



Commentary

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Is the SPDC diverting aid on ethnic grounds?

According to recent reports received by KHRG from residents of the Irrawaddy Delta, the SPDC has not only been restricting aid supplies and access by international humanitarian workers, but has also been doing so on the basis of ethnicity. Increasing reports on the military's restrictions and misappropriation of aid supplies necessitate immediate international investigation, as all affected residents of the delta regardless of their ethnicity remain in urgent need humanitarian assistance. The regime's obstructions of humanitarian aid increasingly appear to fall under the criteria of crimes against humanity. In such a case, the responsibility to protect this population falls on the international community.

The Karen Human Rights Group (KHRG) has received disturbing reports from ethnic-Karen residents of the Irrawaddy Delta that the State Peace and Development Council (SPDC) is blocking the distribution of aid from getting into particular areas of the delta affected by Cyclone Nargis due to the fact that they are predominantly ethnic-Karen. The Irrawaddy delta region as a whole is estimated to be more than 50% ethnic Karen with some villages largely or entirely populated by Karen residents. Speaking to KHRG, one Karen resident from the delta said that it is because many of the villages are predominantly ethnic Karen and were formerly "*populated totally by Karen*" that "*the regime is not interested in aid reaching the area.*"

According to another report received by KHRG, "*In the rural areas the SPDC are not allowing assistance to villagers... The authorities have set up check points along the roads on the way to Labutta, Pathein [Bassein], Myaung Mya and Bogale in order to block relief from reaching those in desperate need.*" Labutta, a predominantly ethnic-Karen town, has reportedly been decimated by Cyclone Nargis; as has Bogale, which outside of the town centre is also predominantly Karen. Myaung Mya, like Bogale, is predominantly ethnic Karen outside the town centre and in the surrounding countryside. Bassein, while now largely populated by non-Karen residents, was previously a majority-Karen town and the surrounding villages remain heavily populated by Karen.

The SPDC's hostile attitude to the Karen population in the delta may be due to the regime's perception of ethnic difference being a threat to centralised military rule. The delta region was also the location of an unsuccessful attempt in 1991 by the Karen National Union (KNU) and Karen National Liberation Army (KNLA) to gain a foothold in the area. At that time, there was heavy fighting between Karen forces and the Burma Army, especially around the town of Bogale and, as one resident explained to KHRG, the Karen community in the delta "*was also the target of massive retaliatory actions by the Burma Army.*" As part of the then State Law and Order Restoration Council (SLORC)'s retaliation against civilians, "*Villages were burned, helicopter gunships strafed villages and schools, and thousands of Karen community leaders, pastors and schoolteachers were arrested, sentenced en masse*

and imprisoned."¹ The event came to be known as the 'Bogale Crisis' and the SPDC's distrust of the local Karen population likely still lingers.

The above statements by Karen residents living in the delta are, furthermore, supported by ongoing reports of aid restrictions and diversions in the area more generally. *Associated Press*, for example, stated that

*"Checkpoints manned by armed police were set up Tuesday [May 13th] on roads leading to the Irrawaddy River delta and all international aid workers and journalists were turned back by officers who took down their names and passport numbers. Drivers were interrogated... high-energy biscuits rushed in on the World Food Program's first flights were sent to a military warehouse."*²

SPDC authorities also appear to be capitalising on the catastrophe by forcibly relocating affected communities out of the area. According to a United Nations report on Tuesday, May 13th *"Myanmar's military regime is forcing cyclone survivors out of their devastated villages and into other parts of the country... There are a growing number of reports of families being forcibly displaced to non-affected townships."*³ Forced relocation of disparate civilian communities into consolidated population centres is a widespread practice which the Burma Army employs in Karen State to enforce military control over civilian populations. The current forced relocations in the delta may likewise be intended to serve the purpose of increasing civilian control, rather than for the benefit of the affected population.

The SPDC's current restrictions on international access into the delta have so far limited any opportunity for a more thorough investigation into whether aid is in fact being restricted and diverted on ethnic grounds. Regardless of whether the SPDC is using ethnicity as a criterion for allowing access to humanitarian assistance, reports of ongoing military restrictions and diversions of aid more generally continue. International observers must be allowed to access all affected areas to ensure that aid and assistance get through to survivors of Cyclone Nargis, irrespective of ethnicity. Unless restrictions and the misappropriation of aid supplies cease, more civilians will face the unnecessary threat of starvation, disease and death. Furthermore, as International Crisis Group Director Gareth Evans stated on Monday,

*"If what the generals are now doing, in effectively denying relief to hundreds of thousands of people at real and immediate risk of death, can itself be characterised as a crime against humanity, then the responsibility to protect principle does indeed cut in."*⁴

The responsibility to protect principle affirms that when the government of a country is unwilling or unable to protect its citizens from war crimes, crimes against humanity, ethnic cleansing or genocide then this responsibility falls on the international community. In relation to crimes against humanity, the responsibility to protect principle applies to *"Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health"* when committed as part of a widespread and systematic attack against a civilian population. As the military regime continues to obstruct aid efforts, their actions increasingly appear to be *"intentionally causing great suffering"*. In

¹ *Conditions in the Irrawaddy Delta*, KHRG, August 1995.

² "UN warns another cyclone forming near Myanmar," *Associated Press*, May 14th 2008. Accessed at: <http://ap.google.com/article/ALeqM5iy-MfhLN9Q7MwtQ1VlrvoxLjr2dAD90L7JJG3> on May 14th 2008.

³ "Traffickers target child survivors of Myanmar cyclone: UN," *The Straits Times*, May 14th 2008. Accessed at http://www.straitstimes.com/Latest%2BNews/Asia/STIStory_236945.html?vgnmr=1 on May 14th 2008.

⁴ "Facing Up to Our Responsibilities," Gareth Evans, *The Guardian*, May 12th 2008. Accessed at <http://www.crisisgroup.org/home/index.cfm?id=5430&l=1> on May 14th 2008.

such a case, the responsibility to protect principle applies. The international community must not allow Burma's military regime to deny crucial aid to affected populations, irrespective of the grounds on which they do so. Applying the responsibility to protect principle in this case gives added leverage in challenging the regime's increasingly disastrous restrictions on humanitarian assistance to the affected population.