**Abstract**

Internal displacement is not a new phenomenon. This dissertation proposes that the protracted displacement of internally displaced persons (IDPs) poses a significant risk to human development. The causes and effects of protracted displacement on capability (as an indicator of human development) will be examined amongst the internally displaced in Eastern Myanmar. The current level of achieved functionings amongst the internally displaced will be analysed as an indicator of capability. This paper explores the extent to which duty-holders are fulfilling their obligations to IDPs and the implications of external assistance for capability expansion. Nevertheless, IDPs are able to exercise agency albeit constrained. This paper concludes that both the Guiding Principles framework and external assistance are insufficient. Internal displacement continues to contribute capability deprivation which is an affront to human rights. This paper proposes that states be made more accountable to both domestic and international bodies through ‘sovereignty as responsibility’ and through the establishment of formal duty-holders.
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<th>Abbreviation</th>
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<tr>
<td>ASEAN</td>
<td>Association of South East Asian Nations</td>
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<td>BBC</td>
<td>Burmese Border Consortium</td>
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<td>CA</td>
<td>Capability Approach</td>
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<td>CBO</td>
<td>Community-based Organisation</td>
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<td>CPDIA</td>
<td>Permanent Consultation on Internal Displacement in the Americas</td>
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<td>DFID</td>
<td>Department for International Development (UK government)</td>
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<td>EU</td>
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<td>HDR</td>
<td>Human Development Report</td>
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<td>HRW</td>
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<td>IDMC</td>
<td>Internal Displacement Monitoring Centre</td>
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<td>IDP(s)</td>
<td>Internally Displaced Person(s)</td>
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<td>ICRC</td>
<td>International Committee for the Red Cross</td>
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<td>NGO</td>
<td>Non-governmental Organisation</td>
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<td>NRC</td>
<td>Norwegian Refugee Council</td>
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<td>OCHA</td>
<td>Office for the Coordination of Humanitarian Affairs</td>
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<td>RI</td>
<td>Refugee International (NGO)</td>
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<td>SLORC</td>
<td>State Law and Order Restoration Council (name of Burmese military government prior to 1988)</td>
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<td>SPDC</td>
<td>State, Peace and Development Council (name of current Burmese military government)</td>
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<td>TBBC</td>
<td>Thai Burmese Border Consortium</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNHCR</td>
<td>United Nations High Commission for Refugees</td>
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Chapter 1 - Introduction

The number of internally displaced people (IDPs) has dramatically increased since the cold war, outnumbering refugees 10:1 (Cohen et al, 1998a:7). Currently, more than 25 million people have been uprooted within their own country as result of conflict and human rights violations. An equal number have been displaced because of natural disasters and infrastructural projects (Weiss et al, 2006). 95% of IDPs reside in the developing world which has serious implications for the achievement of long-term human development goals (UNHCR, 2005c).

At first glance, internal displacement and capabilities may seem two rather distinct spheres of interest. A thorough literature search (reflected in chapters two and three) reinforces such an assumption and provides the rationale for this paper. Very little, somewhat surprisingly, has been written on internal displacement in relation to the capability approach (and to a certain extent human development). However, on closer inspection, their relevance becomes much clearer and reveals that internal displacement and capabilities are not mutually exclusive.

Chapter two’s discussion of the main conceptual debates surrounding internal displacement reveals that it is commonly considered a temporary issue consequently leaving protracted displacement largely ignored (Lang, 2005). Much of the discussion concerns itself with legalities, macro-political/economic matters and emergency assistance which are often devoid of meaning for those personally experiencing displacement. Chapter three argues for a ‘person-centred’ vision of development which is relevant for IDPs and reflective of their lived realities. Subsequently, this chapter focuses on the Capability Approach (CA) which envisions human development as the enlargement of freedoms (opportunities and agency) and incorporates notions of human rights which aim to protect these freedoms (Jahan, 2004; Sen, 2005).

Internal displacement does not occur as a result of individual ‘choice’ per se and constitutes a situation of non-freedom (in terms of agency and opportunity) as IDPs have ‘been forced or obliged to flee or to leave their homes’ (UNOCHA, 2004:1). If
freedom, and expansion thereof, constitutes human development, we can argue that
development has not occurred during the process of forced displacement and has
consequently led to capability deprivation. Certainly, this is the reasoning employed
by Weiss et al (2006) who reaffirm that displacement is evidence in itself of the
unique vulnerability IDPs experience. Internal displacement presents a serious
challenge for human development practitioners aiming to enlarge freedoms amongst
IDP populations, whose root cause is one of non-freedom.

Nevertheless, such reasoning may see over-simplistic when considering the
complexity of issues involved in internal displacement. One should not assume that
the processes and outcomes of displacement always constitute capability failure as
there may also be opportunities for capability expansion.

This paper aims to assess the impacts of internal displacement upon the functionings
and capabilities of IDP populations which involves an examination of long-term
displacement in light of the capability framework with a particular focus on the
opportunity and agency aspects of freedom. In doing so, it will be possible to
ascertain whether the necessary preconditions exist for the expansion of valuable
functionings and capabilities.

Consequently, in light of the research question, it will be necessary to:

1. Identify causes of internal displacement and assess their impact upon
capabilities
2. Ascertain levels of achieved functionings amongst IDPs – this will
subsequently be used as an indicator of capability (particularly opportunity
aspect) and the present ‘quality of life’
3. Examine effectiveness of duty holders to fulfil their obligations to safeguard
and expands the freedoms of IDPs and whether external assistance promotes
capability expansion
4. Assess whether IDPs are passive victims of displacement or active agents of
change
Chapter Four analyses the impacts of internal displacement upon capabilities in Burma (Myanmar), focusing primarily on the IDP situation along the eastern border. Burma provides an excellent example of protracted internal displacement (primarily conflict or state-society induced). Chapter Five reflects upon the findings of Chapter Four’s analysis.

Finally, it is necessary to explicitly point out that this paper is of an exploratory nature with a reliance on secondary rather than primary data. Protracted internal displacement is a relatively new area in development research and subsequently the findings of this paper tend to remain conceptual. Furthermore, the analysis has a number of limitations especially with regard to capabilities and functionings. As chapter three will explain, value-judgements are necessary in order to establish which functionings and capabilities are of value and are to be assessed. According to Sen (1999a), these value-judgements need to be made through the participation of the individuals (IDPs) they concern. However, firsthand research was not viable and so existing available data has been used and aggregate statistics (to assess functioning-capability) are assumed to be representative of the individual. Finally, Nussbaum’s list (2001) of central functioning-capabilities (see appendix) has been used to identify valuable basic functionings/capabilities.
Chapter Two - Internal Displacement: An emerging field

There is a growing body of literature discussing internal displacement which increasingly illustrates the complexity of the issue. This chapter discusses the useful of an internally displaced persons (IDP) category; evolving international discourse, issues of state sovereignty and the development of a normative framework for dealing with IDPs. Such a discussion reveals biases in current research – internal displacement is often considered from a legal/political or relief perspective and deemed a temporary crisis.

The Internally Displaced: Who are they?

Recognition of internal displacement emerged gradually through the late 1980s and became prominent on the international agenda in the 1990s. Dynamics of displacement worldwide has shifted; assistance and protection is no longer restricted to refugees (those who have crossed international borders) but has also been extended to those who have been displaced within their own borders - otherwise known as IDPs (UNHCR, 2005c). Internal displacement has been widely identified as a post-Cold war phenomenon due to changing patterns of conflict from intra-state to inter-state (UNHCR, 2005; Cohen & Deng, 1998a).

Displacement has many causes. Over 25 million people worldwide have been uprooted within their own country as a result of conflict and human rights violations in particular as consequence of civil war, inter-communal violence and government repression not to mention large-scale development infrastructure projects and natural disasters (UNOCHA, 2004). According to Deng (2001:xiii) internal displacement has ‘emerged…as one of the most pressing humanitarian, human rights and political issues facing the international community.’ However, growing numbers of internally displaced may represent a change in the priorities of the international humanitarian regime which has a preoccupation with limiting refugee flows (Bennett, 1998).

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3 See Cernea and McDowell, 2000; Muggah, 2003; Mooney, 2003 and Banerjee et al, 2005 for a more detailed discuss of the complex causes (and interconnections) of internal displacement
4 See Schmeidl (2000) and Moore et al (2006) for a discussion on the similar root causes of IDP and refugee flows
The definition of the internally displaced has become something of a disputed semantic exercise (Cohen et al, 1998a; Barutski, 1998; Bennett, 1998). A 1992 UN working definition of the internally displaced is now widely deemed too narrow, for example in Myanmar, Iraq and Ethiopia IDPs were not ‘forced to flee’ but were expelled from their homes because of ethnic and religious ties (Korn, 1999; Cohen et al, 1998b). The Permanent Consultation on Internal Displacement in the Americas (CPDIA) uses a definition that pertains only to ‘persons who, were they to cross a border, would be a refugee’ (Cohen et al, 1998a:18).

On the other hand, dispute has surrounded the use of wider IDP terminology and the extent to which different forms of displacement (including development-induced displacement, poverty-induced migration etc.) are incorporated, along with arguments of when displacement ends (Newland et al, 2003). The Guiding Principles on Internal Displacement fail to contain a clause which indicates the cessation of internal displacement since determining when displacement has factually changed is complex (Lang et al, 2008). Nevertheless, in protracted situations this may lead to confusion over who remains an IDP and who does not. Nevertheless, Cohen et al (1998a) suggest that there are two distinctive features which pertain to IDPs: i) their movement is coerced or involuntary and ii) the populations affected remain within their national borders. The difference between refugees and IDPs is an important distinction – the former crosses an international border (refugees) whereas the latter does not (Mooney, 2003b). The implications of this will be discussed later.

Unsurprisingly, there is no universally agreed definition for internal displacement. This may reflect the critical overlap of internal displacement and a defence of state sovereignty. However for the purposes of this paper, the definition adopted by the UN 1998 Guiding Principles will be used ‘Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes of habitual residence, in particular as a result of or in order to avoid armed conflict, situations of generalized conflict violations of human rights or natural or manmade

5 ‘Persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or manmade disasters, and who are within the territory of their own country.’ (Korn, 1999:11).
6 See Mooney (2003b;2005) for information on IDP cessation
disasters, and who have not crossed an internationally recognized State border’ (UNOCHA, 2004:1).

The lack of consensus regarding who is deemed an IDP has contributed to poor reporting of the scale of internal displacement in many areas (Bennett, 1998). Estimates of the current number of IDPs worldwide are considered conservative and underestimated (Eschen-Bächer, 2005). Underestimation has been exacerbated by lack of access, reluctance of the internally displaced to be identified, difficulty in distinguishing who is an IDP and methodology (Cohen et al, 1998a; Bennett, 1998). Consequently, this gap in data represents the need for more effective and intentional research regarding the state and number of IDPs and increase efficacy of protection and assistance afforded to them. Nineteen out of the forty-nine situations of internal displacement have no recent data (Eschen-Bächer, 2005).

Is the IDP category a relevant concept?

There is still considerable debate over the usefulness/ viability of a distinct IDP category. It is possible to identify two main schools of thought. Firstly, the International Committee of the Red Cross (ICRC) prefers target on the basis of vulnerability and need, not category and so provides assistance and protection to all civilian victims of conflict (UNHCR, 2005c; Barutski, 1998; Hickel, 2001). ICRC believes that labelling has undesirable consequences and that the exclusion of some groups from a category may strengthen identities and consolidate differences between the included and the excluded thus leading to tension and discrimination (Borton et al, 2005). Thus, assistance and protection must incorporate all those in need; including those are unable to relocate and host populations of the displaced who can be as equally disadvantaged as IDPs (Hickel, 2001; Mooney, 2005). Furthermore, are apparent similarities and needs between the plight of IDPs and refugees could indicator that displacement assistance and prevention should be considered more holistically (Barutski, 1998). The category of IDP also risks masking the inherent heterogeneity within the group and could lead to biased and ineffective assistance (Barutski, 1998; Hickel, 2001). The term IDP has been argued to be implicitly
conservative through its recognition of borders and the responsibility of governments to protect those within its borders (Bennett, 1998). Interestingly, much of the debate does not examine how the IDP category can develop specific meanings, social categories and identities in the experience of those who are displaced (Money, 2003b).

Nevertheless, a separate category for IDPs is advocated by the UN and the Brookings-Bern Project on Internal Displacement. According to the UNHCR (2005c:156) ‘the purpose of formally identifying the internally displaced persons as a category for humanitarian action is not to confer privileged status on them, but to ensure that their unique needs are addressed.’ Barutski (1998) reinforces this idea within a legal perspective. He suggests that refugee protection involves issues that are quite distinct from those of IDPs. According to Barutski (1998), the notion that IDPs should be incorporated into the 1951 Geneva Refugee Convention for refugees misunderstands its purpose. Those who have fled one’s own country are in a different situation under the international legal order and need specific rights to enable them to survive and receive protection in countries where they do not have citizenship rights. The 1951 Refugee Convention does not protect against the human rights abuses which initially led to displacement.

Whilst much of the IDP literature focuses on the protection and needs of IDPs, Mooney (2005) notes that being an IDP does not necessarily mean one is destitute. This may be true on one level but Weiss et al (2006) suggest that displacement itself is evidence of vulnerability and when these people are forced migrants within their own countries, they are even more vulnerable.

**Assistance to and Protection of the Internally Displaced: more than an emergency**

The predominant focus of the literature is on emergency assistance and protection. Cohen et al (1998a:182) rightly state that ‘emergency assistance and protection are only the first stages of response in dealing with internal displacement.’ However, protracted IDP situations have been subject to relatively little analysis and action in
policy despite the majority of current IDPs being in a protracted state of limbo (Lang et al, 2008). This has frustrated efforts to formulate effective responses (Loescher et al, 2005).

An examination of protracted IDP situations requires a definition although one does not exist; the UNHCR has attempted to use the same definitions as its one for protracted refugee situations in which IDPs ‘find themselves in a long lasting and intractable state of limbo’ (2000:106). This is based on populations of 25,000 or more who have been displaced for at least five years. Protracted refugee situations, but equally as applicable to IDPs, can perpetuate poverty, social and political and deprivation (Loescher et al, 2005). However, most evidence shows this definition does not resonate with most protracted IDP contexts (UNHCR, 2000:106). Lang et al (2008) suggest that definitions of protracted internal displacement need to incorporate an understanding that internal displacement is not a static, one-off event but can occur multiple times as result of repeated chronic and unresolved IDP problems. Progressive thinking on protracted internal displacement situations therefore suggests a definition focused on the absence or failure of solutions rather than an emphasis on the duration or scale of displacement (Lang et al, 2008).

The lack of literature on long-term development initiatives amongst those who are displaced indefinitely sadly reflects a failure to understand displacement as multidimensional – caused by and contributing to cycles of poverty, social and economic deprivation. Literature, if any, remains focused on emergency assistance and protection yet these are ‘only the first stages of response in dealing with internal displacement’ (Cohen et al, 1998a:182). The international regime has focused on a relief-development linear continuum which has implicitly assumed that the end of the emergency phase is marked by a particular point as to when internal displacement has ceased and IDPs are able to begin returning home (Summerfield, 1998). Duffield (1994) reminds us that conflict can be a ‘normal’ societal function and so when combined with displacement and successive impoverishment can lead to a state of ‘permanent emergency’ which is categorised by continual relief emergencies (Summerfield, 1998).

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8 This assumes returning home is desirable or achievable
Protracted situations require simultaneous rather than sequential activities to achieve sustainable reintegration and recovery (Cohen et al, 1998a). There is a need to integrate emergency relief with long-term development solutions which have traditionally been considered separate sectors and move (Sollis, 1994). However, since international attention to IDPs drops significantly towards the end of ‘the emergency phase,’ subsequent limited response from the international community thereafter challenges the integration of relief and development (Eschen-Bächer, 2005). Additionally, no methodology exists to determine when an acute emergency phase changes to the ‘care and maintenance’ phase (Zetter, 1998).

**Normative Frameworks and International Discourse: Implications for IDPs**

Protection is both a legal and social issue. According to Newland et al (2003), protection must cover the full range of rights in international human rights law, including civil, political, social and economic and cultural rights. Unlike refugees, there is no humanitarian international institution which has the exclusive mandate for dealing with the protection and assistance of IDPs (Cohen et al, 1998b). This is problematic on a number of fronts. Whereas international law entitles refugees to physical security and human rights protection in addition to assistance, no such legal guarantees exist for those who are left within the borders of a state (Weiss et al, 2006). In an attempt counter this obvious gap, the last two decades have witnessed an attempt to establish an internationally acceptable set of normative principles. The Guiding Principles have proved instrumental in defining internal displacement but whilst also including elements of international humanitarian law, human rights and refugee law covering all phases of internal displacement (UNOCHA, 2004; Cohen et al, 1998b).

There is currently no UN agency which has the sole mandate for the protection and assistance to IDPS despite the existence of the Guiding Principles (Cohen et al, 1998a). Nor is there any international accountability when an agency denies such coverage (Cohen et al, 1998a). Nevertheless, there has been significant institutional movement on the issue: the Office for the Coordination of Humanitarian Affairs
(UNOCHA) has been now mandated to coordinate humanitarian and protection efforts on behalf of internally displaced persons and in 1992 established a separate Internal Displacement Unit (Newland et al, 2003). Moreover whilst the mandate of the UNHCR has been primarily for refugees, they are increasingly taking a lead agency role for IDPs. This is limited with only 5.6 million IDPs in 2004 being deemed ‘of concern;’ despite worldwide estimates of IDPs 25 million (UNHCR, 2005a). IDPs have not been specifically targeted in one third of displacement situations (Eschen-Bächer, 2005).

Whether the Guiding Principles improve the actual realities of the IDPs is questionable. UNHCR (2005c) acknowledge that no comprehensive study to date has evaluated their effectiveness. Consequently, this could render principles purely rhetorical, with implementation being rudimentary if not non-existent. The Guiding Principles are a form of soft law, a non-binding normative framework and so its adoption by states is voluntary (UNHCR, 2005c). Nonetheless, their legal significance must not be underestimated as they represent a measuring standard by which to measure the actions of certain actors vis-à-vis IDP groups in relation to human rights (UNHCR, 2005c). However, the Guiding Principles do not fill any legal gap for IDPs but simply reiterate existing international humanitarian norms (Barutski, 1998).

Nevertheless, they provide a consolidated legal framework and a set of authoritative international standards for IDPs (and also raise awareness regarding their plight). Barutski (1998) suggests that if action does not follow through on these norms, this reinforces external asylum as a better option for those who are displaced. Thus perhaps it is in states’ interest to push for a formalised normative structure to protect and assist IDPs.

Towards a Positive Interpretation of State Sovereignty

Since IDPs reside within the borders of their own countries, the responsibility for protection and assistance rests under the jurisdiction of the government (Hickel, 2001). This is problematic particularly if the state is the primary actor causing the displacement and/or refuses to take responsibility for some of its citizens. Cohen et al (1998a) identify that since international affairs and law orientate around respect for
state sovereignty, the primary responsibility for the promotion of security, welfare and liberty of its populations will continue to remain within the state. Subsequently, sovereignty may present a significant constraint on the full protection, assistance and development of IDP populations. Sovereignty may be used as a justification for resisting or preventing humanitarian intervention and cross-border assistance to the IDPs in order to fulfil its aims. Burma is one such example where access to the internally displaced ethnic minorities, with which the junta is at war, is barred (UNHCR, 2005c). Worryingly, the Global IDP project reports that three out of four IDPs can not count on national authorities for the provision of adequate assistance (Eschen-Bächer, 2005).

Subsequently, Cohen et al (1998a) have proposed the notion of ‘sovereignty as responsibility’ whereby states have a responsibility to ensure the safety and general welfare of their citizens and must meet minimal international human rights and humanitarian standards in order to enjoy state legitimacy. An alternative concept of state organisation would have positive implications for effective assistance and protection of IDPs in cases where states were agents of displacement and yet advocated non-intervention. Unfortunately, ‘sovereignty as responsibility’ has remained at a conceptual level only, ironically because its implementation relies on the support of sovereign states who are otherwise not bound to an international system. Nevertheless, the power in this notion emanates from its ability to highlight state responsibility and accountability to both domestic and international parties (Weiss et al, 1999).

Dominant discourses continue to assume that internal displacement is temporary phenomena despite evidence to the contrary (Lang et al, 2008). Nevertheless, such an assumption leads to an over focus on provision of emergency assistance and protection. Furthermore, internal displacement debates are predominantly abstract (largely legal/political/macro-economic) and have little meaning to those who have been displaced. In order for current research to be more meaningful, it is essential that the effects of protracted internal displaced upon human development (i.e.: at the level

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10 Lee (1996) argues for a reconsideration of the use of international borders as a prerequisite for intervention.
of the person) are explored to fill the obvious gaps and biases in the literature. The following chapter justify the relevance of human development for internal displacement.

**Chapter Three - The Capability Approach: A vision of human development**

The aim of this chapter is to provide a coherent understanding of the capability approach (CA) developed by Sen (1999a) and Nussbaum (2001) and its implications for both human development and human rights. The discussion raises normative and operational questions alongside an exploration as to whether a concrete list of capabilities can ever be created. Despite criticism, CA has much potential and intrinsic value - moving development away from the ‘economic man’ towards a more holistic, multi-dimensional notion of human development, whose aim is to expand freedoms and choices in order to enhance human life.

**Human Development, Capabilities and Human Rights**

Development theory and practice is surrounded by extensive, if not, controversial debate. The purpose here is not to examine and analyse the chronology of development approaches, nor analyse their individual implications. However, it is pertinent to acknowledge that conceptions of development have transitioned from the modernist perspectives of the 1950s, and then neo-liberal/trickle-down perspectives of the 1980s/90s through to the current emphasis on sustainable human development (Willis, 2005; Fukuda-Parr, 2003).  

The Human Development Approach arose partly in response to increasing criticism of market-orientated neo-liberal policies of the 1980s which questioned the ‘trickle-down’ of economic benefits and its effectiveness in alleviating poverty (Jahan, 2004) This consequently led to humans being seen as the ends rather than the means of development (Qizilbash, 1996; Fukuda-Parr, 2003). Subsequently,

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11 See Willis (2005) for a deeper discussion of the chronology of development
Human development is about creating an environment in which people develop their full potential and lead productive, creative lives in accord with their needs and interests. Fundamental to enlarging choices is building human capabilities – the range of things people do or be in life. (HDR, 2000:2)

Human development is inherently multi-dimensional moving beyond well-being achievement and material deprivation to agency aspects; including social and economic freedoms alongside political and civil liberties (Hamm, 2001).

Understanding the Capability Approach

The capability approach (CA) originally proposed by Sen in 1985 was a successor to the basic needs approach and continues to evolve (Roebyns, 2000; Gasper, 2007). According to Roebyns (2000), CA operates primarily as a framework of thought, secondly as a critique of other welfarist/ utilitarian approaches of well-being and thirdly, as a formula to make interpersonal comparisons. Its focus is on the capabilities of human beings rather than the characteristics of the goods they possess, (Sen, 1999b). Whilst CA has made a number of interdisciplinary contributions, there is extensive debate over the intricacies and the conceptual underpinnings of the approach – philosophical, economic, political and social – leaving much of debate at the theoretical level (Roebyns, 2000; Pressman and Summerfield, 200012). Fundamentally, CA is an opportunity-based rather than outcome-based theory but requires clarification. There are two core pillars; functionings and capabilities, which are central to CA (Alkire, 2005):

a. Functionings:

Functionings are ‘the various things a person may value doing or being’ and are constitutive of a person’s being (Sen, 1999a:75). They represent diverse aspects (activities and situations) of life for example; being nourished, taking part in political decisions or being able to travel.

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12 Pressman and Summerfield (2000; 2002) for an extensive bibliography and of CA
Achieved functionings are beings and doings which a person considers valuable, and have been successfully realised. Achieved functionings are considered indicative of individual well-being. Evaluation of the quality of life requires value judgements of whether functionings are of importance and of value (Alkire, 2005). However, assessing human development on achieved functionings alone, as on utility, does not incorporate the freedom to decide which functionings to pursue, or the freedom to bring about achievements one considers valuable (which may(not) contribute to a person’s well-being) (Sen, 1993). Such freedom is of intrinsic and instrumental value since the ‘good life’ is a life of genuine choice.

b. Capabilities:

Capability is ‘the real opportunity that we have to accomplish what we value,’ (Sen, 1999a:74). Capability reflects a person’s or group’s freedom and ability to achieve various combinations of valuable functionings. It is the opportunity ‘to choose from various livings’ (Sen, 1992:40). Commodities and their characteristics do not tell us what a person is able to do with those properties, and the means involved and capability is able to move away from utilitarian/opulence based assessments of wellbeing (Sen, 1999b). However, capability does not include freedoms and opportunities that person might hold theoretically or legally but in reality are out of reach (Alkire, 2005).

Capability to function can be equated with a form of freedom, – the freedom to. Within CA, freedom consists of two components (Sen, 2005). Firstly, the opportunity aspect is the ability/option to do and to be something of value. Secondly, the process aspect incorporates ideas of choice and agency (whether the person possesses the means, instruments, permission, the ‘freedom’ to pursue what she would like to be or do). Countering claims of ethnocentrism, Sen believes that concept of ‘freedom’ is

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13 Nussbaum (2001, p.84-87) refers to various types of capabilities – basic, internal, external and combined
14 Unlike Sen, Nussbaum (2001) makes no distinction between well being and agency, freedom and achievement as she believes this is captured by the capability/functioning distinction. Additionally central human functioning-capabilities (Nussbaum 2001) are not the same as Sen’s (1999a) basic capabilities
applicable across cultures and between classes citing the popular appeal of social movements in India despite deprivation (Dreze and Sen, 1995:106).

Human agency is not only an end in itself but also a means of expanding freedoms further. Even if the opportunity to have alternative combinations of functionings is present, a person is free to make use of this opportunity of not (Sen, 1999a). Choice subsequently has a central place in CA. Sen is quick to reiterate that choice does not necessarily lead to increases in freedom – since the options added may not be the ones of value (Sen, 1992). Additionally, freedom to have something is actually different from having that thing – ‘many of the terrible deprivations in the world have arisen from a lack of freedom to escape destitution, there is a lack of alternative possibilities.’ (Sen, 2005:155) Subsequently, poverty is capability deprivation.

**The Capability Approach: strengths and weaknesses**

CA has managed to combine two concepts; functionings and freedoms through focusing on actual opportunities and avoiding an over-concentration on means such as income and primary goods (Alkire, 2005; Sen, 2005). A major strength of CA is its clarity about its objective; to expand freedom to attain ‘valuable beings and doings.’ The approach appreciates diversity amongst humanity, providing a space of multiple functionings and freedoms. Moreover, capabilities incorporate heterogeneity; the capability to function can be different between individuals even though they have the same set of personal means because of physical and mental differences, environmental diversity and social position (Sen, 2005). Consequently, such breadth allows for the approach to have relevance in numerous circumstances (from survival to the trivial) because of its inherent informational pluralism (Alkire, 2005). Additionally, CA can incorporate functionings and capabilities which could otherwise be gendered (Roebyns, 2000). However, the approach is not uncontested. Much debate concerns perceived normative deficiencies but is often due to a misunderstanding of CA nuances (Roebyns, 2000).
CA has been criticised for focusing too heavily on positive freedom and not enough on negative freedom (Qizilbash, 1996; Gasper, 2007). However, this view is unsupported since capability is limited to functionings of value, which exclude vicious functionings (Sen 1999a). Capabilities are attached to notions of rights and so incorporate a respect for positive freedoms (to do and to be things we value) and subsequently values negative freedom because without it capability could not be achieved (Alkire, 2005). Positive and negative freedoms are not mutually exclusive.

Crossing from capabilities to achieved functionings requires choice and so freedom is seen primarily as choice. However, Sen fails to give clear normative account of choice and does not deal adequately with the process aspect of freedom and could over-emphasis on choice as an indicator of freedom without paying enough attention to human needs (Roeybns, 2000; Gasper, 2002). Nevertheless, choice in CA moves beyond choice as a revealed preference or utility maximisation, and so does not necessarily coincide with self-interest (Sen, 1999a:3; Alkire, 2005). CA rejects economic man an alternative account of the individual is lacking (Pressman & Summerfield, 2002). However, Alkire (2005) rightly points out that such a focus on the opportunity aspect of freedom does not tell us about the freedom citizens have to invoke/ utilise procedures which are equitable and that ‘opportunity’ depends greatly on relations with others, societal structures and institutions (Roebyns, 2005:6).

To some extent; economics, poverty, culture and politics may act as a constraint choice. Nevertheless, Chiappero-Martinetti (1996:43) has argued that comparing resources, assessed capabilities and the level of functionings, one is able to deduce whether the achieved results were of free choice or are due to the lack of adequate resources and/or basic capabilities to achieve. This also includes whether it was free choice to forego a certain functioning or simply because it was not in the capability set.
CA is ethical individualism not ontological individualism (Roebyns, 2005). CA has been conceived as being excessively individualistic regarding choice and preference formation as capabilities (and to a certain extent functionings) represent individual advantage (Roebyns, 2000). Sen (1999a) has a strong belief in people’s ability to be rational and resist social/moral pressure – although this is not always accepted. Individuals, rather than being atomised are socially and culturally embedded; social norms and processes can consequently influence individual identity, choice (and whether this is of cultural importance), and ultimately well-being (Alkire, 2002; Nussbaum, 2000; Roebyns, 2000; Pressman & Summerfield, 2002).

Conversely, capabilities are seen as absolute requirements of full membership of society (Haan, 2001). Social exclusion theory, supported by Sen (Haan, 2001), focuses on trying to understand relations and processes that cause deprivation and exclusion (which is multi-dimensional). Individuals/ groups may be partially or fully excluded from participation in employment, livelihoods and citizenship, and such exclusion can be instrumental in leading individuals to deprivation (capability failure). This is consequently linked with a right –to be included in a society’s products and values.

**Operationalisation of the Capability Approach: A Workable Idea?**

Many have asked how the capability approach might be operationalised (Alkire, 2002). Gasper (2007) believes that CA does not provide a substantial basis for human development because of a failure to take into account the complexity of human life and personhood and so is consequently unworkable and needs modification. Nonetheless, Sen (1993) argues that there is positive value in an incomplete theory which is evolving as it can be combined with several other theories alongside reasoned argument. Whether CA is as an unworkable idea or a promising alternative depends on one’s reading of the approach (Roebyns, 2000). Alkire (2005) urges for

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2 In 1989 the State Law and Order Restoration Council (SLORC) military regime renamed the country Myanmar. This has been rejected by opposition parties who question the regime’s legitimacy (South, 2007). In line with UK policy (DFID, 2007), this paper will refer to Burma rather than Myanmar. Additionally, SLORC is now known as the State and Peace Development Council (SPDC).
the urgent formal operationalisation of CA as to avoid misinterpretation and rendering the approach rhetoric for e.g.: the World Bank has already omitted freedom from its concept of capability in its poverty reduction documents.

In order to assess achieved functionings and capabilities of individuals in a particular context, it is necessary to make value judgements to formulate capability/ achieved functioning sets to determine the quality of life (Sen, 1993). Selection of capabilities are based upon value judgements relevant to the evaluation at hand and the weighting of valuable capabilities weighting vis-à-vis one another (Sen, 1999a:76-85). In reality, finding information may on the capability set may be harder than first appears regardless of whether it was free choice or not (Roebyns, 2005). Furthermore, there is the unresolved problem of how to value sets especially when the nature of the good life is disputed (Gasper, 2007). Sen (1999a) supports the idea of public reason argument in determining and selecting sets but this does not acknowledge cultures which do not hold importance to reason in their conceptions of the good (Roebyns, 2005). This begs the question of who is making the selection and indicates instrinsic bias in value judgements and whether these incorporate the functionings that are deeply valued by the people concerned (Roebyns, 2007). Consequently, this affects evaluation of whether these functionings/capabilities have been expanded or contracted.

The measurement of a person’s capability (incorporating potential, opportunity and agency/ choice) is extremely difficult. Empirical applications to date are limited and has largely been limited to achieved functions rendering operationally (though not theoretically) as an outcome-based theory (Roebyns, 2000, 2005). Additionally, CA has mainly been descriptive through interpreting existing data of poverty-functionings rather than functionings-poverty (Roebyns, 2000). There is increasing need for a formalised capability set and how to measure classes of capability against one another. (Alkire, 2002)
Moving Towards a Capabilities List

There has been an attempt to shift CA from a framework of thought to a workable idea. Deneulin (2005) suggested that a list of central human functionings and capabilities is required. Sen (2005) has demonstrated reluctance in listing capabilities because of a difficulty in seeing how the exact lists and weights would be chosen without the unique appropriate specification of the context, which varies and reasoned public discussion. Despite this, Sen recognises that capabilities could be identified and ranked from central to the more trivial but a predetermined list would need to be assessed and weighted against one another (Sen, 1993; Alkire, 2002).

According to Alkire (2002:184), dimensions of a central capability list must avoid being derived from a particular metaphysical standpoint and being too prescriptive but incorporating some level of scope. Nussbaum (2001) has proposed a set of ten central universal, normative human capabilities to be protected by constitutional guarantees (primarily directed at legislative bodies and in the context of a type of political liberalism – see appendix). Nussbaum (2001) insists these are universal aspects of a shared human experience and transcends culture. Basic functional-capabilities have value in themselves and are necessary for a dignified human existence anywhere. The combined use of needs and dignity is implicit in Nussbaum’s approach. In addition, such a list can provide consensus amongst diverse people who would otherwise have very different conceptions of the good life (Nussbaum, 2001:74-77). Consequently, social and political institutions should aim to promote a minimum threshold level of human capabilities (see appendix).

Nussbaum’s list has not remained uncontested (Roehyns, 2000). Nussbaum’s list does not give much guidance to specific microeconomic initiatives (Alkire, 2002). Qizilbash (1996) regards the list as over-specified and inconsistent with CA’s inherent pluralism. Interestingly, Sen (1993) does not voice disapproval of Nussbaum’s capability list and agrees that it could be incorporated into CA but reiterates that the approach does not require it. Nevertheless, whilst Nussbaum could be charged with paternalism, in dictating minimum capabilities, her list is flexible to plural specification, incomplete and can be reworked at anytime (Nussbaum, 2001).
Additionally, Narayan (2000:25-30,37-38) conducted a major cross-cultural study, ‘Voices of the Poor’ - a major finding was that the poor experienced poverty as multidimensional, the core ‘needs’ found support the notion of Nussbaum’s basic capabilities list.

**Development as freedom: the implications for human rights**

Human development focuses on enhancing the capabilities and freedoms of people in order to improve the quality of human life (Sen, 1999a). The link between human development and human rights is human freedom, the former enlarges freedom and the latter protects them (Jahan, 2004). Thus, CA and the human rights approach having something of a common motivation (Sen, 2005).

Broadly speaking, rights are widely characterized as legitimate claims that invoke correlative obligations or duties; there are designated right holders and duty bearers (Uvin, 2004). Human rights represent the claims that individuals have on the conduct of other individuals, collective agents, and the nature of social arrangements which should safeguard and facilitate expansion of certain specific freedoms (Sen, 2005:152, 1999). Behind human rights are freedoms and needs so fundamental that their denial puts human dignity at risk - thus there are universal rights as there are basic capabilities (Gasper, 2007; Nussbaum, 2001). People are citizens with rights – entitlements and capabilities – rather than just beneficiaries of need. The state is the principle duty bearer in the case of human rights – to respect, to protect and to fulfil (Sen, 2005).

In a world of different values, and disparate cultures, there are disagreements over the status and relevance of rights relative to other principles, the content of ‘rights’, the universality of rights, implementation and the meaning of justice (Gasper, 2007). Universal human rights have not been accepted and ratified by all states which has led some to discard the case for human rights altogether simply by pointing to the possibility human rights are not taken seriously in oppressive or socially repressive regimes (Sen, 2005). Sen (2005) suggests that even so, monitoring these violations and raising awareness can be an effective deterrent.
Human rights and freedoms have intrinsic values and are development objectives (Fukuda-Parr, 2003). The capability approach is able to bridge poverty and human rights; poverty as capability failure and so is considered a denial of human rights constitutes capability failure, and poverty is a result of capability failure therefore poverty must be equated with a denial of human rights (Osmani, 2005). Therefore, considering that forced internal displacement could be considered a violation of human rights and situation of non-freedom, this could suggest that displacement is an impoverishing process (Cernea, 1997). Consequently, a relationship between internal displacement and CA has been established and it raises the question as to how internal displacement affects the capabilities of the IDPs. Chapter four seeks to assess the impacts of internal displacement upon capabilities through the case study of Burma.

**Chapter Four - The Case of Burma: Internal Displacement and Capabilities**

This chapter aims to assess the impact that protracted internal displacement has on the capabilities of the internally displaced. Burma provides a unique and interesting example of large-scale protracted internal displacement which has resulted from decades of civil war, human rights violations, an authoritarian government and failed economic policies (Lanjouw et al, 2000). Subsequently, Burma highlights the complexity of factors, albeit contested, which are involved in displacement. In order to assess the impact of internal displacement upon capabilities, this will firstly involve examining the causes of displacement and an assessment of the current achieved levels of functionings. Secondly, the effectiveness of duty holders in fulfilling their obligations to IDPs will be examined. Finally, this paper is careful not to assume that IDPs are passive victims of displacement and so a significant portion of this chapter concentrates on IDP capabilities to survive, resist and live a life of value and the impacts external assistance has in expanding capabilities.

**Burma: the current situation**

Protracted ethnic conflict and political stasis have characterised Burma’s legacy of underachievement in social and economic development since independence from
Britain in 1948 (Smith, 2005). Burma’s complex situation necessitates an understanding of various, often contest historical realities and their interconnectedness (Taylor, 2001). According to Mutebi (2005), post-independence rule in Burma is characterised by three stages: turbulent parliamentary rule (1948-62), socialist rule (1962-88) and statocratic rule (1988-present). The latter two stages have been dominated by military rule which has systematically torn apart Burma’s economic, industrial and social fabric – transforming it from one of SE Asia’s wealthiest countries to a Least Developed Country (DFID, 2007:7).

Burma is considered one of the most ethnically and culturally diverse countries in the world (Lang, 2002; Taylor, 2005). Burma’s population of 53 million comprises of 65% Burmans (majority ethnic group) and 35% ethnic minorities; with Shan (9%) and Karen (7%) being the largest minority groups (Smith, 2005:56). The government claims there are 135 ‘national races’ but since no reliable census data exists, actual numbers are conjectures and subject to politicisation (Smith, 1999:31).

Historically, the ‘ethnic question’ has been at the heart of Burma’s protracted political, social and humanitarian crises (Brown, 1999:236). Burma’s protracted civil war has been exacerbated by unresolved contentious issues of identity, territory and power which were sharpened by colonial rule through separate administration of central Burma (predominantly Burma) and the minority-dominated Frontier Areas (Lang, 2002). This resulted in ‘different ethnic groups on very separate paths towards economic and political development’ (Smith, 1994:22). The military regime, particularly since 1989, has sought to suppress ethnic minorities, insurgency and bring contested borderlands under centralised control (South, 2007).

**Scale of Internal Displacement in Burma**

A total of least one million people are estimated to have become internally displaced across Burma in the last decade and more than two million have been forced to migrate out of Burma because of conflict, human rights violations and repressive

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23 See Smith (1999) for a full treatment of Burma’s dynamic history
24 Gravers (2007:4) suggests that the suggestion of ‘135 national races’ is used to provide a basis for SPDC’s assertion of nationalism and cultural ‘Burmanisation’ in order to foster internal stability and cohesion. And in doing so, undermine the political power of the major seven non-Burman ethnic minorities.
government measures (IDMC, 2009:104). The displacement crisis continues to be most acute in Karen State with over 100,000 IDPs (TBBC, 2008). Between 1996-2007, 3,200 villages have been destroyed, relocated or abandoned; and approximately 500,000 people remain internally displaced on the eastern border alone (TBBC, 2007:25; IDMC, 2009:231). Furthermore, ‘the number of previously displaced people for whom no durable solutions have been found must be calculated in the millions, including vulnerable communities that have been living in displacement for decades’ (South, 2007:6).

Estimates regarding scale of displacement are frequently conservative due to their origin in extrapolated data and difficulties in obtaining accurate statistics (IDMC, 2009). The SPDC has refused to authorise independent monitoring of IDPs and has failed to formally acknowledge the existence of IDPs (IDMC, 2009:11). The extent of displacement in other states or government-controlled zones (apart from the eastern border) is particularly under-reported (IDMC, 2009).

**Causes of Internal Displacement: an affront to capability**

This paper conceptualises forced displacement as an outcome but also a process. According to IDMC (2009:16) the primary agent of displacement in Burma is the Tatmadaw (Burmese army). Forced displacement is predominantly a military strategy aimed at depopulating ethnic minority areas and denying insurgents a civilian support base through the ‘Four Cuts’ counter-insurgency strategy in order to increase government control over border areas (HRW, 2005). Increasing militarization of the minority ethnic states has blurred the boundaries between combatants and civilians, whom are also increasingly becoming military targets (Lang, 2002:57). Additionally, non-state armed groups, such as the United Wa State Army have also been responsible for forced displacement (Fink, 2008).

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26 See NRC (2005); TBBC (2008) and IDMC (2009) for a more thorough examination of regional variation in displacement.
28 ‘Four-Cuts’ aims to suppress suppressing ethnic minority dissent through cutting insurgents’ access to finance, intelligence, food and recruits with the ultimate aim of transforming black (rebel-held areas) into brown (contest/free fire areas) and then into white (government-held) areas (Selth, 2002).
30 Such as forced labour, loss of assets, increased morbidity etc.
It is possible to identify three types of displacement occurring in Eastern Burma (Cusano, 2001; South, 2007):

(i) Armed conflict-induced displacement: a direct consequence of conflict and subsequent human rights abuses, food and human insecurity

(ii) State-society conflict-induced displacement: generally post-armed conflict and due to military occupation and/or development activities. Characterised by land confiscation, resource extraction, forced labour, predatory taxation and other human rights abuses. Possible utilisation of force.

(iii) Livelihood/vulnerability-induced displacement because of inappropriate government politics and practices such as lack of available land and access to markets which can result in food insecurity.

Subsequently, (i) and (ii) are products of conflict, either directly or indirectly. However, type (iii) may not be mutually exclusive to conflict-induced displacement, for example forced relocation to government-controlled areas can lead to restricted movement and limited access to arable land and which instigates further displacement as a result of decreased livelihood options. IDPs may experience different types of displacement, often multiple times (Cusano, 2001:140). All types of displacement undermine traditional livelihood options (South, 2008).

Cusano (2001) identifies three location zones which IDP populations in Eastern Burma relocate to: government-controlled relocation sites, ceasefire zones or into ‘hiding.’ IDPs ‘in hiding’ in military-contested areas of Eastern Burma (of whom there are an estimated 101,000) are considered to be the most vulnerable in terms of personal security (because of increased threat of conflict, abuses and landmines) and the limited resources they hold (TBBC, 2008:25; IDMC, 2009:131). Finally, it is essential to recognise from the outset that IDP populations are not homogenous; they are groupings which are diverse – in age, sex, skills, aspirations, values and vulnerabilities. Subsequently, the strength of CA lies in its ability to assimilate such informational diversity in establishing capability sets.
Whilst, forced displacement is prohibited by international humanitarian law (Protocol II to the Geneva Conventions), displacement continues in Burma (HRW, 2005). The process of forced displacement is at odds with concept of freedom inherent to CA. Freedom involves both processes (agency aspect) that allows freedom of actions and decisions, and the actual choices (opportunity aspect) that people have given their personal and social circumstances (Sen, 1999a). ‘Unfreedom’ occurs through inadequate processes such as the violation of certain human rights or through inadequate opportunities that curtail the ability of people to achieve what they would minimally like to achieve (Sen, 1999q:17).

Forced displacement in Burma is a form of capability deprivation because displacement is a product of force (or unavoidable risk) not individual agency - IDPs have been denied freedom to stay where they were. Additionally, opportunity freedom has been constrained since there was no other alternative but to relocate and so decision made were not the result of ‘free’ choice).

Additionally, since IDPs’ freedom from forced displacement (a fundamental human right) has been violated, this has implications for their freedom (opportunity) to achieve various functionings (for example, forced displacement can cause property and land to be abandoned which can inhibit the ability to be well sheltered and/or the ability to be well nourished because of loss of crops etc.). Consequently, it is possible to see how the process of displacement not only inhibits the agency aspect but also the opportunity aspect of capability through an inability to achieve certain valuable functionings-capabilities.

**Achieved functionings as indicators of capability**

Primitive achieved functionings can be used as a proxy for capabilities using the ‘prerequisite argument,’ which argues that certain achieved functionings - such as survival, are needed for the enjoyment of other capabilities, or even other functionings (Alkire, 2002:182). Additionally, other functionings, such as having enough income, which are instrumental to, and a prerequisite for, attaining a number of other functionings such as the ability to be healthy (through being able to purchase...
medicines when needed). Nussbaum (2001, appendix) list identifies a basic set of central human functional-capabilities. These functional-capabilities are a necessary minimum (which implies they must be achieved) for a worthwhile life. These central functionings-capabilities have value in themselves and are mutually interdependent with one another; they are instrumental, and a prerequisite for expanding other capabilities.

According to Fukuda-Parr (2003), achieved functionings are seen as key indicators of capability and human progress. In order to assess the impact of internal displacement on functionings and capabilities, it is necessary to establish what these functional-capabilities actually are. Using Nussbaum’s (2001) list, it is assumed that these represent a minimum threshold of functional-capabilities, from which all other capabilities are realised. If these basic functional-capabilities are not achieved, then the necessary preconditions are lacking for the realisation of other capabilities.

Table One (p.43) aims to synergise particular effects of internal displacement in the Burma with the corresponding central human functional-capabilities, and in doing so, demonstrate ways in which specific central functional-capabilities are threatened by characteristics of internal displacement. Such threats include human rights abuses which already indicate a violation of functional-capability. Denial of human rights can create poverty through capability deprivation. For example; IDPs often experience forced relocation or restricted access to land and markets which violates their fundamental human right to freedom of movement. Consequently, this inhibits the realisation of the functioning-capability of bodily integrity through being able to have freedom of movement and subsequently indicates capability deprivation.

Take another example, forced labour, which continues to be a major factor in internal displacement (HRW, 2005). Uncompensated or abused forced labour is prohibited under international human rights and humanitarian law (HRW, 2005), yet according to TBBC (2004:43), in 2003 more than 50% of internally displaced households in Burma had been forced to work without compensation. Forced labour is not only an affront to human rights but also is indicative of capability failure since the opportunity nor agency to be able to control one’s own environment has been realised. An
achieved functioning of ‘being employed’ has occurred as a result of forced labour. ‘Being employed’ in this context should not be considered a valuable functioning because it was not achieved through ‘choice’ per se (since there were no alternative options nor agency because labour was forced) and occurred through hindering freedom.

If functional-capabilities, which are achieved are not of value, or are not achieved at all, this can impede the achievement of other central functional-capabilities. For example, we have seen that forced labour and ‘being employed’ did not constitute a valuable functioning. Furthermore, forced labour might hinder the achievement of other functional-capabilities (which may be intrinsically or instrumentally valuable) which has a subsequent knock-on effect on additional functional-capabilities. Forced labour can mean a loss of income and/or loss of time spent on the land (or loss of other forms of productivity) which are considered instrumental to being well nourished and being able to have a good bodily health. Forced labour has additional negative implications for other central functional-capabilities such as having bodily integrity and being able to control one’s own environment.

One of the biggest contributors to capability deprivation amongst IDPs is food insecurity (BBC, 2003). Food insecurity is exacerbated by a number of factors including forced displacement and abandonment of land, direct land confiscation, restrictions in movement/access preventing sufficient tending of crops or access to necessary markets, insufficient provision of land in relocation sites and/or having to produce crops for the SPDC (TBBC, 2007:48; IDMC, 2009). According to TBBC (2004:30) borderland farmers are only able to harvest 40-50% of their crop for the year and in 2004, 75% of IDPs had experienced food shortages for at least one month.

Food insecurity and declining levels of nourishment can compromise functional-capabilities of bodily health because of risks of malnutrition and lower resistance to chronic diseases. This can negatively impact the functional-capability of life because of increased morbidity levels. Additionally, the negative repercussions of food insecurity on functional-capabilities may be exacerbated by capability deprivations in other areas. For example, IDPs frequently experience restricted access to health
services. In 2004, one third of displaced households had not been able to access health services in the past year (TBBC, 2004:7). Combined with food insecurity, this contributed to increased mortality and malnutrition rates amongst IDP children which were double Burma’s baseline rate (DFID, 2007:35).

Forced displacement and the militarization of ethnic states has particularly affected the IDP populations through human rights abuses, increased poverty, malnutrition, exposure to disease and the collapse of family/community ties (Fink, 2008). IDPs often suffer from a combination of factors which lead to an inability (lack of opportunity) and lack of agency (free choice) to achieve central human functional-capabilities. Such capability failure constitutes poverty. It is no wonder then that DFID (2007:25) believes that internal displacement is the main driver behind high poverty rates in Burma. The above examples demonstrate that Nussbaum’s (2001) central human functional-capabilities are of both intrinsic and instrumental value. Attainment of these functional-capabilities is essential in order to establish the necessary preconditions for the expansion and realisation of other functionings and capabilities. Furthermore, the above examples illustrate the interconnectedness of capabilities and functionings, whereby the failure of one can lead to a failure of another; perhaps explaining how vulnerable persons become trapped in an impoverishing cycle and ultimately a cycle of ‘non-freedom.’

32 Another pertinent example includes the impact repeated relocation has on ethnic minority education (Fink, 2001; HRW, 2005). In the short term this might not have an affect on capabilities but in the future, individuals may lack the necessary internal capabilities (which should be developed in education) which are required to expand other capabilities such as literacy which might be necessary for empowered and effective participation in civil and political processes; intrinsic to future employment opportunities and levels of income which in turn are instrumental for other capabilities.
Table 1:
A table contrasting consequences of internal displacement in Burma with central human functional-capabilities

<table>
<thead>
<tr>
<th>Central Human Functional-Capabilities of IDPs</th>
<th>Consequences of internal displacement in Burma&lt;sup&gt;2&lt;/sup&gt;</th>
</tr>
</thead>
</table>
| **Life:** Being able to live to the end of a human life of normal length and having a life worth living | - Limited personal security because of armed conflict and landmines  
- Increased morbidity  
- Affected by same as issues relating to bodily health and bodily integrity |
| **Bodily Health:** Being able to have good health, including being adequately nourished; to have adequate shelter | - Increased poverty and loss of productive assets  
- Land confiscation and subsequent landlessness  
- Restricted access to markets and land  
- Limited, if any access to health services and medicines  
- Limited livelihoods  
- Limited shelters (depending on location zone) and/or possible homelessness  
- Food insecurity – food shortages, malnutrition/ other health issues  
- Forced labour: loss of income, time which affect health  
- Destruction of clinics, educational institutions and shelters/ houses  
- Abandonment of property and land |
| **Bodily Integrity:** Being able to have freedom of movement, having one’s bodily boundaries treated as sovereign i.e.: free from violence, abuse, sexual assault etc. | - Forced Labour, including portering  
- Sexual abuse (particularly against women)  
- Abuse: torture and beatings  
- Restricted movement (inc. displacement process) |

<sup>1</sup> The central human functional capabilities of Senses, Imagination & Thought; Emotions; Other Species and Play have not been included in this analysis. This is predominantly due to their more abstract characteristics and lack of means. There is limited research on mental health issues amongst the IDPs in Burma (Lang, 2002:65) Heppner (2005:25) has noted how forced displacement has led to debilitating fear, suspicion, low self-confidence and desperation.

<sup>2</sup> This section does not claim to provide a full, comprehensive list of all consequences of internal displacement
### Table 1 Continued:

| Practical Reason: Being able to form a conception of the good and critically reflect about the planning of one’s life | - Forced displacement limits choice and thus prevents planning of one’s own life  
- Limited education services  
- Restricted environment in which to work out cultural identity, values and so forth  
- Limitations on their free choice of durable solutions (also affects control over one’s environment) |
| **Affiliation:** (A) Being able to live with and towards others, to show concern and engage with various forms of social interaction (implies protecting aspects of life which nourish such forms of affiliation, and protecting freedom of assembly and political speech)  
(B) Having social bases of self-respect and non-humiliation, being treated with dignity and equality. This entails protecting against discrimination on basis of race, religion, ethnicity etc. | - Marginalisation: ethnic minorities have limited legal status/documentation (ie: failure to obtain necessary identity cards needed to pass checkpoints and travel long-distances)  
- Community Disarticulation: Family/Community separation because of security and survival issues  
- Loss of family members  
- No rule of law – anti-government groups forbidden and face severe penalties |
| **Control over One’s Environment:** (A) Political – Being able to participate effectively in political choices that govern one’s life; having the right of political participation, protections of free speech and association  
(B) Material – Being able to hold property (both land and moveable goods), not just formally but in real opportunity; having equal property rights; having the right to seek employment; having the freedom from unwarranted search and seizure | - Land confiscation  
- Loss of resources (including common property) and assets  
- Restricted access to markets and land  
- Little or no participation in processes which affect direction of one’s life  
- Forced labour  
- Limited livelihood options |
Capability and Vulnerability

Low levels of achieved functionings-capabilities caused by displacement highlight the vulnerability of IDPs (Heppner, 2005). Increasing levels of capability deprivation lead to increased IDP vulnerability because of a limited ability to cope and recover from stresses and shocks (Blaikie, 1994:5). Consequently, this has a compounding effect whereby vulnerable people often suffer repeated, multiple, mutually reinforcing shocks to their lives, their settlements and their livelihoods and leads to further capability deprivation. Certain categories of IDPs are more vulnerable than others, such as women and children (IDMC, 2009). Whilst internal displacement has not had a differential impact on the threat (when disaggregated by gender) to livelihoods between men and women (TBBC, 2007:45), that ethnic women in Eastern Burma remain particularly vulnerable to sexual violence such as rape (IDMC, 2009). Children have a increased biological to illness and malnutrition and are increasingly vulnerable to being recruited into the tatmadaw (TBBC, 2008).

The state as the primary duty-holder: neglected responsibility

The CA requires a framework of right-holders and duty-bearers. The identification of a basic, universal set of central human functionings-capabilities denotes the ideas of human rights – with individuals having rights to certain specific freedoms and corresponding duty-holders have obligations and associated duties of others to safeguard and expand these freedoms (Sen, 2005). According to Nussbaum (2001), governments should provide the social basis of central functionings-capabilities. This would seem to suggest the existence of key constitutional guarantees, ‘good governance’ and the promotion of an enabling environment in which capabilities can be fostered (James, 2005). The emphasis on state responsibility (and ultimately sovereignty) in situations of internal displacement is clearly outlined in Principle 3 of the Guiding Principles:

‘National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction’ (UNOCHA, 2004:2).
However, this conception of the state as the primary duty-holder to IDPs is problematic on a number of fronts. Firstly, the SPDC in Burma continues to remain the main perpetrator of forced displacement and human rights violations amongst the internally displaced (HRW, 2005). Secondly, as of 2004, no reference to the *Guiding Principles* was cited in Burmese national legislation (NRC, 2005). Thirdly, SPDC fails to acknowledge the existence of IDPs, let alone its responsibility for protection, prevention and assistance in such a situation (RI, 2005).

Consequently, the Guiding Principles framework is insufficient; not only because it is legally non-binding but also because of its emphasis on state sovereignty despite situations, such as Burma, where displacement is an objective of the state. In doing so, the Guiding Principles confers legitimacy upon the governing SPDC despite the atrocities the state has committed (Steinberg, 2007). The case of Burma demonstrates that the state can not always be considered as the primary duty-holder to IDPs especially when it is the main agent of forced displacement and commits numerous human rights violations and fails to create, promote and protect the social basis for the safeguarding and promotion of capabilities (Nussbaum, 2001; Sen, 2005; Steinberg, 2007).

**The international response: limited assistance**

International response to the issues of displacement in Burma has remained limited and has not influenced the government either to recognise or address the problems of displacement (Lanjouw et al, 2000). According to Fink (2001:232), ‘the international community’s dealings with Burma have been politicised and as complex as Burma’s internal dynamics.’ Responses to Burma have ranged from outright condemnation, isolation, engagement or EU and US sanctions (James, 2006:58-64).  

According to Principle 25(2) of the Guiding Principles (UNOCHA, 2004:10), if the state is unwilling or unable to protest and assist IDPs, other humanitarian

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33 According to Badgely (cited in James, 2007:127), ‘…sanctions are a form of coercion and designed to humiliate, threaten the regime, no matter the pain caused to the common people.’ As to whether sanctions hold any positive implication for capability expansion remains questionable, particularly in terms of ‘freedom’ to trade with particular nations.
organisations and appropriate actors have the right to offer their services in support. This would seem to suggest that the international community (particularly, humanitarian community) could be considered as secondary duty-holders to IDPs. However, external assistance to IDPs in Burma is extremely limited. Burma is one of the least aided countries, receiving just $2.40 of aid/capita in 2004 (DFID, 2007:16). Currently, only thirty international NGOs and ten UN agencies work inside Burma, and are predominantly based in Rangoon and care subsequently distant from the eastern border (South, 2008). These organisations operate under tight government restrictions and tend to implement social development projects with the poor in government-controlled areas rather than targeting IDPs specifically (NRC, 2005; IDMC, 2009).

Furthermore, the SPDC have not only been a deliberate agent of displacement but they have also refused (or extremely limited) outside intervention and assistance. Currently no access is authorised for international organisations wanting to reach IDPs on the eastern border (IDMC, 2009). The Guiding Principles yet again provide no recommendations for such a situation indicating the inability of the framework to thoroughly address the complexity of internal displacement. According to Heppner (2005), most NGOs have decided not to assist IDPs directly on grounds that doing so violates organisational rules requiring state approval and humanitarian neutrality. Nevertheless, international organisations are beginning to recognise the benefits of working in partnership with Burma-based NGOs and CBOs in order to gain valuable access to vulnerable and remote communities (South, 2008). These Burma-based agencies are helping relocated populations build community networks; develop capacities and capabilities (DFID, 2007:19-20).

Cross-border aid agencies (which are often ‘covert’) serve to access IDPs out of reach of Burma-based agencies, predominantly focusing on livelihoods, health and

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35 Burma has often cited ‘Asian Values’ and ASEAN’s principles of non-interference as an explanation for its refusal of international assistance. Collective security is perceived to be more important than democracy or individual human rights (James, 2006). However, Steinberg (2001) cites this a means through which autocratic governments can justify degree of repression or imperviousness to foreign criticism of their political systems.

36 The majority of cross-border assistance originates from Thailand, and whilst not condoned by Thai authorities, it is quietly accepted as it is able to reduce refugee flows (DFID, 2007).
education and relying closely on armed opposition groups for security and logistical support (TBBC, 2008). Whilst initiatives tend to be modest; they are effective and significant in terms of relief assistance (Lanjouw et al, 2000:238). The notion of cross-border assistance would seem to support Cohen et al’s (1998a) concept of ‘sovereignty as responsibility’ since this form of assistance is strictly illegal (because of the state’s refusal to authorise outside humanitarian intervention) and thus, constitutes a challenge to the sovereignty of the SPDC, which most cross-border actors consider to be illegitimate (South, 2008).

External assistance: towards capability expansion?

Not only is external assistance extremely limited but the vast majority of IDPs being unable to access international relief (NRC, 2005). According to Lanjouw et l(2000), external assistance (and even internal assistance) has focused mainly on emergency relief strategies and short term physical inputs (such as cash, food and limited healthcare). Whilst this is indispensable, such a focus on basic survival commodities can only provide for in the short-term (Demusz, 1998). Whilst the functioning of survival is a prerequisite to other functionings and capabilities, provision of emergency assistance does little to expand capabilities and protect the rights of the internally displaced in the longer term (Lanjouw et al, 2000). Additionally, such assistance is not an empowering process of self-help n (James, 2006).

It is possible that external intervention and assistance can lead to a contraction of capabilities. Heppner (2005:29) suggests that interventions may actually take away the prerogative of survival away from IDPs and undermine the resistance component in villagers’ survival and the potential strengthening of villagers vis-à-vis the state. This has been confirmed by Gilgan (2001) who observes how most conflict resolution strategies tend to often leave displaced people out of the political process (negotiation of ceasefires with shifts interaction from villagers to combatants) and so ignore their strategic role and consequently weakens their position while strengthening the position of combatants.
Subsequently, intervention could impede IDPs’ opportunity to resist through a removal of the agency aspect of capability (which was the means or motivation of survival and/or the freedom to choose to participate in political processes and being able to control one’s own environment). Nevertheless, whilst this is an interesting angle, the situation IDPs find themselves in is generally one of non-freedom and it is more important to ‘be able to survive’ than having the ‘motivation to survive’ in order to pursue other capabilities.

Assistance implies that a value judgement has been made in deciding which functional-capabilities should be assisted. For example; if providing medical relief, the functional-capability of being able to have good bodily health and access to health care is considered to be of utmost importance (hence the provision of medical relief) and so a value judgement has been made. The reasons for such judgements are various; being able to have good health may be a prerequisite for other functionings-capabilities such as being able to learn. However, external assistance needs to be constantly checked to see whether the consequences of such intervention are expanding capability. Often poverty-related variables are not the only things of value to those who experience poverty, this is similar for IDPs (Alkire, 2005). Furthermore, valuable functionings-capabilities should not be arranged in a permanent hierarchy above other values since displacement effects are not static and needs may change over time.

Consequently, who should determine the set of capabilities to be assisted by external aid? According to Alkire (2002:144), the answer is related to those who have knowledge and decision-making power. In respect to external assistance to IDPs, this is likely to be the agencies themselves who provide the assistance (South, 2008). Some of the problems associated with this have been discussed above. However, true expansion of capabilities requires participation and involves the principle of subsidiarity. Participation is of intrinsic value since it is an empowering process leading to self-determination and an expansion of opportunity agency freedom. Furthermore, participation can produce instrumentally better outcomes through

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38 Participation refers to the process of discussion, information gathering, decision-making and evaluation by the groups directly affected by an activity. Subsidiarity involves the most local agents who will be affected by a choice, should make the choice (Alkire, 2002:129)
incorporating ‘one’s assessment of one’s capacities, circumstances and even one’s tastes’ into decisions and choices (Finnis, 1987 cited in Alkire, 2002:144). This allows local knowledge and values to inform decisions which could lead to the more effective targeting of relevant assistance. If IDPs were to be involved in such a process, this would give them the opportunity to shape their destiny, not just be passive recipients - which is at the heart of the capability framework.

**IDPs: more than passive victims of forced displacement**

International norms and assistance commonly ignore local agency through a generic application of the IDP label which connotes people who have lost all agency through being disconnected from the resources and social networks of home (Heppner, 2005:31). Under the *Guiding Principles*, IDPs have rights to request assistance and protection from national authorities and foreign actors who have responsibility of provision (Principle 3, UNOCHA 2004:3). The *Guiding Principles* suggest that other rights such as the right to life, dignity, education, liberty are achieved through protection and provision of various services. Only two of the thirty principles suggest that IDPs have agency to act, this reinforces IDPs as victims who need to receive and does not acknowledge their right to control services.

Both Heppner (2005:30-31) and South (2007:55) have argued that it is important to shift away from victim-based perspectives of IDPs (which is disempowering) and instead stress the agency of IDPs in Burma - highlighting their capacities and capabilities to survive and to resist. IDPs in fact utilise a number of coping strategies and resistance techniques to mitigate against the consequences of displacement, violence and abuse (Gilgan, 2001). Manifestations of resistance will be dependent on particular dynamics of displacement, being large-scale, small-scale or clandestine. This is where ‘weapons of the weak’ (Scott, 1985:25) appear in forms of village level resistance, particularly in the context of human rights abuses and forced displacement. According to Heppner (2005:20-27), survival strategies can incorporate techniques of resistance and struggle between the oppressed and the oppressor, such examples include:
(a) development of early warning signals (prior to displacement) through social capital and networks of trust between and within communities  
(b) Coping strategies to deal with threats to physical safety and livelihoods such as through hiding food supplies in various locations, preparation alternative hiding sites in case or evacuation or working at night (evasion) to avoid detection and maintain livelihoods  
(c) In relocation sites/ mixed administration areas, IDPs have been known to avoid forced labour through paying or the establishment of a community pool of funds to placate the SPDC or slow compliance with military orders  
(d) Seeking help from neighbours and loans from traders are key mechanisms of coping and the establishment of networks of trust.  
(e) Selling assets to cope with livelihood shocks or migration in search of income  
This suggests two things; firstly, that the capability (that is the freedom: opportunity and choice) to resist exists, and secondly, that IDPs choose to resist thus indicating this is a capability and subsequent achieved functioning of value. Nieuwenhuys (1989:9) argues that such resistance through acting as a claim on rights (ie: survival strategies) are an element in the process of emancipation because they increase solidarity and cooperation. This would seem to suggest that IDPs are able to achieve Nussbaum’s (2001) central functional-capabilities of practical reason, affiliation and control over one’s environment despite displacement.  
Nevertheless, survival strategies utilised by IDPs comprise of a complex set of prioritises and demonstrate the attempt of IDPs to attain capabilities of value beyond mere survival (and the meeting of basic needs) through the maintenance of other human needs such as dignity, the receiving of respect and maintenance of the family (Blaikie, 1994:63; Sen, 1999a).  
However, whilst IDPs have sought to manage threats to the best of their ability, their degree of agency is highly constrained with choices reflecting survival needs rather than choices of long-term value (Fink, 2008). For example, the sale of productive assets may be viewed as initial resistance to impoverishment (caused by
displacement) but in reality hinders longer term prospects for recovery. Consequently, it is difficult to classify all acts of choice as necessarily valuable (eg: abandoning fields, selling assets etc) as such choices restrict future opportunity or agency freedom leading to subsequent capability failure in the future.

This chapter has attempted to analyse how internal displacement has impacted capabilities amongst the IDP populations in Eastern borderlands of Burma. The case study has shown that capabilities are affected in a number of ways; notably that the causes of and effects displacement restrict freedom (both the opportunity and agency aspects). In some cases this has led to a failure to achieve central functional-capabilities which has had a compounding effect and led to further capability failure. In the case of Burma, the state fails to be a primary duty-holder and international assistance remains limited. IDPs in Burma have demonstrated some agency, but in the context of constrained choice. The implications of these findings will be discussed more thoroughly in the proceeding chapter.

**Chapter Five - Conclusions**

The capability approach has proved to be a powerful analytical tool in the case of internal displacement through its evaluation of social arrangements and process according to the extent of freedom people have to promote or achieve functionings of value (otherwise known as capabilities) (Alkire, 2005). Unresolved protracted internal displacement situations are an indicator of capability deprivation because they continue to perpetuate poverty, social and political deprivation. This has also highlighted the need to focus on IDPs as a distinct category. Consequently, if human development is to be seen as the expansion of capabilities (Sen, 1999a); internal displacement represents a situation of distinct ‘non-freedom’ and so is an affront to human development. The good life is a life of genuine choice, not one in which a person is forced into (Sen, 1999a). The causes and consequences of internal displacement are complex and varied but the strength of CA lies is its ability to incorporate a plural informational base and in doing so highlight the multidimensional nature of well-being.
Continued and large-scale internal displacement continues along the eastern borders of Burma, many of whom experience displacement multiple times (IDMC, 2009). Forced migration in Burma is commonly caused by a series of events such as conflict, human rights abuses and coercive measures imposed by the authorities such as forced labour, land confiscation, extortion and forced agricultural practices (South, 2008). This leads to capability failure because individual agency is curtailed (as displacement is a product of force) The case study of IDPs in Burma also used achieved levels of functionings as an indicator of capability to support the above point. Whilst a focus on achieved functionings alone, or lack thereof, does not necessarily incorporate agency or freedom, it is safe to assume that if central human functional-capabilities (using Nussbaum’s (2001) list) were not achieved indicates capability deprivation. This is based on the reasoning that these central functional-capabilities represent a necessary minimum for a dignified life and provide the necessary preconditions for the expansion of other capabilities and a life of value (Nussbaum, 2001). Consequently, low levels of attainment of central human functional-capabilities (such as low achieved levels of being healthy, having bodily security or an inability to control one’s own environment), indicate that this is as a result of a lack of freedom and/or capability failure rather than ‘choice’. Human right violations constitute poverty because of a failure to achieve central functional-capabilities. Poverty is an inability to choose basic valuable beings and doings which are basis to human life and is exacerbated by a denial of human rights (Alkire, 2002).

Table One (p.43) provides examples of how the effects of internal displacement impacted corresponding central functional-capabilities. It can also be concluded that internal displacement can be an impoverishing process since a failure to achieve any of the central functional-capabilities led to a failure to achieve other central functional-capabilities, for example, not being able to be well nourished (as a result of abandoning land), led to decreased bodily health and consequent ability to lead a long life. Persistent capability deprivation and subsequent impoverishment increase IDPs’ vulnerability and inability to respond to further shocks for example, the selling of productive assets such as agricultural tools (to avoid forced labour) limits further opportunity and agency through increasing reliance on external markets rather than subsistence farming.
Crises of displacement inevitably stem from a failure of governments to fulfil their responsibilities and obligations to citizens and the lack of ‘good governance’ (Vincent, 2001; James, 2006). Furthermore, the IDP situation in Burma has demonstrated the chasm between the normative legalities of the Guiding Principles and reality on the ground such ‘rights’ are lofty ideals to most of those who really need to be protected by them’ (Sano, 2000:745) The Guiding Principles are insufficient through its emphasis on state sovereignty and responsibility especially in light of displacement as the objective of the state (and the prevalence of human rights violations). This paper calls for the international community to respond to Burma’s internal displacement crisis through the principle of ‘sovereignty as responsibility’ and intervene promptly to assist more effectively IDPs who are experiencing chronic capability failure.

External assistance has predominantly focused on the provision of basic survival commodities and has assumed IDPs to be passive recipients rather than subject of their own lives and so determined the basic functional-capabilities to be assisted without IDP participation (Demusz, 1998). This has limited impact in terms of the creation of an enabling environment for capability expansion and has led to treatment of the symptoms rather than the root causes of displacement. Agencies need to be serious about strengthening IDP communities and improving the quality of life through expanding the existing capabilities of IDPs (with respect to survival strategies and resistance). The CA analysed displacement from a local-agency perspective which has revealed that IDPs which has revealed the various survival strategies IDPs to alleviate their predicament and so has indicated that IDPs have a limited capability to cope and resist, albeit constrained. Some agency however is in fact not indicative of capability because the choices made were not choices of value.

This paper recommends agencies to make an inventory of IDP capabilities through asset mapping (talents, potential and abilities of individuals in the community) and allowing the focus to shift from what external expert can deliver to what IDPs can do for themselves, this is empowering and of value in itself - which is the essence of development as the expansion of capabilities (Roebyns, 2000; Deneulin, 2005).
This paper supports the establishments of a list of universal central functional-capabilities such as Nussbaum’s (2001) which indicate a minimum threshold which is necessary to constitute human flourishing. This will need to be formulated through participation and the identification of valuable capability sets. Beyond this, further valuable capability sets and their expansion need to involve stakeholders and use the principle subsidiarity. Whilst CA has proved to be useful analytical tool for internal displacement, its operationalisation may prove to be rather problematic because of the informational requirements needed to determine actions which lead to capability expansion. There are practical difficulties of accessing IDP populations, limited data sets and questionable data collection technique and difficulties in studying a complex and dynamic phenomenon of internal displacement in hostile environments (Jacobsen, 2003).

The IDP category, whilst essential for raising awareness of the unique vulnerability of the internally displaced, does not demonstrate the heterogeneity of individuals within such a group. This paper has analysed IDPs as a homogenous group due to data restrictions. Future effective research on the impact of internal displacement on IDP capabilities needs to incorporate increased awareness that different IDP groups and individuals will not have the same set of valuable functionings and capabilities (which will also vary between various ethnic groups and across different Burmese states). This paper recommends that future research also concentrate on the IDP situation in Western Burma, particularly the Rohingya people, who are largely forgotten (in terms of research and aid) but are increasingly targeted by the SPDC (IDMC, 2009).

Furthermore, this paper has not been able to cover the threat internal displacement poses to the international economic and political order (Korn, 1999). Displacement rarely remains confined to a single country and often ignites refugee flows; 600,000 Burmese refugees are currently residing in Thailand (UNHCR, 2005b:12). Refugees often flee from the same causes as IDPs (Moore, 2006) and so it would be beneficial for research to compare the impacts of protracted displacement on refugee capabilities (and subsequent host populations) vis-à-vis IDP capabilities.
Expanding human freedom entails expanding human liberties (Civil and political; social and economic), opportunities and capabilities and subsequently removing human rights violations (social and economic), hunger, poverty and mortality which threaten central human functioning-capabilities (Moser, 2005). Sadly, the reality for many IDPs in Eastern Burma is just the opposite. IDPs continue to lack the freedom (opportunity and agency) to pursue and achieve valuable functionings - IDP decisions continue to represent survival rather than choices of value. ‘When people are deprived of their freedom, live in constant fear, cannot move or work as they wish, and are cut off from communities and the land they care about, development has emphatically not taken place’ (Uvin, 2004:123). Sadly the IDPs in Burma continue to remain forgotten people in a forgotten conflict and represent a unique challenge to ‘development as freedom’.
### Appendix

<table>
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<th>Central human functional-capabilities (Nussbaum, 2001)</th>
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**Life.** Being able to live to the end of a human life of normal length; not dying prematurely, or before one’s life is so reduced as to be not worth living.

**Bodily health.** Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.

**Bodily integrity.** Being able to move freely from place to place; having one’s bodily boundaries treated as sovereign, i.e. being able to be secure against assault, including sexual assault, child sexual abuse, and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.

**Senses, imagination, thought.** Being able to use the senses, to imagine, think, and reason—and to do these things in a ‘truly human’ way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing self-expressive works and events of one’s own choice, religious, literary, musical, and so forth. Being able to use one’s mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to search for the ultimate meaning of life in one’s own way. Being able to have pleasurable experiences, and to avoid non-necessary pain.

**Emotions.** Being able to have attachments to things and persons outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one’s motional development blighted by overwhelming fear and anxiety, or by traumatic events of abuse or neglect. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)

**Practical reason.** Being able to form a conception of the good and to engage in critical reflection about the planning of one’s own life. (This entails protection for the liberty of conscience.)

**Affiliation. A.** Being able to live for and towards others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedoms of assembly and political speech.) **B.** Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails, at a minimum, protections against discrimination on the basis of race, sex, religion, caste, ethnicity, or national origin.
**Other Species.** Being able to live with concern for and in relation to animals, plants, and the world of nature.

**Play.** Being able to laugh, to play, to enjoy recreational activities.

**Control over one’s Environment. A. Political.** Being able to participate effectively in political choices that govern one’s life; having the right of political participation, protections of free speech and association.

**B. Material.** Being able to hold property (both land and movable goods), not just formally but in terms of real opportunity; and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into mutual relationships of mutual recognition with other workers.

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