Preventing deadly conflict in divided societies in Asia: the role of local NGOs
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VI. Local NGOs in Cambodia, Sri Lanka, Indonesia and Myanmar

This chapter provides an overview of the local NGO sectors in Cambodia, Sri Lanka, Indonesia and Myanmar and describes their history, the impact of violent conflict on their work, who-does-what, State-NGO relations, NGO effectiveness and international aid flows to NGOs. The concluding section provides the background for the analysis of the NGO conflict analysis and response section of the interviews, which is the subject of chapter seven.

6.1 NGO sector at its tenth anniversary

History
Cambodia is traditionally a conservative, agricultural society, characterised by a system of reciprocal relationships between clients and patrons that offers protection in a context where State safety nets are absent. The family forms the basic unit in a typical agricultural society and plays the primary role in meeting the economic, social and emotional needs of its members. Beyond the family, and to some extent beyond the village, societal organisation has been historically weak. This summary is based on the extensive historic analysis of the emergence of civil society in Cambodia done by Yonekura (1998). Under French rule (1868-1953), Cambodians were actively discouraged from self-organisation. Labour unions were banned and even the formation of the Association of Cambodian WWI veterans was opposed. During WWII however, the French organised paramilitary youth groups to fight the Japanese occupation. Upon independence from France in 1953, civil society continued to face obstruction under the rule of Prime Minister Sihanouk (1953-70). Trade unions were not permitted until 1956 and the security forces and Sihanouk’s Socialist People’s Movement harassed democratic and communist political opponents. After the 1958 election victory, Sihanouk turned his attention to newspaper journalists (like Pracheachon) and members of the Khmer Workers Party. Political leaders were assassinated and candidates and campaign staff were subject to such intimidation, that none stood in the election in 1962.

When the US-Vietnam War broke out in 1962, Sihanouk opted to preserve Cambodia’s neutrality and asked US troops to withdraw in 1963. After South Vietnamese military attacks led to civilian casualties on Cambodian soil, Sihanouk broke off diplomatic relations with the US in 1965, accepted aid from China and North Vietnam and youth groups began to demonstrate in anti-US, anti-capitalist protests. Still Sihanouk continued to curb the communist movement and several hundred community leaders disappeared in this period; they were probably assassinated. Among growing opposition, the 1967 Samlaut farmers’ rebellion against impending tax collection by the armed forces in North West Cambodia was brutally crushed, numerous farm families were forcibly relocated and as many as 10,000 peasants were killed. The ethnic Chinese community came under attack and the government shut down the Khmer-Chinese Friendship Association in 1967. Saloth Sar (Pol Pot), Ieng Sary and Khieu Samphan, who were to become Khmer Rouge leaders, were among the opposition leaders to flee to North Vietnam in the 1960s. Civil unrest became wide spread and the Communist Party of Kampuchea (CPK) officially declared armed struggle against Sihanouk in late 1967. The intellectuals, businessmen and army leadership initially welcomed the US supported Lon Nol coup in 1970 but the farmers, students and communist sympathisers had little faith in this political shift and continued their armed protest while the critical media voiced their concerns. In 1972 General Lon Nol declared martial law as deadly combat with local armed insurgent groups spread to multiple fronts. In 1975, the few remaining civil and community organisations were closed down by the Khmer Rouge, who nationalised all possessions, forcibly relocated 80% of the population and systematically killed

government officials, professionals and religious and civil society leaders who had not fled the country.

From 1979 to 1990, the Vietnam backed regime continued the one party rule that left no room for private initiative. The international diplomatic and economic boycott prolonged the country's isolation and boosted the absolute control of the State and armed forces over the people and the economy. Toward the end of the Cold War, peace negotiations began in Paris and, as a sign of good will, a new law was approved in 1989 that provided for some freedom of association, expression and religion. The first local NGOs gained permission to work only in late 1991, after the signing of the Peace Accords and while the UNTAC interim government was being set up. These new NGOs were initiated by three sets of actors: newly released political prisoners under the terms of the Peace Accords (ADHOC), well educated and connected Diaspora leaders who returned to Cambodia (Khemara) and local leaders who had run basic needs projects in the UN run refugee camps on the Thai border.

**Impact of conflict on NGO sector**

Three decades of local and regional deadly conflict left indigenous civil society completely obliterated by 1979. To bypass the international boycott, European governments provided large donations to international NGOs like ICRC, Oxfam, Noviib and CIDSE so that they could supply relief goods, seeds and fertilisers to the Cambodian people who were starving and traumatised from the conflict and faced a famine due to a series of droughts and floods in 1980. By the mid 1980s the Cambodian government granted several of these international NGOs permission to set up local offices and bring in some foreign experts to assist its ministries with technical advice and training in the implementation of infrastructure programmes. However, because direct contact with the local population was not permitted in the 1980s, community-based, sustainable livelihood projects were only initiated when the peace talks began and the restrictions on the freedom of association were relaxed.

The legacy of deadly conflict continues to impact the Cambodian NGO sector. Three main trends can be identified. First, international NGOs with operational programmes still dominate the NGO scene in Cambodia. Their number tripled from 68 in 1992 to 200 in 2002. 80 percent of the total foreign aid budget available to NGOs working in Cambodia is awarded to international NGOs (see section on aid flows for more details). Lack of technical capacity and managerial experience is generally mentioned as the main argument to justify this imbalance. The lack of transparency, checks and balances increases the risk of corruption in local NGO work. Lastly, donor agencies assume that international NGOs are in a better position to protect their operations against ongoing impunity involving high-ranking State officials.

Second, there is a marked divide in the NGO scene between the "Khmer-Khmer" and "Expat-Khmer" led organisations. A good number of local NGOs were founded by returning Cambodians who had spent one or two decades in exile in France, the US and Australia or who had lived and worked in the refugee camps. While their commitment to contribute to the reconstruction of Cambodia is acknowledged, there is animosity among local NGOs founded and run by leaders who stayed put and survived all the hardships. The latter perceive the former with some distrust because they have lost connection with the Khmer society by not having lived through the life altering experiences while in exile. Furthermore, most "Expat Khmer" NGO leaders obtained advanced education and lavish financial backing from their Diaspora country governments for their work. As a consequence, their programmes are more focused on service provision and

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66 The only bilateral assistance Cambodia received between 1979 and 1990 came from Vietnam, the USSR and Eastern European countries, governments that were no champions of civil society in their home countries.
Local NGOs in Cambodia, Sri Lanka, Indonesia and Myanmar

Policy research while those of "Khmer-Khmer" NGOs, which are generally closer to the rural constituencies, are more membership oriented and active in community development work or mobilisation of specific beneficiaries (e.g., sex workers, battered women) with at best some vertical policy advocacy. This came about in part because "Khmer-Khmer" NGO leaders had little access to formal education and received training mainly in country from international NGOs in the late 1980s and 1990s. Their financial backing comes largely from private European aid agencies.

A third result of the conflict that makes Cambodia deviate from the other case study countries is the comparatively smaller number of membership NGOs. One of the main reasons, besides the young history of the Cambodian NGO sector, is the continued grip of the State and armed forces on daily life, especially in rural areas. With the CPP in power for 25 years now, Hun Sen the longest ruling Prime Minister in Asia and its historical network of loyal village leaders still going strong, it is hard for ordinary citizens to join civil organisations. The number of local associations is growing, but these small community groups find it extremely difficult to obtain financial support. Locally there is none available, because they fail to partake in the programming opportunities the new decentralisation policies provide to them (being unaware of procedures).

Who does what?
The first twelve local NGOs emerged in 1992 but their numbers started to grow rapidly after 1994 when international aid funds started opening up to local initiatives at the close of the UNTAC mission (231 local NGOs by 1996). A second jump in numbers occurred after the 1998 elections that closed a period of high political insecurity: the local NGO sector grew from 118 to 360. Since then there has been moderate net growth of approximately 12 NGOs a year. The number of village associations continues to rise too. In 2002 there were over 400 local NGOs and nearly 600 associations registered with the Cambodian Government. (See Figure 2)

Figure 2 Growth of local and international NGOs in Cambodia since 1992


An estimated 13,000 Cambodians are employed in both local and international NGO programmes. In addition, over 40 formal and informal NGO working groups convene at regular intervals on issues of common interest to coordinate and improve the effectiveness of their work.
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They are usually geographic or thematic in nature and focus on issues including the environment, gender, community development and socio-economic rights. Informal networks of operational NGOs exist in almost every province and the Cambodian NGO Forum and the Cambodian Coordination Committee (CCC) work in close consultation with these networks, which play an increasingly important role in contributing to an informed dialogue on development practises and policies. There are no data to classify NGOs according to the nature of the organisation.

The CCC 2003 report provides a sectoral breakdown of NGO projects in nine categories, grouped for this study in the NGO classification presented in Chapter V (Please note that policy advocacy is not identified as a separate category):

- Community development and BSS: 64%
  - 22% rural development
  - 17% education/training
  - 15% health
  - 10% agriculture/environment
- Civil society building: 26%
  - 14% social development
  - 7% human rights
  - 5% organisational development
- Humanitarian aid: 6%
- Others: 4%

Geographically, both local and international NGO programmes cover most provinces, with the highest density in Kandal, Battambang and Phnom Penh. The provinces of Kampong Chham and Banteay Meanchey are close runner-ups. Only a few NGO programmes are found in the six remote, sparsely populated, rainforest clad and mountainous provinces in the North East and South West of the country. (CCC, 2002)

State-NGO relations
Given Cambodia’s turbulent recent history, the State-NGO relations have been challenged. The new constitution, drafted under auspices of the United Nations Transitional Authority Committee (UNTAC), granted the full three freedoms and in 1993 the new government signed the UN Covenants on political and civil rights and on socio, economic and cultural rights. New local NGOs proved serious competition for the ineffective local government that was involved in fierce bipartisan political combat. This affected both the State’s capacity to mobilise foreign donor funds and retention of qualified local personnel because NGO salaries were generally double those in the government sector and their work environments were more conducive to structural development work. The progress in building civil society building came under threat with the coup of July 1997. The increasing State intolerance of dissent and criticism and the continued political and military rivalry between members of the ruling coalition, created an atmosphere of fear and intimidation throughout the country. It undermined the free exercise of political and civil rights, including the three freedoms, especially in rural areas. The commune elections of 2002 and the national elections of 2003 brought renewed victory to the CPP and more political turmoil.

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67 The CCC 2003 report classifies the local NGOs in four main categories: 1. Development organisations involved in education, health, credit, income-generation and other rural and urban development activities aimed at improving the lives of poor people; 2. Democracy and Human Rights organisations committed to promoting democratic principles and respect for human rights through policy, training and other advocacy work; 3. Support Service organisations focusing on human resource and organisation development training activities, as well as facilitating networking and advocacy related activities; 4. Community based organisations and associations that are taking on a more active role in participating and directly managing their own development processes.

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State control of the three freedoms limited the activity of NGOs. Of the three freedoms, the freedom of association was the least challenged over the past decade. However, recent law reforms, registration and intimidation practices now threaten this as well. Some NGOs face difficulties in the registration process and are forced to pay huge bribes in anticipation of foreign aid contributions. Human rights, legal aid and women’s organisations, which question State performance on a regular basis, are especially likely to be threatened by authorities, their staff taken for questioning, materials confiscated and meetings interrupted.

The freedom of expression through print media is better guaranteed than that through broadcast media, though the 2002 Human rights reports presented a long list of cases of intimidation of journalists. In 2003 three journalists were shot and killed in broad daylight by unknown gangs. State control of the radio and TV broadcasting is quite strategic, with eighty percent of the population, most of whom are effectively illiterate, living in rural areas. Access to information through newspapers and other written publications is thus limited to the vast majority of the nation by both physical access and literacy. The freedom of assembly has been under pressure since 1997. The law on demonstration is vague and obtaining permission is extremely difficult. This lack of clear legal guidance empowers the government to take arbitrary measures against demonstrators and suspend the right to assembly for prolonged periods if state security so demands. Furthermore, small demonstrations are often disturbed by hired, armed youth gangs who intimidate and violate protesters. (Forum Asia 1999, ADHOC 2002)

NGO results
Given their unique history and close interaction with international aid agencies, local NGOs in Cambodia are well versed in current development issues; as a result, participatory planning methods, gender equity components, conflict prevention and human rights advocacy efforts, small arms lobbying and general development advocacy can meet up with the work of mature NGO sectors in Sri Lanka and Indonesia. The senior NGO leadership is well connected internationally, quite proficient in the English language and oriented to modern media as a result of Cambodia’s unique transition process and the international attention it has received over the past decade.

At the same time, three major problems jeopardize the efficiency and effectiveness of NGOs in Cambodia: the imbalance between international and local NGOs, the competition between ministries and NGOs over resources and the political violence and corruption. Starting with the international NGOs, the imbalance affects NGO effectiveness at the core. Most international NGOs spend about half of their country budget on field offices, trainers, monitoring staff and overhead, putting a strain on the efficiency of the NGO work in Cambodian. International NGOs not only spend their own resources on their operational programmes, but they are more successful than local NGOs in obtaining additional bilateral and multilateral funding. This international aid donor bias is explained by three factors: the ability of international NGOs to absorb large donations, the fear for political partiality of NGOs and the presumed susceptibility of local NGOs to corruption and/or corrupt local officials.

*The Phnom Penh Post reported a case of registration corruption at the Ministry of Interior in their 10 August 2004 issue. Paraphrased: The Ministry of Interior (Mol) is allegedly requiring local NGOs to pay registration bribes of up to $500, or face delays of up to three years in the processing of documents. The Literature Association of Sweden-Cambodia lodged a complaint with the government after Mol officials told them last June that amendments were required to their documents, but the registration process could be fast-tracked for a fee of $500. Mr. Sak Setha, Deputy Director General of the Administration Department at the Mol, admitted to the Post that corruption did occur but he denied bribes were as high as alleged: "I recognize that my employees have sold application forms for 10,000 to 15,000 riel, but not $500." A draft law on local associations and non-governmental organisations was written in early 2002, setting out processes for registering with the Mol, but is not yet official legislation. The official registration is free and the procedure should take six weeks. International NGOs need to register with the Ministry of Foreign Affairs.*
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Corruption is a society-wide problem. With persistent absolute poverty, short-term planning frames and a poor example set by political and military leaders; the NGO sector has suffered from corruption and lack of accountability too. Cambodian NGOs have acknowledged the importance of strengthening their governance structures and management systems to ensure transparency and accountability, particularly to the communities and people with whom they work. A local NGO working group developed the “NGO Code of Ethics” in 1996: it is a form of self-regulation to promote quality and professional standards within the NGO community. All members of the CCC signed up to this Code, publish annual reports and report to external boards. In the same spirit and in an effort to strengthen civil society’s contribution and to encourage greater citizen participation in the development of the country, local and international NGOs jointly advocated for a supportive legal framework for NGOs, which would both structure the NGO sector and protect it against illegal intrusion. This has not rooted out corruption but it has resulted in the moral commitment of the NGO leadership to uphold the highest standards.

Lastly, the competition between ministries and NGOs is another long-standing issue that jeopardises the sustainability of development efforts. Cambodian ministries are grossly under-funded, poorly staffed and subject to corrupt leadership. Their efficiency and horizontal networking with grassroots constituencies is poor because they lack both the essential means (e.g., no vehicles, no petrol) and vision by their largely incompetent staff. Larger local NGOs do make systematic efforts to include government officials in their training and development programmes, but the process is frustrating and the temptation to “do it yourself” is ever present.

Aid flows to NGOs
Contrary to common perception, the Cambodian NGOs receive a level of foreign contributions similar to that in other countries because 80% of foreign aid to NGOs is directed to international NGOs. In 2002 77 US dollars million went to a total of 200 international NGOs, while 407 local NGOs divided 19.3 million $US. It is interesting to note that while the number of local NGOs nearly doubled between 1996 and 2000, the foreign aid budget allotted to them remained more or less the same. Only in 2002 did the local NGO budget substantially increase. Even at 2002 figures, the average annual budget of the 407 local NGO stands at 47,000US$, which is only 12% of the average for their international counterparts (385,000US$). (See figure 3)

Figure 3 Summary of NGO contributions in million US$
6.2 NGO challenge to revive civil society after 20 years of civil war

History
Some local scholars argue that organised civil activism in Sri Lanka dates back to pre-colonial times. Its rich and diverse civil society is reflected in the local NGO sector. Most NGOs predate the more recent international aid agencies interests in strengthening civil-society. Local membership NGOs active in community development and education emerged in the 1950s and 1960s, while human rights and interracial justice groups were founded in the late 1970s and early 1980s in response to ethno-nationalist inspired, exclusionary policies, which raised widespread protest that spiralled into violent clashes and culminated in the armed conflict in the North and East. The role of the Sri Lankan NGO sector has evolved since independence with the changing political times. From 1956–1965 and 1970–1977 Sri Lanka had socialist governments that promoted so-called “State capitalism,” in which large private enterprises (like the tea and rubber estates) were nationalised and basic social service delivery was monopolised by the State as the sole actor in welfare and development activities. Bastian and Fernando (2003, p.27) conclude that this policy mindset only shifted after 1977, when the State policy toward private service delivery changed and international and local NGOs were allowed to receive foreign aid donations and shoulder part of basic service delivery. As a result, both foreign and local NGOs proliferated: Wickramasinghe (2001) estimates that 65 percent of the local NGOs were established after 1977.

Impact of conflict on NGO sector
Sri Lanka has been immersed in a civil war since 1983, which has had a deep impact on the development of the local NGO sector. The indigenous NGO scene of the North and East is all but destroyed by the armed confrontations and intimidation tactics of the warring parties. During the first ten years of the war, many Tamil political and civil society leaders lost their lives (many in inter-group confrontations) or fled to settle abroad or hide in the South. International NGOs and the ICRC have been working in the war zones since the ICRC was officially admitted into the country in the late 1980s. They have recruited and trained a new local cadre of potential future NGO leaders. Meanwhile, the handful of remaining local NGOs can be found in the politically more articulate Jaffna peninsula, work under strict control of the LTTE, which was instrumental in the foundation of several new, associated NGOs (e.g., TRRO, Roots). Attempts by local and international NGOs to revive civil society in the impoverished, under-organised, multi ethnic Eastern province, have been hampered by the lack of experienced leadership and the fear of forming associations in areas unofficially controlled by the LTTE. North- and East-based reconciliation programmes run by NGOs from the South are mostly event or campaign based and subject to continued criticism from both the warring sides and the Tamil population at large, which feels Southern NGOs are not doing enough to redress their predicament. The 2002 ceasefire agreement led to a frenzy of project identification missions in 2002 in anticipation of massive international reconstruction and peacebuilding donations. But when the peace talks stalled in April 2003 and snap polls brought an alternative cabinet to power in April 2004, the North East reconstruction planning came to a standstill.

NGOs in the South were affected as well. Rural development NGOs had to cope with increasing poverty in the South and lack of resources, as a result of global macro economic reforms and diversion of the state budget to the war. Most human rights and communal harmony (the term commonly used in Sri Lankan for peaceful co-existence) NGOs in the South were formed in the 1980s and worked to mobilise their constituencies in the South to rally for peaceful resolution to the Tamil conflict. The NGO leaders came from all walks of life: law makers and lawyers formed the Civil Rights Movement (CRM, 1977); social workers, artists and journalists initiated the Movement for Inter-Racial Justice and Equality (MIRJE, 1982); state high school teachers who had lost their jobs because they protested against the State violence in 1983, launched the
Movement for the Defence of Democratic Rights (MDDR) and Women for Peace held peace marches to parliament every Friday for two years (1987). They all came literally under fire at different stages of the conflict, but most notably during the violent armed JVP uprising in the South (1987-89) and during the Presidential Inquiry Commission in the Premadasa era (1991-93). All NGOs survived these attacks on their existence and most continue their work in some form. The existence of local NGOs was deeply affected by the war in two fundamental ways: it affected the NGO’s ability to attract young leadership and limited the ability to network horizontally to maintain cross community ties. Chapter VII will elaborate on these trends.

It is important to reiterate that at the heart of the Sri Lankan conflict lays a crisis of the State. The DFID conflict report (2001) perceives the “Singhalisation” of the State as a manifestation of a deeper problem of the failure of the State to institutionalise politics, which eroded the institutions and norms governing democratic behaviour.

"Dynastic politics and a concentration of political power are symptomatic of the widespread belief that political power is derived from patronage rather than from performance. The undemocratic, personalised and exclusionary nature of the Singhalese politics has been a significant factor in the evolution of the JVP conflict. Growing poverty in the Deep South (the JVP power base), political and social exclusion, an inability of the state to devolve power and deliver, as well as the growing corruption proved to be a combustible cocktail. Increasingly, conflict is managed through the state’s security and counter-insurgency armed groups, rather than through inclusive institutions and democratic practices.” (DFID, 2001, p.31-33)

Who does what?
Fernando (2003) estimates that the numbers of local NGOs active in Sri Lanka varied from a low of 293 local and 50 international NGOs (which included only professional development NGOs) to a high of 10,000 (including village associations). The Department of Social Services estimates that there are 2,167 NGOs and Community Based Organisations (CBOs). The 1995 IRED NGO directory, which is the only reliable and detailed source (albeit outdated), classified local development NGOs into six sectors (humanitarian assistance was not part of this inventory):

- Community development: 54%
  28% participatory development and empowerment
  26% social welfare
- Civil society building: 19%
  11% human rights
  9% environment
- Policy advocacy: 8%
  8% research
- Others: 12%

Geographically, most NGOs are headquartered in the South. The IRED directory reports that even though 159 (or 50%) of the ‘professional’ development NGOs claim to be national level NGOs, only a small portion of them has programmes throughout the country. The geographical spread of NGO projects is clustered around Colombo and in the North East border regions that separate the warring parties and hold most internally displaced people: Jaffna, Killinochchi, Mannar, Puttalam and Vavuniya. Fernando suggests this NGO concentration reflects neglected government development duties and sizable foreign humanitarian aid funds available to international NGOs to care for the victims of the war. Local NGOs in the poor southern provinces of Sri Lanka have been complaining that little assistance is directed to them because most international aid is directed to humanitarian needs. The donor assistance in the South is concentrated in four districts that have suffered most from macro economic policy changes: Hambantatota, Moneragala, Badulla and Nuwara Eliya. (Fernando, 2003, p.19)
Local NGOs in Cambodia, Sri Lanka, Indonesia and Myanmar

In the North and East, eight major international humanitarian NGOs dominate the scene with large operational programmes in the North East. Some of these NGOs also work in the South. They are the NGO partners of choice to most aid agencies because of their presumed neutrality, their international logistic operation networks and their institutional experience. In addition, most of these NGOs, including Save the Children Fund UK, OXFAM GB, FORUT and CARE, make small grants to local NGOs and community groups working in conflict affected areas but they bring in little or no funding of their own. Multi- and bilateral aid agencies have subcontracted the small grant making programmes to NGOs as part of the relief efforts to international NGOs as well because external monitoring of such grants in conflict zones is next to impossible.

State-NGO relations
The relationship between NGOs and the Sri Lankan State has always been asymmetrical, in favour of the latter. In the first two decades following independence, however, there was limited interaction but this changed as the ethnic conflict hardened in the 1970s. The Presidential Commission of Enquiry into NGOs marked the lowest point in State-NGO relations. The Commission, founded in 1991 by UNP President Premadasa, publicly accused leading local NGOs of “misuse of funds, political mingling and destabilizing the country.” NGO peace building work that promoted peace with justice for the Tamil people was targeted in particular. The investigation started with the Sarvodaya Shramadana Movement and MIRJE, but was soon expanded to a wider NGO circle, including most human rights NGOs. International donor pressure took some of the political heat off the process and after the assassination of President Premadasa, the Commission was dissolved with a low key report. Only a year later, in 1994, the same NGOs played a significant role in the electoral victory of the political People’s Alliance, which came to power with a pro-active peace agenda. At the same time, two national NGO networks became increasingly active in voter education and election monitoring in an attempt to strengthen the peace process through democratic means. Optimism and an opening of space marked this period for NGOs.

Unfortunately, the ceasefire held for only six months; the war resumed in April 1995 and the PA President Kumaratunga soon shifted to a “war-for-peace” campaign that put the peace building NGOs in the wrong corner again. Major confrontations followed over the next five years, including the break up of the first locally convened conference of the International NGO Forum and a movement by the PA government to direct confrontation vis-à-vis local NGOs after the Provincial Council elections of 1998 and the National elections of 2000. Accused of wide spread election malpractices, violence and misuse of power by officials, President Kumaratunga lashed out in the media, claiming the NGO statements were driven by foreign donors and calling upon major bilateral aid agencies to stop their funding of NGO good governance projects. In the most violent national election ever (2001), which gave voters a choice between all-out war and negotiated peace, the UNP won and negotiated a ceasefire in February 2002. As a result of the polarised State – NGO context and the unorthodox (controversial) negotiation strategy that combined high speed peace negotiations in the North with radical neo-liberal economic reforms in the South to jump start the Sri Lankan economy, the local NGO sector and civil society at large bypassed and excluded from the peace and development dialogue over the next two years. This ultimately weakened the people’s support for the government when tough peace settlement issues came to the table in 2003; the UNP was defeated in a snap poll in April 2004.

The Sri Lankan three freedoms analysis conducted by a group of human rights NGOs in 1997 concluded that the marked problems had been with the freedoms of assembly and expression. Years of State of Emergency and the Prevention of Terrorism Act (PTA) have curtailed civil and political freedoms and led to gross human rights abuses. In 1999, a law made NGO registration
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with the Sri Lanka NGO secretariat mandatory. By 2003 nearly 400 local NGOs had registered and 167 applications were in process. So far no cases of problematic registration have been reported, but with the ceasefire in jeopardy and the PTA still in force, the NGO sector is on alert.

Freedom of expression remains under threat. The main newspapers are controlled by the government, as are the main TV stations. Security laws and imminent threats of resuming war severely limit liberty of the press. Intimidation and assassination of journalists is a recurring feature in Sri Lankan society and leads to varying degrees of self-censorship. In a country with high literacy rates and well-developed infrastructure, NGOs have managed to circulate their reports to wider audiences through alternative means, often working closely with academia. Information dissemination in conflict zones and in the impoverished central highland provinces is, however, problematic and, in the absence of free and fair, factual information, local leaders with ulterior motives regularly manipulate ethnic tensions.

Wickramasinghe (2001, p.84) pointedly recapped State-NGO relations over the past three decades in three phases: from indifference in the 1970s, to ambivalence in the 1980s, to open confrontation in the 1990s. In the early 21st century, it seems that the stage of indifference is recurring among officials, given the lack of State investment in Track Two peace diplomacy efforts. Will this sequence continue to repeat itself in future?

NGO results
The NGO sector has long played an important role in the human rights and social justice debate in the country, alternating between the national "moral" conscience pressing for non-violent resolution to the conflict and the watchdog. International advocacy work, most notably during the annual sessions at the UN High Commissioner for Human Rights in Geneva, was quite successful in putting pressure on the Sri Lankan government to respect the civil rights of its citizens and allow the ICRC to operate freely in the war zones. The backlash against local advocacy NGOs by extremist Sinhalese groups is interpreted by DFID as an indicator of NGO effectiveness. However, the political violence more likely came in response to the successful international agenda setting of sensitive human rights issues, which does not necessarily prove the effectiveness of local NGOs to build alternative cultural capital at home. (see chapter VII)

With regard to basic service delivery, local NGOs scaled-up their development activities in the 1990s and became key implementing partners (or sub-contracted agencies), for example in the World Bank-supported Janasaviya Trust Fund, a national poverty-alleviation programme that aimed to redress the negative impact of the Structural Adjustment Programmes on the rural poor. Its successor, the Samurdhi programme, was critical of NGO performance in the Janasaviya and changed the partner strategy in 1996, trying to and partner with build village associations.69 Several major NGOs did not participate in either programme because they rejected the subcontractor status and had been vocal in criticising the IMF/World Bank promoted macro economic policies and programmes. As an alternative source, several NGOs developed micro credit banks in the 1990s, including Sarvodaya's SEEDS programme and Alterbank, a women's banking programme.

69 They recruited 3,000 unemployed educated youth to work as village level coordinators and establish networks of local community based groups. The programme became a bureaucratic disaster, as the village associations lacked the management and oversight structures of professional NGOs and needed too much oversight while their delivery capacity was small. (Fernando, 2003)

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Aid flows to NGOs

Sri Lanka has historically been one of the highest per capita development aid recipient countries. Aid in the 1960s and 1970s was focused on support to the State. Since the deadly conflict started in the 1980s, donors have also been providing humanitarian aid to the North East. One of the defining characteristics of aid in Sri Lanka is its spatial division between relief and rehabilitation aid to the North East and development assistance to the South. Three donors provide 85% of development funding to Sri Lanka: the World Bank, Asian Development Bank (ADB) and the Japanese International Cooperation Agency (JICA). All three are known to provide only limited support to local NGOs.

The main NGO donors are bilateral agencies from Great Brittan, Canada, the Netherlands and Scandinavia and international funding NGOs like Brot fur die Welt, CIDSE, Novib, Christian Aid and others. Aid agencies support NGO activities in a range of sectors including sustainable livelihoods programmes, micro credit, human rights, peace and reconciliation, the media and election monitoring. Through the 1990s, bilateral donors increased the proportion of aid directed toward NGOs. This partly reflected international policy shifts towards governance and State-civil society partnerships. It may also have been a result of the changing political climate. Several donors also supported the building of civil society in other ways.\(^{70}\)

As there is no comprehensive registration system in place yet, the size of the direct funding to local NGOs can only be roughly estimated. The government's NGO investigation Commission estimated in 1993 that 22% of the total foreign aid was received by local NGOs. However, the NGO Forum calculated that US$ 25 million went to NGOs in 1995, resulting in a figure of less than 5% (according to the World Bank Sri Lanka received US$ 540m in foreign aid in 1995). Due to Sri Lankan economic growth rates, changing donor priorities and a crisis in the local development NGO scene in the late 1990s, the donor contributions to NGOs show a steady downward trend (excluding the relief operations in the North East). In 2004 Sri Lanka was to receive app. US$ 340 million, which would make the contribution to local NGOs amount to less than US$ 20 million.\(^{71}\) The international donations to humanitarian aid work of UN, IRCI and international NGOs in the North and East amounted to US$ 17.8m (DFID, 2001, p.10)

\(^{70}\) DFID's 2001 conflict assessment lists among others: The Canadian International Development Agency (CIDA) allocated money toward a Good Governance and Institutional Strengthening (GGIS) project and established a Human Rights Fund and a Peace Fund. The Swedish International Development Agency (SIDA) funds a Centre for the Study of Human Rights at the University of Colombo. The Asia Foundation is focusing on human rights and democratisation issues. The Norwegian Agency for International Development (NORAD), an important donor of civil society strengthening activities in addition to working with the government, helped to establish the National Integration Policy Unit (NIPU) through the Ministry of Ethnic Affairs and National Integration.

\(^{71}\) Please note that the contributions to international NGOs active in humanitarian work are most likely all excluded from these figures as they are operational programmes. The DFID report quotes a figure of 17m US$ relief aid extended in 2000. The foreign aid figures were taken from the World Bank Millennium Goals Sri Lanka profile: http://devdata.worldbank.org/idg/[DG]Profile.asp?CCODF=1&KA&CNAME=Sri.lanka&SelectedCountry=1&KA
6.3 NGO renaissance in wake of three decades New Order regime

History
The first formal Indonesian civil society organisations emerged during the Dutch colonial period. They were charitable associations working for the poor, often in education and religion. Muslim religious leaders established Muhamadiyah in 1920 to provide education to poor Muslim children who failed to enter the formal (colonial) school system. Following independence, civil society began to flourish. Ethno-nationalist groups advocated for regional autonomy in the early 1950s, new farmers and workers unions emerged and grew strong in the late 1950s, while grass roots village associations were formed around the country. The events of 1965, however, changed the context of Indonesian civil society forever. In the chaos surrounding the gradual military takeover that brought General Suharto and his New Order regime to power in 1966, around the country over 600,000 local civil society leaders accused of Marxist sympathies were killed. The massacres intentionally shattered the local leadership and paralysed the local NGO and trade union sector and it took nearly 15 years to begin to recover.

The New Order regime applied a strict “Security Approach” that relied on coercive, bureaucratic and strict military measures to prevent open violent conflict. On top of the dramatic loss of civil leadership, the government systematically replaced local Adat leadership72 with Javanese bureaucrats who were to represent the interests of the central government. This further eroded the local capacity to mediate violent conflict. Private grassroots or special interest group initiatives were suppressed, while at the same time business, religious and intellectual elites were co-opted and favoured. This proved an effective approach to uniting the nation and controlling society for the next 30 years but it did not build a nation that was able to bridge the deepening cultural cleavages or resolve its social conflicts (Malley, 2001).

In the late 1970s new community development NGOs were formed to address the poor socio-economic conditions in Java and Sumatra. As Indonesia entered a period of unprecedented economic growth in the 1980s, NGO formation proliferated in response to emerging development and social justice issues, ranging from economic distribution issues to human rights, gender and environment. A new generation of NGO leadership emerged from former student activists groups in Bandung and Yogyakarta and established NGOs that aimed at becoming the “third pillar” in the country’s political system (in addition to the State and business sector). This created tension with the old NGO leadership, which had focussed more on service delivery within the system. In Benturaden in 1990, a strategic consultation of local NGOs was held to find an answer to the increasing State development hegemony. A six step action plan was adopted to strengthen the vision and mission of local NGOs, which failed to obtain the support of the big NGOs. (ADB, 1999, p.13) The rapid expansion of the NGO sector is also attributed to a rift between the older and younger leadership in mature NGOs that led young leaders to break away and form new NGOs, as well as to efforts of civil society leaders to seize opportunities to generate community employment and access international development aid.

By 1999, nearly 8,000 local NGOs were working across the country and 100 at the national level. Mansur Fakih, a renowned NGO expert, divided the local NGO scene before 1998 into three groups: those that adapt, those that reform and those that strive for transformation. The first group adapted to the development policy of the government and participated in the basic service delivery work without a clear institutional vision. The reformers aimed at strengthening civil society in the context of the authoritarian, growth oriented development ideology of the New Order regime. A minority of NGOs focussed on transformative change and challenged the macro-

72 Traditional village governance system
economic development ideology of the New Order regime by, for example, engaging in participatory research methods and producing reports for international advocacy purposes. (Lan. 2002)

**Impact of conflict on NGO sector**

When the radical political transition suddenly materialised in 1998, space for civil society opened up overnight. Mature NGOs, like YLBHI, ELSAM and WALHI, which played an important role in the NGO pro-democracy movement during the Suharto era, tried to reposition and adjust to the new reality. The newly elected Wahid government adopted part of the NGO reform agenda and absorbed a number of former activists in government, including President Wahid. The NGOs also partnered more closely with student activists and community associations in their programmes. When the impeachment process of President Wahid unfolded in 2000, confusion over the NGO role in the transformation process grew. At an online conference “Addressing the Sources of Insecurity in Indonesia” convened by the Harvard Program on Humanitarian Policy and Conflict Research in June 2001, some participants voiced the sentiment that local NGOs lack a clear mission and this creates confusion about their role in an era of reform. They made a connection between the historic sectoral focus of NGOs and their capacity today.

> "Causes such as biodiversity and the environment are viewed as safe non-political terrain, and are thus popular with international donors. This focus has encouraged Indonesian NGOs to frame, if not always to conduct, their activities in these terms, rather than to confront issues such as class inequality or land struggles. Some believe that this tendency may have compromised their ability to represent the interests of local communities."  

Other NGOs were formed as a direct response to the political transition; they aimed to address the violent turmoil surrounding it and work on the electoral process. The National Commission on Prevention of Violence against Women (Komnas Perempuan) for example, was established by Presidential Decree in 1998 after strong joint lobbying by Indonesian women’s NGOs. Komnas Perempuan summarised six types of violence whose impact on women the programmes tried to address in their report to the UN Beijing +5 conference in 2000: 1) Separatist movements (Aceh and West Papua); 2) Inter-religious and interethnic conflicts between indigenous people and immigrants, as the result of years of strife over control and access to resources (Kalimantan, Moluccas, Sulawesi); 3) Religion manipulated to become a tool of violence (Aceh, Moluccas, East Java); 4) Orchestrated violence in “military zones” (Timor, Aceh, West Papua); 5) Arbitrary arrests and executions, especially between late 1998 and mid 1999, as one of the last acts of the New Order regime (nationwide); and 6) Racism towards the ethnic Chinese population (Java).

Local NGOs in Aceh, Moluccas and Papua have been persistently documenting human rights abuses and disappearances, promoting continued tolerance of Islam and seeking a negotiated end to the violence. Yet an Indonesia - Harvard Internet conference in 2001/2 concluded that NGOs in the region remain weak, with a low capacity for making connections both among themselves and with other actors, including the international media. Intimidation from both GAM and the State limits the ability of Aceh NGOs to criticize actions, reveal human rights abuses and affect self-censorship. Like the Tamil groups in Sri Lanka, NGOs in Aceh face a dilemma of allegiance to warring parties that hinders their ability to empower civil society and has prevented them from receiving support from international donor governments who support the territorial integrity of Indonesia. The 2001 facilitated dialogue between GAM and the government did not involve NGOs and further frustrated the attempts of the NGO community to play a role as peacemakers.

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The Ford Foundation conducted a survey in 2001 into the response of local NGOs to the challenges posed by the transformation and found NGOs focussed on three areas of conflict:

First, NGOs aim to expose and discredit systematic acts of political violence, like campaigns that appeal to religious, ethnic, class or nationalistic and xenophobic sentiments. Second, conflicts over natural resources are a main cause of conflict. NGOs support (indigenous) communities affected by multinational or domestic private sector activities: maltreatment and abuse cases include illegal land expropriation, labour exploitation and severe environmental degradation as a result of unsustainable mining and logging practices. NGOs facilitate agreement negotiations for affected groups, seek redress for abuses through legal aid, advocate for legal reform, and try to mitigate immediate consequences through community development and social services projects.

Lastly, NGOs are concerned about increasing acts of terrorism, the war on terror and the Islamic Jihad. Their responses include raising public awareness, initiating dialogues involving religious leaders and human rights advocates as well as providing humanitarian aid to victims of raids, bomb attacks and violence against women. Human rights and peace building NGOs continue to operate under close State scrutiny, as proved by the deportation order of ICG’s regional director, based in Jakarta.\textsuperscript{74}

In the new millennium, many new NGOs and associations have been formed to advocate for the needs and rights of particular communities and to respond to the Decentralisation Act that took effect in 2001 and promotes participatory planning and decision making of development programmes at the provincial level. Furthermore, international aid agencies expanded or established new programmes in Indonesia to promote good governance, strengthen civil society and democratic institutions, protect the environment and work with indigenous people. As large sums became available, NGOs formed by civil groups were joined by those founded by former civil servants, businessmen and military leaders. Lacking a clear civil society vision, NGO ethics, legitimacy and management experience, and many new NGO projects have been prone to corruption and failure. Amidst wide speculation and accusations of fraud and corruption, international aid agencies are now reconsidering their approach and look for international NGOs to act as go-betweens or to take over the implementation of civil society building projects. Many older NGOs feel UN and international agencies share part of the blame because they invested large amounts of funding without a vision of the future of civil society in Indonesia. Now the good name of the local NGO sector is at stake and the trust between development stakeholders needs to be rebuilt.

Who does what?

At the start of the transformation process approximately 8,000 local NGOs were active in the country. According to Kastorius Sinaga, this number grew to 13,400 officially registered NGOs in 2001. The UNSFIR (2001) reached a more moderate conclusion in the same year and estimated that the number of professional NGOs increased from 1,200 in 1997 to 1,270 in 2000. Growth is

\textsuperscript{74} ICG’s Southeast Asia Director Sidney Jones and Analyst Francesca Lawe-Davies were ordered to leave Indonesia "immediately" on 1 June 2004. The letter made no specific charges against Jones and Lawe-Davies but stated that they were in violation of immigration laws. The order follows public statements by National Intelligence Agency head, General Hendropriyono that ICG’s reports were “not all true and damage the country’s image”. No member of the government took responsibility for initiating moves to expel Jones and her assistant, but early this year a letter from the National Intelligence Agency (BIN) to the Ministry of Labour resulted in a freeze on work permits for ICG staff. The ICG never saw that letter, but it is understood it stated BIN was unhappy with ICG reports on Aceh and Papua. Since establishing its Jakarta office in 2000, ICG has published 37 reports and briefing papers on conflict related issues, including Aceh, Papua, the Jemaah Islamiyah terrorist movement, communal violence and the transition from military to civilian rule. ICG’s President, former Australian Foreign Minister Gareth Evans, said “the expulsion order is outrageous and indefensible, utterly at odds with Indonesia’s claim to be an open and democratic society, and is bound to damage Indonesia’s reputation far more than ICG’s”. (Source: www.icg.org)
Local NGOs in Cambodia, Sri Lanka, Indonesia and Myanmar

concentrated in sectors related to media, trade unionism, legal aid and gender. UNSFIR concludes that NGO work is still concentrated in particular geographic areas and involves only a small part of the civil society at large. See attached charts for the growth of NGOs in top sectors and sectoral NGO work around the country.

An ADB report (1999) on the Indonesian NGO sector divides it in four categories:

- National level/grass roots development NGOs (basic needs service delivery)
- National level/grass roots mobilisation (empowerment oriented community development);
- National level/human rights and social justice NGOs;
- Local level/awareness building NGOs.

State-NGO relations

From the onset, the New Order regime responded unfavourably to the emergence of development NGOs and the pro-democracy movement. The State had already organized mass organisations like the SPSI (All Indonesia Workers Union), the HKTI (Indonesian Peasants Association) and similar unions for other groups like students, youth and civil servants. The ADB report (1999, p.20-22) summarizes three additional reasons for building tensions: the deep difference on desirable development models, people's participation, etc.; the lack of recognition of NGOs as partners in development; and the uneasiness over the delivery capacity of NGOs in remote areas. The State collaborated with a couple of larger rural NGO networks in-service delivery programmes, while NGOs promoting alternative development strategies were restrained in their activities. Law 8/1985 was specially designed for that purpose and laid out four rules: all NGOs had to affirm the Pancasila state-ideology principles in their statutes and defend it in their work (the so-called Azas Tunggal); all NGOs needed to apply for registration with the government, which could be denied, or else risk scrutiny by security forces; all NGOs had to work under a single umbrella organisation; and finally all NGOs could be dissolved if they are deemed disruptive of public order (Art. 13 and 14). The latter rule instructed international funding agencies to obtain prior State approval on major funding decisions as well, but only the locally represented agencies abided by that rule. (ELSHAM, 1999) Because State approval would have been withheld from most civil society building NGOs and even from many NGOs from the reform school, most NGOs never applied. This made them subject to harassment by the security forces that raided offices, confiscated dossiers and intimidated NGO staff.

Another tension rose over the use of the term NGO. The State denounced the term as being too politicised and creating the impression that they could take over or interfere with government responsibility. Hence, the term Lembaga Swadaya Masyarakat (LSM or self-reliant community institutions) was introduced. NGOs from the transformation school opposed the term, arguing that the name implied that they could only function as support partners to government policies, as a kind of social worker, instead of creators of and activists for alternative development programmes independent from government.

NGO results

The effectiveness of NGO work is under attack. The mature NGOs were criticized in 1999 for lacking a clear vision and mission in the political transformation that took everyone by surprise. Some NGOs decided to support the new Wahid led regime and ran into problems when the President was impeached. On the other hand new NGOs received substantial donor support in the early days, without having a solid vision and legitimacy with the constituencies they were supposed to represent. Inefficiency and corruption increased. In response, the international community increased its funding for good governance and civil society building programmes to UNDP, World Bank, ADB, etc and made them “gate keepers” for NGO financial support.
(Lounela, 2002) However, the multilateral oversight over civil society creates several problems, as they have top down and bureaucratic systems. Their overhead costs are huge and their policy to post UN volunteers in civil society programmes instead of highly skilled professionals. Another international aid strategy to avoid working with inefficient State and local NGOs, is to provide direct funding to local governments under the Decentralization Act and to provide donations in kind to NGOs (e.g., in Aceh, NGOs could sign up to receive a standard package, consisting of a computer, a bicycle, a phone, etc. in 2002). Most local NGOs however, still remain committed to the cause and continue their work under less favourable circumstances.

Another setback for the mature pro-democracy NGO group was the departure of many of its senior leaders. An increasingly popular donor strategy is to engage in operational programmes, either directly or in collaboration with the UN. To staff these multiple good governance, democratization and conflict prevention programmes, experienced NGO leaders were offered leading management and advisory positions, which many accepted, disappointed as they were with the direction the rapidly expanding NGO sector was taking and keen to accept the challenge in Indonesia’s crucial transition phase to try and make participatory governance work. Some experts forecast that it will take the local NGO sector ten years to rebuild the expertise.

**Aid flows to NGOs**

Efforts to mobilise domestic funds have generally been unsuccessful in Indonesia; except for the larger, rural development networks, like Bina Swadaya that are oriented to service delivery. They have partnered with the government and large international funders because they have the professional staff to manage their sizable operations. Many leaders of smaller NGOs were connected to the larger NGOs in the past, but the size of their operations is much smaller. They became popular in the 1990s, because they are considered more connected at the grassroots level and combine horizontal project strategies with vertical advocacy work, either done by the same group or in networking with advocacy NGOs. (ADB, 1999)
6.4 Civil society void and NGOs in exile

**History**

While the British colonial rulers permitted the formation of independent Burmese organisations, a rich civil society developed only after independence and predominantly in the major cities and towns. When violent conflicts broke out around 1950 between the State and different minority groups, political movements like the Burma Communist Party and the Karen nationalist movement went underground. Still, civil organisations continued to mushroom in places like Rangoon and Mandalay. There were numerous library clubs, student organisations and professional associations. As literacy and the interest in politics were widespread, universities organised public debates, speakers corners appeared in public parks and the Burma Journalists’ Association provided a forum for promoting press freedom. The first limits on civil society occurred during the brief interim government of General Ne Win in 1958; journalists and writers were imprisoned, several newspapers were closed and restrictive colonial press laws Were reinforced. (ICG, 2001) After Prime Minister U Nu was voted back into office in 1960, civil society lobbied hard to restore political and civil rights but their hopes were crushed two years later when the military coup of March 1962 effectively ended democratic rule. Within weeks, the Parliament and Supreme Court were dissolved, the Constitution suspended and the Revolutionary Council under leadership of General Ne Win took full executive, legislative and judicial authority.

The military Junta gradually replaced independent civil organisations like the Burma Journalists’ Association with government-controlled associations or put them under military leadership (e.g., the National Workers’, the Peasants’ Associations). Student protests were crushed and the historic Rangoon University Students’ Union was outlawed. A year later, large industries and business enterprises, as well as private schools and missionary hospitals were nationalised. In 1964, the National Solidarity Act banned all political parties except the newly formed Burma Socialist Programme Party (BSPP). The Printers and Publishers Registration Law of 1962 instituted State censorship over all publications and is still enforced today. Freedom of expression effectively ended in 1969, when the last private newspapers were closed leaving only government-controlled papers. (ICG, 2001, p.4)

Civil society organisations re-emerged as part of the nationwide pro-democracy protest in 1988, with a surge in student organisations, political groupings and print media. After the SLORC retook control in September, it clamped down on most groups, although new political parties were allowed to participate in the 1990 election. After the results were discarded, the military regime declared most political parties illegal. Peaceful protests were brutally crushed and many of the new democracy leaders were assaulted and imprisoned. Others leaders fled to the border and sought protection in areas controlled by the armed ethnic resistance movements. The National League for Democracy (NLD) under the leadership of Aung San Suu Kyi (ASSK), has struggled to restore democracy ever since. ASSK won the Nobel Peace Price in 1992 but remains in and out of house arrest even today.

**Impact of conflict on the NGO sector**

With the abolition of political and civil rights in 1962, it was impossible for a professional local NGO sector to develop inside the country. As a result of prolonged diplomatic pressure, the military regime allowed a limited number of international aid organisations to work inside the country beginning in the late 1980s. As in Cambodia in the 1980s, bilateral and UN agencies offered special grants to international NGOs to work inside Myanmar because the international diplomatic boycott of the SPDC makes direct bilateral involvement nearly impossible and UN involvement limited. In the absence of an active indigenous civil society and local NGO sector,
the operational programmes of international NGOs working inside Myanmar have long been controversial. International NGOs face three dilemmas in this respect, which are explored below.

- **The humanitarian dilemma**

International humanitarian aid goods and projects meant for poor and deprived civilians are heavily "taxed" when they are channelled through either the military institutions or the ethnic NGOs related to the armed fractions at the border camps. Thus, even the most basic humanitarian aid directly supports the military leadership of the different armed parties. International NGOs have to work in close partnership with the SPDC and local military, which fairly unilaterally decide on geographic and sectoral priorities. The operational international NGOs argue that in times of humanitarian crises they are obliged to serve those in need, regardless of the political consequences, and hope their work will provide some minimal protection to the poor and will lead eventually to political transformation.

- **The leadership dilemma**

Working with the ethnic leadership is also not always sustainable either. Ethnic minorities in Myanmar are historically extremely divided, both within and between groups: they are united mainly by the armed struggle for autonomy. The senior leadership of most ethnic organisations has a military background, is mostly male. Baptist insurgent leaders of the first hour, and has few connections to the wider world and thus limited means and capacity to explore alternative means of conflict resolution. The absence of strong, second line leadership resulted an alienation of young constituencies. Lastly, the position of women in most Burmese ethno-nationalist organisations is low, even though they have been performing military and community tasks over the forty years of struggle. Hence, neither the official nor the minority leadership situation seem to provide a viable context to nurture participatory and responsive civil society.

- **The legitimacy dilemma**

Most international NGOs that have moved in since 1997, work on disaster management and basic needs with large budgets co-funded by the UN, EU and other donors. But unlike in Cambodia in the early 1980s, it is not natural disaster that brings people to the edge of starvation in Myanmar. Most of the disasters are man made and result from targeted exclusion and discrimination of certain groups in defined geographical areas. Hence, the presence of international NGOs is not only financially supporting the autocratic regime that blocks any move towards democratisation, it furthermore legitimises the SPDC as an equal partner in development and as such weakens the impact of the international diplomatic efforts and economic boycott.

**Who is where?**

There are five types of NGOs working in and on Myanmar:

1. **Burmese NGOs in exile in Thailand and India**

This category includes professional groups, student movements and indigenous people's NGOs (Mon Human Rights, Karenni Evergreen), which operate principally from the Thai border and

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75 Furthermore, the more conservative Christian leadership of international NGOs united in the BBC encourages aid workers to promote their religious values among a predominantly Buddhist constituency when they provide basic services, which poses both ethical and practical dilemmas. For example, countering the rapid spread of HIV/Aids virus among the youth in the border camps in the 1990s became a religiously sensitive issue when ethnic leaders and Baptist NGO workers decided to combat infection through moral behaviour training instead of safe sex promotion. As premarital abstinence was alien to the Mekong hill tribe culture and an uprooted, extended refugee community does not provide much social control, this strategy was doomed to fail.
Local NGOs in Cambodia, Sri Lanka, Indonesia and Myanmar

Chiang Mai. They are engaged in documentation and advocacy (Burma Issues, Images Asia), basic service delivery (Dr. Cynthia’s medical projects) and environmental or legal advice, aid and training (Burmesse Lawyers Council and Karenni Evergreen). They work with minority groups in the refugee camps and provide trainings (unofficially) inside Myanmar as well. These NGOs have been receiving funding from progressive European NGOs and the Open Society, and indirectly from the European Union and some American foundations. These NGOs in exile have no legal status and are condoned by the Thai government as long as they do not create security problems. Thai PM Thaksin Shinawatra has restricted the movement of these NGOs in recent years, while the negotiations with the SPDC for political transformation and the release of ASSK are ongoing. As a result, the area of operation is now limited geographically to the wider Mae Sot region and most NGOs have moved their offices here.

2. Civil society initiatives inside Myanmar
Independent NGOs and professional associations can technically register under the Companies Act. Few do so for fear of drawing unwanted attention. Small community groups, such as funeral associations that help poor people cover burial expenses; women’s groups, sports clubs and religious associations do not need to register as long as their activities are local and specific. In the late 1990s, leaders in the Shan and Kachin states, who had been part of ceasefire negotiations in the early 1990s, launched local initiatives; their mostly Christian leadership is therefore known and approved by the SPDC. A handful of such NGOs obtained permission from the SPDC to receive foreign funding and have set up small coordinating offices in Rangoon. Shalom and the Metta foundation, for example, are both working on sustainable community development and conflict mediation training in Rangoon and Kachin provinces and in other areas upon request. The former ICRC country director who had developed a close relationship with the SPDC and was asked to stay on to advice in the transformation founded another peacebuilding initiative, the Center for Humanitarian Dialogue. The scale of each of these groups is small and the nature of their work exploratory.

3. The Burmese Border Consortium (BBC)
The BBC is a consortium of international NGOs with a mostly Christian religious vision and mission, that manages large relief, health and education programmes in refugee camps on the Thai-Myanmar border. It is primarily protestant in origin and supports all refugees in need. Their prime counterpart is the Karen National Union and its relief and development agencies located around and between Mai Sot and Mai Sarieng. The BBC works closely with Medicine Sans Frontier (MSF) France and the ICRC to provide basic services to over 120,000 refugees. These refugees do not have an official status but the Thai authorities have condoned the camps over the past 25 years.

4. International relief and development NGOs inside Myanmar
In 2003, 29 international aid agencies were operating inside Myanmar, 16 of which were subcontracted by United Nations agencies. Most international NGOs, like MSF-Netherlands, Action Contre le Faim, PACT, CARE, Worldvision, ICRC and Save Children Foundation have focused on providing safe drinking water and sanitation, supporting access to education and health care, starting community-based projects and micro-loans and confronting the HIV/AIDS crisis, MSF and ACF have also been running large-scale humanitarian and health programmes for forcibly returning Muslim refugees in Arakan State. Assistance from these NGOs increased from

76 The leadership of the Karen is Baptist too. British and American missionaries evangelised the minorities in the eastern border regions in the late 19th century, after Myanmar had become part of British India. These missionaries were the first to provide healthcare and education to the poor hill tribes and the bond with the international missionary network and the ethnic leaders is still strong.
Preventing Deadly Conflict in Divided Societies in Asia

US $4.5 million in 1999 to more than US $7 million in 2000. Ten UN agencies have programme offices in Myanmar. The UN Service Office identified multiple challenges for international agencies working in Myanmar, including: bureaucratic inefficiencies; scrutiny; access to ethnic minority areas; corruption; control over delivery; discrimination; sustainability; inter-agency cooperation and human rights violations. (Burma UN Service Office. March 2003)

5. International Human Rights NGOs

These international NGOs are either regional, mostly notably Forum Asia and Altscan based in Bangkok, or agencies based in Europe and US. e.g., Human Rights Watch, International Crisis Group, Amnesty International and Burma Centre Netherlands. They focus on documentation, publication, networking and advocacy.

6. Burmese opposition in exile

Finally there are various political opposition networks in exile, like the HCWB in New York, NCUB in Thailand, Free Radio Burma (Oslo) and the related Burma Forum, a donor consortium of largely American philanthropic agencies that funds civil society projects on Myanmar.

State-NGO relations

The military regime continues to restrain civil society in Myanmar severely. There is no freedom of association or assembly. The SLORC Order 1/91 prohibits civil servants and their family members from joining political parties, labour unions or other associations not approved by the government. Since 1988, it is prohibited for groups of five or more people to meet in public to discuss anything considered anti-government. The State control even extends to the family home: any guests, including relatives, spending the night at one’s home must be registered with neighbourhood authorities. Freedom of expression has been effectively curtailed since 1969. Because the SPDC rules by decree, there is no independent judiciary and civil and political rights are not acknowledged; seeking legal recourse is not an option. But more importantly, due to the long standing military rule, international isolation and suppression of private organisations (42 years), there is little understanding in present day Myanmar of what civil society can do to promote political change and provide democratic checks and balances.

The ICG report on civil society in Myanmar (2001) contends there is an even deeper problem with democracy and democratic values. Key features of Myanmar’s early political culture have shaped the attitude of government and citizens towards politics and their respective role in it today. The concept that a healthy democracy requires opposition parties as watchdogs in Parliament was not shared. The British rulers allowed political parties to contest elections for a legislative assembly, but the Governor reserved the right to veto decisions. Thus, politicians felt that the only profound way to show opposition was to boycott the system and so they did shortly after independence. Moreover, like elsewhere in Asia, political parties tended to rally around magnetic leaders rather than issues, which continues the old patron-client systems.

Against all odds, there are still regular protests and public demonstrations, resulting in arrests and long prison sentences. The Association for Assistance to Political Prisoners (AAPP), based in Mai Sot, estimates there were 1,500 political prisoners in 2003, 50 of whom have been in prison for more than 10 years and 65 of whom are of advanced age. Since 1988, 83 persons have died in

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The UN system entities in Burma include: the UN Development Program (UNDP); the UN Children's Fund (UNICEF); the UN Population Fund (UNFPA); the UN International Drug Control Program (UNDCP); the World Food Program (WFP); the Food and Agriculture Program (FAO); the World Health Organization (WHO); the UN High Commissioner for Refugees (UNHCR); the Joint UN Program on HIV/AIDS (UNAIDS); and the UN Information Center (UNIC).
prison due to maltreatment, torture and illness. Students who violate non-demonstration orders are usually tried by military courts and sentenced to up to seven years in prison. After some years they can opt (or are coerced) to sign the so-called 401/31 form, which reduces their sentence in return for a criminal record for life.\(^78\) Most political prisoners are held for assumed violations of the Association Act, which used to lead to 2 to 3 years in prison; in recent years, sentences for this have also increased to seven years according to the AAPP. Other political prisoners include renowned journalists who are accused of conspiracy and serve long sentences including time in labour camps.\(^79\)

**NGO results**

Since the freedoms of association, assembly and expression have been denied for four decades, professional Burmese NGOs can only work in exile. Because this study deals with local NGOs and their work in preventing deadly conflict at community and national levels, only the small groups of local Burmese development NGOs on the border qualified for interviews. They work mainly on human rights, health, capacity building and international advocacy at refugee camps, where working cross-border is relatively easy ethnically and geographically, or in the capital cities of the neighbouring countries of Thailand and India. Their security situation remains problematic; they have no legal status and the Thai and Indian authorities treat them as illegal immigrants\(^80\); they are in a situation similar to that of refugees.\(^81\) As illegal aliens, they have to work with utmost diplomacy to organise meetings and trainings to work on protection of political and economic Burmese refugees in Thailand, a group that is badly treated and extorted by the police and business sector. Without official documents these NGOs have no opportunity to travel freely or to study or attend international events and conferences.\(^82\)

Work under these circumstances is extremely difficult and cannot be compared with the NGO work in the other case countries. Interaction with the State as main actor, when it comes to deadly conflict prevention, is virtually absent. Burmese NGOs in border areas have achieved major accomplishments in the areas of legal awareness, constitutional reform drafting, training of ethnic youth leadership and building horizontal social capital among ethnic minority groups, but the circumstances in which they work are unique. Therefore the analysis of the role of local NGOs in prevention of deadly conflict that is presented in the next two chapters will not include Burmese NGOs. However, the final chapter includes a recommendation for future research on Myanmar’s civil society, as most Burmese NGOs feel poorly represented and vastly misunderstood in international publications; an opinion shared by this author.

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\(^78\) Source: Interviews with Mr. Bo Kyi, AAPP Director, and three recently released student activists who wish not to be named, at the AAPP offices in Mai Sot, 4 December 2003. They were part of a group of 8 students who were put under surveillance and were systematically interrogated over a period of 6 months after partaking in a small campus demonstration on 2 December 1996. On 27 August 1997 they were arrested, tortured and interrogated at Isan Prison and convicted by a military court to 7 years. They were forced to sign the ‘201’ form, (BS: no that is different law), were released after five and a half years but were unable to return to the university or find work; they fled to the border 6 months later. Because they were incarcerated in the most notorious prison of Myanmar, ICRC representatives made a visit to them twice. Most political prisoners do not receive any attention.

\(^79\) There are over 50 labour camps and 43 prisons spread all over the country.

\(^80\) Thai authorities have vivid memories of the prolonged presence of UNHCR which ran refugee camps for Laotians and Cambodians on its eastern borders in the 1970 and 1980s. Furthermore, the Thai-Myanmar border is classified as a national high-risk security zone and the Thai armed forces prefer to stay in full control.

\(^81\) Some argue that the presence of 120,000 refugees provides a convenient buffer between the two plus-size armies that engage in armed skirmish on a monthly basis.

\(^82\) The foreign staff working for these NGOs runs the same risk. Several have been blacklisted, deported from Thailand and barred from re-entering the country.
6.5 Conclusions in regional perspective

The history of NGO formation in the four case countries knows four common denominators: militarization, troubled nation building, patron-client relationships and suppression of civil society. Sri Lanka is unique in the way the history played out. Here militarization and suppression of civil society in the North and East of the country were the result of the civil war and only materialised in their present form during the second decade of war, in the 1990s. In Cambodia, Indonesia and Myanmar on the other hand, militarization of society began shortly after independence, initially in an effort to stabilize the country and prevent it from disintegrating as numerous ethnic minority fractions demanded autonomy or independence through either peaceful or violent means. The political orientation of the regime was not a decisive factor in the choice of strategy. The rise of military power in Indonesia and Myanmar occurred during the same era but went in different directions. In 1962 the Socialist Republic of Burma was proclaimed after a military coup, while General Suharto, who also came to power in a military take, established the Western oriented New Order regime in 1966. Cambodia had both types of coups in a period of only five years: 1970 saw General Lon Nol come to power with American military support and surrendered to the Chinese-backed, communist Khmer Rouge in 1975.

The attitude of these military regimes towards civil society and dissenting voices was, however, quite similar: in Indonesia and Cambodia hundreds of thousands of civil society leaders were killed in the turbulent political transition the year after the military took over (1965 and 1975, respectively) and NGO work was restricted for the next 15 years. The Myanmar military government, the longest ruling Junta on earth, successfully isolated the country from the international community and worked over the next decade to abolish NGO work systematically. NGOs in Sri Lanka on the contrary, worked relatively undisturbed in the first 30 years of independence. It was not until the war over Tamil Eelam hit the second phase that inter- and intra-group violence led to the virtual elimination of the indigenous NGO sector in the North and East of the country, while human rights and peace building NGOs in the South entered a period of confrontation with the State in the early 1990s.

Deadly conflicts have been recurring in all case countries and their impact on NGO work is deep. Cambodia is still suffering from the impact of the violence of the pre-UNTAC period: the democratic process is weak and corruption and impunity are rampant. Local NGOs were allowed to form again in 1992 and received abundant support (be it more technical than financial) from the international community as alternative and more effective venues to reach poor communities. However, a decade later international NGOs with operational programmes still dominate the development scene, receiving 80% of the foreign development aid extended to NGOs. In Sri Lanka, the ethnic conflict led to the foundation of many human rights and peaceful co-existence NGOs in the 1980s. As the war progressed, their relationship with the State and armed groups became increasingly confrontational and, as a result, they are not involved in the current peace process. Indonesian NGOs bounced back in the 1980s but retained a tense relationship with the New Order regime that controlled civil society by denying freedom of assembly and speech. Unprepared for the sudden political transition and the deadly communal violence, local NGOs grappled to adjust to the new reality. Mature NGOs initially collaborated with the newly elected government in 1999, until the impeachment process changed the political scene again. Since 2000, international NGOs and UN and bilateral aid agencies alike have descended on Indonesia in droves. They set up operational programmes, which “brain drained” the experienced but frustrated local NGO sector, while new NGOs and associations mushroomed to participate in the decentralised policy and decision making. Burmese NGOs are few and mostly in exile. Since the end of the Cold War, the SPDC has allowed UN agencies and international NGOs to run tightly
controlled programmes inside the country but the transition to a more democratic form of government has been slow and the prospects for local NGOs remain grim.

Numbers of local NGOs vary widely between publications, depending on the definition applied and whether or not community based associations are included. There seems to be a similarity in the size of local ‘professional NGO sectors’: 407 in Cambodia (CCC), 297 in Sri Lanka (IRED) and 1207 in Indonesia (UNSFIR). Myanmar has only 29 operational international NGOs. It is harder to provide comparative data on sectoral specialisation, as figures vary widely. The majority (64 percent) of the Cambodian NGOs work in community development and sustainable livelihoods: similar figures appear in local NGOs in Sri Lanka, though the percentage is lower (54) because an additional 12 percent is focussed on humanitarian work. Most professional NGOs are based in the capital or central regions (Phnom Penh/Kandal; Colombo; Jakarta/Java), while a second cluster is concentrated in the (former) conflict zones (Battambang, BMC; Vavuniya, Mannar, Kilinochi; Moluccas, Aceh, Sulawesi). International aid flows to local NGOs are lower than generally assumed. Cambodian NGOs received 19.3 million US dollars in 2002, showing a slow but steady growth, but Sri Lankan NGOs saw their contributions drop from 25 million US$ in 1995 to below 20 million in 2003, as a result of aid being donated to humanitarian efforts or redirected to Central Asia and Africa. Financial donations to Indonesian NGOs are harder to calculate, as no registration system existed until the late 1990s. In all four countries, foreign donors award much larger amounts to international NGOs, which are believed to be more impartial and less corrupt and to have larger delivery capacity and more management experience. Generally lacking are clear strategies on how the international community expects this indirect funding will strengthen the local civil society. In spite of the good intentions of both donors and NGO conduits, it seems the NGO channel is more used as a service delivery mechanism.

A professional NGO sector plays an important part in the development of civil society and the prevention and management of political and social tensions during political transition periods. But the post cold war opening up of military regimes in Asia did not lead to democratic transition and increased space for NGO. First, there is no hard evidence in Asia that democratisation reduces the deadly conflict risk. In Cambodia and Indonesia, the political transition actually reinforced the position of the military, as the turmoil, frustration and deadly conflict that accompanied the transition made some call for a return to strong arm tactics. Even Sri Lanka, a Constitutional democracy which has had regular elections and an active civil society since 1948, has nurtured entrenched ethnic divisions and the culture of violence and militarization are now on the rise there too. Second, the collusion of power between military, politicians and the business sector has been perpetuated and has weakened the power of the democratic institutions. Militarization, impunity and corruption seem to pose a huge constraint to effective conflict prevention and development work; if not actually aggravating grievances and cleavages.

Of the three freedoms, the freedoms of assembly and expression have been effectively used by the States to restrict local NGO work. Except for Myanmar, the freedom of association has only recently become an issue of concern again, as all countries have renewed and sharpened their laws on NGO registration, making local NGOs more vulnerable to State interference and official corruption. Freedom of assembly remains problematic in all countries, as security laws are enforced to temporarily limit the rights of civilians to protest and armed thugs beat up small labour and peace demonstrations regularly. Freedom of speech remains State controlled in Sri

Most research data include community associations, but this study does not. As explained in chapter 2, the NGOs that are the subject of this research require a certain level of formal organisation, planning, project implementation, checks and balances and steady external donations to be key players in development processes. Except for Cambodia, recent and reliable data are lacking. Inclusive NGO figures add up to 6,800 in Cambodia, 2,167 in Sri Lanka and 8,000 in Indonesia.
Preventing Deadly Conflict in Divided Societies in Asia

Lanka and Myanmar, while journalists in Cambodia and Indonesia struggle to find a balance between self-censorship and confronting impunity.

The ‘war on terror’ has also influenced the democratic space in Asia, but in a mixed way. As in Europe and North America, the war on terror challenges political and civil liberties and the work of critical NGOs is continuously under threat. There is a tendency to reinforce militarization. In Indonesia, the tension over the ongoing armed conflicts on the eastern borders is heightened by the growing activities of the Islamic Jihad. The Muslim fundamentalist threat was used by authorities to launch the military campaign in Aceh. On the other hand, increasing international concern has forced States and armed groups in other countries to find negotiated solutions to prolonged deadly conflicts. Strong international pressure on the LTTE helped draw them to the negotiation table in 2001. Myanmar faces increased pressure, especially from China, which is increasingly worried about the illicit cross border trade in arms, drugs and people. In Cambodia the effects seem limited as yet, but as a rogue state it is suspected of harbouring weapons, drugs traders and mercenaries. In addition, the Muslim insurgency in neighbouring Thailand is on the rise and may pressure Cambodia to clean up its act. But amidst these international peace building efforts, concern over the lack of local NGO impartiality and professionalism have hampered their involvement in the peace negotiations and limited strengthening of the track two process as a whole. This is a worrying trend that will be discussed at length in the next chapter.

Although NGOs have come a long way, State-NGO relations in the four countries are still primarily determined by their post-independence grievance and cleavage history. There is a lack of mutual trust and misconceptions about NGOs prevail. Most NGOs emerged in response to specific needs that were not addressed, due to the failure of the State to protect its citizens. When conflict is high, NGOs working on building civil society suffer most. Their relations with the international community provide some protection but it also causes further strain on the State – NGO relationship. There is a need to acknowledge the specific roles and task division between the State and NGOs in the development process and to get the minimum requirements in place to provide a proper baseline for effective conflict prevention and development work.

The USAID study (2000) of women’s organisations in post conflict societies noted a marked increase in number of women’s NGOs (see Chapter 2.5), as a result of the overall increased female political participation: of disillusionment with existing organisations which lack a gender agenda; of the post-conflict democratisation that provided more political space for NGO work; and largely in response to large sums of international donor assistance that poured in. In this research set-up there was no room to research women organisations in detail, but this trend seemed to hold for both Indonesia and Cambodia, where new women’s NGOs focus on support to victims of violence, trauma counselling income generation, on female participation in governance and politics, and on prevention of violence against women. In Sri Lanka and Myanmar, the number of women organisations seems to have remained stable. As new NGOs they exhibit the common institutional weaknesses like lack of management experience and accountability, and the lack of communication and cooperation among NGOs, being absorbed by their work.

The results of NGO sector work is hard to judge objectively, let alone compare across countries. Most NGOs seem better at building sustainable vertical social capital than horizontal. Building sustainable bridging social capital across ethnic divides proves difficult for State and NGOs alike. The protracted conflicts eroded this capacity further and strengthen the tendency to ‘preach to the

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84 In the next chapter a special section is devoted to seven women’s organisations; three of which were established in response to the violent conflict. Two focus on community development, one training, one human rights and three advocacy, combined with training and information dissemination.
converted’ or each others constituencies. Most NGOs wholeheartedly acknowledge their work is not good enough, but where can improvements be made? Can NGOs be effective when their basic freedoms are restricted? Is the scepticism with which they attempt to self regulating their sector and increase legitimacy and accountability correct? Can NGOs be under-funded and yet expected to deliver the same or better results than equally under-funded governments? And is the increasing involvement of international NGOs indeed a sustainable way of strengthening local civil society or is it leading to more competition over limited resources in conflict areas? And are, as is often assumed, international NGOs indeed a-political, non-partisan, more professional, more accountable and transparent and therefore better partners than government and local NGOs in post conflict reconstruction programmes? The next chapter will make an attempt to begin to answer some of these questions by means of an in depth analysis of 32 NGO interviews.