overall development assistance..

Notwithstanding the bleak outlook for increased involvement, the humanitarian space in Myanmar is probably not going to decrease further. The TCG's 3-year recovery plan reflects its struggle towards expanding its role in Myanmar. Though still working on Nargis relief, the TCG would be shifting from emergency to recovery work, which indicates more

long-term involvement. If the plan succeeds, it will allow the majority of the development agencies to remain in the country to work in the Nargis-related areas. The agencies that are currently operational in Yangon will have valuable first-hand experience on the situation in Myanmar. This information could be shared to the outside world and gradually increase the humanitarian space.

7.5 Concluding Analysis

Humanitarian aid is undeniably an essential tool for alleviating hunger and suffering. However aid can also go to waste, if it is not well managed or does not reflect the needs of the citizens. This may cause aid from not achieving its goal.

The TCG has proved that the coordination and provision of aid can move beyond politics and concentrate on the most pressing of agendas, namely to ensure the efficient distribution of aid to the needy. Civilians of the affected country should be the highest priority in humanitarian assistance process. The establishment of the TCG has demonstrated the true humanitarian mission that complies with the three humanitarian principles of humanity, neutrality and impartiality. It emphasizes the importance of donors and international community approaching critical emergency situations by clearly disclosing intentions and operating their aid based on the humanitarian principles.

Moreover, the TCG also demonstrated that there is a way to manage and coordinate aid to ensure transparency and efficiency. The existence of this practice should increase the understanding of the international community that humanitarian aid can and should be provided, even to an authoritarian and highly corrupt country like Myanmar.

The involvement of ASEAN helped to increase cooperation from Myanmar when needed. Although ASEAN has not yet shown the ability to break down Myanmar's distrust and xenophobic attitude, the organization has successfully facilitated the delivery of humanitarian assistance to Myanmar, which without a doubt has been the most fundamental goal of this mission. ASEAN's diplomatic mediation skills enabled a bridging of the interests between the authoritarian country and the international donor community. Therefore it can be

concluded that such tripartite dialogue through a mediating body is clearly a good alternative to a traditional intrusive donor-recipient relationship.

However, the political oppression in Myanmar remains and a paradigm change cannot happen overnight. In the case of grave crises and natural disasters, one has to turn the blind eye to otherwise despised domestic politics in the recipient country in order to save civilians who, regardless of their political situation, are greatly affected by a disaster.

This is not to say that the defensive response of the Myanmar government can be deemed appropriate or humanely correct. In fact, the reasons to the Myanmar government's resistance certainly do not justify their lack of action. But given such political climate, the international community should consider refraining from barging into the country with a hardliner R2P approach or uphold sanctions knowing that people are suffering in the crisis and conflict ridden country. Instead, both international actors and ASEAN alike need to consider establishing consistent rules for the carrot and stick game in order to meaningfully continue their involvement in Myanmar. Both parties need to set common terms and conditions for the country, primarily this involves the release of Aung San Suu Kyi, in order to yield positive results (Puangthong Pawakapan, 2009). This way, Myanmar will not be able to turn to the Non-aligned Movement countries or ASEAN every time it gets sanctioned by the West.

And in order to follow the new rules of carrot and stick game, ASEAN would need to let loose of the "Business as Usual" attitude. At the same time, perhaps the democratic martyr, Aung San Suu Kyi, could send a strong signal to the international community if she changed her attitude from being one supporting continued sanctions to actually advocate increased international involvement with Myanmar. Times are changing, even for Myanmar.

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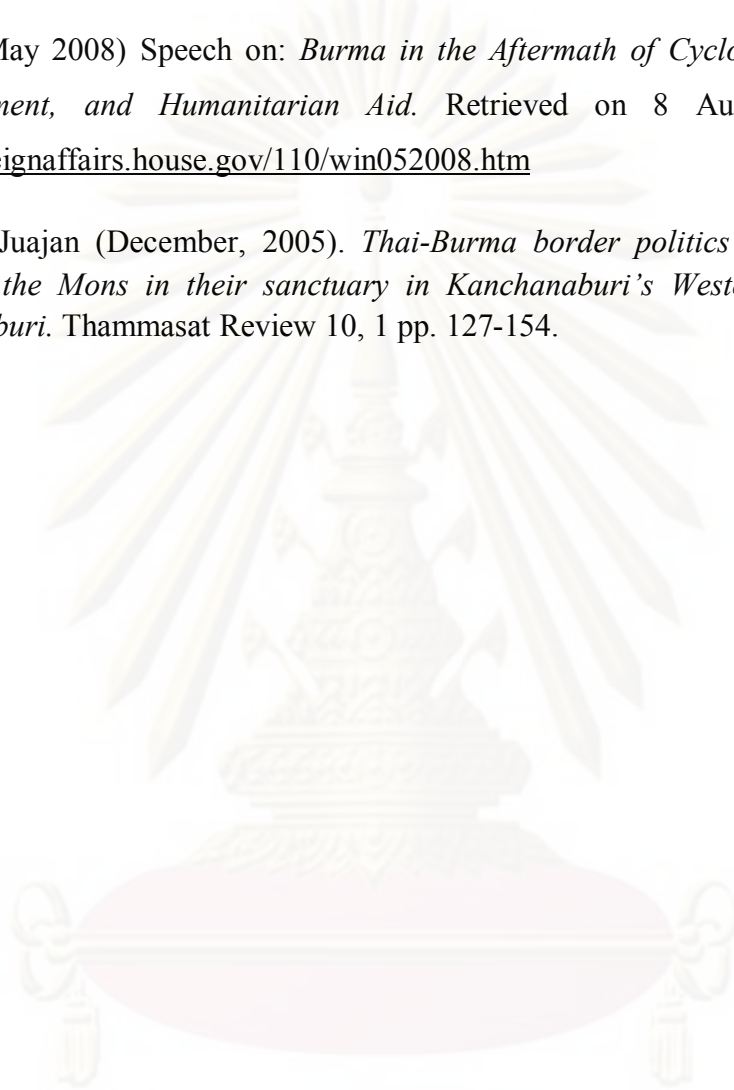
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APPENDICES

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APPENDIX A

List of Interviewees

	Interviewee	Title	Organization	Location	Type of Organization
1	Anonymous	UN Official	UN Resident Coordinator Office	Yangon	UN
2	Thierry Delbreuve	Head of UNOCHA Office, Myanmar	UN Office for the Coordination of Humanitarian Affairs (UNOCHA)	Yangon	UN
3	Anonymous	UN Official	UN Office for the Coordination of Humanitarian Affairs (UNOCHA)	Bangkok	UN
4	Anonymous	UN Official	United Nations Economic and Social Commission for Asia and the Pacific (UN ESCAP)	Bangkok	UN
5	Rick Gregory	Fishery Advisor	Food and Agriculture Organization (FAO)	Yangon	UN
6	Wanna Suksriboonamphai	Coordinator	ASEAN representatives from the ASEAN Humanitarian Task Force (AHTF)	Yangon	ASEAN
7	Anonymous	ASEAN Official	ASEAN representatives from the ASEAN Humanitarian Task Force (AHTF)	Yangon	ASEAN
8	Matthew Maguire	Cyclone recovery co-ordinator	UK Department for International Development (DFID)	Yangon	Donor
9	Anonymous		Australian Government	Yangon	Donor

			Overseas Aid Program (AusAID)		
10	Anonymous	Journalist	Living Colour magazine and Foreign Affairs Newspapers	Yangon	Media
11	Anonymous	Journalist	Bangkok-based independent journalist	Bangkok	Media
12	Nay Win Maung	Secretary-General	Myanmar E-gress	Yangon	Local NGO
13	Bobby	Technical Chief	Myanmar E-gress	Yangon	Local NGO
14	Cin Khan Lian	Programme Development Director	Ar Yone Oo (Relief and Development Organization)	Yangon	Local NGO
15	Ingeborg Moa	Country Director	Norwegian People's Aid	Yangon	INGO

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APPENDIX B**MIMU Map Identifying the Work Locations of all Agencies in the Delta Area**

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APPENDIX C

List of Organizations Working on Post-Nargis Related Projects and Exchanging Information Through Myanmar Information Management Unit (MIMU)

United Nations	
1	Food & Agriculture Organization
2	International Labour Organization
3	Myanmar Information Management Unit
4	United Nations Development Programme
5	United Nations Children's Fund
6	United Nations Department for Security & Safety
7	United Nations Development Programme/ICDP
8	United Nations Environment Programme
9	United Nations High Commissioner for Refugees
10	United Nations Human Settlements Program
11	United Nations Inter-Agency Project on Human Trafficking
12	United Nations Information Centre
13	United Nations Office for Project Services
14	United Nations Office for the Coordination of Humanitarian Affairs
15	United Nations Office on Drugs and Crime
16	United Nations Populations Fund
17	United Nations Programme on HIV/AIDS
18	World Food Programme
19	World Health Organization

International NGOs	
20	ACTED
21	Action Aid
22	Action By Churches Together
23	Action Contre La Faim
24	Adventist Development & Relief Agency
25	Aide Médicale Internationale
26	Amara Health Care
27	American Jewish Joint Distribution Committee
28	AMURT

29	Arche nova
30	Asian Disaster Preparedness Center
31	Asian Harm Reduction Network
32	Association for Aid and Relief-Japan
33	Association François-Xavier Bagnoud
34	Association of Medical Doctors of Asia
35	Bridge Asia Japan
36	Burnett Institute for Medical Research & Public Health
37	CARE Myanmar
38	Cooperazione e Sviluppo Onlus
39	Entants du Monde - Droits de l'Homme
40	French Red Cross
41	Friends of Rainforests in Myanmar
42	Fun for Relief & Development
43	Green Care
44	Groupe de Recherche et d'Echanges Technologiques
45	Help from Germany
46	HelpAge International
47	HOPE International Development Agency
48	International Development Enterprises
49	International HIV/AIDS Alliance
50	International Medical Corps
51	International Rescue Committee
52	Interreligious and International Federation for World Peace
53	Islamic Relief Worldwide
54	International Youth Christian Association Myanmar
55	JAFS-MAFS
56	Japan Heart
57	Japanese Org for Intl Cooperation in Family Planning
58	LIEN AID
59	Local Resource Center
60	Malteser International
61	Marie Stopes International
62	Médecins du Monde

63	Médecins Sans Frontières - Holland
64	Médecins Sans Frontières - Switzerland
65	Mentor
66	Mercy Corps
67	Mercy Malaysia
68	Merlin
69	Muslim Aid
70	New Humanity – FOCSIV
71	Norwegian People's Aid
72	Norwegian Refugee Council
73	OXFAM International
74	Pact Myanmar
75	Peace Winds Japan
76	Plan International
77	Population Services International
78	Progetto Continenti Myanmar
79	Relief International
80	Saetanar
81	Samaritan's Purse
82	Save the Children Myanmar
83	Solidarités
84	Strømme Foundation
85	Swiss Aid
86	Tearfund
87	Terre des Hommes-Italy
88	The Leprosy Mission International
89	The Salvation Army-Myanmar Region
90	Triangle G
91	Water, Research and Training Centre
92	Welthungerhilfe
93	Wildlife Conservation Society
94	Women's Federation for World Peace
95	World Concern Myanmar
96	World Society For The Protection Of Animals

97	World Vision
98	Young Man Christian Association/HIA

National NGOs	
99	Ar Yone Oo
100	Capacity Building Initiative
101	Community Development Association
102	Egress Myanmar
103	Forest Resource Environment Development & conversation Association
104	Interfaith Youth Coalition On HIV/AIDS(IYCA)Myanmar
105	Karen Baptist Convention
106	Karen women Action Group
107	Karuna Myanmar Social Service (Yangon)
108	Metta Development Foundation
109	Mingalar Myanmar
110	Myanmar Baptist Convention
111	Myanmar Christian Coalition on Cyclone Relief
112	Myanmar Council of Churches
113	Myanmar Health Assistant Association
114	Myanmar Nara-Apex Travels & Tours Co.ltd
115	Myanmar Physical Handicap Association
116	Myanmar Red Cross Society
117	Pyinnya Tazaung Association (Light of Education)
118	Searchers Myanmar
119	Social Vision Services
120	YA YA YA Centre
121	Yangon Karen Baptist Convention

International Organizations	
122	Association of South East Asian Nations
123	EU Civil Protection Team
124	European Commission
125	International Committee of the Red Cross
126	International Organization for Migration

127	Intl Federation of Red Cross & Red Crescent Societies
128	Tripartite Core Group, Periodic Review

Donor Agencies	
129	Australian Agency for International Development
130	Department for International Development UK
131	European Commission Humanitarian Aid Office
132	Japan International Cooperation Agency
133	Korean International Cooperation Agency
134	The Swiss Agency for Development and Cooperation, Field Office Myanmar
135	US Agency for International Development
136	World Bank

Embassies	
137	Brunei Darussalam Embassy
138	Embassy of United States
139	French Embassy
140	German Embassy
141	Italy Embassy
142	Japan Embassy
143	Sri Lanka Embassy
144	Consulate of Switzerland

Hospital	
145	Pun Hlaing International Hospital

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Dalina Prasertsri graduated from the Colorado College in 2003 with a Bachelors Degree in Economics. She worked for the United Nations Development Fund for Women (UNIFEM) in Bangkok from 2005 until 2009. She spent her last year at UNIFEM working part-time, while studying full time at the Masters of International Development Studies (MAIDS) Programme, Chulalongkorn University. Dalina grew up and lived in five different countries: Thailand, Cambodia, Hong Kong, USA, and the UK. In the near future, Dalina will pursue her second Master's Degree at the University for Peace in Costa Rica, where she has received a scholarship to study Gender and Peace Building.



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