

An hourglass-shaped graphic with a globe in the top bulb and another globe in the bottom bulb. The top bulb is dark blue, and the bottom bulb is light blue. The hourglass is light gray. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The hourglass is centered on the page.

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Cyclone Nargis and Burma's Constitutional Referendum

Michael F. Martin and Rhoda Margesson, Foreign Affairs, Defense, and Trade Division

May 16, 2008

Abstract. This report examines the scope of and response to the disaster, as well as its links to Burma's political situation and U.S. policy.

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Cyclone Nargis and Burma's Constitutional Referendum

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Summary

Cyclone Nargis struck the coast of Burma in the evening of May 2, 2008 and cut a path of destruction across the southern portion of the country. The storm left in its wake an official death toll of 84,537 and 53,836 more missing, and extensive damage to the nation's premier agricultural areas. Some have speculated that the final number of dead is actually more than 130,000. Vital infrastructure was destroyed by the storm, severely limiting the ability to assess the loss of life and provide assistance to the survivors for weeks following the cyclone. In addition, much of Burma's most productive agricultural land has been severely damaged; some experts expect that it will take up to two years for Burma's production of rice, seafood, pork and poultry to recover, and that the nation may face chronic food shortages and the need for international assistance for many months.

Burma's ruling military junta quickly faced both domestic and international criticism for its response to Cyclone Nargis, including accusations that it failed to provide adequate warning, its slow emergency response, and its reluctance to allow international relief workers into the country. The United States has offered so far contributed \$40.17 million in relief aid.

Even before Cyclone Nargis struck, the junta was already facing a highly controversial referendum on a proposed constitution scheduled for May 10, 2008, that could shape U.S. and other countries' policies toward Burma. As a consequence, the evolution and implications of the humanitarian crisis became inextricably linked to Burma's political situation and its relations with the international community. In a widely criticized move, the military junta decided go ahead with the vote, holding the constitutional referendum in most of Burma on May 10, 2008, and in the more severely affected areas on May 24, 2008. The SPDC reported a heavy turnout on both days and few voting irregularities. Opposition groups state that the turnout was light, and there were many cases of voting fraud and voter intimidation. On May 29, 2008, the junta announced the promulgation of the new constitution, on the basis of on its approval by 90.7% of the eligible voters. According to the new constitution, elections to form a new government are to be held in 2010.

Some experts are speculating that Cyclone Nargis may precipitate major political change in Burma, including the destabilization of Burma's military regime. The junta has already faced domestic and international pressure to cancel the constitutional referendum. Local dissatisfaction with the speed and quality of the junta's provision of emergency assistance may heighten domestic opposition to the junta and its proposed constitution. Also, rising food prices and food shortages may feed popular discontent, much like fuel price increases led to protests in Burma of September 2007. In addition, two days before announcing the official results of the constitutional referendum, the SPDC extended opposition leader Aung San Suu Kyi's house arrest for the sixth consecutive year. This report examines the scope of and response to the disaster, as well as its links to Burma's political situation and U.S. policy. The report will be updates as circumstances warrant.

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Introduction

Around 6:30 p.m. (local time) on May 2, 2008, Cyclone Nargis, a category 3 cyclone,¹ made landfall in the Irrawaddy (Ayeyarwady) Division of Burma, and then moved across the country from southwest to northeast, cutting a huge path of destruction 100 miles wide and 200 miles long, and striking Burma's largest city, Rangoon, with winds of up to 190 kph (120 mph) (see **Figure 1**).² It caused major damage in the low-lying agricultural delta region, which also suffered the impact of a storm surge. The disaster struck just a week before the Burmese people were to vote on a proposed new constitution and just the day after President Bush announced an Executive Order tightening trade and economic sanctions.

The scale of the disaster requires a major relief effort that has proved to be well beyond the response capacity of the authorities in Burma. Several days after the cyclone, the State Peace and Democracy Council (SPDC) indicated that it would accept offers of assistance from the international community. Despite millions of dollars in aid pledges, many aid agencies and organizations experienced problems in obtaining visas for their relief workers, essentially hampering a full-scale, immediate relief effort. These factors—a devastating natural disaster and lack of access by the international humanitarian community—combined with a controversy over the recent constitutional referendum and the extension of opposition leader Aung San Suu Kyi's house arrest for the sixth consecutive year, have the potential to foster significant political change within Burma. Congress faces several issues with respect to Burma in dealing with both the direct impact of Cyclone Nargis and its potential indirect effects on Burmese politics.

The Effects of Cyclone Nargis

Estimated Numbers at a Glance

Initial reports estimated the death toll at 351 people, but that number quickly rose to 4,000, then 15,000, and then later to over 22,500, with 41,000 people reported as missing.³ At the end of May the numbers had risen to 77,738 dead and 55,917 missing.⁴ Official Burmese figures have now been revised to 84,537 dead and 53,836 missing.⁵ Most of the deaths were reportedly due to a 3.5 meter (11.5 feet) storm surge that swept across the affected areas after the eye of the cyclone

¹ Tropical storms in the Indian Ocean are generally referred to as cyclones, whereas tropical storms in the western Pacific Ocean are referred to as typhoons and in the eastern Pacific Ocean and the Atlantic Ocean, they are called hurricanes. A category 3 cyclone has "very destructive" winds with gusts of 170-225 km/h (105-141 mph).

² In July 1989, the then State Law and Order Restoration Council (SLORC), now the SPDC, changed the country's name from Burma to Myanmar, as well as the names of many of its cities and districts. The United Nations (and others) recognized the name change, while the United States, Australia, and some European countries did not. Many of Burma's opposition groups boycott the name change as a form of protest against the SPDC. This report will in general use the names currently used by the U.S. government.

³ "Hundreds Killed by Burma Cyclone," *BBC*, May 4, 2008; Aye Aye Win, "Nearly 4,000 People Dead; 3,000 People Missing," *Associated Press*, May 5, 2008; "Burmese Storm Toll 'Tops 10,000,'" *BBC*, May 5, 2008; "Burma's Cyclone Death Toll Soars," *BBC*, May 6, 2008, and Aung Hla Tun, "Myanmar Cyclone Toll Climbs to Nearly 22,500," *Reuters*, May 6, 2008.

⁴ "Latest Casualty Figures," *New Light of Myanmar*, May 16, 2008, page 6.

⁵ "84,500 Confirmed Death from Cyclone Nargis," *Associated Press*, June 24, 2008; and "Official: Myanmar Cyclone Death Toll Mounts to 84,537," *Xinhua*, June 24, 2008.

passed.⁶ With extensive damage to the nation's transportation and communications systems, however, information about the disaster has proved difficult to gather and confirm.

The numbers of dead, missing, and injured remain fluid and uncertain and a final death toll is unlikely ever to be known.⁷ Unofficial estimates have exceeded the government's figures. Early on, Burma's Foreign Minister Nyan Win indicated at a press conference that the death toll could rise as more information became available.⁸ An unnamed U.S. envoy in Burma told reporters on May 7, 2008 that the death toll could reach 100,000.⁹ The United Nations cited figures closer to 100,000, while the Red Cross suggested that the number of dead might be closer to 128,000. More recently, experts have said the figures are likely to exceed 138,000 with some estimating the total dead and missing at 200,000.¹⁰

Many people who have been displaced, their homes and livelihoods destroyed, remain at risk. The United Nations estimates the number of people affected to be 2.4 million.

Damage

Apart from Rangoon, sources in Burma reported significant damage to the Bago, Irrawaddy, Karen, and Mon regions of Burma. The State Peace and Development Council (SPDC) quickly announced a state of emergency in the five regions, but on May 6, 2008, lifted the state of emergency for much of the area struck by the cyclone. As of May 7, 2008, only seven townships in the Irrawaddy Division and 40 townships in Yangon Division were declared emergency disaster zones.¹¹

In addition to loss of life, injury, and massive displacement, the cyclone also caused extensive damage to much of Burma. A significant percentage of the houses, hospitals and other buildings in storm-affected regions were damaged or destroyed. Initial reports from U.N. aid officials indicated that the storm left several hundred thousand people homeless.¹² In the coastal islands along the Irrawaddy River, entire villages were reportedly destroyed. Flooding was widespread. Electricity was knocked out in Rangoon and much of the other four areas struck by the storm. Most of the potable water and water treatment facilities in the affected areas were disrupted or were not operational. Many of the roads and bridges along the cyclone's path were damaged or blocked by felled trees and debris. The nation's telecommunications system—including telephone and internet service—was disrupted. As many as 25 of the Burmese Navy's estimated 144 ships in service were sunk by the cyclone, along with an unknown number of naval personnel lost.¹³

⁶ Ibid.

⁷ Thousands of victims remain unidentified. There does not appear to be a consistent approach to disposal of bodies—in urban areas, the authorities collected and disposed of bodies; in villages it has been left to local townships and in most cases, the priority has been emergency relief. The WHO has said the corpses do not pose a significant health risk. UNOCHA, "Thousands of Cyclone Victims Unidentified," IRIN, June 17, 2008.

⁸ "Burmese Storm Toll 'Tops 10,000,'" *BBC*, May 5, 2008.

⁹ "Aid Arriving in Cyclone-hit Burma," *BBC*, May 7, 2008.

¹⁰ Reuters Alert Net, "Myanmar Cyclone: Worst Asian Cyclone Since 1991," June 24, 2008.

¹¹ Ed Copley, "Myanmar Lifts Emergency in Some Cyclone-hit Areas," *Reuters*, May 7, 2008.

¹² Aung Hla Tun, "Myanmar Cyclone Toll Climbs to Nearly 22,500," *Reuters*, May 6, 2008.

¹³ Min Lwin, "Burmese Navy Decimated in Cyclone," *Irrawaddy*, May 12, 2008; and "Jane's Sentinel Security Assessment - Southeast Asia," *Jane's Information Group*, April 28, 2008.

There is some speculation that the damage done by the cyclone was worsened by the removal of mangrove forests in the past along Burma's coastal areas.¹⁴ In Burma, mangrove forests have been destroyed to build shrimp and fish farms. According to research by the International Union for the Conservation of Nature (IUCN), the preservation of Sri Lanka's coastal mangrove forests saved many lives when the 2004 tsunami struck.¹⁵ Based on the research in Sri Lanka, some experts maintain that Cyclone Nargis would have done less damage in Burma if the mangrove forests had not been removed.

The areas of Burma most severely damaged by the cyclone were also a major source of food for the nation, particularly rice, seafood, pork, and poultry. According to the U.N. Food and Agricultural Organization (FAO) the five states struck by Cyclone Nargis provided Burma with 65% of its rice, 80% of its aquaculture, 50% of its poultry, and 40% of its pigs.¹⁶ In June 2008, the FAO completed a needs assessment for the areas affected by the cyclone with a focus on crops, livestock, fisheries and forestry.¹⁷ An expert specializing in Burma's economy anticipates "incredible [food] shortages in the next 18 to 24 months."¹⁸

Criticism of the SPDC's Response

In a break with past practices, several days after the cyclone, the SPDC indicated that it would accept offers of assistance from the international community, though it was also reported that the SPDC did not "officially endorse" international assistance and would prefer bilateral arrangements.¹⁹ The SPDC said it would allocate \$5 million for relief activities. Military and police units reportedly began to conduct rescue and recovery operations, deploying helicopters, boats, and trucks, but as the scale of the disaster became more evident, the relief effort required was thought to be well beyond their capacity.²⁰

The government coordinated national efforts of the response through an Emergency Committee, which put into operation a national disaster management plan, with the Ministry of Social Welfare, Relief, and Resettlement heading up the relief response.

In addition, there reportedly was widespread criticism about how the military junta has managed the disaster. According to the Burma Campaign-UK, the SPDC did not issue a warning to the people living along the path of Cyclone Nargis that the storm was approaching.²¹ A back page article that appeared in the junta-run newspaper, *The New Light of Myanmar*, the day the cyclone struck reported that a "severe cyclonic storm" was forecast to reach the coast of Burma within the next 36 hours, and "under the influence of this storm, rain or thunderstorms will be

¹⁴ Mark Kinver, "Mangrove Loss 'Left Burma Exposed,'" *BBC*, May 6, 2006

¹⁵ "Mangrove Forests Saved Lives in 2004 Tsunami Disaster," IUCN, press release, December 19, 2005.

¹⁶ Michael Casey, "Burma's Rice Region Decimated—Food Shortage Feared," *Irrawaddy*, May 7, 2008.

¹⁷ Food and Agriculture Organization of the United Nations, *Myanmar: Emergency & Rehabilitation Programme, Needs Assessment for the Cyclone Nargis Affected Areas, Agriculture*, June 13, 2008.

¹⁸ *Ibid.*

¹⁹ United Nations Joint Logistics Centre (UNJLC), "Cyclone Nargis - Latest Updates," May 6, 2008; "Burmese Storm Toll 'Tops 10,000,'" *BBC*, May 5, 2008.

²⁰ U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), "Myanmar: Cyclone Nargis OCHA Situation Report No. 3," May 6, 2008.

²¹ Wai Moe, "Cyclone Could Unleash Political Upheaval," *Irrawaddy*, May 5, 2008.

widespread.²² Meteorologists in India say that they gave Burma 48 hours warning before Cyclone Nargis hit the country, including where and when landfall would occur.²³ However, SPDC-run television issued a statement that, “[t]imely weather reports were announced and aired through television and radio in order to keep the people safe and secure nationwide.”²⁴ Many people in Burma reportedly maintain that the state media notices failed to indicate the severity of the approaching storm or provide instructions on how to prepare for the cyclone’s arrival.²⁵

In the first few days after the cyclone struck, it appeared that the SPDC either underappreciated the extent of the damage caused by the cyclone, or was intentionally underplaying the cyclone’s impact. The first edition of *The New Light of Myanmar* released after the cyclone struck contained a number of articles that implied that life in Rangoon was quickly returning to normal, and that the cyclone’s impact in the Bago Division, the Kayin State, and the Mon State were minimal. There were also reports that the SPDC focused its relief and rescue efforts to areas where SPDC officials and military personnel lived and worked, and offered little or no assistance to the general population.²⁶ In addition, there were allegations that local officials stole relief supplies for their own use or to sell on the black market.²⁷

There was also criticism of the SPDC’s failure to prevent disaster profiteering by merchants of essential items, such as food and fuel. The pro-opposition news magazine, *Irrawaddy*, reported that “many commodity prices—including vegetables and eggs—instantly increased 100 percent following the aftermath of Cyclone Nargis....”²⁸ According to other reports, food prices had reportedly risen three and four times what they were before the cyclone struck by May 6, 2008.²⁹

The SPDC was also being criticized for delaying the entrance of international relief organizations into Burma. According to an article in the *Irrawaddy*, the SPDC views international relief agencies as “neocolonialist tools.”³⁰ In April 2008, for instance, the SPDC-run newspapers accused the International Committee of the Red Cross of supporting rebel groups in Burma’s Karen state.³¹ Burmese political analyst Aung Naing Oo also thinks the military junta did not want large numbers of international aid workers entering Burma so close to the vote on the constitutional referendum.³²

²² “Storm News,” *The New Light of Myanmar*, May 5, 2008, p. 15.

²³ “Deluged Burma Told to Expect 50,000 Dead,” *Reuters and AFP*, reprinted by the *Hong Kong Standard*, May 7, 2008.

²⁴ Steve Jackson, “Was Burma’s Cyclone Predicted?,” *BBC*, May 6, 2008.

²⁵ *Ibid.*

²⁶ Aye Aye Win, “Nearly 4,000 People Dead; 3,000 People Missing,” *Associated Press*, May 5, 2008.

²⁷ Violet Cho, “Burmese Officials Skimming Cyclone Aid,” *Irrawaddy*, May 12, 2008.

²⁸ Saw Yan Nain, “Commodity Prices Rise in Devastated Rangoon,” *Irrawaddy*, May 3, 2008.

²⁹ Aung Hla Tun, “Myanmar cyclone toll climbs to nearly 22,500,” *Reuters*, May 6, 2008.

³⁰ Wai Moe, “Cyclone Could Unleash Political Upheaval,” *Irrawaddy*, May 5, 2008.

³¹ *Ibid.*

³² *Ibid.*

Humanitarian Relief Operation

Overall Conditions

Cyclone Nargis created devastation in its path: resulting challenges include a general lack of transportation, blocked roads, poor communications systems, damaged infrastructure, and the difficulty of reaching remote areas and isolated parts of the country. Lack of electricity and clean water are a major problem. Fuel shortages also have been reported. The combined total population in the affected townships is thought to have been 4.7 million people. The United Nations estimates that up to 2.4 million people may have been affected by the disaster. According to initial assessments, the United Nations Office for the Coordination of Humanitarian Assistance (UNOCHA) reports that up to 2 million may be in need of prioritized assistance.³³

Although the critical need for food, clean water, and shelter remains, until recently in-depth assessments, which are necessary to obtain a more detailed understanding of the situation on the ground, could not be completed. Needs vary by area and impact of the cyclone or tidal surge that followed. Immediate requirements included plastic sheeting, water purification equipment, cooking sets, mosquito nets, emergency health kits, and food.³⁴ The arrival of supplies has been steady, but onward distribution is often difficult due to access problems in dealing with the Burmese government and because of local destruction from the cyclone and aftermath.

According to the United Nations, the relief effort is expected to last at least six months, although it is anticipated that recovery and reconstruction will begin as soon as possible in a parallel effort.³⁵ Some agencies have already begun to shift their focus towards long term needs. Concerns remain about potential food shortages, particularly given the devastation of the rice plantations in the Irrawaddy Delta.

Access

The international relief effort began very quickly, but nearly three weeks after Cyclone Nargis hit Burma, delays on visas, inadequate distribution of aid allowed into Burma, and insufficient access to those most affected were still major obstacles to mounting a full-scale relief operation. The military junta continued to say they could manage the relief effort and did not need experts. Despite pledges of cash, supplies, and assistance from around the world, most aid agencies had still not been granted visas to enter Burma and there was no word on when visas might be issued.³⁶

³³ UNOCHA, "Remarks of Sir John Homes, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator U.N. OCHA," May 25, 2008; and Htay, Hla Hla, "Suu Kyi Detention will not Affect Myanmar Cyclone Aid, Say Donors," *Agence France-Presse*, May 28, 2008.

³⁴ According to the Thailand Burma Border Consortium (TBBC), the refugee camps along the border in Thailand were not directly affected by the cyclone, although areas had some flooding.

³⁵ United Nations News Service, "At Donors' Meeting, Ban Ki-Moon Says Myanmar Relief Effort to Last at Least Six Months," May 25, 2008.

³⁶ According to the United Nations, the SPDC appointed a minister to review the visa applications of foreign aid workers. And the visa issue was reportedly being raised at high levels within the United Nations. Aid agencies continue to explore options for obtaining visas.

During this time, the United Nations and the broader aid community were assembling staff in Bangkok, Thailand, and remained poised for deployment. Immediately following the cyclone, a relatively small number of international aid workers were allowed in to Burma, and within weeks, it was reported that 160 foreign aid workers (mostly from neighboring Asian countries, including Bangladesh, China, India, and Thailand) would be allowed in also, but with little indication on how far outside Rangoon they would be permitted to travel. It is believed aid workers from Western nations that have isolated the SPDC were not being welcomed. Customs clearance of relief materials, a potential problem in initial days, is apparently no longer an issue.³⁷ The main international airport in Rangoon reopened early on and the junta slowly but increasingly allowed in international aid flights.³⁸

On May 23, during a visit by Secretary-General Ban Ki Moon, the government of Burma promised to allow some international aid relief staff, regardless of nationality, into the country, including access to the Irrawaddy Delta area. U.S. and British ships with relief supplies on board can enter the port of Rangoon to transfer supplies to small local boats, but military ships are not be permitted.

Increased access has enabled a massive international relief effort to move ahead, albeit slowly. According to the United Nations, more than 230 international staff have been granted visas and are now in the country. More than 200 operation U.N. staff have traveled to the affected areas. For those entering the delta, some report that access has not been a problem and that logistical arrangements are improving, while other NGOs indicate that it remains a difficult and frustrating situation.³⁹ Some are concerned about lack of sustained access and report that the authorities require two days' notice and that access may be granted for only a 24-hour period.⁴⁰ Visa procedures were not discussed at the pledging conference on May 25 (discussed later in this report).

The role played by the Association of Southeast Asian Nations (ASEAN) as an intermediary has been significant in creating diplomatic links and access to Burma, which is also a member of ASEAN. ASEAN took the lead in coordinating assistance offered by the international community, with full support from the United Nations, and formed the Tripartite Core Group (TCG), which includes high-level representatives from the government of Burma, the United Nations, and ASEAN. ASEAN has been working closely with other international institutions, including the United Nations and World Bank. For the first time, ASEAN deployed an Emergency Rapid Assessment Team (ERAT) on June 1, 2008, to conduct field assessments. An ASEAN field office has been set up in Rangoon to support the humanitarian operation of the ASEAN Humanitarian Task Force for the Victims of Cyclone Nargis (Coalition of Mercy), which includes senior offices as experts from ASEAN countries, and the TCG. Secretary-General of ASEAN, Dr. Surn Pitsuwan is chair of the Task Force. The coordination effort, facilitation, and monitoring of the

³⁷ U.N. Department of Public Information, "Press Conference on Myanmar Humanitarian Situation," May 6, 2008 and "Press Conference on Myanmar Humanitarian Situation," May 7, 2008; UNOCHA, "Myanmar: Offers of Help Face Logistics and Visa Hurdles," May 6, 2008; and United Kingdom, Department for International Development (DFID), "Burma - What is the Current Situation?" May 8, 2008.

³⁸ United Nations News Service, "Top U.N. Relief Official Says Funding Conference for Myanmar Cyclone a 'success,'" May 27, 2008.

³⁹ Htay, Hla Hla, "Suu Kyi Detention will not Affect Myanmar Cyclone Aid, Say Donors," *Agence France-Presse*, May 28, 2008.

⁴⁰ UNOCHA - Integrated Regional Information Networks (IRIN), "Myanmar: Diarrhoeal Risk Increasing, But No Outbreaks Yet," May 27, 2008.

flow of international assistance into Burma appear to be working. ASEAN also offered aid under the Disaster Management and Emergency Response to provide cash and in-kind aid supplies. In addition, it established the ASEAN cooperation Fund for Disaster Assistance.⁴¹

On June 10, Burma issued new operating guidelines or regulations for U.N. agencies and international NGOs, which outlined procedures that aid agencies had to follow in providing assistance to the cyclone victims. On June 20, the Burmese authorities agreed to revert back to the old operating system under the Ministry of Foreign Affairs and TCG. Travel authorizations will be handled by the Ministry of Social Welfare, Relief, and Resettlement. The backlog of visa and travel authorization requests has now largely been processed.⁴²

It has also been reported that local authorities in the delta townships of Bogalay and Laputta want to move thousands who have been displaced, either because they are on park land or because of reconstruction efforts. Reports have also surfaced about restrictions on those fleeing survivors who have fled to the Thai border.⁴³

Post-Nargis Joint Assessment (PONJA)

The TCG is coordinating a multi-sector needs assessment, the most in-depth study of the cyclone affected areas to date. From June 10-19, field surveys were conducted for the Post-Nargis Joint Assessment (PONJA), with 350 personnel visiting approximately 30 townships. The assessment focuses on humanitarian needs and how survivors are coping (Village Tract Assessment or VTA) and damage components, such as economic and physical losses (Damage and Loss Assessment or DaLA.)⁴⁴ At a meeting of the ASEAN Roundtable for Response, Recovery and Reconstruction, which convened on June 24, a progress report on the assessment was presented. Initial data confirms that continued relief assistance is required. Food and water shortages, damage to housing and poor shelter, and psychological stress were identified as some of the priority needs. The findings of the PONJA Report are expected to be published in mid-July. The data will be also be used by the United Nations in its revised Humanitarian Flash Appeal. A second pledging conference may be held thereafter. Future discussions are also expected to focus on the most appropriate mechanism to manage the transition to reconstruction.⁴⁵

Status of the Relief Operation

While the operating environment for internationals remains constrained, initial estimates suggest that through the efforts of the government, Myanmar Red Cross Society (MRCS), international

⁴¹ Association of Southeast Asian Nations (ASEAN), "Chair of ASEAN Humanitarian Task Force Meets International Organizations and Groups to Coordinate Humanitarian Operations for the Victims of Cyclone Nargis," May 27, 2008. See also, ASEAN, "Myanmar: 1st Press Release of Tripartite Core Group," June 24, 2008.

⁴² UNOCHA, "Myanmar: Cyclone Nargis OCHA Situation Report No. 34," June 23, 2008; The Irrawaddy, "Burma Drops New Operating Guidelines," June 24, 2008.

⁴³ The Irrawaddy, "Thousands in Delta Told to Relocate," June 26, 2008; "Restrictions Tighten on Cyclone Refugees Bound for Thailand," June 24, 2008.

⁴⁴ UNOCHA, "Myanmar Cyclone Nargis OCHA Situation Report No. 33," June 19, 2008.

⁴⁵ Association of Southeast Asian Nations (ASEAN), "SG Surin Assured of Smooth Aid Operations," June 16, 2008; UNOCHA, "Myanmar Cyclone Nargis OCHA Situation Report No. 34," June 23, 2008; and ASEAN, "Myanmar: 1st Press Release of Tripartite Core Group," June 24, 2008; and UNOCHA, "Myanmar: Cyclone Assessment Reveals Critical Food, Water Shortages," June 25, 2008.

and local NGOs, 1.3 million people have been reached, in many cases with a single effort to get something to the largest number of needy people. In severely affected areas, only about one third of the population has been reached. Reports also indicate that many communities have mobilized to support each other.

The United Nations Resident/Humanitarian Coordinator and Humanitarian Country Team (which includes U.N. agencies, international NGOs, national NGOs, and the IFRC and ICRC as observers) are working with national counterparts and focusing on sectoral priorities. The United Nations country team continues to work with government ministries, including the Ministry for Foreign Affairs, on how best to provide assistance. The United Nations deployed a Disaster Assessment and Coordination Team (UNDAC). According to UNOCHA, U.N. teams on the ground—including the World Food Program (WFP), the U.N. High Commissioner for Refugees (UNHCR), the U.N. Children's Fund (UNICEF) and the U.N. Development Program (UNDP)—deployed assessment teams and are continuing to provide assistance. The WFP also began to operate helicopters for food distribution. U.N. staff include local Burmese who are not subject to travel restrictions. Initially drawing on stockpiles inside the country, WFP distributed relief supplies and food stored in Rangoon. UNHCR also brought basic supplies and used shelter materials from warehouses in Thailand.

Humanitarian relief sectors have been organized in clusters, including:⁴⁶

- Agriculture (FAO)
- Child Protection (UNICEF)
- Early Recovery (UNDP)
- Emergency Education (UNICEF)
- Emergency Shelter (IFRC)
- Emergency Telecommunications (WFP)
- Food Assistance (WFP)
- Health (WHO)
- Logistics (WFP)
- Nutrition (UNICEF)
- Water/Sanitation (UNICEF)

During the first month following the cyclone, the World Health Organization (WHO) stated that it was particularly concerned about potential health problems—such as malaria and cholera—that could emerge in the aftermath of the cyclone's flooding.⁴⁷ The first case of cholera following the

⁴⁶ The lead agency for each cluster is indicated in parentheses. The head of each cluster reports to the Resident/Humanitarian Coordinator and works in partnership with all relevant actors in that particular sector. This enables the Humanitarian Country Team to coordinate partners, prioritize resources and facilitate planning. See Food and Agriculture Organization of the United Nations, *Myanmar: Emergency & Rehabilitation Programme, Needs Assessment for the Cyclone Nargis Affected Areas, Agriculture*, June 13, 2008. For more information on cluster activities, see Humanitarian Information Centre (HIC) at <http://myanmar.humanitarianinfo.org>.

⁴⁷ WHO Alert, "Cyclone Nargis Myanmar," May 6, 2008.

cyclone was reported on May 9, 2008.⁴⁸ Emergency health kits have been provided as part of a wide-ranging health care response that includes immunization campaigns, and according to the WHO, so far there are no major outbreaks of disease, although the threat remains extremely serious.⁴⁹ The VTA component of the Post-Nargis Joint Assessment focused on five areas in the health sector: disease prevalence, availability of drugs, health personnel available, health care requirements, and sanitation.⁵⁰

Various international non-governmental organizations (NGOs) that were already operating in Burma before the cyclone continue to respond to the crisis and have had some access to affected areas. Reportedly hundreds of local staff are assisting with the relief effort. The former international airport of Don Muang in Thailand has become the humanitarian staging area to allow for extra warehousing, coordination, and consolidation of relief flights to Rangoon.

The International Federation of the Red Cross and Red Crescent Societies (IFRC) is working with the Myanmar Red Cross Society (MRCS) to provide emergency shelter and clean water to the cyclone survivors. Its initial allocation to the MRCS for the relief effort is 200,000 Swiss francs (\$189,000) to distribute clean drinking water, plastic sheeting, clothing, bed netting, and kitchen supplies. The IFRC has also launched a revised emergency appeal for Burma for \$50.8 million. The IFRC is coordinating efforts with the International Committee of the Red Cross (ICRC) to support the MRCS. As of June 20, 327,500 beneficiaries have received relief assistance.

Responsibility to Protect

France's foreign minister reportedly suggested that the international community should deliver aid without waiting for approval from Burma and do so under the U.N. resolution on the Responsibility to Protect, which speaks to the obligations of a state to protect its own people and the obligations of all states to do so when that fails.⁵¹ On the one hand, some observers are arguing that the Burmese government is a threat to its own people and that Burma is violating its responsibility to protect its own citizens in the wake of the current disaster. On the other hand, others question whether forcing the Burmese government to accept international assistance should fall under the Responsibility to Protect resolution. From this perspective, as sovereign power, the SPDC, is in charge of the aid efforts and the United Nations (and others in the international aid community) should work to support the SPDC aid effort as much as possible.

So far, the United Nations has said that it does not think approaching the Burmese government in what could be seen as a confrontational manner would be helpful and that it might undermine the start of more constructive discussions, particularly as progress, albeit small, has been made in recent days. The U.N. Security Council has reportedly decided not to take up a discussion of the

⁴⁸ "Burma: First Cases of Cholera," *Agenzia Italia*, May 9, 2008.

⁴⁹ Major health threats include Cholera, Dysentery, Diarrhoea, Malaria, Dengue, and snake bites. WHO, "WHO Rolls Out Wid-Ranging Health Care Response in Myanmar," May 13, 2008.

⁵⁰ World Health Organization, "Myanmar: Health Cluster Situation Report No. 29," June 26, 2008.

⁵¹ "France Suggests Helping Myanmar Without Govt Backing," Reuters Foundation, May 7, 2008; At the 2005 U.N. World Summit, the "Responsibility to Protect" resolution was approved, putting forward the idea that each state has a responsibility to protect its people from genocide, war crimes, ethnic cleansing and crimes against humanity and that human rights violations committed in one state are the concern of all states. It is an agreement in principle that speaks to the obligations of a state to protect its own people and the obligations of all states when that fails, but this U.N. Resolution does not make action easy or even probable.

humanitarian crisis for the time being. In recent remarks, the U.N. Secretary-General Ban Ki-Moon said, “... our immediate challenge is humanitarian ... we must think about people, just now, not politics.”⁵²

According to media reports, on June 19, 2008, activist monks called for the European Union to charge Burma's junta leader, Than Shwe, who they accuse of blocking relief supplies to victims, with committing crimes against humanity and to bring the case before the international criminal court. In May, the European Parliament approved a non-binding resolution that indicated the regime could face charges if it continued to obstruct aid delivery to cyclone victims in Burma.⁵³

Sources of International and U.S. Assistance

International Pledges of Aid and Assistance

So far, through governments and the private sector, the international community has pledged millions of dollars in aid, materials, and technical support. Some donors have indicated they are concerned about transparency and how the SPDC would use the money, and there have been reports of misuse of relief aid meant for cyclone victims, but these are difficult to substantiate.

U.N. Consolidated Appeals Process

Under the Consolidated Appeals Process, the U.N. country team issued a Flash Appeal for emergency financial assistance on May 9, 2008, in the amount of \$187 million, “to enable international partners (10 U.N. organizations and nine NGOs) to support the Government of Myanmar in addressing the needs of more than 1.5 million people affected by the cyclone.”⁵⁴ This amount was later increased to \$202 million, and as of June 16, the appeal is 65% funded, with \$131 million in contributions directly to the appeal and \$24 million in uncommitted pledges. A total of \$241 million has been contributed and \$66 million pledged to the overall relief effort.⁵⁵ The U.N.'s Central Emergency Response Fund (CERF) initially made available \$10 million for projects identified by the country team. This amount has now been increased to 22 million.⁵⁶ A revised flash appeal will be released on July 10 and will cover the period May 2008 through April 2009.⁵⁷

⁵² United Nations Secretary-General, “Focus on People, Not Politics, Says Secretary-General, Underscoring Humanitarian Challenge in Address to International Pledging Conference for Myanmar,” May 27, 2008.

⁵³ Agence France-Presse (AFP), “Myanmar Monks Urge EU to Bring Junta to War Crimes Court,” June 19, 2008.

⁵⁴ UNOCHA, “Consolidated Appeals Process (CAP): Myanmar Tropical Cyclone Nargis Flash Appeal 2008,” May 9, 2008.

⁵⁵ Charbonneau, Louise, “U.N. Says Raised 60 Pct of Targeted Myanmar Aid,” *Reuters Foundation*, May 27, 2008; United Nations Secretary-General, “Focus on People, Not Politics, Says Secretary-General, Underscoring Humanitarian Challenge in Address to International Pledging Conference for Myanmar,” May 27, 2008; and United Nations News Service, “Top U.N. Relief Official Says Funding Conference for Myanmar Cyclone a ‘Success,’” May 27, 2008.

⁵⁶ United Nations Department of Public Information, “Press Conference on Myanmar Humanitarian Situation,” May 6, 2008; UNOCHA, “Private Sector Generously Supports Myanmar Cyclone Emergency Response,” June 19, 2008.

⁵⁷ See <http://www.reliefweb.int/fts> for the status of contributions to the Consolidated Appeals Process.

ASEAN-U.N. International Pledging Conference

On May 25, the ASEAN-UN co-sponsored donor conference convened in Rangoon with representatives from 51 countries in attendance. Agreement was reached on the need for a rapid increase in relief efforts, support for the work of ASEAN and the United Nations in coordinating the response, and an assessment of rehabilitation and recovery needs in the long term. The Burmese government said that \$11 billion was needed for reconstruction and recovery efforts. The conference was seen as an important step towards cooperation between the international community and government of Burma.⁵⁸ The private sector has made significant contributions of assistance.⁵⁹

Contributions and in-kind pledges are listed in the table below.

Table I. International Aid Pledges

(In U.S. \$ Equivalent, as of May 15, 2008)

Country	Pledges	In-Kind Pledge (estimated value)	Recipient
Australia	\$2.8 million		aid agencies
Bangladesh		2 planes with supplies 5-member military team	
Canada	\$1.98 million		United Nations, Red Cross Movement and World Food Program
China	\$4.8 million	tents, blankets, and biscuits (\$500,000)	
Czech Republic	\$230,000		
France	\$320,000	Plane with food/other aid; navy ship with drugs, food, tents ordered to Thailand for unloading; denied access in Burma	Red Cross and French aid agencies
Germany	\$1.5 million		German aid organizations
Greece	\$300,000	plane with supplies	
India		2 naval ships with supplies	
Indonesia	\$1 million	food and other humanitarian aid	
Japan	\$10.27 million	tents, power generators, other supplies	
Netherlands	\$320,000		
New Zealand	\$1.1 million		aid agencies/United Nations
Norway	\$2 million		

⁵⁸ ASEAN, "ASEAN-UN International Pledging Conference on Cyclone Nargis Yangon, Myanmar, 25 May 2008," May 25, 2008.

⁵⁹ UNOCHA, "Private Sector Generously Supports Myanmar Cyclone Emergency Response," June 19, 2008.

Country	Pledges	In-Kind Pledge (estimated value)	Recipient
Singapore	\$200,000	rescue and medical teams	
South Korea	\$2.1 million	aid materials	
Spain	\$775,000		WFP
Sri Lanka	\$25,000		direct to Burmese government
Sweden		generators/other equipment	United Nations
Taiwan	\$200,000	8-member rescue team	
Thailand		transport plane with food and medicine (\$100,000)	
Turkey	\$1 million	Red Crescent team	
United Kingdom	\$23.34 million	emergency field team plus close to \$10 million in initial emergency relief	
United States	\$41.17 million	USAID Disaster Assistance Response Teams (DARTs) airlifts of USAID and DOD-procured relief commodities	
ASEAN	\$100,000		
European Commission	\$3 million		fast-track humanitarian aid

Source: Reuters Foundation, "Factbox - Almost \$30 million in Aid for Cyclone-Ravaged Myanmar," May 7, 2008; and "Factbox - Aid Offers for Myanmar," May 15, 2008; and "Factbox - Aid Offers for Myanmar," May 26, 2008.

U.S. Assistance

The U.S. Embassy in Burma announced on May 5, 2008 that it had issued a disaster declaration and authorized \$250,000 in humanitarian assistance.⁶⁰ This initial contribution was allocated to implementing partners (UNICEF, WFP and UNHCR) for water and sanitation, emergency food assistance, and shelter. The embassy also issued a travel warning, and authorized the departure of non-emergency U.S. citizen embassy employees and eligible family members.

On May 6, White House Press Secretary Dana Perino announced that the Administration would provide an additional \$3 million in aid for Burma for a total pledge of \$3.25 million, \$1 million of which would be allocated to the American Red Cross (ARC). U.S. assistance was later increased by an additional \$13 million for a total pledge of \$16.25 million. The U.S. Agency for International Development (USAID) reports that total humanitarian funding provided to date is \$41.17 million, with funding from USAID's Office of Foreign Disaster Assistance and Food for Peace Program and DOD assistance. The DOD-operated U.S. government airbridge completed 185 airlifts and delivered relief commodities from USAID, DOD, the United Nations, NGOs and the Government of Thailand. The airbridge ceased operations on June 22.

⁶⁰ "Myanmar Death Toll 'More than 10,000,'" *CNN*, May 5, 2008.

It was initially reported that the release of U.S. assistance was conditional on the SPDC allowing a U.S. Disaster Assistance Response Team (DART) into the country.⁶¹ This was later denied by Scott Marciel, U.S. Ambassador for ASEAN Affairs.⁶² According to a State Department spokesperson, the funds would be allocated to implementing partners and used for emergency materials (such as shelter, food, water and other basic assistance).⁶³ President Bush also indicated that the United States was prepared to use U.S. Navy personnel for search and rescue and other logistical assistance. Although an initial U.S. aid flight was cancelled on May 8, since then, as of May 15, U.S. airlifts of relief materials have been flown from Thailand to Rangoon. A ten-person USAID-DART has been assembled in Bangkok and Utapeo, Thailand.⁶⁴

For the time being, U.S. personnel and military equipment will remain in Thailand with additional U.S. naval assets on stand by in international waters off the Burmese coast.

On May 6, 2008, the Office of Foreign Asset Control of the U.S. Department of the Treasury issued General License No. 14 to allow certain financial transactions in support of humanitarian or religious activities by non-governmental organizations in Burma.⁶⁵ Under current U.S. federal law, it is illegal to export financial services, including the transfer of funds, to Burma. Under General License No. 14, the U.S. government and humanitarian organizations may transfer funds legally to Burma to provide cyclone disaster relief.

The U.S. Emergency Response Mechanism

The United States is generally a leader and major contributor to relief efforts in response to humanitarian disasters. The President has broad authority to provide emergency assistance for foreign disasters and the U.S. government provides disaster assistance through several U.S. agencies. The very nature of humanitarian disasters—the need to respond quickly in order to save lives and provide relief—has resulted in a rather unrestricted definition of what this type of assistance consists of at both a policy and an operational level. While humanitarian assistance is assumed to provide for urgent food, shelter, and medical needs, the agencies within the U.S. government providing this support typically expand or contract the definition in response to circumstances. Funds may be used for U.S. agencies to deliver services or to provide grants to international organizations (IOs), international governmental and non-governmental organizations (NGOs), and private or religious voluntary organizations (PVOs). USAID is the U.S. government agency charged with coordinating U.S. government and private sector assistance. It also coordinates with international organizations, the governments of countries suffering disasters, and other governments.

⁶¹ “U.S. Provides \$3.25 Million to Aid Burma Cyclone Victims: Bush Says the United States Could Do More if Burma Government Permits,” May 6, 2008.

⁶² “Interview with Veronica Pedrosa of Al-Jazeera English,” May 7, 2008.

⁶³ USAID, “Burma: Cyclone Fact Sheet #8 (FY) 2008,” May 15, 2008.

⁶⁴ Interaction, the umbrella coalition of more than 150 humanitarian organizations providing humanitarian assistance and sustainable development programs worldwide, has also developed a list of agencies responding to this disaster (InterAction, “Interaction Members Respond to Cyclone in Burma,” May 6, 2008. See <http://www.interaction.org/burma>).

⁶⁵ Office of Foreign Assets Control, U.S. Department of the Treasury, General License No. 14, May 6, 2008; available online at <http://www.treas.gov/offices/enforcement/ofac/programs/burma/gls/burmag14.pdf>.

The Office of Foreign Disaster Assistance (OFDA) in USAID's Bureau of Humanitarian Response provides immediate relief materials and personnel, many of whom are already abroad on mission. It is responsible for providing non-food humanitarian assistance and can quickly assemble DARTs to assess conditions. OFDA has wide authority to borrow funds, equipment, and personnel from other parts of USAID and other federal agencies. USAID has two other offices that administer U.S. humanitarian aid: Food For Peace (FFP) and the Office of Transition Initiatives (OTI). USAID administers emergency food aid under FFP (Title II of P.L. 480) and provides relief and development food aid that does not have to be repaid. OTI provides post-disaster transition assistance, which includes mainly short-term peace and democratization projects with some attention to humanitarian elements but not emergency relief.

The Department of Defense (DoD) Overseas Humanitarian, Disaster and Civic Aid (OHDACA) funds three DoD humanitarian programs: the Humanitarian Assistance Program (HAP), Humanitarian Mine Action (HMA) Program, and Foreign Disaster Relief and Emergency Response (FDR/ER). OHDACA provides humanitarian support to stabilize emergency situations and deals with a range of tasks including providing food, shelter and supplies, and medical evacuations. In addition the President has the authority to draw down defense equipment and direct military personnel to respond to disasters. The President may also use the Denton program to provide space-available transportation on military aircraft and ships to private donors who wish to transport humanitarian goods and equipment in response to a disaster.⁶⁶

Generally, OFDA provides emergency assistance for 30 to 90 days after a disaster. The same is true for Department of Defense humanitarian assistance. After the initial emergency is over, assistance is provided through other channels, such as the regular country development programs of USAID.

The State Department also administers programs for humanitarian relief with a focus on refugees and the displaced. The Emergency Refugee and Migration Account (ERMA) is a contingency fund that provides wide latitude to the President in responding to refugee emergencies. Assistance to address emergencies lasting more than a year comes out of the regular Migration and Refugee Account (MRA) through the Population, Migration and Refugees (PRM) bureau. PRM assists refugees worldwide, conflict victims, and populations of concern to the United Nations High Commissioner for Refugees (UNHCR), often extended to include internally displaced people (IDPs). Humanitarian assistance includes a range of services from basic needs to community services.

Constitutional Referendum

The cyclone struck one week before the people of Burma were to vote on a new constitution that potentially is the most significant political development in Burma since the military seized power in 1988. In the first few days following the natural disaster, the SPDC said it would proceed with the vote as scheduled on May 10, 2008. However, on May 6, 2008, the SPDC announced that the vote on the proposed constitution would proceed as planned in most of Burma, but that the vote

⁶⁶ Section 402 of Title 10, named after former Senator Jeremiah Denton, authorizes shipment of privately donated humanitarian goods on U.S. military aircraft provided there is space and they are certified as appropriate for the disaster by USAID/OFDA. The goods can be bumped from the transport if other U.S. government aid must be transported.

would be delayed until May 24, 2008 for most of the townships around Rangoon and in seven of the townships in the Irrawaddy region.⁶⁷

There are conflicting accounts about the conduct and outcome of the election. The SPDC reported a heavy turnout on both dates, with few voting irregularities. Opposition groups say the turnout was comparatively light, with many reported cases of voting irregularities, such as pre-marked ballots, voter intimidation, and other techniques to influence the outcome of the referendum. On May 29, 2008, the SPDC issued Announcement No. 7/2008, reporting that 98.12% of the 27,288,827 eligible voters had cast votes, and that 92.48% had voted in favor of the adoption of the constitution.⁶⁸ On the basis of these official results, the SPDC declared that the new constitution had been ratified.

Immediate Response After Cyclone

After Cyclone Nargis caused widespread flooding and destruction in Burma, opposition to holding the referendum as scheduled arose from many sources. A May 5 editorial in the *Irrawaddy* stated, "The response by the Burmese regime to this weekend's cyclone disaster shows that the junta is incapable of running the country, let alone helping the victims."⁶⁹ The editorial called for the postponement of the referendum as did other voices within the Burmese opposition movement. A representative of the opposition-run media group, the Democratic Voice of Burma, said, "They [the SPDC] would be very stupid to go ahead with the it. Thousands of people are dying or missing. It is very difficult to get around or get food and water. How can people vote?"⁷⁰ On May 7, 2008, one of Burma's leading opposition groups, the National League for Democracy (NLD), issued a statement demanding that "the referendum be held simultaneously in all parts of the country once the conditions in the country have improved."⁷¹

Background

On February 9, 2008, the SPDC issued an announcement stating, "in accordance with the fourth step of the seven-step Road Map, the approval of the Constitution draft will be sought in a National Referendum to be held in May 2008."⁷² On the same date, the SPDC released a second announcement, which states, "In accordance with the forthcoming State Constitution, the multi-party democracy [sic] general elections will be held in 2010."⁷³

⁶⁷ Jocelyn Gecker, "Vote Delayed in a Few Worst Cyclone-hit Areas but the Rest Will Go Ahead," *Associated Press*, May 6, 2008.

⁶⁸ "Myanmar Ratifies and Promulgates Constitution," *New Light of Myanmar*, May 30, 2008.

⁶⁹ "Referendum Must Take Second Place Now in Regime Priorities," *Irrawaddy*, May 5, 2008.

⁷⁰ "Myanmar Death Toll 'More than 10,000,'" *CNN*, May 5, 2008.

⁷¹ "Statement of National League for Democracy," May 7, 2008 (unofficial translation).

⁷² State Peace and Development Council, Announcement No. 1/2008, February 9, 2008, available at <http://www.mewashingtondc.com/Myanmar%20Govt%20Announcement%20No%201%20&%20of%202008.pdf>.

⁷³ State Peace and Development Council, Announcement No. 2/2008, February 9, 2008, available at <http://www.mewashingtondc.com/Myanmar%20Govt%20Announcement%20No%201%20&%20of%202008.pdf>.

In order to pass the new constitution at least 50% of Burma's eligible voters must vote, with a simple majority voting in favor of adoption of the constitution. According to the SPDC, there are over 27 million eligible voters in Burma.⁷⁴

On February 26, 2008, the SPDC released a new law governing "the approval of the draft constitutional."⁷⁵ Chapter V, Section 11(d) of the law barred the following people from voting: members of religious orders; people of unsound mind; persons in prison or convicted of a crime; people illegally abroad; and foreigners. Chapter VII, section 20(a) allows the postponement or dissolution of a vote "if [a] free and fair referendum may not be held stably due to natural disaster or situation affecting the security, or any other disaster." Chapter XX prohibited "lecturing, distributing papers, using posters, or disturbing the voting in any other manner...." Some opposition groups were concerned that this provision would be used to suppress the anti-constitution campaign.⁷⁶

According to the SPDC Chairman, Senior General Than Shwe, Burma's military did not "crave for power," and that its "ultimate aim is to hand over the state power to the people."⁷⁷ As Than explained in his speech on Myanmar's 63rd Armed Forces Day on March 27, 2008, the military was "compelled" to assume state responsibilities due to "unavoidable circumstances."⁷⁸ Than also indicated that the referendum on the draft constitution was consistent with the SPDC's "seven-step roadmap" for the return of civilian rule.⁷⁹

Ever since the SPDC announced that a referendum on the proposed constitution would be held, it has run an extensive pro-constitution multi-media campaign. The SPDC has regularly run slogans in its newspapers, such as, "To approve the State Constitution is a national duty of the entire people today. Let us all cast 'Yes' vote in the national interest."⁸⁰ The May 5, 2008 edition of the SPDC-run newspaper, the *Myanma Ahlin*, stated, "It's only a few days left before the coming referendum and people are eager to cast their vote."⁸¹

At the same time, the SPDC has actively tried to suppress the anti-constitution campaign. Human Rights Watch reports, "Political opposition activists face constant harassment, state-sponsored violence, vicious slandering in the state-controlled press (where they are routinely described as the 'internal stooges' of 'external destabilizing elements'), arbitrary arrest and detention, and long-term imprisonment."⁸² There have also been reports of "unidentified assailants" assaulting opposition leaders and anti-constitution campaigners in the weeks before the election; the Burmese police reportedly refused to investigate the alleged assaults.⁸³

⁷⁴ "Myanmar Ratifies and Promulgates Constitution," *New Light of Myanmar*, May 30, 2008.

⁷⁵ "The Referendum Law for the Approval of the Draft Constitution of the Republic of the Union of Myanmar," official translation published in *The New Light of Myanmar*, February 28, 2008, pages 8-11.

⁷⁶ Min Lwin, "Stiff Penalties for Resistance to Constitutional Referendum," *Irrawaddy*, February 27, 2008.

⁷⁷ Thein Linn, "Our Ultimate Aim is to Hand Over the State Power to the People," *The Myanmar Times*, March 31-April 6, 2008.

⁷⁸ *Ibid.*

⁷⁹ For more information on "seven-step roadmap" see the homepage of the Embassy of the Union of Myanmar in Washington, DC, http://www.mewashingtondc.com/Road_Map_Process.htm.

⁸⁰ *The New Light of Myanmar*, April 24, 2008.

⁸¹ Aye Aye Win, "Nearly 4,000 People Dead; 3,000 People Missing," Associated Press, May 5, 2008.

⁸² *Vote to Nowhere: The May 2008 Constitutional Referendum in Burma*, Human Rights Watch, May 2008.

⁸³ "Myanmar Opposition Party Says Opponents of Military-backed Constitution Assaulted, Associated Press, April 25, (continued...)

Access to the actual text of the draft constitution was at first limited. Photocopies and electronic copies were secretly circulated among journalists, senior government officials, and diplomats.⁸⁴ A copy of the draft constitution, in Burmese, was available on the web page of *Burma Digest*, “a magazine specializing in human rights affairs in Burma.”⁸⁵ The SPDC began providing copies of the 194-page draft constitution to the public on April 9, 2008 at a cost of 1,000 kyat (\$1.50)—two months after announcing that a referendum would take place in May 2008.⁸⁶ At the same time, the military junta announced the date for the referendum—May 10, 2008.

Provisions of the Draft Constitution

The draft constitution creates a parliament (*Pyidaungsu Hluttaw*) with two chambers—the Union Assembly (*Pyithu Hluttaw*) and the National Assembly (*Amyotha Hluttaw*)—and sets aside a quarter of the seats in each chamber for the military.⁸⁷ The draft constitution also permits a military takeover “in the event of an emergency.”⁸⁸ A provision in the draft constitution also bars a person who has dual citizenship, or has a close relative who is a foreign national from holding public office, effectively preventing opposition leader Aung San Suu Kyi from running for office because she was married to a British citizen and has two sons who are British nationals.⁸⁹

Burma’s various opposition groups were initially uncertain how to respond to the SPDC’s announcement of a referendum on a draft constitution. According to a leader of the 88 Generation Students Group, Tun Myint Aung, “The only real choice is, should we vote ‘no’ or just boycott?”⁹⁰ However, Dr. Nay Win Maung, a member of the “Third Force Group,” a group that advocates engagement with the military junta and opposes sanctions, recommends that the opposition groups endorse the draft constitution and focus on the 2010 elections.⁹¹ On April 2, 2008, the main opposition group, the National League for Democracy (NLD), called on the people of Burma to vote “no” on the constitutional referendum.⁹² On May 1, 2008, the United Nationalities League for Democracy (UNLD), an umbrella group of political parties representing Burma’s ethnic minorities, called for complete boycott of the referendum.⁹³

Outcome of the Constitutional Referendum

There are conflicting accounts coming out of Burma about the conduct and outcome of the May 10 and May 24 votes. According to the junta-operated media, the constitutional referendum was done in a free and fair fashion with international observers. According to various pro-opposition

(...continued)

2008.

⁸⁴ “Burmese Electorate Still Wait to See Constitution Text,” *Irrawaddy*, April 2, 2008.

⁸⁵ <http://burmadigest.info/2008/03/28/2008-constitution-of-burma/>

⁸⁶ “New Burma Constitution Published,” BBC News, April 9, 2008.

⁸⁷ “Burmese Electorate Still Wait to See Constitution Text,” *Irrawaddy*, April 2, 2008.

⁸⁸ *Ibid.*

⁸⁹ “Draft Constitution Surfaces, Stirring More Debate,” *Irrawaddy*, March 31, 2008.

⁹⁰ Kyan Zwa Moe, “Constitutional Conundrum,” *Irrawaddy Magazine*, April 2008.

⁹¹ *Ibid.*

⁹² Wai Moe, “Burma’s NLD Calls for a Referendum ‘No’ Vote,” *Irrawaddy*, April 2, 2008.

⁹³ Saw Yan Niang, “UNLD Calls for Referendum Boycott,” *Irrawaddy*, May 1, 2008.

sources and much of the international media, there were a significant number of cases of voting irregularities to bring the validity of the outcome into question. Also, there were varying views of the percentage of voters who actually went to the voting booths.

The SPDC's Account

A post-referendum issue of *The New Light of Myanmar* contained several stories on the voting on May 10, 2008, covering the situation at polling stations in various townships in various districts or states across Burma.⁹⁴ In every story, mention was made of the presence of a representative of a foreign embassy or consulate observing the voting process, including officials from Bangladesh, Chad, China, Indonesia, Japan, Malaysia, North Korea, the Philippines, Russia, South Korea, Thailand, the United States, and Vietnam.⁹⁵ Although none of the stories included comments or quotes from the foreign officials, the implication was that the vote was monitored by international observers.

A story in *The New Light of Myanmar* the day after the vote stated, "The referendum was held successfully ... with massive turnout of citizens."⁹⁶ However, the article provided no estimate of the percentage of voters who participated in the referendum or the results of the May 10 vote.

On May 14, 2008, the military junta announced the official results of the May 10 vote (see **Table 2**). The SPDC claimed that "more than 99 percent" of the 22.7 million eligible voters for the May 10 ballot cast their vote, with 92.4% voting in favor of the new constitution.⁹⁷ If these figures are correct, over 20 million people voted in favor of the constitution on May 10—enough votes to approve the new constitution, even though there were approximately five million eligible voters scheduled to go to the polls on May 24. The official results were higher than the rumored percentages being circulated in parts of Burma. It was being said before the vote that the SPDC had already determined the results of the referendum, and would announce that 84.6% voted in favor of the new constitution.⁹⁸

Table 2. Official Results of Burma's May 10 Constitutional Referendum

Category	Number	Percentage
Eligible voters in Burma	27,369,937	
Voters eligible to vote on May 10	22,708,434	75.7%
Voters who cast vote on May 10	22,496,660	99.1%
Voters who voted in favor of new constitution	20,786,596	92.4%
Voters who voted against the new constitution	1,375,480	6.1%
Cancelled votes	334,584	1.5%

Source: *The New Light of Myanmar*, May 16, 2008, p. 1.

⁹⁴ *The New Light of Myanmar*, May 12, 2008, pages 6 and 7.

⁹⁵ Communications with the U.S. Embassy in Burma confirmed that someone from their Political/Economic Section visited polling stations in Myeik township on May 10, 2008 to observe the conduct of the referendum.

⁹⁶ *The New Light of Myanmar*, May 11, 2008, page 6.

⁹⁷ "Over 92 Per Cent say 'Yes' to Referendum," *The New Light of Myanmar*, May 16, 2008, page 1.

⁹⁸ "Slow Start to Referendum," *Associated Press*, May 10, 2008.

Page 9 of the May 25 edition of the *New Light of Myanmar* was devoted to stories covering the vote in the more severely affected townships of Irrawaddy and Rangoon. In contrast to the coverage of the May 10 vote, the stories did not mention the presence of international observers or describe the voter turnout. Instead, the focus was on the number of polling stations and the voting procedures.

On May 29, 2008, the SPDC announced the final vote count for the constitutional referendum, which was published the next day in the *New Light of Myanmar*.⁹⁹ According to the official results, between May 14 and May 29, the number of eligible voters had declined by 81,110 people. Of the 27,288,827 eligible voters, a reported 98.12% had cast ballots, of which 92.48% had voted in favor of the new constitution.

Opposition's Account

Burma's various voices of opposition paint a very different image of the conduct and outcome of plebiscite. According to *Irrawaddy*, turnout on May 10 was "very low."¹⁰⁰ The NLD compiled a list of voting irregularities on the day of the vote that included the following:

- The distribution of pre-marked ballots, already checked in favor of the constitution, to voters at polling stations;
- Election officials watching voters as they marked their ballots;
- Intimidation and threats to voters;
- The confiscation of identity cards of voters who voted against the constitution;
- Reports that voters were told that ballots had already been submitted in their name by local government officials;
- Refusing to allow eligible voters to vote;
- Pressuring people to vote yes, and to vote yes for relatives not at the polling station;
- The arrest of people distributing anti-constitution literature at polling stations; and
- Denying NLD and other opposition members access to the polling stations to observe the referendum.¹⁰¹

There were also reports that some polling stations closed early and people who tried to vote were told that ballots in favor of the constitution had already been submitted in their name.¹⁰²

On the same day the SPDC announced the official results of the May 10 vote, the NLD released a statement condemning the junta's decision to go ahead with the constitutional referendum in the areas of Burma most severely damaged by Cyclone Nargis.¹⁰³ According to the NLD's statement,

⁹⁹ "Myanmar Ratifies and Promulgates Constitution," *New Light of Myanmar*, May 30, 2008.

¹⁰⁰ Yeni and Min Lwin, "Massive Cheating Reported from Referendum Polling Stations," *Irrawaddy*, May 10, 2008.

¹⁰¹ "Irregularities in the May 10 Referendum," *Burma Digest*, May 10, 2008.

¹⁰² Yeni and Min Lwin, "Massive Cheating Reported from Referendum Polling Stations," *Irrawaddy*, May 10, 2008.

¹⁰³ Wai Moe, "NLD Slams Plan for May 24 Referendum Vote," *Irrawaddy*, May 14, 2008.

“It is not the right time to hold the referendum in the cyclone-hit region because people are dying and still struggling.” The statement called on the SPDC to concentrate its efforts on humanitarian work and postpone the May 24 vote.

According to an *Irrawaddy* news report, the Public International Law & Policy Group (PILPG) published a report, “Burmese Constitutional Referendum: Neither Free nor Fair,” on May 26, 2008, sharply criticizing the conduct of the plebiscite.¹⁰⁴ According to the PILPG, “The referendum was not free or fair, as it was not conducted in accordance with international law or basic democratic standards.”¹⁰⁵ The *Irrawaddy* article states that the PILPG report outlines how the conduct of Burma’s constitutional referendum violated eight conditions for a free and fair election, including the right to vote; secret ballots; freedom of opinion; freedom from coercion; the right to information; freedom of the media; electoral monitoring; and independent electoral administration.

U.S. Policy towards Burma¹⁰⁶

Two days before Cyclone Nargis struck Burma, President Bush issued an executive order expanding U.S. trade and economic sanctions effective May 1, 2008.¹⁰⁷ U.S. foreign policy towards Burma in general is currently delineated by the Burmese Freedom and Democracy Act of 2003 [P.L. 108-61, extended by P.L. 108-272, P.L. 109-39, and P.L. 110-52] and a series of Executive Orders.¹⁰⁸ These laws and Executive Orders:

- Prohibit the import into the United States products from Burma;
- Ban the export or re-export of financial services to Burma by U.S. persons;
- Prohibit a U.S. person or company from approving, aiding, or supporting a foreign party’s investment in Burma;
- Prohibit U.S. persons from purchasing shares in a third-country company if the company’s profits are predominantly derived from the company’s development of resources in Burma;
- Authorize the President to impose a freeze on funds or assets in the United States of the Burmese Government and individuals who hold senior positions in that government;
- Freeze all property and interests in property held in the United States or that come to the United States of the Myanmar Gem Enterprise, the Myanmar Timber Enterprise, the Myanmar Pearl Enterprise, and any person determined by the Secretary of Treasury, after consultation with the Secretary of State, to be either

¹⁰⁴ Wai Moe, “Experts Denounce Referendum on ‘Neither Free nor Fair,’” *Irrawaddy*, May 30, 2008.

¹⁰⁵ *Ibid.*

¹⁰⁶ For more detailed information about U.S. relations with Burma, see CRS Report RL33479, *Burma-U.S. Relations*, by Larry A. Niksch.

¹⁰⁷ Executive Order 13464, “Blocking Property and Prohibiting Certain Transactions Related to Burma,” *Federal Register*, May 2, 2008 (Volume 73, Number 86), pp. 24489-24493.

¹⁰⁸ Executive Order 13310, Executive Order 13448, and Executive Order 13464. For more specific information, see CRS Report RS22737, *Burma: Economic Sanctions*, by Larry A. Niksch and Martin A. Weiss.

directly or indirectly owned or controlled by the SPDC or supportive of the SPDC; and

- Require U.S. representatives in international financial institutions to vote against the extension of any financial assistance to Burma.

Under the Bush Administration, the U.S. policy has been to minimize contact with the SPDC and to isolate the military junta. The U.S. Embassy in Rangoon has no ambassador. In addition, as indicated above, the United States actively supports the efforts of international organizations (such as the UN) to place pressure on the SPDC to improve human rights in Burma and return the government to civilian rule. The U.S. State Department issued a statement on February 11, 2008, that called the proposed constitutional referendum “evidence of its [the SPDC’s] refusal to pursue a meaningful and time-bound dialogue with Burma’s democratic and ethnic minority representatives.”¹⁰⁹ In its 2008 annual human rights report, the State Department cited Burma for a wide range of human rights abuses including arbitrary or unlawful deprivation of life; torture and other cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; denial of fair public trial; the detention of political prisoners; forced relocations; restriction of the freedom of speech and press; restriction of the freedom of peaceful assembly and association; repression of religion; and human trafficking.¹¹⁰

Burma-Related Legislation in the 110th Congress

On May 7, 2008, the Senate passed by unanimous consent S.Res. 554 expressing the Senate’s “deep sympathy to and strong support for the people of Burma, who have endured tremendous hardships over many years and face especially dire humanitarian conditions in the aftermath of Cyclone Nargis.” The resolution also expressed the Senate’s support for President Bush’s decision to provide humanitarian aid and indicated a willingness “to appropriate additional funds, beyond existing emergency international disaster assistance resources, if necessary to help address dire humanitarian conditions throughout Burma in the aftermath of Cyclone Nargis and beyond.” On May 13, 2008, the House passed **H.Res. 1181** by a vote of 410 yeas to one nay, expressing its sympathy and condolences to the people of Burma, and demanding that “the referendum to entrench military rule be called off, allowing all resources to be focused on disaster relief to ease the pain and suffering of the Burmese people.”

In December 2007, both the House of Representatives and the Senate passed versions of **H.R. 3890**. The bill—“The Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2007” in the House and “The Burma Democracy Promotion Act of 2007” in the Senate—would ban both the direct and indirect import of gemstones mined or extracted from Burma. The House version would also prohibit “direct or indirect payments of any tax, cancellation penalty, or any other amount to the Burmese Government, including amounts paid or incurred with respect to any joint production agreement relating to the Yadana or Shwe gas fields or pipeline—an apparent provision to force Chevron to divest from its business activities in Burma. The Senate version does not contain prohibition on tax payments to the Burmese government, but does ban the direct or indirect import of products containing teak or other hardwood timber from Burma.

¹⁰⁹ “Burmese Regime Announces Sham Referendum,” Press statement by Sean McCormack, U.S. Department of State, February 11, 2008.

¹¹⁰ State Department, *2008 Country Reports on Human Rights Practices*, March 11, 2008.

Consultations between the House and Senate have not yet reconciled the differences between the two versions of H.R. 3890.

On March 14, 2008, Representative Rush D. Holt introduced **H.Con.Res. 317** “Condemning the Burmese regime’s undemocratic constitution and scheduled referendum.” The resolution “denounces the one-sided, undemocratic, and illegitimate act by the State Peace and Development Council (SPDC) to legalize military rule with the constitution” and urges the President to work through the UN Security Council and the Association of Southeast Asian Nations (ASEAN) to “end junta political intransigence and promote meaningful political dialogue” in Burma. On May 6, 2008, the House passed the resolution by a vote of 413 yeas and one nay.

On November 16, 2007, the Senate agreed by unanimous consent to **S.Con.Res. 56** that “encourages ASEAN to take more substantial steps to ensure a peaceful transition to democracy in Burma.” On December 4, 2007, the House of Representatives referred the resolution to the House Committee on Foreign Affairs.

Legislation was also introduced in both the House of Representatives and the Senate to award the Congressional Gold Medal to Aung San Suu Kyi.¹¹¹ The House of Representatives passed its version of the bill on December 17, 2007 by a vote of 400 yeas and zero nays. On April 24, 2008, the Senate passed **H.R. 4286** without amendment by unanimous consent. The legislation was presented to the President on May 1, 2008, and signed into law on May 6, 2008.

Issues for Congress

The concurrence of the tightening of U.S. sanctions on Burma and the arrival of Cyclone Nargis just one week before the nation was to vote on a proposed new constitution has compounded the political pressure on the ruling military junta. Many of the people of Burma need humanitarian aid and are dissatisfied with the SPDC’s initial response to the crisis. The current situation presents Congress with at least four key issues: humanitarian assistance; the constitutional referendum; a possible long-term food shortage; and potential political instability in Burma.

Humanitarian Assistance

Relief Operation and Political Developments

Humanitarian emergencies usually stem from two overall types of disasters: natural or conflict-related. U.S. and international humanitarian assistance have an important impact not only on the relief operation itself, but on broader foreign policy issues. Natural disasters (like the 2004 tsunami in the Indian Ocean, 2005 earthquake in South Asia, and 2007 cyclone in Bangladesh) may affect millions of people each year who require prolonged urgent assistance. Responses are typically multilateral, often have a relief operation end date, and are less likely to be hindered by the politics of the situation. By contrast, in many conflicts—terrorist attacks, war between states, or where groups within a country are fighting and in the absence of a political solution—the response cannot be separated from broader foreign policy developments and the overall strategy (including determining an exit point) may be much less clear.

¹¹¹ H.R. 4286 and S. 2631.

In the case of Burma, the response to the natural disaster is closely linked to political developments both within the country and in its relationships with the international community. The circumstances and difficulties of mobilizing a relief operation were hampered in part by the politics of the situation. Some are saying that the provision of humanitarian assistance and an increase in the international presence in Burma could represent an opportunity to change the authoritarian system in Burma. This may be what the SPDC fears, not only with the constitutional referendum at stake, but in the long term as well, with the result that it has not allowed most offers of international humanitarian experts.

Competing Aid and Budget Priorities

Humanitarian assistance generally receives strong bipartisan congressional support and the United States is typically a leader and major contributor to relief efforts in humanitarian disasters.¹¹² When disasters require immediate emergency relief, the Administration may fund pledges by depleting its disaster accounts intended for worldwide use throughout a fiscal year. In order to respond to future humanitarian crises, however, these resources would need to be replenished or it could curtail U.S. capacity to respond to other emergencies. These accounts are typically restored through supplemental appropriations. Amid efforts to tackle rising budget deficits by, among other measures, slowing or reducing discretionary spending, finding the resources to sustain U.S. aid pledges may present some challenges, depending upon the resources required and competing aid priorities at hand.

The Senate passed S.Res. 554 on May 7, 2008, calling for Congress “to stand ready to appropriate additional funds, beyond existing emergency international disaster assistance resources, if necessary to help address dire humanitarian conditions throughout Burma in the aftermath of Cyclone Nargis and beyond.”

On June 30, 2008, President Bush signed into law P.L. 110-252, which provides FY2008 and FY2009 supplemental appropriations for overseas military operations, international affairs, and some domestic programs.¹¹³ The law provides funding for urgent humanitarian assistance worldwide, including support for critical needs in Burma. It also states, “As the Peace and Development Council (SPDC) has compounded the humanitarian crisis in Burma by failing to respond to the needs of the Burmese people in the wake of Cyclone Nargis and by refusing offers of assistance from the international community, the Department of State and USAID should seek to avoid providing assistance to or through the SPDC.”¹¹⁴

Constitutional Referendum

Prior to the arrival of Cyclone Nargis, several Members of Congress had indicated their opposition to Burma's planned constitutional referendum. After the cyclone struck, on May 6, 2008, the House of Representatives passed **H.Con.Res. 317** “condemning” the constitutional

¹¹² For background information see CRS Report RL33769, *International Crises and Disasters: U.S. Humanitarian Assistance, Budget Trends, and Issues for Congress*, by Rhoda Margesson.

¹¹³ For more information, see CRS Report RL34451, *FY2008 Spring Supplemental Appropriations and FY2009 Bridge Appropriations for Military Operations, International Affairs, and Other Purposes (P.L. 110-252)*, by Stephen Daggett et al.

¹¹⁴ Page 17 of “Further House Amendment Relating to Supplemental Appropriations for Fiscal Years 2008 and 2009,” available online at http://www.rules.house.gov/110/text/110_supp_pp_jes.pdf.

referendum and calling on the SPDC to enter into “meaningful political dialogue” with Burma’s opposition groups. Since the SPDC announced its plan to hold the plebiscite, the Senate has not passed any legislation relating directly to the constitutional referendum.

Long-Term Food Shortages

Even after the immediate post-cyclone emergency has passed, experts expect the country to face a potentially severe food shortage for up to two years. The areas struck by Cyclone Nargis were important sources of rice, seafood, pork, and chicken for Burma; it is unlikely that the rest of the country will be able to step up food production to replace the lost output of the cyclone-devastated regions. It is also uncertain if Burma will be able import enough food to replace its lost domestic output because of damage to its transportation infrastructure and a shortage of foreign exchange. As a result, Burma may require food assistance for many months and possibly years.

In addition, in the first few days after Cyclone Nargis, food prices in Burma reportedly increased by 100% or more. While this spike in food prices is likely to subside to some extent in the coming weeks, it is also likely that prices will not return to their pre-cyclone levels. In addition to the challenge of recovering from the destruction caused by the cyclone, the people of Burma will probably face higher—and possibly rising—food prices for many months. Given that most households in Burma were living in poverty before the arrival of Nargis, the higher food prices will place more strain on the Burmese people. It is noteworthy to recall that widespread protests in Burma in September 2007 began as a demonstration against an unannounced increase in fuel prices.

Burma’s potential long-term need for food assistance presents two possible concerns to Congress. First, Congress may be asked to appropriate funds to provide long-term food and agricultural assistance to Burma. Second, these recent developments may also prompt changes in the current laws governing sanctions on Burma.

Potential Political Instability

The possible combined effects of public dissatisfaction with the SPDC’s response to the cyclone disaster, a potential rejection of the junta’s proposed constitution, and widespread food shortages and food price inflation could combine to pose a threat to the political survival of Burma’s ruling military junta. In addition, the announced “official results” of the constitutional plebiscite are widely viewed as obviously fraudulent by Burma’s opposition groups and much of the general population. These factors have increased the prospects for public demonstrations against the SPDC.

Political tensions—both domestic and international—were also heightened by the SPDC’s decision on May 27, 2008, to extend the house arrest of Aung San Suu Kyi for a sixth consecutive year, as well as the arrest of several NLD members.¹¹⁵ The detention decision was announced just a few days after United Nation Secretary-General Ban Ki-moon had raised the issue with the leaders of the SPDC. It also came on the same day that NLD members rallied at Aung San Suu Kyi’s home in remembrance of their election victory in 1990.

¹¹⁵ “Myanmar Extends Suu Kyi’s House Arrest, Detains Activists,” *AFP*, May 27, 2008.

After the announcement of the detention's extension, Secretary-General Ban expressed his regret about the junta's decision and called for an end to all such "restrictions" of "political figures" in Burma.¹¹⁶ In an official statement, President Bush indicated that he was "deeply troubled" by the decision and called upon the SPDC "to release all political prisoners in Burma and begin a genuine dialogue with Aung San Suu Kyi, the National League for Democracy, and other democratic and ethnic minority groups on a transition to democracy."¹¹⁷

One question Congress may move to consider is whether current circumstances warrant a further tightening or easing of political pressure on the SPDC. Given Burma's current and anticipated future need for humanitarian assistance, as well as the apparent heightened dissatisfaction with the SPDC, some are likely to argue that the current situation is an opportune moment to ramp up U.S. sanctions and seek greater action from the United Nations and other multilateral organizations. For example, resolution of the differences between the House and Senate versions of **H.R. 3890** and subsequently forwarding the legislation to the President would build upon Executive Order 13464. However, new congressional sanctions would possibly eliminate any possibility of the SPDC admitting U.S. aid or relief workers in the future and could potentially be used by the military junta to rally support based on patriotic or nationalist appeals to opposition to "outside interference."

A key factor that will impact the effectiveness of any changes in U.S. sanctions on Burma will be the perceived ability of the SPDC to weather any political storm. One critical element in the post-Nargis period will be the strength of the SPDC's support among rank-and-file soldiers. Burma's military has grown from 180,000 to around 400,000 troops over the last 20 years.

The SPDC will also rely on its paramilitary support group, the Union Solidarity and Development Association (USDA), to remain in power. Formed in 1993, the USDA is ostensibly a social organization that claims nearly 23 million members, but has a reputation for violent acts against opposition groups in Burma. In recent years, the USDA has organized "people's militias" that have reportedly been involved in attacks on Aung San Suu Kyi and other opposition leaders in Burma.¹¹⁸ Burma's soldiers have already demonstrated a readiness to open fire on civilian protests and the USDA have similarly demonstrated a willingness to be a weapon of oppression for the SPDC. Whether or not the soldiers and the USDA members will continue to support the military junta during any post-Nargis civil unrest remains to be seen.

There are some indications of significant political changes within the SPDC since Cyclone Nargis and the constitutional referendum. On June 20, 2008, the SPDC released Orders 2/2008 and 3/2008 reassigning Major General Saw Lwin to become the Minister of Immigration and Population, and making Vice Admiral Soe Thien his replacement as Minister for Industry-2.¹¹⁹ According to one report, unnamed military sources said that Soe Thien's replacement as the navy's commander in chief will be Major General Nyan Tun.¹²⁰ Another report claims that five

¹¹⁶ "Secretary-general Regrets Extension of Myanmar Opposition Leader's House Arrest," United Nation's Department of Public Information, SG/SM/11598, May 27, 2008.

¹¹⁷ "President Bush Disappointed by Burmese Regime's Extension of Aung San Suu Kyi's House Arrest," Office of the Press Secretary, White House, May 27, 2008.

¹¹⁸ For more information about the USDA, see *The White Shirts: How the USDA Will Become the New Face of Burma's Dictatorship*, Network for Democracy and Development, May 2006.

¹¹⁹ *New Light of Myanmar*, June 21, 2008, page 1.

¹²⁰ Min Lwin, "Junta Reshuffles Cabinet, Top Military Posts," *Irrawaddy*, June 20, 2008.

top SPDC lieutenant generals were asked to retire and several junior officers were promoted as part of a restructuring of the SPDC.¹²¹

There are differing interpretations of the significance of the replacement of ministers and retirement of generals. Some observers speculate that there is a power struggle within the SPDC for the successor of Than Shwe between General Shwe Mann and Lieutenant General Myint Swe. While Shwe Mann is purportedly the “number three man in the armed forces,” Myint Swe supposedly is very loyal to Than Shwe.¹²² Other analysts are interpreting the recent changes in the SPDC as the punishing of people who failed to take action after the cyclone and replace them with loyal and trusted officers. In particular, Soe Thien was allegedly removed from his position as the head of the navy because of his failure to deploy ships to counter the U.S. and French naval vessels of the coast of Burma.¹²³

Another important issue will be the image of Burma's Buddhist monks and nuns—and their actions—in the weeks ahead. Various accounts indicate that the monks and nuns have been key figures at the local level in organizing and coordinating disaster relief efforts. Although the SPDC has attempted to prevent the monks and nuns from involvement in disaster assistance—and reportedly have tried to take credit for work done by the monks and nuns—Burma's “members of religious orders” may have strengthened their popularity since the arrival of Cyclone Nargis. Having been barred from voting on the constitutional referendum, Burma's Buddhist monks and nuns may choose to leverage their stronger popular support into renewed political action against the Burma's oppressive military junta.

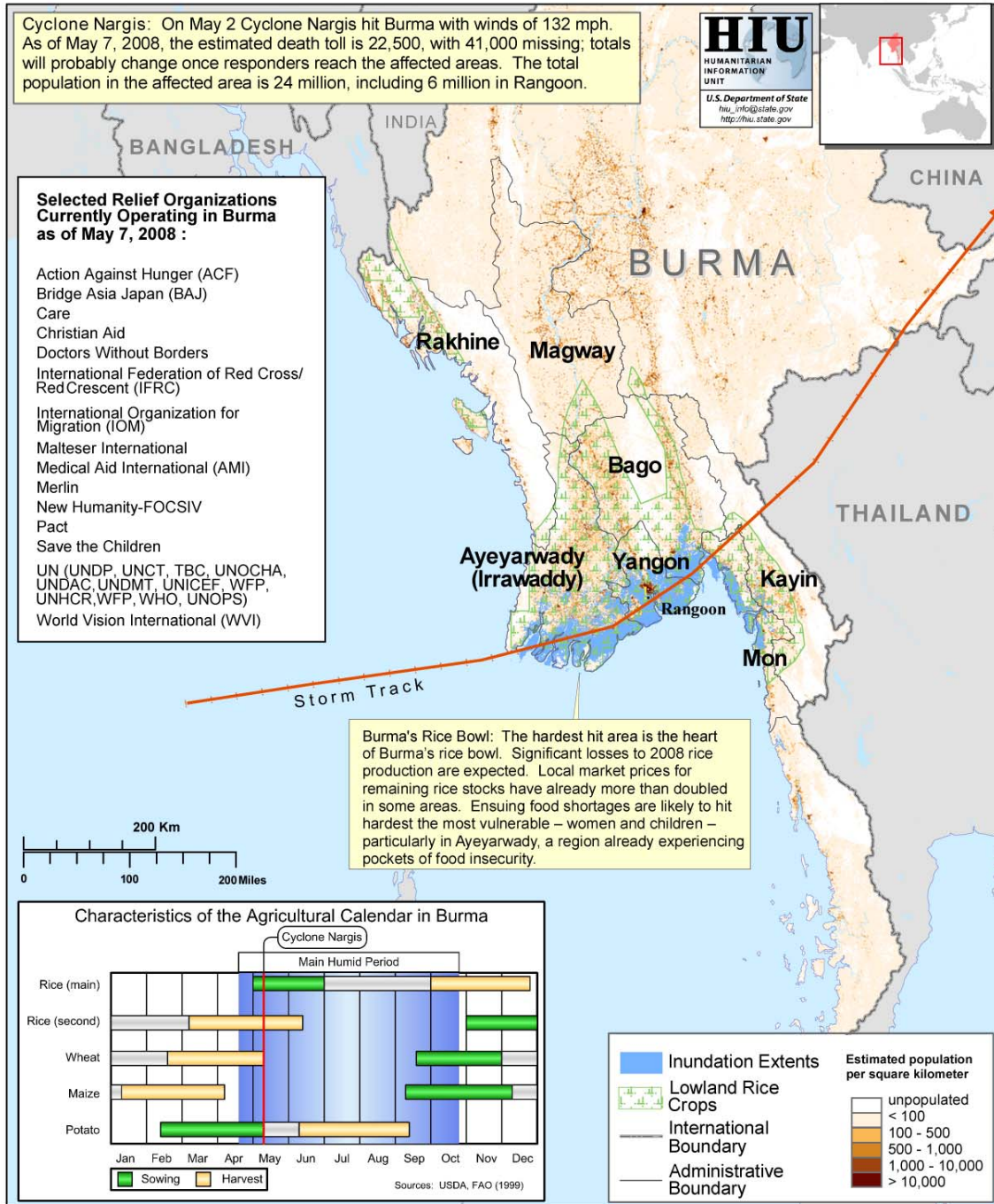
<http://wikileaks.org/wiki/CRS-RL34481>

¹²¹ Min Lwin, “Junta Reshuffles Key Military Positions,” *Irrawaddy*, June 25, 2008.

¹²² Min Lwin, “Reshuffle Could Signal Change at the Top,” *Irrawaddy*, June 23, 2008.

¹²³ Aung Zaw, “The Tatmadaw Exposed,” *Irrawaddy*, June 23, 2008.

Figure 1. Map Areas of Burma Flooded by Cyclone Nargis



Source: Humanitarian Information Unit of the U.S. State Department

Note: Names and boundary representations are not necessarily authoritative.

http://wikileaks.org/wiki/CRS-RL34481

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