Supang Chantavanich
Aungkana Kamonpetch *Editors*

Refugee and Return

Displacement Along the Thai–Myanmar Border

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Border

Chulalongkorn University

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This book is historic as its preparation started in a classroom. In 2014 when the MAIDS students attended a class on Migration as a Development Issue, and Professor Hans Günter Brauch was a visiting scholar in MAIDS. With the kind suggestion from Professor Günter Brauch, we decided that students should choose significant migration issues which could lead to a good publication from their term papers. Consequently, the topic of repatriation of displaced persons along the Thai–Myanmar border was chosen given the fact that many students are from Myanmar, Lao PDR and Thailand. The group decided that experiences of the repatriation of the Indochinese refugees from Thailand and other ASEAN countries to countries of origin in Lao PDR and Cambodia during 1980–1990 could be an example to explore lessons learnt. Consequently, a chapter presenting a "Case Study of Refugee Return to Lao PDR in the 1980s–1990s" was written. More importantly, the possible repatriation of the ethnic minorities who lived in shelters along the Thai–Myanmar border could also be examined thoroughly. By using Chimni's and Bradley's framework in their separate books on repatriation worldwide, students from Myanmar could collect and analyze data from the government as well as from the displaced persons side to assess feasibility of repatriation, presented in the section on "Post Conflict Society and Challenges for Reintegration". After these substantive chapters were complete, we developed the "Introduction" and "Concluding" chapters, binding together the content from all chapters into a book. Chapters on repatriation to Myanmar were updated and edited in 2015 to reflect the political and economic reforms in the country. Findings from the "Profile Study

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Building a new house in Mae La Temporary Shelter in Mae Sod, Tak Province. *Source* Asian Research Center for Migration (ARCM 1999)

Umpiem Temporary Shelter, Tak Province. *Source* Asian Research Center for Migration (ARCM 2011)

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Shop in Umpiem Temporary Shelter in Tak Province. *Source* Asian Research Center for Migration (ARCM 2011)

Female Karen refugee in Umpiem Temporary Shelter in Tak Province. *Source* Asian Research Center for Migration (ARCM 2011)

Abbreviations and Acronyms

ADB	Asian Development Bank
ASEAN	Association of Southeast Asian Nations
AUSA	Association of the United States Army
BGF	Border Guard Forces
CCSDPT	Committee for Coordination of Services to Displaced Persons in Thailand
CIA	United States Central Intelligence Agency
CSIS	Center for Strategic and International Studies
CSO	Civil Society Organization
DDR	Disarmament, Demobilization and Reintegration
DRC	Democratic Republic of the Congo
EU	European Union
FRC	Foreign Registration Card
GIS	Geographic Information System
IDP	Internally Displaced Person
INGO	International Non-Governmental Organization
IOM	International Organization for Migration
LPDR	Lao People's Democratic Republic
MIMU	Myanmar Information Management Unit
MOI	Ministry of Interior
MPC	Myanmar Peace Center
MPSI	Myanmar Peace Support Initiative
NCA	Nationwide Ceasefire Agreement
NCCT	Nationwide Ceasefire Coordination Team
NCPO	National Council for Peace and Order
NGO	Non-Governmental Organization
NLD	National League for Democracy
NRC	National Registration Card
NSAG	Non-State Armed Group
OAU	Organization of African Unity

PAB   Provincial Admission Board
RTG   Royal Thai Government
SEZ   Special Economic Zone
TBBC   Thailand Burma Border Consortium
TBC   The Border Consortium
UK   United Kingdom
UNCDP   United Nations Committee for Development Policy
UNDP   United Nations Development Program
UNFC   United Nationalities Federal Council
UNHCR   United Nations High Commissioner for Refugees
UNICEF   United Nations Children's Emergency Fund
USA   United States of America
USCRI   United States Committee for Refugees and Immigrants

Ban Don Yang Temporary Shelter in Karnchanaburi Province. *Source* Asian Research Center for Migration (ARCM 2011)

Refugee children in Ban Don Yang Temporary Shelter, Kanchanaburi Province *Source* Asian Research Center for Migration (ARCM 2011)

Chapter 1
Introduction: Background of Protracted Conflict and Displacement in Myanmar

Supang Chantavanich and Aungkana Kamonpetch

Abstract After more than 60 years of conflict and displacement, Myanmar is now in the midst of political reform. A new nominally-civilian government and pledged elections in 2015 has raised hopes of a lasting democratic transition after decades of military rule. For the first time in decades, repatriation of refugees in Thailand is being discussed as a real and imminent possibility. This chapter introduces the current state of displacement along the Thai–Myanmar border, providing a background on the conflicts in Myanmar and other factors that have led to protracted displacement of several ethnic groups both within Myanmar and across state borders. The chapter sets the context for the rest of this book, which examines Myanmar as a post-conflict society and the reintegration processes that would need to occur to enable safe and voluntary return of persons displaced by the decades of conflict.

1.1 Brief History of Population Displacement in Myanmar and Flight to Thailand

Since Myanmar gained independence in 1948, the country has experienced political and armed conflict between the government of Myanmar and various ethnic armed groups throughout the country.[1] Especially in the latter half of the 20th century, armed conflict escalated into flows of refugees who left their place of origin to seek safety at the borders of Thailand and Myanmar. Since 1984, waves of various ethnic groups, especially the Karen, Karenni, Mon and Shan have sought asylum within Thailand's borders.

From 1984 to 1986, 12 Karen refugee camps were established in Tak and Mae Hong Son Provinces in the western part of Thailand. The first Karenni refugee camp was established in Mae Hong Son Province in 1989. In the following year, Mon and Karen opposition bases destroyed by the Myanmar Government army resulted in the establishment of a Mon refugee camp near Three Pagodas Pass in

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[1]At the time of Independence, the country was named Burma but the Government changed the formal name to Myanmar in 1989. The official name is the Republic of the Union of Myanmar.

Thailand's Kanchanaburi Province (Bryant 1997). From 1988 to 1990, significant waves of displacement continued due to the suppression of political protestors and students. People arriving along the border areas were accepted in Thailand as "displaced people escaping from fighting". These new arrivals were permitted to settle temporarily in shelters along the border. Although Thailand is not a signatory to the United Nations Convention Relating to the Status of Refugees 1951 and its Protocol of 1967, it agreed to assist the refugees from Myanmar for humanitarian reasons. The significant waves of displacement happened from 1988 onward after the suppression of political protesters and students.

As the armed conflict continued into the 1990s with little evidence that it would soon subside, the situation of displacement on the Thai–Myanmar border became increasingly protracted. UNHCR defines a protracted refugee situation as: '*one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance*' (UNHCR Executive Committee of the High Commissioner's Program 2004: 2; Loescher/Milner 2008). This provides a more conceptually rigorous understanding of the nature, political causes and consequences on such protracted refugee situations and its challenges associated with humanitarian protection. The most important factor of a protracted situation is that it is caused by ongoing conflict in the country of origin. Protracted refugee situations are typically characterized by inadequate policy responses of countries of asylum as they tend to establish restrictions on refugee movement, employment opportunities and confinement to camps (Loescher/Milner 2008: 27).

1.2 Current Situation of Refugees at the Thai–Myanmar Border

As of 2014, UNHCR estimates there are 109,992 individuals from 22,560 households living in nine temporary shelters in Thailand (UNHCR and Mae Fah Luang Foundation under Royal Patronage 2014: 14). They represent a mix of ethnic and religious backgrounds. Several efforts have been made to construct demographic profiles of this displaced group, the most recent of which was conducted by the Mae Fah Luang Foundation on behalf of UNHCR in 2014.

The Mae Fah Luang Foundation report indicates that there are at least 10 ethnic groups represented in the camps, namely the Karen, Karenni, Burman, Mon, Shan, Arakhan (Rakhine), Chin, Pa-O, Kachin, and Lisu (UNHCR and Mae Fah Luang Foundation 2014: 15). These individuals originated from Karen, Karenni, and Mon States; and from Thanintharyi and Bago Divisions in Myanmar. Currently, they are living in shelters spread along the border: (1) Ban Mai Nai Soi, (2) Ban Mae Surin, (3) Mae Ra Ma Luang and (4) Mae La Oon in Mae Hong Son Province; (5) Mae

La, (6) Um Piem and (7) Nu Po in Tak Province; (8) Ban Don Yang in Kanchanaburi Province; and (9) Tham Hin in Ratchaburi Province.

The Thailand Burma Border Consortium (TBBC) in its Thailand Burma Border Consortium 2008 Annual Report indicated that some displaced persons from Myanmar have spent more than 9,000 days in the shelters (Thailand Burma Border Consortium 2008). Life in the shelters is monotonous, as refugees are not permitted by Ministry of the Interior regulations to go outside of the shelters or to work. Consequently, they live on assistance provided by international humanitarian organizations.

This was confirmed by a refugee's own account of his uneasiness and concerns for being confined in a camp for years.

SHADOWS
All around in eight directions
Surrounded by mountains

How can one overcome
All these mountains?

Mental suffering,
The feeling of being trapped
When will it be cured?

When will the tears
Cried for the future Dry?

Trapped like bird in a cage
Living in the dark among the mountains

Trying to find a way to get rid of these mountains
Everybody finds a way.

Anonymous, Mae Surin Camp
Thailand Burma Border Consortium (2010:146)

In 2008, CCSDPT and UNHCR mutually developed and proposed to the Royal Thai Government (RTG) a *Comprehensive Plan of Action* to transition of the activities in the shelters from relief and assistance to development activities, with the aim of reducing refugee dependence on aid and promoting self-reliance for their long-term future (TBBC 2008: 11–12). With this changing paradigm of assistance, more vocational training and capacity building have been provided to displaced persons in the shelters (Chantavanich 2011: 126–127).

Concurrent to the implementation of the Comprehensive Plan of Action, UNHCR and the International Organization for Migration (IOM) have been successful in creating a resettlement program for refugees from Myanmar. The Voluntary Resettlement Program started in 2006 and ended recently in 2014. It has resettled more than 100,000 individuals, primarily to the United States and with others accepted by Australia, Canada, Denmark, Finland, Ireland, New Zealand, Norway, Sweden, the Netherlands, the United Kingdom and Japan (Harkins/Chantavanich 2014: 2). This has been one of the largest group resettlements in the history of refugee resettlement operated by the United Nations. Currently, the group

resettlement process has terminated, but displaced persons who are eligible to apply can still do so on an individual basis. Despite the large number of individuals resettled, a significant number of refugees still live in shelters and are not participating in the resettlement program. Some of them did not want to apply and others are not eligible to do so. The latter are newcomers who arrived Thailand after 2006 and thus were not screened or registered by UNHCR and the Thai authorities as had been procedural for displaced persons in earlier groups. In order to prevent resettlement from being a pull factor, when the RTG gave permission for resettlement it stipulated that only persons who were currently registered in the shelters would be eligible. These post-2006 arrivals constitute a large number of residents in the temporary shelters whose options rest in repatriation when it becomes safe to do so.

Repatriation of refugees is another durable solution of UNHCR. By definition, repatriation must be carried out 'in safety and with dignity' (UNHCR 1996: 11). Returnees should make their own decision to return voluntarily. In Southeast Asia's history of displacement, millions of refugees from Lao PDR, Cambodia and Vietnam were repatriated voluntarily in the 1990s with the assistance of the United Nations. A chapter in this volume will investigate the experiences of voluntary repatriation of refugees from these countries.

1.3 Concepts of Post-conflict Peace-Building and Refugee Repatriation

Chimni in his article '*Post-conflict peace-building and the return of refugees: Concepts, practices, and institutions*' (2003) described that post-conflict societies require a peace-building process. Peace-building processes involve the re-establishment of mechanisms for national protection for citizens as well as rule of law (UNHCR 1997, as cited in Chimni 2003: 198). In the case of Myanmar, these two elements will need to be restored in order to re-establish trust necessary for a successful repatriation. These conditions will be explored in later chapters. Furthermore, Chimni referred to the UNHCR definition of 'safe and sustainable return' of refugees as "a situation which assures returnees physical and material security and consolidates a constructive relationship between returnees, civil society and the state" (Chimni 2003: 200). If refugees are to return, various aspects of peace-building must be taken into consideration, i.e., land availability and access, property, and the issue of nationality. As refugees once left with the decision not to remain under the protection of their state of origin, Myanmar, now that the situation has changed, the state is supposed to give them protection if they willingly re-avail themselves of such. Nationality is a crucial condition of such protection (Chimni 2003: 200–209). On top of general conditions like land, livelihood, and nationality, refugees' immediate safety upon return includes the important conditions of disarmament, demobilization and reintegration (DDR) of armed groups. *Disarmament* is the collection, documentation, control and disposal of small arms and

ammunition. *Demobilization* is the formal and controlled discharge of active combatants from armed forces or other armed groups. *Reintegration* is the process by which ex-combatants acquire civilian status and gain sustainable employment and income (UN DDR Resource Center 2006). Reintegration is essentially a social and economic process with an open time-frame, primarily taking place in communities at the local level. Such conditions and the clearance of land mines can significantly encourage spontaneous repatriation (Chimni 2003: 209). The role of the UN Security Council is to ensure that safe and sustainable return is emphasized.

Similarly, Bradley in her recent book on "Refugee Repatriation: Justice, Responsibility and Redress" emphasized the role of the state of origin to take responsibility and provide "just return" to returning refugees. Based on analyses of more recent repatriations in Guatemala, Bosnia and Herzegovina and Mozambique, Bradley described *just return* as:

> …*Essential demonstration of the state of origin's remedial responsibility for forced migration, and that just return is best understood as the restoration (or creation) of a legitimate relationship of rights and duties between returnees and the State, such that returnees and their non-displaced co-nationals are rendered equal as citizens…*(Bradley 2013: 44).

Just return includes legal, political, as well as moral aspects of responsibility. In addition, redress, as defined by Barkan (Barkan 2001: xix cited in Bradley 2013), is the "entire spectrum of attempts to rectify historical injustices." It is a challenge to examine how far the Myanmar government can provide a just return to returning refugees who are mainly ethnic minorities with whom it has been in conflict for decades, and redress historical injustices.

1.4 Contents of the Chapters of This Book

This volume is comprised of five chapters. Chapter 2 provides a background on the discourse around 'sustainable return,' which looks beyond long-term development and focuses on four kinds of insecurities (i.e., physical insecurity, social and psychological insecurity, legal insecurity, and material insecurity). Repatriation and reintegration are viewed as a durable solution only when these aspects of displacement are addressed in an integrated and effective manner. Based on this framework of sustainable return, the chapter begins with a discussion on the standard of voluntary repatriation in accordance with international principles (including the principle of non-refoulement). It then applies these to a case study on repatriation of refugees from Thailand to Lao PDR in the 1980s. The case study describes the security conditions in which repatriation occurred and highlights the challenges and successes of return in this context, including policies adopted by Lao PDR and the roles of UNHCR and the RTG.

Given the background of conflict and displacement in Myanmar provided in the introduction, Chap. 3 explores the concept of a 'post-conflict society' and provides

a framework for examining whether Myanmar has shifted into a 'post-conflict' state. The chapter begins with a review of the necessary elements of peace-building and post-conflict reconstruction to achieve stability. It identifies three phases of 'post-conflict' transition, namely, initial response, transformation, and fostering sustainability, concluding that Myanmar is currently in a 'transformation' phase with the potential of becoming a post-conflict society

The Myanmar government's current efforts towards these aims have included attracting foreign investment and amending relevant laws, and establishing mechanisms for governance and participation through its three-phase peace plan. On the other hand, the government's policies and supporting institutions for refugees and internally displaced persons (IDPs) remain inadequate for supporting return. The authors discuss these ongoing challenges and highlight key issues that have yet to be addressed in negotiations.

Chapter 4 explores the various challenges of refugee and IDP reintegration in Myanmar, with a focus on security from armed conflict and land mines, access to livelihood opportunities, rights to citizenship, social welfare, and resource and land allocation. It discusses existing efforts by both government and non-state actors, and identifies gaps in policy and implementation. The authors argue that without a specific reintegration strategy backed by an adequate budget, displacement will continue to be a reality for Myanmar refugees and IDPs.

Beyond the negotiation of ceasefires, the transition into a 'post-conflict society' requires the development of legitimate mechanisms of governance and participation, secure foundations of justice and reconciliation, and sustainable structures that improve social and economic well-being.

Chapter 5, the concluding chapter, explores the preferences and decisions of displaced persons vis-a-vis return to Myanmar compared to other durable solutions. The final analysis centers on economic development inside Myanmar, taking into account the role of the international community, and its ability to facilitate employment and sustainable livelihoods for Myanmar people.

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Chapter 2
Sustainable Return: A Case Study of Refugee Return to Lao PDR in the 1980s–1990s

Min Ma and Vongsa Chayavong

Abstract The possibility of repatriation has recently come under heavy discussion along the Thai–Myanmar border. The discourse around 'sustainable return' looks beyond long-term development and focuses on four kinds of insecurities (namely, physical insecurity, social and psychological insecurity, legal insecurity, and material insecurity). Repatriation and reintegration are thus viewed as a durable solution only when these aspects of displacement are addressed in an integrated and effective manner. Based on this framework of sustainable return, this chapter begins with a discussion on the standard of voluntary repatriation in accordance with international principles (including the principle of non-refoulement). It then outlines the conditions that induce voluntary repatriation using a case study on repatriation of Indochinese refugees from Thailand to Lao PDR and Cambodia in the 1980s. It describes the security conditions in which repatriation occurred, and highlights the challenges and successes of return in this context, including policies adopted by Lao PDR and the roles of UNHCR and the RTG.

2.1 Introduction

The 1990s were considered the 'decade of repatriation' (UNHCR 2012). Over the course of that decade, 14.6 million refugees returned to their countries of origin, with large-scale return movements occurring in Rwanda, Mozambique, Afghanistan, and in former Yugoslavia (UNHCR 2013). From the mid-1980s, growing refugee flows in various parts of the world had come to be viewed as a burden to countries of asylum and resettlement. Several countries began to adopt increasingly restrictive attitudes towards refugees and migrants (Black/Gent 2006) despite their willingness in prior decades to allow large numbers of refugees to enter their territories and enjoy a broad range of social, legal, and economic rights (Crisp 2000). Countries of asylum have become less willing to host refugees for extended periods of time and apply restrictive policies to refugees' freedoms, especially around the right to work and move freely, in order to prevent job competition and local integration. Meanwhile, the option of third country resettlement has been accessible to only a very small proportion of refugees. For example, UNHCR

estimated 805,000 refugees needing third country resettlement in 2011, however only 10 % of those places were available (UNHCR 2012). UNHCR considers durable solutions to protracted situations as the removal of "the objective need for refugee status by allowing the refugee to acquire or reacquire the full protection of a state" (UNHCR 2012: 12). As such, UNHCR regards local integration, voluntary repatriation, and resettlement as the trio of possible durable solutions to protracted displacement. However, huge barriers in the current international asylum system prevent the majority of refugees from accessing local integration and resettlement. Voluntary repatriation has thus has become regarded as the *preferred* 'durable solution' to situations of protracted displacement (Chimni 2004).

2.1.1 *Voluntary Repatriation*

Repatriation is regarded as a signal of the end of conflict and a significant phase of the post-conflict peace-building process (Black/Gent 2006; Crisp 2000). Despite its standing as the preferred durable solution to displacement in the 1990s, the rise of protracted conflicts and political crises worldwide in the next decade led to a sharp global decline in voluntary repatriation. In the 2000s, only 6.5 million refugees returned to their countries of origin (UNHCR 2013: 49–50). The number of refugees voluntarily repatriating to their countries of origin reached a 20-year low in 2010 (UNHCR 2012: 12).

The standards of repatriation are set forth in various international instruments which emphasize the requirement that decisions to repatriate should be *voluntary* and *carried out in absolute safety*. The right to return is asserted by the 1948 Universal Declaration of Human Rights: "Everyone has the right to leave any country, including his own, and to return to his country" (United Nations General Assembly 1948, Article 13 (2)). Specific to refugees, in 1946 the United Nations General Assembly resolved:

> [N]o refugees or displaced persons who have finally and definitely, in complete freedom, and after receiving full knowledge of the facts, including adequate information from the governments of their countries of origin, expressed valid objections to returning to their countries of origin…shall be compelled to return to their country of origin (UN Resolution 8 (I))

Although the 1951 Convention on the Status of Refugees does not explicitly mention 'voluntary repatriation,' involuntary return is often equated to *refoulement,* which is explicitly prohibited in Article 33 of the 1951 Convention, stating:

> No Contracting state shall expel or return ("*refouler*") a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion (UNHCR 1951).

The requirement that repatriation be voluntary and declared on an individual basis is later reiterated in regional instruments such as the 1969 OAU Convention (Assembly of Heads of State and Government 1969, Article V) and 1984 Cartagena Declaration on Refugees (Colloquium on the International Protection of Refugees

in Central America, Mexico and Panama 1984, Section II). The 1951 Convention on the Status of Refugees allows for the cessation of refugee status only when changes in the country of origin are durable and effective where the basis of fear of persecution has been removed.

As the international body responsible for promoting access to durable solutions for refugees, UNHCR is responsible for ensuring the voluntariness of repatriation and that voluntary repatriation is both *facilitated* and *promoted*, with cooperation from UNHCR, governments, and private organizations (UNHCR 1996: 6). Despite these guidelines, many refugee returns in recent history have not occurred under circumstances deemed as voluntary or safe. Although many of the refugee returns in the 1990s occurred with the assistance of UNHCR and in cooperation with governments, NGOs, and other partners, several of the refugee repatriations in Africa in the 1990s occurred in unsafe conditions that fell short of international standards of voluntary return (Crisp 2000, citing data from USCR, UNHCR State of the World's Refugees: A Humanitarian Agenda 1997). From 1996–7, for example, 1.2 million Rwandans were repatriated from Tanzania and Zaire/DRC despite ongoing reports of human rights abuses throughout the process (Amnesty International 1997). Their departure, however, was partially the result of pressure from local host communities, militia forces, and over-burdened host governments facing their own economic crises (Crisp 2000: 16). Moreover, donors are known to encourage repatriation as they believe it can drive post-conflict reconstruction (Long 2010: 6; see Chimni 2004 for further discussion). While the return of displaced persons indeed can play a critical role in restoration in post-conflict settings, premature return may also destabilize or strain fragile peace-building efforts and institutions, thereby negatively influencing the process of reintegration (Milner 2009: 26, as cited in Long 2010: 6; UNHCR 1998).

2.1.2   Sustainable Return

Closely interlinked with voluntary repatriation, then, are the concepts of 'sustainable return' and 'effective reintegration', which imply situations where physical and material security can be assured and constructive relationships can be established between returnees, civil society, and the state (Rodicio 2001; UNHCR 1998). These concepts acknowledge that return and reintegration are dynamic processes that do not constitute a 'simple reversal of displacement' (UNHCR 2008) or the end of a 'cycle' (Hammond 1999, as cited in Black/Gent 2004: 7–8). Historical examples show that repatriation often occurs amidst dynamic conflict transitions that may continue over long periods of time and present intermittent physical insecurities for both returning refugees and the populations that have stayed behind (UNHCR 1998). Other ongoing insecurities during conflict transition include limited livelihood opportunities and markets, degraded infrastructure, and lack of access to basic services. In many cases, the causes of flight have not been entirely eliminated prior to refugee return (UNHCR 1998).

2.2   Four Categories of Insecurity

Reintegration is defined by UNHCR as "a process which enables formerly displaced people and other members of their community to enjoy a progressively greater degree of physical, social, legal and material security" (UNHCR 2012: 159). As such, the discourse on sustainable return focuses on these insecurities, calling attention to four categories: physical insecurity, social and psychological insecurity, legal insecurity, and material insecurity[1] (UNHCR 1997: 154–160, as cited in Chimni 2003: 200). Repatriation and reintegration are viewed as durable solutions only when of the drivers of displacement along these four dimensions are addressed in an effective manner.

Threats to *physical* security during return and reintegration can come from continued presence of military actors stationed near civilian settlements, violence towards civilians by demobilized soldiers, as well as absence of or inadequate enforcement of rule of law (Crisp 2010: 18). Further, land mines have posed a challenge in returns to nearly all recent post-conflict societies, including Cambodia, Afghanistan, Mozambique, and Angola (Chimni 2003: 209). De-mining operations, however, are typically under-funded and slow-going despite their crucial role in sustainable return and peace-building.

Legal security during repatriation is assured with official forms of documentation, such as identity cards and birth certificates, which are necessary to ensure freedom of movement within the country, right to work, right to vote, and proof of nationality. These forms of identification allow returnees to be recognized as citizens of the country of origin (Crisp 2010). From a systems perspective, legal security also refers to the (re)construction or strengthening of political institutions, administrative structures and law enforcement and judiciary systems (UNHCR 1998). These also include education and healthcare systems, which require government ownership. Together, the existence of strong institutional structures is what enables the re-establishment of citizenship and rights for all citizens, including returning populations. Limited institutional capacity, on the other hand, can result in bureaucracy, corruption and challenges in access to resources as well as reclaiming/accessing land. In the case of South Sudan in the 2000s, this weakness led to intra-community conflicts between those returning and those who had stayed behind (Long 2010: 7). Lack of confidence in the ability of states and authorities to guarantee basic security and dignity despite the existence of peace-building frameworks has resulted in ongoing violence and insecurity in many of these cases (e.g., 1995 Dayton Peace Accords for Bosnia, Bonn Agreement for Afghanistan 2001; 2005 Sudanese CPA) (Long 2010: 6).

Material security refers to access to resources and assets upon return. In post-conflict settings, access to basic needs can be difficult due to degraded infrastructure (bridges, shops, roads) and banking and market systems (Crisp 2010).

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[1]These challenges are also described by Crisp (2000) in the context of refugee repatriation in Africa in the 1990s. They are introduced accordingly in the following paragraphs.

Of the challenges in material security, however, the last two decades have shown that housing and property restitution can be one of the major barriers to achieving material security during return and reintegration. Displaced persons returning with the expectation of reclaiming their ancestral land upon return, or of being issued compensation or new plots of land by the government, often encounter major obstacles to realizing these expectations. Lack of access to productive land is exacerbated by land disputes among and between returnees and residents who stayed, poverty, and lack of alternative livelihoods (Leckie 2000; Chimni 2003; Fransen/Kuschminder 2012). Returnees without access to land and other assets can remain dependent on humanitarian assistance for shelter, sanitation, and food (Fransen/Kuschminder 2012), a situation that reiterates the need for strong coordination and institutions that are able to resolve land claims and disputes.

Finally, *psycho-social security* is often weak in post-conflict settings characterized by social tension and psychological insecurity (Crisp 2010). This is worse in situations where repatriation is not fully voluntary, or displaced persons return home with unrealistic expectations security in their place of origin or resettlement. In large-scale repatriation movements, place of origin may struggle to absorb large flows of returnees given the increased demand for scarce resources in those locations. In these situations, social networks play a critical role in facilitating relationships and can be built through relationships, community education, participation in organizations and rebuilding efforts, and 'acceptance with family and friends (Fransen/Kuschminder 2012).

Overall, it is critical that reintegration processes should emphasize *equity* between returnees and local populations that have stayed behind. As UNHCR states, differences in "legal rights and duties between returnees and their compatriots" should be minimized and both of these groups should have "equal access to services, productive assets, and opportunities" (UNHCR 2004: 7). This is particularly important to reduce tensions that are often found to run between returning refugees and locals who have stayed behind, as the latter group may perceive that returnees are more economically advantaged due the assistance they received from external actors during displacement and return (Black/Gent 2006; Fransen/Kuschminder 2012). These dynamics can impede reintegration and peace-building efforts and themselves be affected by the scope and timing of return processes. They can also be the result of unequal treatment of specific groups by aid agencies supporting the return.

2.3   Return from Thailand in the 1980s and 1990s

Following the communist victories in Vietnam, Cambodia, and Lao PDR at the end of the Vietnam War in 1975, massive upheavals in the region led over three million people to flee and seek asylum in neighboring countries over the next three decades.

During this period, Thailand was the sole country in the region to host refugees from all three countries, receiving multiple waves of refugees between 1975 and 1995 that totaled over 700,000 Indochinese arrivals from Vietnam (160,239), Cambodia (237,398), and Lao PDR (359,930) (UNHCR 2000). Although Thailand is not a signatory to the 1951 Refugee Convention relating to the Status of Refugees, it largely cooperated with UNHCR throughout this period to provide temporary asylum and to seek durable solutions for those forcibly displaced from its neighbors. Its policy was to deter asylum seekers if possible, but also to house new arrivals in 'temporary shelters' run by the Thai Ministry of the Interior (V. Muntarbhorn, 'Displaced Persons in Thailand: Legal and National Policy Issues in Perspective', *Chulalongkorn Law Review,* vol. 1, Chulalongkorn University, Bangkok 1982: 14, as cited in UNHCR 2000 State: 92.) According to UNHCR, "this decision captured the ambivalent and even contradictory attitude which would be reflected in much of the country's subsequent policies and practices towards the displaced population on Thai territory" (UNHCR 2000: 92). The Thai government's actions in response to refugees from Myanmar starting in the 1980s in one of the most protracted situations of displacement in the world, has been characterized by similar ambivalence.

With the sudden and overwhelming burden on Southeast Asian nations during the Indochinese refugee crisis, talk about possible durable solutions began almost immediately. Between 1979 and 1980, 452,000 Indochinese in the region were resettled to third countries, of which 195,000 (or nearly half) came from the shelters in Thailand (UNHCR 2000). In Thailand, the Lao Voluntary Repatriation Program was negotiated in 1975 and put into effect in 1980, although only 8,787 persons repatriated to Lao PDR between 1980–1992 (Chantavanich 1992). On a larger scale, by 1993, approximately 362,000 persons had been repatriated to Cambodia.

Since the Indochinese repatriations from Thailand occurred in a host country policy environment that is similar to those facing refugees from Myanmar today, they offer a historical case study comparison as present day policies are being discussed in Thailand. The remainder of this chapter focuses on the repatriation of Lao refugees, describing the factors relevant to promoting their return from Thailand, the outcomes of their repatriation in terms of the physical, psychosocial, legal, and material security, the timing of repatriation, and the levels of support from the various parties involved, including the RTG, UNHCR, and Lao government. Overall, Lao repatriation was considered successful for lowland Lao but only partially successful for Hmong Lao for reasons described in the case study. This case study is based on desk research and qualitative interviews conducted with returnees in Lao PDR in 2013 as a part of research conducted for graduate-level coursework at Chulalongkorn University.

2.4 Case Study: Return of Lao Refugees

The repatriation of refugees to Lao PDR involved transitions of two distinct groups, individuals from the highland Hmong Lao ethnic group and individuals from lowland Lao PDR. Despite government promises to ensure physical security upon return, Lao repatriation was characterized by UNHCR's struggles to persuade people to return. Throughout the process, there were ongoing concerns about reprisals against refugees for their role in the Vietnam War. Many who returned wished still to find opportunities to resettle with relatives in the United States, leading some scholars to conclude that repatriation was ultimately not an effective durable solution (Chantavanich 2011).

The source of concern for physical safety among Hmong Lao refugees stemmed from the role they played in the regional struggle against communism in the 1960s. Referred to as a "Secret Army", many members of the Hmong Lao population, an indigenous tribal group living in the highland areas of Indochina, were recruited, trained, and armed by the US Central Intelligence Agency (CIA) to fight on its behalf against communist Pathet Lao militants (Robinson 1998) During this period, more than half of the adult Hmong Lao population was recruited as CIA allies (Sommer 2006) and by the end of the war, roughly 17,000 Hmong Lao had died from attacks by the Pathet Lao (Hein 2006: 71). Following the Paris Peace Accords in 1973, the United States government withdrew from conflict zones in the sub-region. Two years later in December 1975, the Pathet Lao (Lao People's Revolutionary Party) established the Lao People's Democratic Republic (Lao PDR).

Immediately following this transition, the Hmong Lao population experienced a series of discriminatory arrests and violence in retaliation for having sided with the United States during the war. From 1975 to 1979 over 45,000 ethnic Hmong were killed and nearly half a million fled the country, mostly into Thailand, where they sought asylum (Sommer 2006). By the end of 1975, around 54,000 Lao refugees were settled into various temporary shelters in Thailand, the vast majority of whom were Hmong (UNHCR 2000: 97). A second wave of refugees from lowland Lao PDR fled to Thailand began in 1978, with more than 48,000 arrivals, after the new government implemented a policy to consolidate the Lao into communes considered to be camps for the re-education of military personnel and others suspected of having been 'infected' with Western ideologies (Lacey 1987: 22–23). Meanwhile, approximately 200,000 individuals fled to the jungles in the Lao highlands. Over the next decades, reports continued of Hmong being hunted by Lao and Vietnamese military in Lao jungles and treated as subjects of torture, abuse, chemical defoliation, and starvation tactics (Sommer 2006). Up to 2006, reports still suggested that approximately 17,000 were still hiding in the jungles fearing reprisal from the Lao government (Sommer 2006).

Lao arrivals into Thailand continued into the late 1980s with evolving efforts by the Thai government to manage the influx. Highland Hmong Lao refugees were housed in temporary shelters along the Lao-Thai border, primarily in the crowded Ban Vinai shelter in Pak Chom District in Loei Province. The government of Prime

Minister General Kriensak Chamanan first announced in 1977 the possibility of accepting displaced persons to be permanently resettled in Thailand. However, this announcement was met with criticism and protests from the public, out of concern that such a policy would attract more migrants into Thailand and hinder the development of Thailand's economy as these were mostly unskilled laborers (Chantavanich/Pleansri 2011: 44–45). Instead, the prime minister established a policy that would "push all of the migrants out of the country" (Songprasert 1988, as cited in Chantavanich 2011). However, Thailand's acceptance of new arrivals also shifted in response to commitments by third countries to accept them for resettlement. When the US began accepting a number of refugees for resettlement, this was thought to have created a new pull factor of Lao Hmong refugees to Thailand. A significant portion of displaced Lao in Thailand were indeed able to access resettlement and from 1975–95, and over 320,000 Lao refugees were resettled to third countries. Of these, 248,000 were resettled to the US (UNHCR 2000) and approximately one-third of those resettled in the years leading to 1983 were Lao Hmong (Chantavanich 1988: 17).

A Comprehensive Plan of Action was drawn up in March 1989 by the governments of Thailand and Lao PDR, with UNHCR, aiming at 'maintaining safe arrival and access to the Lao screening process; and accelerating and simplifying the process for both the return of screened-out and voluntary repatriation…under safe, humane and UNHCR-monitored conditions' (Draft Declaration and Comprehensive Plan of Action, March 1989, as cited in UNHCR 2000). Despite ongoing arrivals through the 1980s, the Lao Voluntary Repatriation Program was put into effect in 1980 with the repatriation of 193 lowland Lao (UNHCR 2000). In the same year, a large influx of Hmong displaced persons entered Thailand as the result of an attack by the Pathet Lao and Vietnamese armed groups on the Hmong resistance base in Xieng Khouang Province (Chantavanich/Pleansri 2011: 49).

By March 1983 only 2,262 persons had returned to Lao PDR under the Voluntary Repatriation Program. Early on in the process, efforts to repatriate Lao refugees from Thailand were broadcast as unsuccessful:

> Efforts of the [Thai] Interior Ministry and the UNHCR to repatriate 7,200 Lao refugees at Ban NaPho camp have failed, refugee officials in Bangkok said yesterday. An exhibition was held and the camp last month in an attempt to persuade the Lao to go home voluntarily. According to the officials, the exhibition, organized by the Interior Ministry with the United Nations High Commissioner for Refugees, was a failure. Only six refugees have signed up for the repatriation program since the exhibition was held, they said (News article from *Bangkok Post*, 19 May 1982, as cited in Lacey 1987: 21).

A UNHCR representative in Lao PDR admitted in 1983 that the idea of voluntary repatriation was not perceived as a real possibility to the refugees, especially as the very fact of having fled the country marked one as a traitor to the state (Lacey 1987: 24). On the other hand, the Lao government at that point had decided that refugee return to rural areas would be a key strategy for creating an economic turnaround within Lao PDR. Throughout this period, *physical security* was a major obstacle to voluntary return. Both highland and lowland Lao refugees had deep mistrust of the Lao government and rumors were prevalent especially among Hmong leaders of planned

reprisals despite assurances from Lao officials that they would guarantee the personal safety of all returning refugees (Women's Commission for Refugee Women and Children 1991; Lanphier 1993). Throughout this period, an ongoing stream of new refugees arrived in Thailand each year due to concerns for physical security, and the preferred durable solution for many refugees continued to be third country resettlement.

Security conditions in Lao PDR remained tenuous into the 1990s. A survey conducted at Ban Vinai Camp in 1990 indicated that 79 % of Hmong refugees were unwilling to return to Lao PDR without significant political change, an increase of UNHCR presence, or the right to select repatriation sites in Lao PDR (Women's Commission for Refugee Women and Children 1991: 8). As of 1991, UNHCR had a very limited presence in Lao PDR, with a staff of two at an office in Vientiane and no sub-offices outside the capital (Women's Commission for Refugee Women and Children 1991). This level of staffing was insufficient for effective monitoring that ideally would take place for two years following repatriation. Moreover, there were differences in access to *legal security* when it came to reclaiming land and selecting repatriation sites for lowland and highland Lao. Around 1991, the Lao government announced legislation detailing eligibility and mechanisms for reclaiming land and homes in Lao PDR (Women's Commission for Refugee Women and Children 1991). Concerning all returnees, return to villages of origin could only be possible provided that returnees still had relatives residing in those villages. Refugees without relatives remaining in their villages of origin had to resettle in new areas provided by the government. Reintegration was much easier for lowland Lao returnees compared to that of hill tribe people because 95 % of the former had close relatives or friends still in Lao PDR, many of whom were looking after their properties (Women's Commission for Refugee Women and Children 1991). Therefore, they could return and easily repossess their properties. However, hill tribe refugees had departed with everything and left nothing behind. The Lao government's policy on location return was due in part to its new policies to terminate the practices of slash and burn cultivation in favor of growing cash crops and combat deforestation. The policy also concerned the termination of opium growing practices among the Hmong and prevented Hmong hill tribe people, from returning to their homes in upland locations.

These policies had huge implications on *material security* of refugees, especially Hmong Lao returnees. In ARCM's documentation of outcomes for the Hmong who repatriated, Chantavanich described that many of them returned to being farmers, merchants, or laborers. Others were unemployed and the researchers found that some of the displaced persons could not earn enough to live on after returning to Lao PDR (Chantavanich 1992). Hill tribe refugees who were repatriated to lowland urban areas, such as near the town of Luang Namtha however, described initial challenges in maintaining their livelihoods. As demonstrated in the interview quotes, repatriation in lowland areas was a challenge for highland people because they lacked access to land for cultivation and were not familiar with lowland agriculture practices.

I have been allocated about 0.5 hectare of a piece of land, which was provided by the governmental authority in Luang Namtha for the cultivation of cash crops. This land is not enough for planting rice and vegetables. We used to plant rice in upland areas and vegetables in the high valley, where the soil is very rich and fertilized. We did not have to feed the crops with additional fertilizer, and could just let the crops and vegetable grow naturally. We also hunted wild animals for our meat for everyday life. At that time, there was no electricity and road accessibility for the village or even the clean water for daily consumption. The life was very hard and some of our friends left the village (Hmong refugee in Ban Nam Hoi, Luang Namtha).

I have 5 people in my family. I have been provided 1 hectare of land, provided by the governmental authority in Luang Namtha for the cultivation of cash crops. The land is not good for planting crops. Lowland areas are not suitable for the cultivation of rice. We have no money to buy rice, so we need good land for planting rice. Long ago, we planted rice in the high mountains and had enough rice to survive; we also raised cattle in the valley. We had many things from the forests, "the non-timber forest production", for everyday life. When we first re-located in this new village, our life was a bit hard and some of our friends left for another location. Now our life is getting better as we have good roads and clean water for the village, which have been provided by NGOs and the government (Hmong refugee in Ban Nam Hoi, Luang Namtha Province).

The Lao government was said to provide a modest allotment of land, farm equipment, and rice as it was interested in repopulating rural areas for agrarian development (Lanphier 1993). The UNHCR office in Vientiane played a significant role in promoting reintegration of returnees. UNHCR established an office in Vientiane to administer standard assistance package consisting of a cash grant of US $120 and an 18-month rice ration to returnees (UNHCR 2000). UNHCR also provided pre-departure assistance that included provision of agricultural and carpentry tools as well as two hectares of land for those departing to rural settlement sites (UNHCR 2000). 'Most of the UNHCR-funded rural settlement sites were also provided with water supply systems, roads, and primary schools. The assistance programs, however, were limited by the government because Lao PDR considered the Lao refugee issue to be an 'internal matter'.

It was not until 1988 that repatriation to Lao PDR started to steadily increase. This shift was attributed to factors such as greater familiarity/trust of the repatriation program among refugees, increased political cooperation between Thailand and Lao PDR, and improved economic conditions within Lao PDR (Chantavanich 1992). Building confidence among refugees was key to the process. UNHCR was active in the International Conference on Indochinese Refugees, which was held in June 1989 in Geneva. UNHCR also organized the Tripartite Meetings with the RTG and Lao PDR in order to make concrete guidelines for repatriation operations and promotion in the Lao refugee camps. Within the displacement temporary shelters in Thailand, there were three types of promotion: mass education, group education, and individual counseling. Collaboration between the RTG, UNHCR, and Lao PDR encouraged repatriation through the launching of an information campaign with briefings held in the temporary shelters in Thailand.

As mentioned above, studies on other cases of refugee return and reintegration reveal common *psychosocial* barriers to effective reintegration in attitudes of resentment exhibited by communities that stayed behind toward returning refugees. In this case, however, reintegration of highland and lowland Lao was generally accepted by the local neighbors who stayed. Chantavanich/Pleansri (2011) found that about 90 % of stayees had positive attitudes toward returning Hmong and were willing to accept them as their neighbors. Lowland Lao were even more easily accepted and were more likely to be members of social groups in villages such as agricultural co-ops, security forces, or youth groups.

In December 1992, the Ban Vinai camp was closed and the RTG announced plans to pursue a plan to complete the repatriation process of Lao refugees (Women's Commission for Refugee Women and Children 1991). At that point, 5–6,000 refugees were returning each year, primarily to the provinces of Vientiane, Sayabouri, Xieng Khuang, Luang Prabang, and Bokeo. The pace of return thus increased and occurred in three waves, with 5–6,000 families in May 1992; 6,000 families in June 1993; the rest by the end of 1994 (Chantavanich/Pleansri 2011). By the end of 1995, over 24,000 had returned to Lao PDR from Thailand, of which 80 % had been granted refugee status in Thailand. UNHCR estimates that since 1980, approximately 12–20,000 Laos returned spontaneously from the camps in Thailand (UNHCR 2000).

2.5   Conclusion

The repatriation of Lao refugees from Thailand was considered to be a failure in the early stages as it was initiated while the conditions that caused displacement were still present. Early efforts ignored ongoing concerns along three of the four security dimensions, with threats to physical security toward lowland and highland Lao PDR, an inability to guarantee personal safety to those who repatriated, and absence of security of tenure (legal security) especially for those from highland tribes who did not have relatives staying behind to care for their property. Designated repatriation sites were also considered a mismatch for the livelihood skills of refugees, leading to continued material insecurity. Although a small population of Lao refugees remain in Thailand and many others have returned to Thailand as migrant workers, ultimately, the largescale repatriation of Lao Hmong and lowland Lao refugees was considered to be a success. This shift is attributed to the increased political cooperation between the Thai and Lao governments, improved economic conditions within Lao PDR, and information campaigns and established guidelines for repatriation established by UNHCR and the respective governments. To remove material insecurity during the transition, UNHCR supported returning refugees with cash and food assistance. Moreover, both highland and lowland Lao refugees benefited from minimal psychosocial barriers in areas of integration as neighbors generally accepted them into their social groups.

As this book continues on to explore the conditions inside Myanmar that may facilitate or hinder the successful return of refugees across the Thai–Myanmar border, the framework of four securities (physical, legal, material, and psychosocial) can serve as useful tool for considering the realities of the return process. Analysis of the situation using this framework can provide concrete examples of whether repatriation to particular areas would be feasible, and identify what conditions need to be changed by the international community to enable a successful repatriation process.

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Chapter 3
Myanmar as a Post-conflict Society?

Lahpai Nang Sam Aung and Hkawn Ja Aung

Abstract Given the background of conflict and displacement in Myanmar provided in Chap. 1, this chapter explores the concept of a 'post-conflict society' and provides a framework for examining whether Myanmar has shifted into a 'post-conflict' state. The chapter begins with a review of the literature on the necessary elements of peace-building and post-conflict reconstruction to achieve stability. It identifies three phases of 'post-conflict' transition namely, initial response, transformation, and fostering sustainability, concluding that Myanmar is currently in a 'transformation' phase with the potential of becoming a post-conflict society. Beyond the negotiation of ceasefires, the transition into a 'post-conflict society' requires the development of legitimate mechanisms of governance and participation, secure foundations of justice and reconciliation, and sustainable structures that improve social and economic well-being. The Myanmar government's current efforts towards these aims have included attracting foreign investment and amending relevant laws, and establishing mechanisms for governance and participation through its three-phase peace plan. On the other hand, the government's policies and supporting institutions for refugees and IDPs remain inadequate for supporting return. The authors discuss these ongoing challenges highlight key issues that have yet to be addressed in negotiations.

3.1 Introduction

More than 500,000 refugees have fled Myanmar to neighboring countries since 1984. The resulting displacement environment is complex and involves multiple ethnic groups who fled under different circumstances, followed different migration routes, have endured different conditions and lengths of exile, and now have different prospects for durable solutions. The return of refugees and other migrants represents an issue of growing concern for the government and international organizations working in the refugee and migration fields. In post-conflict contexts in particular, large-scale international return of refugees to place of origin have occurred alongside intense efforts to promote the return of displaced persons within conflict-affected territories. This wide-ranging interest in return comes from a

number of directions, including domestic political concerns in countries of origin as well as desire in the international community to promote durable solutions for forced migrants, including the integration of labor migration into a durable solutions framework.

In Myanmar, the combination of political reforms since 2011 and planned elections for 2015 raises hopes that Myanmar is in an irreversible process of democratic transition. However, as important as these changes are, focusing on the national political sphere risks obscuring the continuing displacement crisis inside and outside the country's borders. Particularly, refugees living in camps on the Thailand–Myanmar border have historically been the most prominent constituency of forced migrants from Myanmar. For many years they had also been the most generously funded and supported. The resulting shift of international development and assistance funding from the Thai side of the border to inside Myanmar is evidence of a major transition. For the first time in many decades, repatriation of refugees from Thailand is being discussed as a real and imminent possibility with the effect of a new international engagement.

This chapter looks at the question of whether Myanmar can be considered a post-conflict society that is ready to accept refugee repatriation. It examines how the Myanmar government's policies towards refugees and their return are being considered by referring to contemporary examples from the Thailand–Myanmar boarder. It discusses the benefits and the flaws of the existing institutions that are supporting the refugees. This chapter concludes with an examination of refugee-supporting institutions in the context of return.

3.2 Post Conflict Reconstruction Framework

Reconstruction can take place in a number of phases of conflict, either after conflict has reached an end or during periods throughout a conflict. In 2002, the Center for Strategic and International Studies (CSIS) in partnership with the Association of the U.S. Army developed a task framework to guide strategic planning and coordination by local and international actors involved in post-conflict reconstruction (Association of the U.S. Army and Center for Strategic and International Studies 2002). The framework describes three phases of post-conflict reconstruction. During *initial response*, international intervention is at times necessary in order to ensure basic security, stability, and emergency services. Next, during the *transformation phase*, reconstruction focus is on legitimacy and developing sustainable governance capacity, economic growth, and re-instating rule of law with a foundation for justice and reconciliation. In the final phase of *fostering sustainability*, all efforts from the *transformation phase* are shifted towards long-term recovery and laying down a foundation that prevents reemergence of conflict and violence (Association of the U. S. Army and Center for Strategic and International Studies 2002: 2). The length and nature of these phases vary depending on local circumstances and individual implementation. According to the framework, 'normalization' is reached when:

(1) Extraordinary outside intervention no longer needed; (2) the processes of governance and economic activity largely on a self-determined and self-sustaining basis; and (3) internal and external relations are conducted according to generally accepted norms of behavior (Association of the U.S. Army and Center for Strategic and International Studies 2002: 2).

3.3 Peace Process and Post-conflict Reconstruction in Myanmar

Myanmar has been known for decades for prolonged conflict between ethnic minority armed groups and its military government. After the landmark year of 2011, the new civilian government took office and placed serious concern on resolving ethnic conflict. It took positive action in dealing with non-state armed groups, such as building trust and reconciliation with ethnic groups through various peace conferences. However, despite such changes, in June 2011, a 17-year cease-fire broke in northern Myanmar with the Kachin Independent Army (KIA). This brought confusion to the other ethnic groups as to whether the government was being genuine in its efforts to forward peace. Peace in Myanmar would mean ending 60 years of conflict and placing sustained efforts in achieving long-term development, as well as promoting human rights across the nation.

All sides of the conflict see this as the only way for refugees to return to Myanmar, however its achievement remains complicated due to the different interests of each group. Therefore, it is crucial to carefully monitor the peace process to improve understanding and clarity necessary for establishing lasting peace. There remains much uncertainty for both IDPs and refugees living along both sides of the border, whether they will be able to return and rebuild their livelihoods. After more than 60 years of conflict, there is no better time than now to achieve national reconciliation, long-term peace, and a stable democracy as well as opportunity for refugees to reunite with their motherland.

There are three key actors from the government and negotiation teams involved in Myanmar's process of post-conflict reconstruction and peace negotiations. These are the Myanmar Peace Center (MPC),[1] Myanmar Peace Support Initiative (MPSI),[2] and the non-state armed groups which are composed of the United Nationalities Federal Council (UNFC) and Nation Wide Ceasefire Coordination Team (NCCT) (Burma News International 2014).

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[1]The MPC was established in 2012 by the Government of Myanmar to coordinate all peace initiatives by serving as a platform for government officials, members of ethnic militia groups, CSOs, international donors, and INGOs to meet and negotiate (Burma News International 2014: 207).

[2]MPSI is a Norway-led peace initiative established in January 2012 to support the ceasefires in Myanmar by facilitating and coordinating humanitarian, development, and peace building assistance (Burma News International 2014: 85).

As political transition began in 2011, it was problematic that the government pushed its timeline for peace and adoption of ceasefire agreements to all ethnic armed groups while the ceasefires remained broken conflict continued in Kachin and northern Shan states. This contributed to distrust and misunderstanding toward the Myanmar government's armed groups. Such contradictions between peace efforts and ongoing violence brought delays to the building of positive, sustainable peace in Myanmar.

The Myanmar government is following a three-phased peace plan involving efforts at the state level, union level, and national level. Efforts at peace-building at the state level involve opening liaison offices and ensuring freedom of travel for both armed groups and leaders. At the union level, there are efforts to build confidence, hold political dialogue, and implement regional development projects in education, health and communications. The final step is to create political parties for State Parliament, Lower House (Peoples Assembly), and Upper House (National Assembly). Beyond this, ethnic armed groups will need to convert to political parties and become involved in state parliament. These steps for the government's peace plan are intended to bring about positive changes to the country yet there is little mention of refugee reintegration in these plans. Currently, on the government's side, there is no budget for the peace team and its activities. However, the government intends to finalize all of the ceasefires before the end of 2015.

From the perspective of the ethnic minority groups, the peace plan is different since many of these groups have experienced dishonesty of the military government and many do not believe that the ceasefire agreements, which are included as a part of the first step of the government's peace plan, can solve the conflict. Many of these groups believe that only negotiation towards the 1947 Panglong Agreement can end the ethnic conflicts. The 1947 agreement had been negotiated between the Burmese government under Aung San and the Shan, Kachin, and Chin people and would establish autonomy of ethnic minority groups within a federal union. In peace negotiations, non-state armed groups are represented by the United Nationalities Federal Council (UNFC), which is an umbrella group representing 11 ethnic armed groups, and the Nation Wide Ceasefire Coordination Team (NCCT). Their demands in the peace process are for the legalization of ethnic groups, cultural protection, and environmental protection. As well, they welcome the inclusion of international mediators, monitoring bodies, and public consultation during the peace process to ensure human rights are upheld in the resettlement and reintegration of refugees and soldiers.

3.4   Can the New Ceasefire Agreement Guarantee Peace?

In the past, most scholars accepted that one of the solutions for Myanmar's ongoing ethnic conflicts is for the Myanmar government to put in place ceasefire agreements with the different groups in order to bring long-lasting peace and democracy in the

country. However, the ceasefire agreements have not granted ethnic minorities their demands for autonomy, economic development, and ethnic rights (Poling/Killian 2013).

The roadmap of central government for peace calls for each ethnic group to proceed from initial ceasefires to state-level negotiations to more contentious political negotiations, potentially involving all relevant groups, with the federal government. The problem for ethnic groups is that under this plan, the government insists that all parties recognize the controversial 2008 Constitution and the highly centralized government it created, including a guaranteed political role for the military. The ethnic armed groups agree there should be a nationwide ceasefire, but beyond that, the Myanmar government should implement Panglong Union Conference. They believe that this type of inclusive, bottom up peace process would bring togetherness between the government and ethnic groups while moving forward to a federal system. Currently, the ceasefire agreements are seen as a top-down process. Furthermore, the ethnic armed groups see that the ceasefire will not be achieved through political compromises alone. The central government should have a comprehensive strategy to ensure the participation of ethnic groups regarding sharing of economic growth and resource allocation. The government must have a clear plan that can serve as a significant pillar of any lasting resolution.

3.5 The Issue of the Economy in the Peace Process

The attention to business concessions and economic development in the peace negotiations is a highly controversial issue. However, it is important to recognize that major grievances that fuel conflict are related to economics, namely negative impacts of development projects on local communities and competition over control of economic resources between local ethnic groups and the central government. Moreover, non-state armed groups (NSAGs) themselves realize that fighting for the rights of their people cannot be disconnected from the question of economics as money and power are inextricably linked.

The continued power of the military government over the country's economy and administrative structure rests in its strategy for implementing peace agreements. Its own economic interests and ideologies in dealing with NSAGs inevitably put them in opposition to the government's plans to change existing power structures. The centralization of key ownership and management power over natural resources stipulated in the 2008 Constitution also mean that the government's enthusiasm for decentralization reforms will not solve the ethnic struggle. Therefore, the government should focus on negotiating solutions to those above problems. Understanding the underlying economic interests of competing groups in Myanmar is therefore critical in achieving the much desired peace and stability.

3.6 Challenges and Highlights

The current movement forward of the peace process by the Myanmar government is one part of a seven-step roadmap toward "disciplined democracy" developed in 2003 by General Khin Nyunt (Thawnghmung/Myoe 2008). Reconciliation with different actors began in 2012. On one hand, the government has acknowledged the major opposition party National League for Democracy (NLD) and allowed them to participate in the by-election. On the other hand, negotiations with ethnic armed group have started, however the ethnic armed groups are still concerned about the presence of the Border Guard Forces (BGF). The BGF was launched in April 2009 with the Tatmadaw delivering an ultimatum to the ethnic groups to join BGF under a national army command. Before BGF was brought under the ceasefire agreements, the insurgent groups could keep their arms and negotiate with the new elected government for a political solution. However, in 2012, the government changed its plan not to push for the BGF and pursue the ceasefire agreement. Nevertheless, the ethnic leaders have their previous dilemma of experiencing broken promises in previous ceasefire agreements by the military government, as well as pressure to give up their autonomy at a later date. Still the BGF arrangement remains a part of the government's peace plan and is listed as the last point in the Union Level Peace negotiation as it calls for only one single armed force under the 2008 Constitution.

3.7 Concerns of the People

The people living in the ethnic areas, as well as refugees and displaced persons along both sides of the Thai–Myanmar border, are concerned with the issue of personal security. Without a guarantee of personal security, there can be no sustainable development especially of livelihoods, education and health. As for the people, they see that if the peace process is achieved, this can potentially be more threatening to them since it means Burmese troops will come to their areas.

Two historic nation-wide cease-fire conferences with ethnic armed groups occurred in Laiza in Kachin and Lawkhee Lar in Karen State in 2013 and 2014, respectively. Despite these conferences, there were still serious human rights violations taking place on a daily basis in ethnic areas, often as a result of increased presence of government troops in these areas. Most importantly, within cease-fire areas, human rights violations are predominantly occurring in areas where the government is implementing massive development projects with foreign investors and extracting natural resources for export. The local people in these areas are suffering a plethora of abuses as a direct result of these projects. This also makes the refugees reluctant to return to their homes since they perceive these areas as being too insecure for return.

Of the numerous refugees living in displacement along the Thai–Myanmar border, as described in earlier chapters, many remain hesitant to return to Myanmar. As most refugees belong to ethnic minorities, memories of terrifying encounters with the Burmese Army are common and they are thus afraid to go back to their former places. Since Myanmar began and sustained its reform efforts in recent years, international donors have reduced funding for refugee shelters in Thailand disproportionate to the decrease in the camp population, leading to cuts in rations, shelter, clothing and other essential services. By cutting and diverting funds towards development efforts inside Myanmar, refugees may ultimately be forced back to Myanmar against their will.

3.8 Myanmar's Policy Toward Refugee Return

From the perspective of the international community, Myanmar has made efforts toward political and economic reform since 2010, led by a democratically elected government and marked by ceasefires and the 2015 election. The international community hopes that these changes can bring about the conditions necessary for refugee return. However, although peace negotiations are in motion, ceasefire agreements alone cannot solve the challenges faced by refugees. The necessary element is a political solution. After a long process of peace negotiations, the central government agreed in principle to establish a federal union on 15th August 2014 (Thein 2014). Even if the 2015 elections bring in a democratically-elected government, a politically amicable solution is impossible under the 2008 Constitution since the six basic principles mention "non-disintegration" of the country (Lintner 2014). Hence, it cannot tackle the root causes of conflict in Myanmar in a way that will bring about conditions conducive to refugee repatriation.

Myanmar has made many efforts to reform its economy. President Thein Sein approved a foreign investment law in November 2012 in order to increase international investment within the country. By enacting a foreign investment law, it was able to attract western companies and the interest of multinational corporations since Myanmar has extensive natural resources and is strategically located between China and India. The government aims to transform foreign capital in the country into job opportunities for its citizens. However, Myanmar cannot become an attractive environment for foreign investment until its rules and regulations are transparently circulated (Brown 2012). Although the government is creating job opportunities for its people, there are not enough jobs for those in need. Thus, there is no guarantee for returned refugees that they will have access to attractive economic opportunities compared to what they might obtain as migrants to nearby ASEAN member countries. Even though investors have already brought many jobs along with their investments in Myanmar, 23 % of the working age Myanmar population remains unemployed, according to the Myanmar Investment Commission (Xinhua 2012).

According to The Border Consortium (TBC), circumstances in Myanmar are not in place yet for the organized repatriation of tens of thousands of refugees along the Thai–Myanmar border. The government of Myanmar has taken initial steps to reconciliation by recognizing displaced people's rights if they are to return (Gabaudan/Teff 2014). President Thein Sein, in his speech on political reforms on 31 March 2011 at the Presidential house in Nay Pyi Daw, welcomed the exiles to return home (Kaung 2011). Although the president promised leniency for returned exiles, there was no clear security guarantee for them in the speech, nor was there inclusion or acknowledgment of war refugees and former political prisoners in refugee camps in Thailand (Kaung 2011).

Despite ongoing efforts on preparation and aid for the return of conflict-affected persons, refugees themselves have voiced concerns that the situation in Myanmar is not yet conducive for an organized return. In consultation with refugees in Thailand, refugees have voiced concerns over security in return areas due to reports of continuous militarization in their place of origin (The Border Consortium 2014). Moreover, refugees are concerned about access to livelihoods, education, and health as infrastructure and local economies in conflict-affected areas have been degraded over time and prevent the possibility for sustainable return. Insufficient efforts have been made for community-based mechanisms to discuss current obstacles and possible alternatives, such as go-and-see visits in place of origin, to inform preparation plans. According to a media statement of Thailand's Ministry of Foreign Affairs on 17 July 2014, Thailand and the Myanmar military have discussed repatriation of refugees in Thailand (Karen News 2014). This announcement has raised concerns that Myanmar, in its cooperation with Thailand, needs to do more to prove its commitment for a safe return of refugees. Further discussions are required with appropriate partners and full involvement of refugees themselves, as well as with international organizations in order to ensure an adequate preparation process for sustainable return.

3.9 Role of UNHCR and International Donors

While UNHCR's primary purpose is to safeguard the rights and well-being of refugees, its ultimate goal is to find durable solutions that can allow refugees to rebuild their lives in dignity and peace. As described in previous chapters, UNHCR supports refugees to achieve durable solutions for displacement. In the context of voluntary repatriation, UNHCR policy continues to stress that voluntary repatriation remains the preferred solution only when and where feasible. The priorities of UNHCR are to ensure the exercise of a free and informed choice of refugees on whether or not to repatriate, and to mobilize support for returnees. In practice, UNHCR promotes and facilitates voluntary repatriation through various means, compiling updated information on their country and region of origin, engaging in peace and reconciliation activities, promoting housing and property restitution, and providing return assistance and legal aid to returnees. In a major step forward in the

ongoing discussions among donors and RTG, one key strategy has been in the promotion of self-reliance opportunities for the refugees, according to the *Framework for Durable Solutions*, for increased success of integration whether they repatriate or seek alternative durable solutions. This is also a signal of the shift from international attention on humanitarian aid to longer-term development for conflict-affected persons.

Some international donors, such as the European Union, have turned from supporting refugees along the Thai–Myanmar border to supporting the current peace process inside Myanmar. In particular, funds are being shifted to the Myanmar Peace Centre. While donors are giving priority to the peace process, persons affected by conflict on the Thai side are receiving less support for food and basic essentials.

3.10 Conclusion

Unless there is a greater effort to address the core issues with the various ethnic armed groups in Myanmar, the peace process that emerged in late 2011 is unlikely to result in a substantial and sustainable process of peace building (South 2013). Even during the peace process, the Code of Conduct has not been followed by government, and the question remains whether the Myanmar military exists under the civilian government or whether the military commanders are operating their own agenda. It is highly unpredictable how much power the negotiation team from the government has to deliver the peace message to the military, with the two main aims of its approach with ethnic leaders being "peace through development," or buying peace through the provision of business opportunities. The long-standing nature of the conflict stems from efforts of the government to manage the conflict rather than to solve it (Transnational Institute 2012).

Myanmar has in fact opened up and hopes to continue attracting foreign investment to boost its economy. It has developed legal mechanisms for this, by developing foreign investment and environmental conservation laws, and is amending existing laws (although some have not been passed by the congress). Despite Myanmar's focus on political and economic reform, refugee repatriation is not considered enough of a priority and these efforts have not done enough to give people living in ethnic regions and along the Thai–Myanmar border reason to be confident in this fragile peace process. Hence, according to the post-conflict reconstruction framework presented in the beginning of this chapter, the authors assess that Myanmar is in the *transformation phase*. To be able to move forward, political dialogue is necessary and should include the participation of affected communities such as local civilians, women, and young people who can contribute to a concrete and real agenda of the peace process in Myanmar. At a time when

Myanmar is moving forward to a democratic government, it also needs to give serious attention to ethnic contexts alongside democratization, since only then can ethnic groups be sure of the genuine transition of the country.

Myanmar is still a very long way to becoming a post-conflict society due to this complex peace process. If the government wants the refugees to return, the refugees must believe they will be safe in the place of return. The Myanmar government can increase this perception by withdrawing its army and put forth efforts to begin the clearance of land mines that are scattered in many of these conflict regions. The government will also need to create mechanisms for the return of confiscated land and ensure returnees are able to access property restitution. Returnees will need to access compensation for their property and farms that were destroyed during conflict, and know that they will have the option of returning to the place of their choice, rather than being forced to settle in special economic zones as proposed by the government. Refugees are not interested in becoming cheap labor in the government's plans to spur economic growth, especially as their traditional livelihoods were agricultural. Finally, the government has a responsibility to ensure justice and accountability for abuses against refugees. As the pressure to return refugees is increasing, the Myanmar government needs to address these remaining political and technical issues.

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Distribution of bamboo for house repair in Mae La Temporary Shelter in Mae Sod, Tak Province.
Source Asian Research Center for Migration (ARCM 2013)

Refugee Children in Ban Don Yang Temporary Shelter in Kanchanaburi Province. *Source* Asian Research Center for Migration (ARCM 1999)

Chapter 4
Challenges of Reintegration for Returnees in Myanmar

Nwe Ni Win Kyaw and Ni Ni Win

Abstract This chapter explores the various challenges of refugee and IDP reintegration in Myanmar, with a focus on security from armed conflict and land mines, access to livelihood opportunities, rights to citizenship, social welfare, and resource and land allocation. It discusses existing efforts by both government and non-state actors, and identifies gaps in policy and implementation. The authors argue that without a specific reintegration strategy backed by an adequate budget, displacement will continue to be a non-reality for Myanmar refugees and IDPs.

4.1 Introduction

As new political and economic reforms have begun in Myanmar following the 2012 by-election, the Myanmar government has committed to building democratic practices and setting a priority agenda towards peace-building and reconciliation with insurgent groups. Consequently, the Government of Myanmar signed ceasefire agreements with at least 12 ethnic armed groups in 2012, and again with eight armed groups in 2015. Recent developments in Myanmar have thus provided an opening for the start of a national reconciliation process and the potential return of refugees and IDPs to former conflict areas. In particular, the November 2015 election victory by the NLD was a significant step toward reconciliation.

In July and August 2014, the governments of Thailand and Myanmar met to discuss the possibility of repatriation. The National Council for Peace and Order (NCPO) in Thailand announced that Thai refugee camps on the Thai–Myanmar border would be emptied and that the two countries had agreed on developing a process to ensure safe return for refugees according to humanitarian and human rights principles. Refugees are divided about the issue of return. There has been little indication that refugees are leaving the shelters and returning to Myanmar in large numbers. According to The Border Consortium, only 4 % (4,600) of Myanmar refugees living in camps along the Thai border returned to their homeland

in 2014. This trend decreased slightly at 3 % (3,100) returning in 2015. In contrast, 6 % resettled to third countries (TBC Updated Pop figures). Similarly, in 2013, 95,380 Myanmar refugees were registered in Malaysia (UNHCR Global Appeal Malaysia) and around 3,000 migrant workers returned to Myanmar.

It is a state's responsibility to ensure the protection of fundamental human rights to all citizens; moreover, human rights are linked closely to state development. To facilitate return on the Myanmar side, UNHCR has been authorized to operate in Kayin State, Mon State, Kayah State and Tanintharyi Division, areas that represent the majority of refugee origins and to which returnee numbers are expected to be substantial. In order to ensure safety and access to rights and livelihood opportunities, the Myanmar government will need to develop a reliable, systematic and tactical reintegration plan for returnees. Local authorities and state/regional governments, in cooperation with national-level policy-makers will need to prepare a strategy that covers disarmament and demobilization of insurgence groups, land restitution, citizenship, livelihoods and food security, and basic service provisions such as education and health. It is also necessary to plan to moderate social issues between existing communities and returnees in accordance with their customs, social structures, and traditional beliefs.

This chapter explores a number of these challenges. First, it focuses on the right to citizenship and nationality for returnees, describing current gaps in Myanmar's citizenship laws especially as they pertain to children born to Myanmar parents in asylum countries such as Thailand. Second, it examines livelihood options for returning families, including infrastructure and land tenure challenges, and social welfare services currently available in Myanmar such as education. Finally, this chapter examines disarmament and de-mining action, as many displaced persons are expected to return to areas severely affected by land mines. This chapter identifies gaps between national and regional level governments, the limited reach of aid agencies due to the lack of accountability of responsive stakeholders. The chapter also highlights the problem of resource allocation, equal power distribution, and managing the specific territories between Myanmar Tadmadaw and armed groups.

4.2   Rights to Citizenship and Nationality for Returnees

There are currently multiple groups of stateless persons originating from Myanmar residing in both Myanmar and neighboring countries. Estimates show that at the end of 2013, 506,200 stateless persons from Myanmar were living in Thailand (UNHCR Global Appeal 2014). The 1982 Burma Citizenship Law categorizes Rohingya as 'non-national' or "foreign residents" (International Observatory on Statelessness) and, as a result, this group is denied protection of state and basic human rights in Myanmar. The 1982 Citizenship Law recognizes three categories of citizens: citizens, associate citizens, and naturalized citizens. Full citizens are

descendants of residents who lived in Myanmar prior to 1823 (Section 3) or were born to parents who were citizens at the time of birth (Section 5). Associate citizens are those who acquired citizenship through the 1948 Union Citizenship Law, which is replaced by the 1982 Burma Citizenship Law (Section 23). Naturalized citizens are persons who lived in Myanmar before 4 January 1948 and applied for citizenship after 1982 (Section 42). Myanmar does not allow dual citizenship (Section 13) and as such, a Myanmar "citizen who leaves the State permanently, or who acquires the citizenship of or registers himself as a citizen of another country" immediately voids Myanmar citizenship (Section 15). All citizens above the age of 10 are required to hold a National Registration Card (NRC) while non-citizens are given a Foreign Registration Card (FRC).

According to these definitions, most of the migrants and refugees who have left Myanmar in the last few decades are either citizens or associate citizens. However, the Myanmar government has no procedure to accord citizenship to children born outside the country to Myanmar parents fleeing persecution or migrating for economic opportunity. Under the revised Civil Registration Act (2008) all newborn children in Thailand, regardless of their parents' status, should receive birth registration but in practice this remains problematic for children of parents who are not registered with the Ministry of the Interior.

According to the Myanmar Immigration Act 1947 (Union of Myanmar 1947), "no Citizen of the Union of Myanmar shall enter the Union of Myanmar without a valid Union of Myanmar Passport or a certificate in lieu thereof, issued by a competent authority" else they will receive a penalty of imprisonment, a fine, or both. Without these required identification and citizenship papers, it will be difficult for returnees to go back to Myanmar. Since 2012, the Norwegian Refugee Council has worked with the Department of Immigration to provide returnees in Kayin and Kayah States with legal assistance to obtain National Registration Cards (NRC). Because of this news, some illegal migrant workers or refugees are returning to Myanmar to obtain the card, then travelling back to Thailand as legal migrant workers. In this case, it is easy to see that there is a cycle of mixed migration for hope of a better life for those originating from south-eastern border areas of Myanmar. There needs to be a specific work plan and procedure by the Myanmar government to issue the required citizenship papers and documentations by the government to refugees for their return home.

4.3 Situation of Livelihoods, Land Security, and Social Welfare Services

The Myanmar economy depends largely on agriculture and natural resources. However, areas away from urban centers face limited infrastructure, access to finance, and accesses to agricultural and off-farm technology and knowledge

Table 4.1 Households
affected by poverty in
rural areas, 2010

State or Region	%
Kachin	30.6
Kayah	16.3
Kayin	17.5
Chin	80
Shan	39.2

Source Integrated Household Living Conditions Survey, UNDP,
2009–10

(UNDP and UNCDF 2013). Poverty incidence varies by urban-rural areas and
regions of the country. Overall, the proportion of the population living in poverty is
higher in rural than urban areas (29.2 % vs. 15.7 %) (UNDP and UNCDF 2013). In
2009–10, the Integrated Households Living Conditions Survey found that food
poverty affected about 5 % of the population and poverty affected 25.6 % of the
population (Asian Development Bank 2012). Table 4.1 shows the poverty inci-
dence in rural areas of Myanmar where refugees are likely to return to.

Myanmar has hopes that its diaspora in neighboring countries will help rebuild
its economy as political and economic shifts continue. According to the
China-ASEAN Forum on Social Development and Poverty Reduction, Myanmar
will need continued assistance as it is still at a very early stage of a "triple tran-
sition" towards democratic governance, liberalized economy and peace in the
border areas.

The Government Integrated Rural Development Plan 2001 discussed plans for
improved transportation infrastructure for highways, roads, and bridges, under the
responsibility of the Ministry of Construction ("Myanmar Country Paper on the 4th
China-ASEAN Forum on Social Development and Poverty Reduction" 2008) in
order to improve the connections between rural villages and towns. However, in
reality, these roads and highways have not been constructed according to this the
aim of developing emerging inter-townships, districts, states and divisions roads in
these southeast border areas. Importantly, despite the significant increase of road
construction over the past two decades, with 10,343 miles of highway roads and
437 bridges built in 2010, remote areas of the country remain untouched by the new
construction ("Myanmar Country Paper on the 4th China-ASEAN Forum on Social
Development and Poverty Reduction" 2008).

While the international community has pledged significant resources to fund
development efforts in response to these needs, vulnerable populations in remote
areas of the country are in particular need of assistance. In particular, there have
been IDPs in the southeast parts of the country, in areas likely to be areas of return
for refugees in Thailand (Internal Displacement Monitoring Center 2014). In
Myanmar, there are currently approximately 230,000 displaced individuals
(UNHCR 2015). Many of those displaced live in Kayin, Kayah, South and East
Shan and Mon States, and Bago and Tanintharyi regions where the majority of
communities survive through subsistence agriculture. Households in these econo-
mies are dependent on income from limited markets and engage in few cash

transactions and savings. Many villages however have been destroyed or have lost productive assets in the decades of conflict in this region. Therefore, in order to support future IDP and refugee returns, significant investment is required to create socio-economic conditions that would be favorable for return. For example, repatriation plans should consider land allocation, opportunities to access finance for livelihoods, rehabilitation of education and health services, and civil society development with the support of the government and international NGOs. At present, access to livelihood resources and capacity building opportunities are scarce, with the exception of some assistance from UN agencies and international NGOs on health, education, housing development. Thus, the existing infrastructure and access to livelihood situation is severely limited and in need of rehabilitation in these regions.

Existing government-sponsored projects to promote agriculture have not been wholly effective because of the poor infrastructure and therefore limited markets for agriculture products. As the agriculture sector dominates most of the country's economy, with lowland rice farming, orchards and rubber plantations as the major livelihoods available in returnees' areas of origin, market accessibility needs to be made more efficient with greater opportunity to sell products in these regions, minimized opportunities for exploitation by brokers or lending agents, and a generally more competitive market opportunities. Livestock, fishery and other businesses in township-to district-level trade and services are also present but on a smaller scale compared to agricultural farming. Small and medium enterprises are rarely seen in the Kayin, Kayah, Mon and Bago Region, while the Thanintharyi Region has livestock and fisheries product manufacturing and local food processing businesses. Lack of local employment opportunities combined with the townships' proximity to Thailand has still spurred migration in search of better income for the villagers. Therefore, a common coping strategy involves families migrating to the other places and sending remittances back home. In Kayin State, a worker can make 3,000 kyats (100 THB) per day on a farm or plantation but can make two or three times that amount in Thailand each day. Depending on their work, these migrants can remit between 15,000 kyats (5,000 THB) and 20,000 kyats (6,000 THB) per month.

Returning IDPs and refugees will need access to productive assets in order to restart agriculture and rebuild homes that have been destroyed or fallen into disrepair. Returnees may face potential challenges related to land tenure. In general, all land in Myanmar is held by the government, with few exceptional cases of genuine private land ownership (Lichtefeld/Htet 2014). According to UNHCR, "land registration documents are held by township authorities in Myanmar and land tenure documents and deeds are not always recorded or respected, and there are frequent reports of land expropriation (or "land grabbing") in the southeast by the government, the Myanmar Army, non-state armed groups, and private companies, often resulting in internal displacement without appropriate guarantees of compensation" (UNHCR 2013). Recent legislation has been introduced relating to land in Myanmar, such as Housing Land and Property Rights (2009) and the Farm Land

Law (2012). However, the above laws ignore customary land titles and make it easy for well-connected individuals to seize land from small-scale farmers, especially in ethnic minority regions, and do not take into account land rights of ethnic communities (Lichtefeld/Htet 2014). Moreover, land in remote areas of Kayin, Mon, and Thanintharyi regions have been abandoned due to conflict, and much of it has not been used since for farming. Thus, much of the land in this region will be difficult to convert into land that is usable for agriculture. For those refugees in Thailand who have expressed their desire to return directly to their place of origin (as opposed to temporary settlements, more economically developed areas, or urban areas), the government and aid organizations will need to carefully consider how these returnees can rebuild their livelihoods in the agriculture sector and in turn contribute to national development.

Additionally, economic grievances that have played a key role in fueling conflict between ethnic minority groups and the government may continue to affect instability in refugee return areas. This is partly due to systematic exploitation of natural resources in ethnic states without reinvestment of money earned to benefit the local population (UNHCR 2013). For example, 370 dams were completed in 2010 covering 5.97 million acres of land ("Myanmar Country Paper on the 4th China-ASEAN Forum on Social Development and Poverty Reduction" 2008). However, behind these development efforts are examples of land-grabbing and corruption which do not benefit local people in the highland areas of Kayah and Kachin States.

4.4 Education

Despite overall decreases in poverty in Myanmar in recent years, there continue to be large and widening regional inequalities in human development and Millennium Development Goal indicators. Schools in rural ethnic areas (e.g., in Kayin, Mon, and Kayah States) have insufficient numbers of teachers because the areas can be very remote and government teachers do not want to live in those villages. The Ministry of National Planning and Economic Development and UNICEF find that less than 55 % of children can attend middle school when they finish primary school (Ministry of National Planning and Economic Development and UNICEF 2012). Some remote villages resort to creating community schools where villagers pool money together to hire their own teachers. However this creates a barrier for those who cannot pay, and quality of education remains a challenge due to of lack of school materials, poor school building infrastructure, and lack of teacher training. Most importantly, most of these areas experience poor teacher-to-student ratios, with ratios of 1 teacher to 50 students at the middle school level in some areas (Ministry of National Planning and Economic Development and Ministry of Health 2011). Tables 4.2 and 4.3 show teacher-to-student ratios in Kayin and Kayah States

Table 4.2 Teacher-to-Student Ratios in Kayin State

	Hpaan	Hlaingbwe	Kawkayeik	Hpapun	Myawaddy
High School	1:24	1:18	1:22	1:27	1:26
Middle School	1:39	1:46	1:40	1:51	1:50
Primary School	1:27	1:50	1:32	1:41	1:48

Source Ministry of Education

Table 4.3 Teacher-to-Student Ratios in Kayah State

	Loikaw	Demosoe	Bawlakhe	Hpruso	Hpasang
High School	1:26	1:28	1:21	1:24	1:8
Middle School	1:32	1:37	1:24	1:20	1:25
Primary School	1:28	1:29	1:13	1:32	1:37

Source Ministry of Education

to which refugees may return. The data show especially high ratios at the middle and primary school levels, especially in Kayin State. According to the data, there is not much of a difference in ratio. But the reality is that there are pockets of low teacher-to-student ratios, especially in the very remote areas, for example, in Hpapun in Kayin State and Hpasang in Kayah State.

The Government of Myanmar has prioritized education for all children, including better access to education and other public services. However they have not outlined specific steps on how they will achieve this. UN agencies and international NGOs are working with local organizations to assist local authorities by submitting detailed plans that can feed into regional authorities' overall development goals. The Department of Development Affairs, Department of Education Planning and Training under Ministry of Education, and the Department of Social Welfare have all stated that they want to cooperate with international agencies on the welfare of education for children.

4.5 Disarmament, Mine Action and Reintegration Process for Returnees

The conflicts in Myanmar's ethnic regions have been characterized by heavy use of land mines by both armed forces of the Government of Myanmar (Tatmadaw) as well as non-state armed groups throughout the country. In 2011, Geneva Call published "Humanitarian Impact of Land mines in Burma/Myanmar" a report on the current understanding of the severity of the issue in conflict-affected states, the stance of the Government of Myanmar on de-mining, and necessary steps for mine
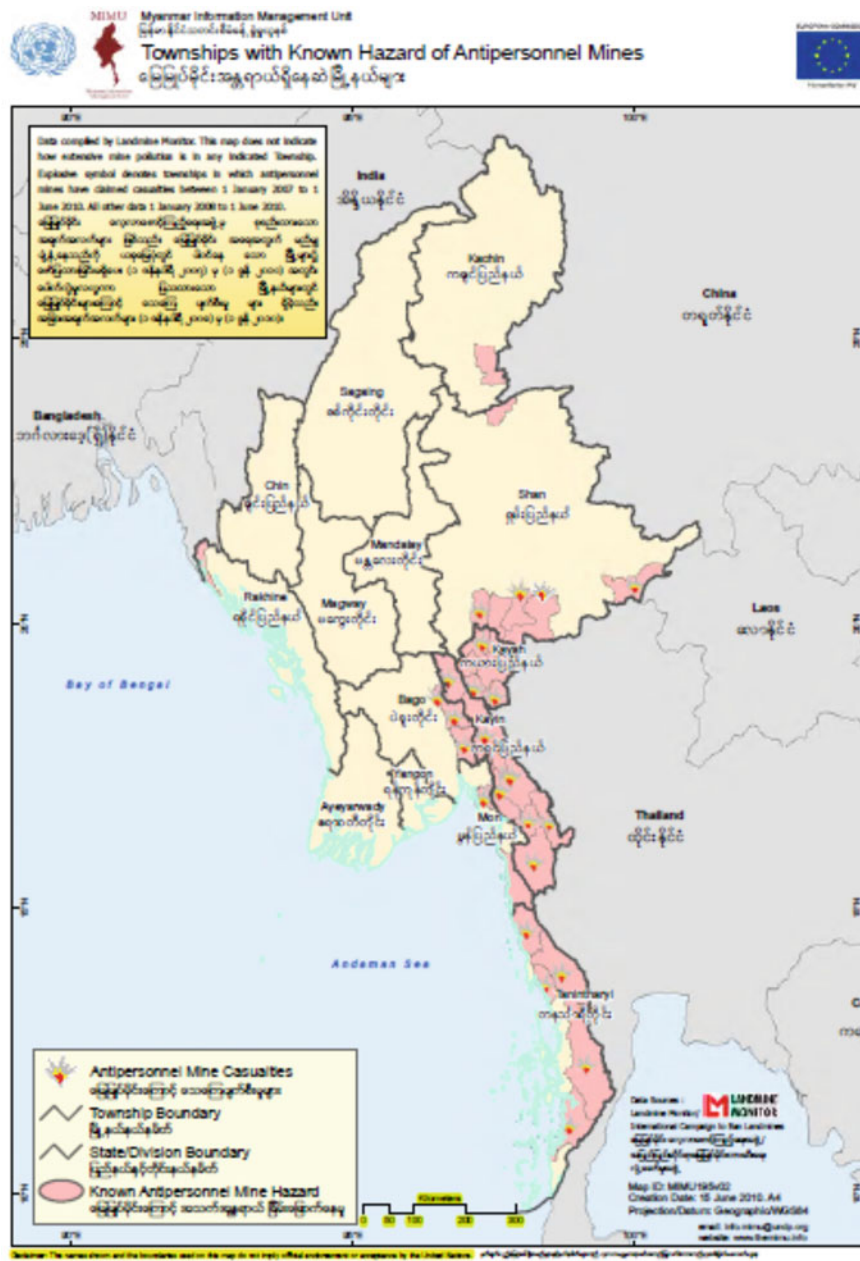
Fig. 4.1 Townships with Known Hazard of Antipersonnel Mines. *Source* Copyright © Myanmar Information Management Unit (MIMU) 2016. We acknowledge the MIMU's permission for using this map obtained from MIMU website (E-mail: info.mimu@undp.org/Website: www.themimu. info)

action activities by local and international humanitarian actors. According to the report, 10 out of Myanmar's 14 states and divisions are contaminated by anti-personnel mines, especially those bordering Thailand, Bangladesh, and China (p. 3) to which displaced persons would likely return. These areas are mountainous and remote, with heavy vegetation and limited infrastructure (e.g., roads, access to emergency health services).

As replicated in Fig. 4.1, the Myanmar Information Management Unit (MIMU) developed a map in 2010 showing townships with suspected mined areas and reports of mine accidents. The map shows 166 suspected dangerous areas, the vast majority of which are in Kayin State, parts of Bago Division, and Mon State (134 suspected mined areas and 16 suspected unexploded ordnance areas) (Geneva Call 2011: 9–12). Myanmar has prohibited almost all forms of mine action, with the exception of "limited prosthetic assistance to people with amputated limbs through general health programs" (Geneva Call 2011: 16). However, some groups anticipate this will change with the new government. Specifically, In March 2013, an editorial in the government-owned newspaper New Light of Myanmar called for a ban on mine use, stating, "From now on, a comprehensive plan should be laid down to end the use of land mines and to start the removal of land mines and rehabilitation of mine survivors in the affected areas. So an agreement is required for all active users to cease the use of mines in unison" (Editorial 2013). This is accompanied by the calls of UN agencies, international NGOs and local community-based organizations to halt land mine production and while unleashing mine action activities in order to clear mined areas, conduct mine-risk education to local residents and displaced persons/potential returnees, and strengthen victim assistance.

UNHCR has noted that land mines in northern and southeastern states of Myanmar will prevent the safe return of refugees and IDPs. Thus, it cannot actively promote return until areas containing land mines are identified, marked, and cleared (as cited in the International Campaign to Ban Land Mines—Cluster Munition Coalition 2013).

4.6 Conclusion

As the returnees have not been living in these conflict-affected townships for several decades, they have lost their houses, land, livelihoods, and citizenship documentation. Therefore, upon their return, their lives will need to be rebuilt. In particular returnees will need livelihood support in the form of skills and vocational training, especially since refugees in Thailand have not been allowed to work legally during their displacement. In Myanmar, neither national, regional, nor local authorities have offered specific plans to create economic development opportunities by making markets more accessible through investment or policy formulation. Specifically, in Kayin State, the returnees will face many difficulties without certain opportunities for economic development because they have their lost homes and livelihoods, and lack experience in skilled labor. Moreover, the Department of

Immigration and Resettlement Department needs to develop plans to support returnees through construction of new houses and providing support in the application process for new Myanmar citizen identification cards. These projects have been piloted but have not been well implemented or scaled up. There is another land allocation plan for repatriation for potential areas of resettlement in Kayin State in Hpapun, Hlaingbwe, Kyarinnseikkyi and Kawkareik Townships from which displaced persons originated. However the plan is not clear and has not been officially announced. Without a specific plan, Kayah State, being so small for example, will experience the influx of returnees in all its townships because their origins are scattered throughout the state. Apart from this, there are already reports of land-grabbing in these areas of return. From 1997–2010, there were reports of land-grabbing by corrupt government officials and wealthy investors, as well as by the Tatmadaw in returnee areas, especially where there is greater economic opportunity with natural resources or government projects as in the Thanintharyi region or Kayin State. New land laws from 2012 allow eyewitness testimony as proof of land ownership. However, implementation of the law has been hindered by corruption and weak implementation.

Regarding education, the remoteness of villages limits accessibility to education. Without a specific government plan, formal education will be limited to community schools and support from NGOs or the private sector for the education needs of returnees and their children. Though the government claims to have plans for the resettlement and rehabilitation of returnees, the exact mechanism and timetable for these activities are not known. The one survey that has been conducted about potential social risks between existing communities and returnees by UNHCR in 2012 found that local communities had no objection to accepting the returnees as their neighbors in the community. But in reality, health and education will be an issue for the returnees because the basic provision of current health and education services is insufficient, even for the existing community. Particularly in the remote areas, the ratio of schools and healthcare centers to the population is already poor.

Finally, no explicit humanitarian de-mining is taking place in Myanmar at present, with the exception of some de-mining activities conducted by the Tatmadaw and non-state armed groups. As surmised by Geneva Call in its 2011 report, there has been no apparent distinction between de-mining for military versus humanitarian purposes (Geneva Call 2011: 3). Existing funds for de-mining from the EU and Norway have been redirected by ethnic authorities to fund mine risk education. Thus, returnees have potential risks for settling in land mine-contaminated areas with continued use of land mines by all armed groups.

In sum, lack of a specific reintegration plan and strategy without adequate budget by the government, challenges in social and economic opportunity in the areas of the returnee's homeland, intangible social risks between existing communities and returnees and other tangible risks of land mines are potential barriers to successful reintegration of returning refugees and IDPs. The Myanmar government needs to work with international supporters to develop a systematic reintegration process and coping strategy for the socio-economic rehabilitation and development in conflict-affected regions.

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Camp hospital in Ban Don Yang Temporary Shelter in Kanchanaburi Province. *Source* Asian Research Center for Migration (ARCM 1999)

Trucks carrying food ration to Mea La Oon Temporary Shelter, Mae Hong Son Province. *Source* Asian Research Center for Migration (ARCM 2012)

Chapter 5
Analysis and Conclusions on Voluntary Repatriation

Supang Chantavanich and Aungkana Kamonpetch

Abstract Voluntary repatriation is often regarded as the most ideal of the three 'durable solutions' for displaced populations. However, as the preceding chapters suggest, conditions for voluntary repatriation are difficult to achieve given Myanmar's complex conflict environment. This chapter begins with a discussion on Thailand and Myanmar's interests in repatriation, especially given a recent shift of international support from along the Thai–Myanmar border to inside Myanmar and its implications for involuntary repatriation. The chapter then synthesizes the issues presented in the book and provides analysis on the possibility of repatriation to Myanmar. The authors conclude that given current ongoing security challenges and the dearth of economic livelihood opportunities in Myanmar, voluntary repatriation will need more commitments and regular consultation with all stakeholders, and more concrete preparations.

5.1 Durable Solutions and Achievement

It has been more than 30 years since displaced persons from Myanmar arrived in the temporary shelters along the borders. The shelters, which were supposed to accommodate displaced persons 'temporarily,' have been their home for almost three decades. During this time, certain durable solutions have been offered to them. UNHCR describes voluntary repatriation, local integration, and resettlement in a third country as the three possible durable solutions, i.e., solutions that enable refugees to secure the political, economic, legal and social conditions needed to maintain life, livelihood, and dignity (UNHCR 2012: 12). The resettlement option, which was available for the camp population since 2006, has successfully brought more than 100,000 refugees to third countries, namely the US, Norway, Finland, Australia, Sweden, the Netherlands, Canada and New Zealand. This has been considered a great achievement by the United Nations for the armed conflict and protracted refugee situation at the Thai–Myanmar border. Nonetheless, only a fraction of displaced persons were resettled in the program. Many did not apply to

resettle, especially those who were ineligible to apply because they arrived in camp after the 2005 Thai Ministry of Interior/UNHCR registration process. Others did not resettle because of family rejection or lack of readiness to apply together. New arrivals who are not eligible to apply for resettlement entered the shelters and replaced those who had left, causing the total population in the shelters to remain the same (Harkins/Chantavanich 2014: 64–65).

The option of voluntary repatriation has been discussed since 2012, but with no formal procedures put in place. The Minister of the Office of the Prime Minister in the Myanmar civilian government confirmed that Myanmar is ready to facilitate the return of refugees and IDPs if they want to return. From an interview with the Minister of the Office of Prime Minister in Nay Pyi Daw on October 19, 2013 (Aung Min, Minister of the Office of Prime Minister 2013), the government has assigned four ministries to be in charge of the peace talks and housing for IDPs and displaced persons to return. These are the Ministries of Foreign Affairs, Home Affairs, Rehabilitation and Social Welfare and Office of the Prime Minister. It was confirmed that displaced people can return whenever they want to do so.

On the UNHCR side, in June 2012, the UNHCR office in Bangkok issued a document titled "Framework for Voluntary Repatriation: Refugees from Myanmar in Thailand". The document covers the legal standards and core principles of voluntary repatriation, possible triggering events to return, repatriation scenarios and elements of an organized voluntary return (UNHCR 2014a). This document was later updated in 2014.

Triggering events mentioned in the document include progress towards completion of ceasefire agreements, dialogue on reconciliation is undertaken, amnesty and reintegration for child soldiers and combatants, property restitution, significant new economic opportunities, and citizenship status. Among those events, significant new economic opportunities seem to have made the least progress up until 2015. Three UNHCR repatriation scenarios were projected: free choice of areas of return, repatriation to last place of habitual residence or place of origin, and, finally, repatriation to government-designated areas (UNHCR 2014a). A report released by UNHCR in September 2014 estimated that 790 refugees and 9,112 IDPs have returned to Myanmar. The greatest needs upon return, as articulated by a sample of 66 refugees have been shelter (26 %), livelihood (14 %), and food (13 %) (UNHCR 2014b: 7).

5.2   Prospects for Repatriation

In the UNHCR Framework for Voluntary Repatriation, the document indicates that there are elements of an organized voluntary return which include information on refugee numbers and place of origin, refugee registration, and profiling to cover

"unregistered refugees". Any profiling exercise should collect data on refugees' intentions related to the durable solutions and their preferences vis-a-vis the scenarios of return, the number of people intending to return, and identifying major return areas. Additional elements to be considered are the protection of people with specific needs (mainly unaccompanied minors and the elderly), advocacy and information campaign for voluntary return, preparation for border crossing formalities, registration and return database with good geographic information system (GIS) data, coordination mechanisms for repatriation operations, and delineated principal actors and key stakeholders in the operation. Residual cases of refugees who do not want to return will be the last group that UNHCR will need to address with the RTG. A revival of the process of the "Provincial Admission Board" (PAB) to screen unregistered refugees would facilitate access to international protection and to remain in the temporary shelters in Thailand, waiting for appropriate solutions.[1]

Obviously, UNHCR has outlined a clear and precise list of steps to be taken in preparation for repatriation. Challenges lie in the triggering events that take place after the Framework has been developed. The profiling was executed in 2013.

5.2.1 UNHCR Profile Survey in 2014

In the UNHCR/Mae Fah Luang Foundation 2014 Report, respondents from 5,017 families who were asked about their expectations for a future beyond the temporary shelters indicated a preference for resettlement in third countries or staying in Thailand. However, a range of 25–44 % of displaced persons indicated that they wanted to return to Myanmar. Within Mae La shelter, which hosts the highest number of refugees, half of all the families who indicated a preference for repatriation said that they would return to their place of origin in Karen State while 29 % stated that they did not have a specific return location in mind. Similarly, in the other shelters, 38 % do not have a return location in mind. Interestingly, 23 % opted to return together to a group return site identified by the ethnic leaders in the shelters. They have faith in the leadership and would follow the leadership's decision (UNHCR and Mae Fah Luang Foundation under Royal Patronage 2014: 23–25). It seems that the three scenarios of return as free choice, return to place of origin and return to designated areas are all possible choices according to the responses in the profile study. A new scenario of group return with a shelter leader is intriguing as it reflects the sense of a new community being formed after staying together for more than 25 years. This can be considered as group social capital

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[1]Since the time of writing, UNHCR and the Thai Ministry of the Interior conducted a Verification Exercise to record details of all people living in the shelters, but their status remains unchanged.

which should be maintained once displaced persons return together. The question to ask in this case is not only where to return, but also with whom.

In considering return, concerns of the refugees include lack trust in the government and non-state actors (22 %), lack confidence in the peace process (19 %), the potential presence of land mines (12 %), a lack of documentation (identity document) (9 %) and lack of infrastructure (8 %). Other concerns include physical security, economic livelihoods, lack of access to land for livelihoods, health and access to education (UNHCR and Mae Fah Luang Foundation under Royal Patronage 2014: 27–28). As described in Chap. 4 and corroborated by returnees interviewed for the UNHCR Return Monitoring Report (2014b), livelihoods and support after return are significant as a sustainable livelihood is a prime condition of a sustainable return. Refugees' occupational backgrounds were mainly in agriculture, animal husbandry and general wage labor. Their intentions are to continue their livelihoods in the same occupations they originally had in Myanmar. However, some of them also want to conduct business, trade, or provide healthcare services. With regard to support desired, access to land and housing are top priorities followed by basic health services, employment opportunities and basic education services. Above all, recognition of status and citizenship are highlighted by respondents as a priority need (UNHCR and Mae Fah Luang Foundation under Royal Patronage 2014: 29–30).

5.2.2   Land Mines and Safety

Considering the expectations of refugees if they return, one has to examine the prospects within Myanmar. Chapters in this volume have explored and identified the land mine situation in Karen, Shan as well as Kachin States. However, attempts to start de-mining have not yet materialized. Many governments in the North including Norway, Sweden, Finland, the UK, the US, etc. have proposed technical and financial assistance to de-mining programs. Yet the final solution has not been agreed upon, as of mid-2015.

In Kachin State, there are tens of thousands of IDPs who escaped from areas of conflict between the Myanmar army and the Kachin Independent Army (KIA). Some IDPs who wanted to return to their place of origin in Kachin State traveled in minded areas, were injured and had to be treated in hospitals in either/both Myanmar and Thailand (Zaw Lut 2013). As the de-mining process has not yet been started, safe return remains in question.

The Myanmar Information Management Unit (MIMU) map presented in Chap. 4 shows the areas with intensive land mines in Karen, Kachin, and Shan States. Such areas are locations where returnees will cross borders and enter Myanmar. If the

de-mining process does not start in the near future, the return will be risky and will discourage displaced persons to register for voluntary repatriation, as 12 % of displaced persons indicated a concern over the presence of land mines.

5.2.3 *Political Security and Peace Talk Instability*

After 2010, political developments in Myanmar began to show positive progress as reflected by the general election in 2010. The civilian government announced political and economic reforms. Peace and national reconciliation were policy priorities (UNHCR and Mae Fah Luang Foundation under Royal Patronage 2014: 9). The government signed ceasefire agreements with the major ethnic groups. Return of displaced persons in Thailand and IDPs in Myanmar was considered as a key part of the national reconciliation process.

The peace talk process in Myanmar has been long, beginning in 1998 and continuing into late 2015. While some resistance groups agreed to the ceasefire agreements, the others faced new conflicts with the government. The Mon and the Shan ethnic groups are among the first to sign ceasefire agreements but the Karen deferred action. Once the Karen agreed, new resistance groups like the Kachin and the Wa emerged as new groups who were against the peace agreement. The Kachin ceasefire held for 17 years but broke down in 2011 resulting in some of the heaviest fighting since the early 1990s, and which has been ongoing throughout the current peace negotiations. A proposed Nationwide Ceasefire Agreement (NCA) has been discussed since 2013, followed by many rounds of negotiation until 2015, but became deadlocked. There were many reasons for armed groups' reluctance to sign the NCA (Smith 1999), including divergence among factions within each ethnic group.

Most recently, the latest round of peace negotiations took place in October 2015, just before the Myanmar General Election on November 7, 2015. After the victory of the National League for Democracy (NLD), the period between the post-election and the formation of the new government is the stage in which the NLD plans to resolve the armed conflicts, stipulate the fragile NCA and ensure that the peace process can reach its final positive conclusion (International Crisis Group 2015). Such a plan is certainly related to peace talk stability and greater feasibility of repatriation of refugees at the border camps.

The unstable peace process limits the chances for Myanmar to become a post-conflict society whereby national protection and rule of law are really established (Chimni 2003). On the contrary, political security, which is affirmed for most of the main stream population, is not applicable to all ethnic people. Refugees cannot be assured about their safety if they decide to return. This was reflected in the Profile Survey as displaced persons expressed concerns over lack of trust in

Government, lack of confidence in the peace process and concerns over physical security upon return to Myanmar (UNHCR and Mae Fah Luang Foundation under Royal Patronage 2014: 27). Evidently, the issue of repatriation has not been addressed as a priority agenda by the Myanmar government both in the national and regional ASEAN foreign relations levels. Furthermore, the mechanisms of the international humanitarian organizations for pushing better asylum and refugee protection have faced some limitations in monitoring the protection of refugee rights and in improving access to services and assistance for displaced persons in the temporary shelters (Kamonpetch 2015: 36–38).

5.2.4 Economic Reintegration and Sustainability: Economic Reform and Economic Development Zones (EDZ)

In 2013, economic reform plans were developed and there were high hopes of fast economic progress by both the Myanmar people and government (Chantavanich/ Vungsiriphisal 2013: 235–241). Economic development is one of the prime conditions for sustainable repatriation, although displaced persons mentioned more about political security in the 2014 UNHCR survey. In an interview with Daw Aung San Suu Kyi in May 2013, the leader emphasized the goal of a sustainable return of displaced persons from Thailand with the condition of the success of the peace process (Interview with Aung San Suu Kyi at her residence, May 2012). Livelihood alternatives which can ensure sustainable return and reintegration lie in the choices of employment available to returnees and decent work conditions according to the appropriate work skills that they possess during and after return. This will require mutually-designed economic opportunities and labor market that can absorb returnees properly. The 2014 Profiling survey revealed that displaced persons were interested to continue to work in agriculture, animal husbandry and general wage labor according to their occupational backgrounds. They also wanted to do business, trading and healthcare services which are based on skills obtained while staying in the shelters. For those who want to do farm work, property restitution or provision of new plots of land will be relevant to their plan. As for those who are interested in urban service work or wage labor, employment opportunities in the townships and in the Special Economic Zones are more promising. However, the unemployment rate in Myanmar is an estimated 3.4 % (The World Bank 2015). The chances for newly returned refugees to compete in the labor market will be minimal. In addition, the successful SEZs are concentrated in the urban areas, like the Thilawa SEZ in the suburbs of Yangon. It is unlikely for returnees to find employment opportunities there as internal economic migrants

from other provinces and states including those from Rakhine State have already filled the job vacancies. The other SEZs and Industrial Economic Zones like the ones in Dawei, Kyauk Phyu, Nay Pyi Taw, Myawaddy, Ponnakyun, Phayar Thone Zu, Phaan, Yadanapone, Nantoon are still in their early stages of development or still remain as a plan on paper. These SEZ should be strategically considered for launch so that they can absorb returnees who were originally from such areas. Economic cooperation with the Thai business sector and Thai foreign direct investment in border areas opposite major temporary shelters are recommended.

5.3   The Way Forward

Sooner or later, the repatriation program will take place. On the refugee side, people have been caught in the protracted situation for too long and they need solutions. Refugee's reflections in "Nine Thousand Nights" reveal their aspiration to return home.

Motherland

Once upon a time,
each face overflowing with joy,
Old and young, girls and boys,
All are the precious heritage of thine.

………………
Oh motherland,
Once, you were a pleasure, beautiful land,
Full of grace and gladness,
Your offspring were blessed.

Now!
'Cause of bloodshed and suppression,
Desolate, you are deserted,
Throughout the world, we're scattering,
Never of this, were we dreaming.

However!
We still love and long to see,
All your children in the day of glee.
We hope it will be tomorrow,
We'll again enjoy living in you.
Saw Wingate, Karen Refugee Committee, Thailand Burma Border Consortium 2010.

Between the Thai and Myanmar governments, there have been consultations leading to a possible repatriation plan, but the date of operation and the

preparedness are still not settled. Since 2009, donors began implementing "exit strategies" that have led to cuts in humanitarian aid and food rations for displaced persons. Most donor support in Thailand between 2010 and 2012 focused on preparedness for return. Concurrently, UNHCR started implementing the framework for voluntary repatriation in 2012 with the Profiling Survey in 2013 to identify needs and preferences of the displaced population for possible return. Although more than half of respondents in the profiling survey still indicated that they did not want to return, 44 % indicated their intention to return. This is significant enough for serious consideration for preparedness.

The determining factor of voluntary return is political stability through the ceasefire agreements and the peace talk success which are now expected before the establishment of the new government in 2016. The proof of sustainable return depends on the absorptive capacity of the Myanmar economy to ensure employment opportunities for returnees. Although the Nationwide Ceasefire Agreement (NCA) was signed by the Myanmar government and eight ethnic organizations on 15 October 2015, this political factor is fluctuating within Myanmar. Meanwhile, a process of economic and social preparedness for future returnees can be undertaken at least at two levels: individual refugees and the two states of origin and destination, which are Myanmar and Thailand.

At the individual level, refugees should go through a process of capacity building which comprises both social and economic orientation for future reintegration. Currently, such a process is underway by the dedication of many NGOs who are assisting refugees in the shelters. Some additional vocational training may be considered to cover the preferences of refugees for future employment.

At the national and state level, consultations to boost economic development giving priority to border economic development and employment opportunities to returnees will enhance economically-sustainable repatriation. Cooperation can also include the process of granting citizenship. Coordinating committees at the national and local levels should be set up to mutually plan for the various stages of repatriation while waiting for a more stable political situation. The Population Census in 2014 and the General Election in November 2015 can be significant milestones for the dialogue concerning reconciliation. In the 2014 Census, some refugees returned temporarily to Myanmar with the intention to be enumerated in the census, and they have already obtained citizenship. Spontaneous repatriation is an on-going process.

Conceptually, what Chimni (2003) and Bradley (2013) indicated as prime conditions of refugee repatriation have been addressed in this volume. The peace building process in Myanmar is underway and the rule of law is in the process of being re-established. However, one cannot say that Myanmar has reached the stage of being a post-conflict society. The peace process seems to be a protracted situation similar to the protracted refugee situation itself. As for DDR, disarmament,

demobilization and reintegration took place among some ethnic resistance groups, but others are still fighting with government troops. Reintegration is thus an incomplete process toward making a safe and sustainable return feasible at the moment. Nonetheless, the possibility of a safe and sustainable return is promising. Bradley (2013) also emphasized 'just return' whereby refugees can have access to all means of starting a new livelihood. It is the restoration of a legitimate relationship of rights and duties between returnees and the state, such that returnees and their non-displaced co-nationals are rendered equal as citizens. "Just return" includes legal, political as well as moral aspects of responsibility. The redress is the entire attempt to rectify historical injustice. Information from the Myanmar government indicates that returnees will be welcome once they repatriate. Land has been prepared for some IDPs to return. Some displaced persons have returned spontaneously during the National Census in Myanmar with the aim to be registered as citizens in Myanmar. Nonetheless, sustainable return is still a challenge.

Given the unstable peace process, complete repatriation cannot be foreseen in the near future. In the Consultative Meeting on Sustainable Solutions to the Displaced People Situation along the Thai–Myanmar Border held at Chulalongkorn University in 2012, stakeholders on the Thailand side including the Ministry of Interior, Ministry of Defense, Ministry of Foreign Affairs, National Security Council, UNHCR, NGOs and academic researchers agreed that sustainability and self-reliance are key aspects of successful repatriation. Return is a long-term policy that requires preparation. The safety and dignity of displaced persons depend on their sustainable livelihoods. The return process will need multilateral consultations and a clear legal framework (Asian Research Center for Migration 2012: 3–5). The recommendations confirm what Daw Aung San Su Kyi indicated in 2013. In the past years, the RTG has been more passive to the displaced persons issue than proactive, giving priorities to internal security and tolerating negative public attitude towards displaced persons (Vungsiriphisal et al. 2013: 90–91). The RTG has been encouraged to take a leading role to initiate dialogue with stakeholders to work for collaboration toward durable solutions, including voluntary repatriation.

Now that the repatriation process has been discussed, consulted, and surveyed, the next steps are to lay down more concrete preparations and regular consultations among stakeholders more openly. Thailand and Myanmar are not the only active parties in the process; they can invite the UN to be a third party to help link key players in preparation and witness the return and ensure sustainability of the repatriation process. As one displaced person expressed as his dream:

> "We hope it will be tomorrow,
> We'll again enjoy living in you."

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Income generation in Mae La Oon Temporary Shelter in Mae Hong Son Province is organized by Karenni Women Organization. *Source* Asian Research Center for Migration (ARCM 2012)

Chulalongkorn University

Chulalongkorn University, Thailand's first institution of higher education, officially came into being in March 1917. The groundwork and preparation for it in terms of planning and development, however, took place more than a century ago. The worldwide economic, social and political changes in the late 19th Century contributed to Siam's decision to adapt herself in order to avoid conflict with the Western powers ('Siam' became 'Thailand' in the year 1939). Thus the royal policy of King Chulalongkorn (Rama V) was to strengthen and improve government so that the country could successfully resist the tide of colonialism. One of the major parts of the policy, which would later prove to be deep-rooted and highly effective, was to improve the Siamese educational system so as to produce capable personnel to work in both the public and private sector. As a result, a school was founded in 1871 at the Royal Pages' Barracks within the Grand Palace compound.

The development of Chulalongkorn University continued. From 1934 to 1958, the university emphasized the improvement o undergraduate education, and more faculties were established. In 1961 the university set up the Graduate School to be responsible for graduate-level education. From 1962 until the present, the university has focused on graduate education and has set up research centers and institutes. The university, known familiarly as 'Chula', has grown constantly in the nearly 100 years since its founding.

At present Chulalongkorn University is composed of 19 faculties, 23 colleges and 17 research institutes. Currently there are over 38,000 students including 24,951 undergraduates, 13,391 postgraduates (10,881 on the Master's Degree and 2,150 on the Doctoral Degree programs) and 2,800 faculty members. Its 87 international programs have enjoyed a long and well-deserved reputation for all-around academic excellence.

According to many Asian university rankings, Chulalongkorn University is Thailand's highest-ranked institution, with the highest scores in many subjects including Arts and Humanities, Social Sciences and Management, Natural Sciences, Engineering and Technology, and Life Sciences and Medicine.

Chulalongkorn University's Strategy for 2012–2016 has been undertaken to formulate guidelines for the university's development plan. The initiative focuses on different aspects of development and improvement with the objective of raising the university to a level of excellence that will qualify it as a "*World Class National University*" and as the "*Pillar of the Kingdom*".

The Institute of Asian Studies (IAS)

The Institute of Asian Studies (IAS) is an inter-disciplinary research, teaching and service organization. IAS was established in 1967 as a unit within the Faculty of Political Science at Chulalongkorn University. After a considerable expansion of activities at IAS in 1979, an upgrade in the Institute's status was determined to be necessary. Consequently, on 10 May 1985, IAS was officially recognized as a separate institute of Chulalongkorn University, granting IAS a status equivalent to that of a faculty at the university.

Today, the strategic vision for IAS is to continue to serve the Thai community and the Asian region as a source of knowledge and expertise for a broad range of subject areas including economic, social, political, and security concerns. This has been accomplished through the diligence and cooperation of a team of highly-qualified researchers who possess specialized knowledge about each country and subregion within Asia.

Landscape of Mae La Oon Shelter in Mae Hong Son Province. *Source* Asian Research Center for Migration (ARCM 2012)

Asian Research Center for Migration

The Asian Research Center for Migration (ARCM), based at the Institute of Asian Studies of Chulalongkorn University, is an internationally-recognized Center of Excellence in social science research. Located on the historic campus of Chulalongkorn University in the heart of Bangkok, ARCM is an important contributor to the research output of Thailand's oldest and most respected institution of higher learning, conducting critical policy-relevant research on international migration into, out of, and within the Southeast Asian region.

History

ARCM was founded in 1987 as the Indo-Chinese Refugee Information Center. The Center was established with the mission of conducting research on the flows of refugees from Cambodia, Lao PDR, Vietnam and other Southeast Asian countries seeking asylum in Thailand. After the Indo-Chinese refugee crisis had abated in Thailand and the refugee camps were closed under the Comprehensive Plan of Action, the Center began to conduct research on new refugee situations that had begun to emerge in Southeast Asia.

In recognition of this newly broadened research focus, the Center was reconstituted as the Asian Research Center for Migration in 1995. Since that time, the thematic areas of ARCM's research have expanded significantly and now include projects on all forms of international migration in Southeast Asia with a particular emphasis on Thailand as a sending, receiving and transit country.

Research Activities

Through published research, statistical data, consultation and policy recommen-
dations related to cross-border migration in the Southeast Asia region, the objective
of ARCM's research activity is to support evidenced-based decision-making by
governments, international agencies, and private sector organizations on
migration-related issues. These activities are conducted by a multi-disciplinary team
of committed researchers, including both Thai and international experts, with
backgrounds in a diverse range of academic fields relevant to migration such as
sociology, anthropology, political science, economics and law.

About the Editors

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Making Cooking Charcoal in Ban Mae La Ma Luang Temporary Shelter, Mae Hong Son Province. *Source* Asian Research Center for Migration (ARCM 2012)

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Laundry at the creek in Mae La Ma Luang Temporary Shelter, Mae Hong Son Province. *Source* Asian Research Center for Migration (ARCM 2012)

About this Book

After more than 60 years of conflict and displacement, Myanmar is now in the midst of political reform. A new nominally-civilian government and pledged elections in 2015 have raised hopes of a lasting democratic transition after decades of military rule. For the first time in decades, repatriation of refugees in Thailand is being discussed as a real and imminent possibility. This book provides a background on the situation of protracted displacement of several ethnic groups along the Thai–Myanmar border and then sets out to examine whether Myanmar has shifted into a post-conflict society, the expected challenges of reintegration of returnees in Myanmar, and the possibility of voluntary and sustainable repatriation. The authors conclude that, given current ongoing security challenges and the dearth of economic livelihood opportunities in Myanmar, voluntary repatriation will need more commitments and regular consultation with all stakeholders, and more concrete preparations. This book has the following features:

- It contains new innovative research and applications for researchers, practitioners, and students
- Chapters are authored by researchers from Myanmar with access to first-hand sources, especially publications printed only in the local language(s)
- The book offers multi-disciplinary perspectives on repatriation and post-conflict society.

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More on this book at: http://www.afes-press-books.de/html/SpringerBriefs_ESDP_28.htm.